

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

SIERRA CLUB through its TENNESSEE CHAPTER,)
TENNESSEE HEARTWOOD, and HEARTWOOD,)
)
Plaintiffs,)
)
- against-)
)
UNITED STATES FOREST SERVICE, an)
agency of the United States Department of)
Agriculture,)
)
Defendant.)

Case No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Nature of the Action

1. The Tennessee Chapter of the Sierra Club, Tennessee Heartwood, and Heartwood (Conservation Groups) bring this action against the United States Forest Service (Defendant) for dismissing Conservation Groups’ administrative objection to the “Dinkey Project” and for approving that Project, which unlawfully authorizes high-impact commercial logging on steep, erosion-prone slopes along Tumbling Creek, a trout stream near the Ocoee River in the Cherokee National Forest. Conservation Groups seek declaratory relief vindicating their right to a proper agency hearing on management decisions affecting public lands and injunctive relief preventing unlawful impacts to soils, forests, and waters of the Cherokee National Forest.

2. Conservation Groups have raised concerns about the likely impacts of the Dinkey Project at every opportunity. Between December 2013, when the project was proposed, and August 2017, when Conservation Groups’ objection was unlawfully dismissed, Conservation Groups detailed their concerns in three written comment letters, informal correspondence with agency staff, and two formal, in-person meetings. In all these communications, Conservation

Groups' primary concern was that the Dinkey Project would cause erosion and soil loss, resulting in damage to the long-term productivity of the logged areas, degradation of the health and diversity of the forest, and sediment pollution of downstream waters. Conservation Groups' concerns were based on the known effects of recent Forest Service timber sales located on similar soils and slopes, which resulted in significant and unlawful impacts to soils, waters, and forests. Conservation Groups supported their comments with photographic and video evidence, scientific and legal authorities, and references to Defendant's own monitoring data and conclusions.

3. Despite Conservation Groups' well-supported comments and Defendant's own information, Defendant deliberately ignored the erosion risks exemplified by recent logging projects. Defendant did not disclose the unlawful erosion caused by recent timber sales or explain why the Dinkey project would not cause similar erosion problems.

4. Because Conservation Groups' chief concern was ignored, Conservation Groups filed a timely, detailed, 23-page administrative objection to the draft decision, again raising the same concerns. Conservation Groups' objection explained why the project as proposed was unwise, pointed out specific violations of law and policy, and proposed specific remedies.

5. Rather than responding substantively to Conservation Groups' objection as required, Defendant dismissed it without review, offering only that, "The objection does not provide sufficient information . . . for the reviewing officer to review." This finding was arbitrary and capricious and contrary to the plain language of the agency's regulations.

6. Defendant's improper dismissal was the "final administrative determination" of the Forest Service, with "no further administrative review . . . available." The dismissal therefore deprived Conservation Groups of the right to have their concerns addressed and resolved

administratively. Under Forest Service regulations, Conservation Groups are entitled to have their concerns heard and considered, whether those concerns relate merely to the wisdom or prudence of a decision or, more seriously, to claimed legal violations. Conservation Groups have been denied the right to challenge the wisdom of the Dinkey Project decision, and they have been forced to devote considerable time and other resources to prevent Defendant from unlawfully endangering public lands and hiding those risks from the public.

7. Conservation Groups therefore seek reversal of the dismissal of their objection, reversal of the decision approving the Dinkey Project, and an injunction forbidding the implementation of the Dinkey Project unless Defendant complies with the requirements of law.

Jurisdiction and Venue

8. Jurisdiction is proper in this Court under 28 U.S.C. § 1331 (federal question) because this action arises under the laws of the United States, including the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*; the National Forest Management Act, 16 U.S.C. § 1600 *et seq.*; and the United States Forest Service's Project-Level Predecisional Administrative Review Process regulations, 36 C.F.R. Part 218 (2013). This Court may issue a declaratory judgment and further relief under 28 U.S.C. §§ 2201 (declaratory relief) and 2202 (injunctive relief).

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the Dinkey Project lies entirely within the Eastern District and a substantial part of the events or omissions giving rise to the claims herein occurred within this District. Venue is also proper in this Court pursuant 28 U.S.C. § 1391(e) because the Forest Service is an agency of the United States, the Forest Service maintains its office and records related to the Dinkey Project in this

District, Conservation Groups' members reside in this district, and the public lands and resources in question are located in this District.

10. Conservation Groups have exhausted their administrative remedies.

Parties

11. Plaintiff Tennessee Chapter of the Sierra Club is a non-profit organization founded in 1973 operating throughout Tennessee. The Tennessee Chapter of the Sierra Club has approximately 105,500 members and supporters who reside in Tennessee. The Sierra Club is the nation's oldest and largest grassroots volunteer non-profit organization dedicated to improving the environment for the benefit of all people and their communities. The Tennessee Chapter has focused over the years on the protection of wilderness and public lands, including the Cherokee National Forest. The Tennessee Chapter was instrumental in achieving passage of the wilderness bill that protected the beloved Big Frog Wilderness area, whose eastern border is also the west bank of Tumbling Creek, contiguous with the Dinkey Project area.

12. Plaintiff Tennessee Heartwood is a non-profit organization founded in 2009 and located in Chattanooga, Tennessee. Tennessee Heartwood has approximately 100 members and supporters who reside in Tennessee. Tennessee Heartwood is dedicated to the protection and preservation of Tennessee's conservation heritage. Tennessee Heartwood focuses strongly on the Cherokee National Forest and the Land Between the Lakes National Recreation Area. Tennessee Heartwood also works to educate the public about its rights and responsibilities in participating in public lands management. This mission takes Tennessee Heartwood to locations across the country to train grassroots volunteers.

13. Plaintiff Heartwood is a non-profit regional environmental organization dedicated to protecting the public forests of Tennessee and other eastern states. Heartwood represents

approximately 1800 members, 43 of whom reside in Tennessee, and numerous member organizations who depend on public lands, including the Cherokee National Forest, for recreational, spiritual, and ecological purposes.

14. Conservation Groups' members are active participants in the management and conservation of the Cherokee National Forest, participating in forest management decisions through comments, site visits, monitoring, scientific analysis, research and education, and meetings with agency staff. Conservation Groups have been participating in the Dinkey Project since Defendant first proposed it in December 2013.

15. Conservation Groups bring this action on behalf of their members who visit, observe, photograph, work, volunteer, or otherwise use and enjoy the Dinkey Project area, surrounding forest lands, the Tumbling Creek watershed, and downstream areas. These members derive scientific, aesthetic, educational, professional, and recreational benefits from these areas and are harmed by Defendant's actions, which put these benefits at risk. Conservation Groups member(s) have observed and are aware of the negative impacts to forests, soils, and waters caused by logging in nearby portions of the Cherokee National Forest.

16. Conservation Groups' member(s) have hiked and taken photographs in the Dinkey Project area, including within the stands in which logging will occur; made scientific observations of the forests in the Dinkey Project area, including the stands in which logging will occur; fished in Tumbling Creek in the Dinkey Project area downstream from where logging will occur; enjoyed scenic driving in the Dinkey Project area, including roads from which stands that will be logged can be observed; and derived spiritual and aesthetic enjoyment from spending time in the Dinkey Project area, and intend to do so again in the future. If the Dinkey Project is

implemented, Conservation Groups' use and enjoyment of the Dinkey Project area would be harmed by the removal of forest, damage to soils, and sediment pollution to Tumbling Creek.

17. Conservation Groups have been forced to spend considerable time and have incurred significant expense, including travel and leave from work, as a result of Defendant's refusal to address their concerns in its environmental analysis of the Dinkey Project or in response to their administrative objection.

18. Conservation Groups are also harmed by Defendant's wasteful use of public funds. One of Defendant's primary responsibilities is restoration of damaged watersheds—soil and water—throughout the Cherokee National Forest. Forest users, including members of the Conservation Groups, are among the intended beneficiaries of this work and Conservation Group members use and enjoy National Forest lands, waters, roads, and trails that could benefit from restoration. By taking actions that harm soil and water resources, Defendant assumes the cost of remediating those harms, thereby leaving fewer funds available to improve watershed conditions throughout the Cherokee National Forest.

19. Defendant United States Forest Service is a federal agency located within the Department of Agriculture, and is charged with managing the public lands and resources in the Cherokee National Forest, including the Dinkey project area, in accordance and compliance with applicable federal and state laws and regulations.

Legal Background

National Environmental Policy Act

20. The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for federal actions that may significantly affect the environment. 42 U.S.C. § 4332.

21. The Forest Service may prepare an Environmental Assessment (EA) in order to determine whether an EIS is required. If the EA reveals that the action may have significant impacts, then an EIS must be prepared. Otherwise, the action may proceed with a Decision Notice (DN) and Finding of No Significant Impact (FONSI). 36 C.F.R. § 218.2.

22. An EA should be brief relative to an EIS, but it must “provide sufficient evidence and analysis for determining whether to prepare an [EIS].” 40 C.F.R. § 1508.9. The EA must discuss, among other things, “the environmental impacts of the proposed action and alternatives.” *Id.* In order to determine whether an EIS is required, the EA must assess and disclose the degree of risk that harm will occur. 40 C.F.R. § 1508.27(b)(5).

23. When preparing an EA, an agency may make commitments to avoid or minimize harms that might otherwise be significant, thereby allowing the project to proceed with a “mitigated FONSI” rather than an EIS. The agency must, however, provide a reasoned explanation demonstrating that the mitigation measures will be effective to prevent significant impacts.

Predecisional Objection Regulations

24. In order to seek judicial review of a Forest Service decision, a plaintiff must first exhaust his or her administrative remedies by participating in a predecisional objection process. 36 C.F.R. §§ 218.1; 218.14(b).

25. This objection process is intended to provide “a full and fair opportunity for concerns to be raised and considered on a project-by-project basis.” 36 C.F.R. § 218.14(a). The process allows the Forest Service to “consider[] public concerns early on, before a decision is made,” which “aligns with the Forest Service’s collaborative approach to forest management and

increases the likelihood of resolving those concerns resulting in better, more informed decisions.” 78 Fed. Reg. 18481, 18483 (2013).

26. To be eligible to file an objection, the objector must “have submitted timely, specific written comments regarding a proposed project or activity . . . during any designated opportunity for public comment,” including “during scoping or any other instance where the responsible official seeks written comments.” 36 C.F.R. § 218.5.

27. If an objection is properly filed, the challenged project cannot proceed “until the reviewing officer has responded in writing” and “all concerns and instructions identified by the reviewing officer in the objection response have been addressed.” 36 C.F.R. § 218.12.

28. To be properly filed, an objection must meet several requirements, including, as relevant:

A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and . . .

A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection

36 C.F.R. § 218.8(d)(5)-(6).

29. If an objection “does not provide sufficient information as required by § 218.8(d)(5) or (6) for the reviewing officer to review,” it must be “set aside.” 36 C.F.R. § 218.10. On the other hand, if an objection meets the regulation’s minimum requirements, the reviewing officer must respond to the objection in writing before the project can proceed. 36 C.F.R. §§ 218.11, 218.12.

30. A decision to “set aside” a citizen objection “must state the reasons for not reviewing the objection” and provide “prompt written notice” to the objector. 36 C.F.R. § 218.10. Such a decision is a final agency action and is reviewable under the APA.

National Forest Management Act

31. The National Forest Management Act (NFMA) creates a two-stage process for management decisions: broad “forest plans” and subsequent site-specific “projects.” 16 U.S.C. § 1604. As relevant to this litigation, NFMA requires that forest plans “insure that timber will be harvested . . . only where . . . soil, slope, or other watershed conditions will not be irreversibly damaged” and that regeneration harvests are “carried out in a manner consistent with the protection of soil [and] watershed” resources. 16 U.S.C. § 1604(g)(3).

32. To implement these NEPA requirements, the Cherokee National Forest Revised Land and Resources Management Plan (Forest Plan) contains the following goals, objectives, and standards:

- a. “Design and implement projects in ways that will maintain or improve the long-term productive capacity of the soil resource.” Forest Plan at 24.
- b. “During mechanical disturbance on all soils dedicated to growing forest vegetation, the organic layers, topsoil, and root mat will be left in place over 85 percent of a project area.” Forest Plan at 24.
- c. “Resource management activities [including logging] that may affect soil and/or water quality will implement Tennessee Best Management Practices (BMPs) as a minimum to achieve soil and water quality objectives. When [Forest Plan] standards exceed BMPs, standards shall take precedence over Tennessee BMPs.” Forest Plan at 25.

33. All site-specific projects must be consistent with the Forest Plan. 16 U.S.C. § 1604(i).

Administrative Procedure Act

34. The Administrative Procedure Act (APA) requires a reviewing court to set aside any final agency action where it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law” or “without observance of procedure required by law.” 5 U.S.C. § 706. Questions of law and procedure are reviewed *de novo*, while predicate findings of fact are reviewed under the arbitrary and capricious standard. Under the arbitrary and capricious standard, the reviewing court must look at whether the agency relied on factors that Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a different view or the product of agency expertise. The reviewing court may not supply a reasoned basis for the agency’s action that the agency itself has not given.

Factual Background

Physical Setting and Forest Plan Requirements

35. The Cherokee National Forest, located in East Tennessee, includes over 650,000 acres and is subdivided into four Districts. The southernmost of the four is known as the Ocoee District.

36. The Ocoee District is known for its recreational opportunities, including water-based activities like rafting, fishing, swimming, and wading, as well as trails for mountain biking, horseback riding, and hiking, wilderness recreation, and roads for scenic driving.

37. Each District of the Cherokee National Forest is subdivided into management areas or “prescriptions,” set forth in the Forest Plan, some of which allow commercial logging

38. Each District is further subdivided into administrative “compartments” composed of “stands.” Compartment and stand numbers are used to locate specific areas of the forest where timber harvest or other management activities may be proposed.

39. The Dinkey Project area is located in the Ocoee District along Tumbling Creek, a trout stream that flows into the Ocoee River. Over 100 years ago, much of the Ocoee River watershed was denuded by toxic pollution from the Copperhill smelter operations, with barren soils that massively eroded, sending sediment downstream. As a result, portions of the Ocoee River are considered “impaired” under state law due to sedimentation. Tumbling Creek was just outside of the affected area, however, and is “fully supporting its designated uses” under state law. Dinkey Environmental Assessment (Dinkey EA) at 83, 98 (May 2017).

40. The mountainous terrain in the Dinkey Project area contains many steep slopes with a variety of soil types, some of which are considered “soils of concern” due to severe erosion hazards.

41. Removal of soil’s vegetative cover and organic layer can lead to soil movement. Soil movement caused by water is known as erosion. When eroded soil moves into waters, it is known as sediment pollution. Forest Plan EIS at 50.

42. Soil is a finite resource because it develops very slowly. Forest Plan EIS at 45. One inch of productive soil takes between 200 and 1000 years to form. Id. at 49. Loss of topsoil is considered a “long-term effect to soil productivity.” Id. at 49.

43. “Skid trails” are one of the primary sources of soil disturbance associated with timber harvest. Forest Plan EIS at 60. Conventional, rubber-tired logging equipment cannot

operate safely on slopes greater than 45% (24.2 degrees), and commercial harvest using such equipment therefore requires the construction of “full bench” skid trails, which involves excavation of soil to create a flat road surface across the sides of steep slopes. Dinkey EA at 86 and App’x F at 7.

Recent, Damaging Timber Sales: Island Creek and Hopper Branch

44. According to Defendant’s own monitoring data and reports, recent timber sales in the Ocoee District of the Cherokee National Forest have caused damage to soils in violation of the 15% disturbance limitation imposed by the Forest Plan, national and regional Forest Service direction, and adopted by Defendant as the threshold for soil impairment for those timber sales. Of the nine timber sale units monitored by Forest Service staff in 2015, four exceeded the 15% limitation. Two of these four units were part of the Island Creek timber sale (also known as the Hogback Project), and the other two were part of the Hopper Branch timber sale. As documented in photographs submitted by Conservation Groups in comments and their objection to the Dinkey Project, these sites have been heavily damaged, with a total loss of topsoil and very sparse regrowth of vegetation on disturbed areas.

45. Units 1 and 7 of the Island Creek timber sale contained soils considered by Defendant to be “soils of concern” due to severe erosion hazard and severe equipment limitations.

46. Before implementing the Island Creek timber sale, the Forest Service prepared an Environmental Assessment pursuant to NEPA (the Hogback EA), which stated:

a. “Mitigation measures would be employed to reduce the amount of erosion that could be possible, and to reduce the amount of off-site movement of soil into stream channels.”

b. “Actual ground disturbance . . . would occur on about ten percent of the acres harvested.”

47. Defendant found that the Hogback Project would comply with Forest Plan requirements to implement Tennessee BMPs and all other relevant Forest Plan standards.

48. In 2015, monitoring of three sale units from the Island Creek timber sale revealed that two units violated the 15% threshold (27% and 17%, respectively), and the third exceeded the predicted 10% level (14%). More than a third of the soil disturbance (by acre) took place in the interior of the stand, not on skid trails or log landings.

49. Also in 2015, monitoring of three sale units from the Hopper Branch timber sale similarly revealed that two units violated the 15% threshold (22% and 17%, respectively), and the third exceeded the predicted 10% level (13%).

50. The monitoring report analyzing the Island Creek and Hopper Branch timber sales concluded that “exceedances were related to excessive skid trails and landings” and, in the future, exceedances could be “reduced through a reduction in skid trail density.”

51. The monitoring report further opined that a lighter harvest method (thinning) had helped to prevent exceedances on other units, as compared to the heavy regeneration harvests on units that were out of compliance.

52. The monitoring report concluded that in order to prevent future exceedances, projects should include “[i]ncreased attention to BMPs and soils of concern in . . . planning, silvicultural prescription, effects analysis, decision, marking, layout, contract administration, implementation, and closure of timber sale units.”

53. Defendant’s staff opined that the problems associated with Island Creek were caused by “stacked skid trails”—*i.e.*, excavated trails running parallel across a steep slope.

Defendant's staff proposed two alternatives that would not require skid trails on steep slopes: cable (also known as "skyline") logging, which does not involve excavation on steep slopes, or harvesting "only as far down the hill as was feasible to retrieve via cable winching to the ridge." Email from Forest Hydrologist to Ocoee District Ranger and others (December 31, 2015).

54. Conservation Groups first became aware of the problems associated with the Island Creek timber sale in January 2013.

55. The next logging project initiated on the Ocoee District after Conservation Groups learned of the erosion caused by the Island Creek timber sale was the Dinkey Project.

The Dinkey Project

56. On December 9, 2013, Defendant released a scoping notice for the Dinkey Project. The Dinkey Project area includes 3,734 acres in the upper Ocoee River watershed, mostly in the Tumbling Creek watershed. The Dinkey Project proposed tree cutting on 1,194.4 acres—almost one third of the total area. Of those acres, 234 were proposed for heavy "regeneration" logging, including clearcutting; 517 were proposed for thinning; and 443.4 were proposed for noncommercial treatments. Most of the commercial harvest (154 acres of regeneration and 328 acres of thinning) was concentrated in two compartments, which together border either side of the same short, 1.25 mile reach of Tumbling Creek.

57. Conservation Groups reviewed the proposal and realized that the Dinkey Project, like the Island Creek timber sale, involved heavy logging on steep slopes with soils of concern. On January 13, 2014, Conservation Groups timely submitted specific written comments on the Dinkey Project in a 14-page letter (Scoping Comments). Conservation Groups' Scoping Comments.

58. The Scoping Comments explained the relevance of the Hogback Project (Island Creek timber sale) to the Dinkey Project. Specifically, Conservation Groups noted that Compartments 362 and 365 have similar risk factors to the stands that caused unacceptable impacts in the Island Creek timber sale—namely, steep slopes, severely erosive soils, and heavy logging methods. Conservation Groups named five stands (Compartment 362, stands 31 and 37, and Compartment 365, stands 3, 4, and 6) and asked that they not be logged: “[T]he best course of action for stands such as the ones we have been citing is to leave them alone.” If logging were to occur, Conservation Groups argued it should be reduced in scale, be limited to ridgetops in order to avoid steep slopes, and be preceded by a “vigorous analysis that details strong mitigation measures that would prevent the almost inevitable erosion that would occur.”

59. Related to the risk of erosion, Conservation Groups cautioned that the proposed logging could cause sediment pollution in Tumbling Creek. Conservation Groups requested a “rigorous analysis of possible sediment loading” and a “thorough mitigation plan” to address these risks.

60. Conservation Groups also questioned the putative ecological benefits of the logging project—namely, replacing existing trees with oak and shortleaf pine trees. Conservation Groups supported these comments by identifying elements of diverse forest communities that are present in the project area (*e.g.*, white ash, cherry trees, and large old trees) which would be lost if logged and replaced by young oak and pine forest.

61. On February 6, 2014, Cherokee National Forest requested additional comment on the Dinkey Project.

62. Conservation Groups timely submitted additional written comments on February 23, 2014 (Supplemental Scoping Comments).

63. The Supplemental Scoping Comments directly quoted informal correspondence with Defendant's staff, in which Defendant's staff had acknowledged the relevance of "[f]ield inspections [of] . . . nearby areas of previous silvicultural treatment with similar slope/soil conditions" to determine "if erosion was known to be a problem during previous timber harvests." In response, the Supplemental Scoping Comments explained, "We have seen logging on similar slopes and soil types in this district that included shelterwood cuts where 'bare mineral soil' was exposed in places, both on and off temporary roads. We can only presume that this will be the case in this proposal, particularly considering that some of the sloping and total elevation change will be more pronounced than at the places we saw, and that at least one stand (C362 stand 37) will be clearcut, which is a more significant level of disturbance than a shelterwood cut."

64. On February 12, 2016, during the same period of time Defendant was undertaking monitoring and analysis of the Island Creek and Hopper Branch timber sales, Defendant released a Draft Environmental Assessment for the Dinkey Project (Dinkey Draft EA).

65. Nowhere in the Dinkey Draft EA did Defendant disclose the exceedances of the 15% threshold by of the Island Creek and Hopper Branch timber sales or discuss those timber sales' similarities to the Dinkey Project activities with respect to soils, slopes, topography, and type of logging.

66. To implement the Forest Plan and regional and national Forest Service direction, Defendant adopted the 15% soil disturbance threshold as the measure of soil impairment for the Dinkey Project: "soil impairment does not occur when . . . [a]t least 85 percent of an activity area is left in a condition of acceptable potential soil productivity following land management activities." Dinkey Draft EA at 80-82.

67. Based on an assumption that disturbance would occur only on skid trails, log landings, and temporary roads, the Dinkey Draft EA estimated that the project would disturb the soil by use of logging equipment on 112 acres, or “approximately 15% of the acres in the treatment stands.” Dinkey Draft EA at 90-91.

68. The Dinkey Draft EA considered the effects of two “action” alternatives. Alternative B, which Defendant chose, included an “extended streamside management zone”—*i.e.*, a buffer prohibiting the operation of equipment close to waters. Alternative C would have prohibited construction of skid trails on slopes greater than 45%. Comparing these alternatives, Defendant concluded without explanation that “[p]otential impacts to soils from timber harvest in Alternative C would be the same as Alternative B.” Dinkey Draft EA at 96. Defendant did not disclose that excessive erosion in the Island Creek and Hopper Branch timber sales was caused by skid trails on steep slopes or provide any reason why either Alternative B or C could be expected to prevent similar erosion problems in the Dinkey Project.

69. On March 11, 2016, Conservation Groups submitted timely written comments on the Dinkey Draft EA (Conservation Groups’ EA Comments).

70. Conservation Groups’ EA Comments appealed to Defendant to make changes to the Dinkey Project to reflect the “lessons learned from problems happening on recent logging at Island Creek/Hogback.” Conservation Groups specifically asked that Defendant drop stands 31 and 37 in Compartment 362, noting that they were especially concerning because they shared the “same concave characteristics” as one of the problematic Island Creek units.

71. Conservation Groups also raised a cost/benefit argument. Conservation Groups questioned the supposed ecological benefits of the logging in stands 31 and 37 and concluded that “[t]he risks are too high, and the challenges too substantial.” Conservation Groups argued,

“based on the example of similar sites only a few miles away,” that logging these stands was not worth “incurring effects that will be costly to mitigate, to the point of incurring a negative return financially and ecologically.”

72. Conservation Groups argued that proposed mitigation measures were unlikely to be successful (“an array of mitigation challenges, some of which may be difficult or impossible to meet”) and that the logging was too heavy (asking that stands be dropped or “at least curtailing the levels of treatment significantly”).

73. In September 2016, Defendant released its 2015 Monitoring and Evaluation Report, which revealed the severe erosion problems caused by the Island Creek and Hopper Branch timber sales.

74. In February 2017, Conservation Groups’ representative attended a meeting hosted by Defendant. The purpose of this meeting was to make sure that Defendant’s staff understood the concerns raised in written comments. At this meeting, Conservation Groups’ representative and other participants who had commented on the Draft EA stakeholders reiterated concerns regarding logging on steep slopes with highly erosive soils in light of the problems caused by Hogback/Island Creek.

75. In June 2017, Defendant released a Draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) and EA for the Dinkey Project. Defendant decided to implement its proposed action (Alternative B).

76. Nowhere in the Draft DN and FONSI, the EA, or any appendices or supplemental reports, did Defendant disclose the failures of the Island Creek and Hopper Branch timber sales under similar circumstances, either by name or by reference to its own 2015 Monitoring and Evaluation Report.

77. Nowhere in the Draft DN and FONSI, the EA, or any appendices or supplemental reports, did Defendant explain why the failures had occurred in the Island Creek and Hopper Branch timber sales.

78. Defendant acknowledged that “[m]itigations are required to minimize erosion and soil loss” on soils of concern. Dinkey EA at 85. Nevertheless, nowhere in the Draft DN and FONSI, the EA, or any appendices or supplemental reports, did Defendant assess the need for mitigation measures that were previously suggested by Defendant’s staff to avoid such failures and explain why those or other mitigation measures would prevent erosion similar to that caused by the Island Creek and Hopper Branch timber sales—*e.g.*, reduced skid trail density, changing the logging plans to a lighter harvest method, skyline logging, or harvesting only as far down the ridge as could be reached by cable. To the extent that Defendant’s decision did include mitigation measures (such as an “extended” streamside buffer zone, covering bare ground with mulch, and optional soil testing), no analysis whatsoever was offered to explain how these particular measures were responsive to the lessons learned from the Island Creek and Hopper Branch timber sales.

79. Nowhere in the DN, FONSI, EA, or any appendices or supplemental reports, including Appendix F (“Response to Comments), did Defendant address Conservation Groups’ comments explaining the similarities between the Dinkey Project and the Island Creek and Hopper Branch timber sales or attempt to distinguish the Dinkey Project from those projects.

80. On July 11, 2017, Conservation Groups attended a meeting with Defendant’s staff during which Defendant’s staff acknowledged that the Island Creek timber sale caused erosion problems because stacked skid trails were used in order to allow conventional rubber-tired

logging equipment to operate on steep slopes. Defendant's staff were not willing to discuss the implications of this information for the Dinkey Project.

Conservation Groups' Objection to the Dinkey Project

81. On July 17, 2017, Conservation Groups filed a timely objection to the Dinkey Project.

82. Conservation Groups' objection included a statement demonstrating the connection between prior specific written comments on this project and the content of the objection, to wit: "Our objections . . . restate concerns that we have made throughout the process for this project. Our concerns have been communicated in comments on the scoping phase, a series of questions directed to agency personnel via phone and email, comments made after the publication of the Environmental Analysis (EA), as well as February 2017 and July 2017 meetings with Cherokee rangers."

83. Conservation Groups' objection described the aspects of the project addressed by the objection. As relevant to this litigation, Conservation Groups' objection discussed the following specific issues related to the proposed action:

a. Conservation Groups again argued that the mitigation measures included in the Dinkey Project were unlikely to protect soil and water resources in Compartments 362 and 365 in light of the Hogback Project and other project failures (pages 7-9).

b. Conservation Groups again argued that the putative ecological benefits of the proposed logging are speculative and do not outweigh the likely financial and ecological costs (pages 10-17).

84. Conservation Groups' objection included, as applicable, how the environmental analysis and draft decision specifically violated law, regulation, or policy. Conservation Groups'

objection also explained why aspects of the Dinkey Project that may not have specifically violated law, regulation, or policy were nonetheless unwise or imprudent and should be reconsidered.

a. With respect to the adequacy of mitigation, Conservation Groups offered extensive discussion of how Defendant's decision violates NEPA by failing to disclose the failures of past projects and declining to explain why the Dinkey Project would avoid such failures (pages 2-5, 9). Conservation Groups further argued that Defendant's unwillingness to address previous project failures was unlawful because it ignored the cumulative impacts of those projects and the Dinkey Project together (pages 18-21). Conservation Groups also separately argued that Defendant violated NEPA by failing to respond to relevant public comments regarding the lessons learned from prior project outcomes (pages 5-6). Conservation Groups noted that they "have spent an extensive amount of time in public comments and meetings with the district on the need to weigh the effects of past logging on project design and implementation" and that, despite this, Defendant's NEPA documentation contains "no mention of Hogback, our pictures and discussion, or the [Defendant's] own . . . work" (page 5).

b. With respect to the Dinkey Project's likely costs and benefits, Conservation Groups explained that ecological benefits of the project are speculative (pages 11-15); that the risk to soil and water is high (pages 7-10); and that the likelihood of significant remediation expenses is correspondingly high (pages 15-17). Conservation Groups further argued that the Dinkey Project is fiscally irresponsible and will not further the Forest Service's responsibility to maintain and restore watersheds, especially in light of the "backlog" of work needed to protect soil and water resources (pages 4, 17).

85. Conservation Groups' objection offered suggested remedies to resolve the objection.

a. Conservation Groups asked "that this project not go forward until the concern[s] addressed in this objection are met"—namely, the objection's concerns about "mitigation, acknowledgment of compelling evidence and science, economic/budgetary issues, overall ecological effects, and the need to avoid decision making that is arbitrary and capricious" (page 23).

b. Throughout their objection, Conservation Groups described the remedies needed in order to address these issues: that the "recognition [of a long history of negative effects] must translate into a greatly altered or withdrawn project" (page 2); that Defendant's NEPA analysis must "go beyond the 'mere listing'" of mitigation measures (page 3); that Defendant provide a "forthright analysis that establishes the costs for mitigating this project in the context of past similar projects" (page 4, *see also* 17); that Defendant address public comments relating to the Hogback Project and other timber sales with similar site conditions (pages 5-6); that Defendant's "experience with Hogback . . . be considered and disclosed under NEPA" (page 9); that Defendant's NEPA documentation "include[] an analysis of Hogback and explain why and how the Forest Service believes it can achieve a different result at Dinkey, if it believes it can" (page 9); that Defendant should "be more selective about where it attempts shortleaf [pine] restoration" and should not "pick high-risk sites like the Tumbling Creek corridor" as an experiment (page 15); that Defendant's cumulative effects analysis should "take[] into account . . . the larger scope of the potential for this project to affect an already strained

watershed” (page 21); and that Defendant should be “transparen[t]” and “forthright about its analysis of previous projects” by providing documentation to the public (page 22).

86. Conservation Groups’ objection offered supporting reasons for the Defendant’s reviewing officer to consider.

a. Conservation Groups supported their arguments regarding inadequate mitigation with extensive discussion and supporting reasons, including site characteristics (soil type, steep slopes, concave topography, and proximity to Tumbling Creek), heavy logging methods, and the experience with prior projects (pages 7-9).

b. With respect to the Dinkey Project’s likely costs and benefits, Conservation Groups provided a number of supporting reasons, including the difficulty of regenerating shortleaf pine, the likelihood of erosion problems, and the extraordinary cost (at least \$40,980.22 and as much as \$112,386) of unsuccessful attempts to remediate soil loss from a single unit from the Island Creek (Hogback) Project. Conservation Groups explained that Defendant’s NEPA documentation did not weigh speculative project benefits against “comparable contingency cost estimates based at least on what has been spent at Hogback” (page 16-17).

Defendant’s “Set Aside” of Conservation Groups’ Objection

87. By letter dated August 25, 2017, Cherokee National Forest Service Supervisor D. JaSal Morris “set aside” Conservation Groups’ objection, finding that “[t]he objection does not provide sufficient information as requested by 218.8(d)(5) and (6) for the reviewing officer to review.”

88. Supervisor Morris’s August 25, 2017 letter applies 36 C.F.R. §§ 218.8(d)(5) & (6) as follows:

Based on the information provided in your objection, the issues raised do not demonstrate connection to prior comments with specific violations of law, regulation, or policy. In addition, no specific proposed remedies are stated for consideration by the Reviewing Officer for resolving the objection. Therefore, the objection does not comply with 36 CFR 218.8(d)(5) and (6).

89. Supervisor Morris's August 25, 2017 letter concludes by stating that it "constitutes the final administrative determination of the Department of Agriculture, no further administrative review from any other Forest Service or U.S. Department of Agriculture official of my written response is available (36 CFR 218.10). Implementation of the project may occur immediately following the decision by the District Ranger."

90. Surprised by this dismissal, Conservation Groups, who had previously been participating without representation, retained counsel.

91. On January 4, 2018, Conservation Groups' counsel sent a letter to Supervisor Morris explaining that Conservation Groups' objection complied with all applicable requirements; that Defendant's decision was unlawful; and that, among other remedies, Defendant should re-issue the draft decision in order to initiate a new objection period and consider Conservation Groups' objection on its merits.

92. On January 29, 2018, Supervisor Morris replied to Conservation Groups' January 4, 2018 letter and reaffirmed the agency's prior decision, finding again that "[t]he objection does not provide sufficient information as requested by 218.8(d)(5) and (6) for the reviewing officer to review." Defendant's January 29, 2018 letter is attached as Attachment 1.

93. Defendant's January 29, 2018 letter further states that Conservation Groups "did not demonstrate the connection between prior specific written comments and the objection, including respective proposed [sic] violation of law, regulation, policy, suggested remedies and supporting reason [sic] for the reviewing officer to consider."

94. On January 30, 2018, Defendant posted a Final DN and FONSI (signed December 7, 2017) to its website, attached as Attachment 2. The Final DN and FONSI were unchanged in relevant part from the earlier Draft DN and FONSI.

Claims for Relief

Count 1: Defendant's Dismissal of Conservation Groups' Objection Is Contrary to the Plain Language of the Predecisional Objection Regulations

95. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if fully set forth in full.

96. Defendant's application of the predecisional objection regulations (finding that "the issues raised do not demonstrate connection to prior comments with specific violations of law, regulation, or policy") is contrary to the plain language of the regulations. The regulations do not require objectors to demonstrate a connection to prior comments *with* specific violations of law, regulation or policy. Instead, they require that objectors include "[a] statement that demonstrates the connection between prior specific written comments . . . and the content of the objection," 36 C.F.R. § 218.8(d)(6), and, separately and only "if applicable," to include "how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy," 36 C.F.R. § 218.8(d)(5). Defendant's application of the regulations combines two independent requirements and makes mandatory a type of information that is optional under the regulations' plain language and Defendant's own explanation of the regulations. *See* 78 Fed. Reg. 18488 ("the phrase 'if applicable' renders this content element as optional").

97. Some of the issues raised in Conservation Groups' objection were accompanied by arguments that the decision violates law, regulation, or policy. Some of the issues raised in Conservation Groups' objection were accompanied by arguments that the decision was

imprudent or unwise. Defendant is obligated equally to respond to both types of issues on their merits.

98. Defendant's interpretation and application of the regulations is contrary to law and is subject to de novo review and reversal pursuant to 5 U.S.C. § 706.

**Count 2: Defendant Erred in Finding that Conservation Groups
Did Not Demonstrate a Connection to Prior Comments**

99. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if fully set forth in full.

100. Defendant's dismissal of Conservation Groups' objection states that "the issues raised do not demonstrate connection to prior comments with specific violations of law, regulation, or policy."

101. Conservation Groups' objection included "[a] statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection," as required by Forest Service regulations, to wit: "Our objections . . . restate concerns that we have made throughout the process for this project. Our concerns have been communicated in comments on the scoping phase, a series of questions directed to agency personnel via phone and email, comments made after the publication of the Environmental Analysis (EA), as well as February 2017 and July 2017 meetings with Cherokee rangers."

102. Defendant's dismissal of Conservation Groups' objection, to the extent that it is based on a finding that Conservation Groups did not demonstrate a connection to prior comments, is arbitrary, capricious, contrary to law, and fails to observe procedures required by law. It is therefore subject to reversal pursuant to 5 U.S.C. § 706.

Count 3: Defendant Erred in Finding that Conservation Groups Did Not Propose Remedies for the Reviewing Officer's Consideration

103. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if set forth in full.

104. Defendant's dismissal of Conservation Groups' objection states that "no proposed remedies are stated for consideration by the Reviewing Officer for resolving the objection."

105. Conservation Groups' objection proposes at least 10 remedies, both general and specific, for the Defendant's consideration.

106. Defendant's dismissal of Conservation Groups' objection based on a finding that the objection did not propose remedies for consideration is arbitrary, capricious, contrary to law, and fails to observe procedures required by law. It is therefore subject to reversal pursuant to 5 U.S.C. § 706.

Count 4: Defendant's Approval of the Dinkey Project Violated the National Forest Management Act

107. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if set forth in full.

108. Under NFMA, the Forest Plan must ensure that timber will be harvested only where soil, slope, and other watershed conditions will not be irreversibly damaged.

109. To ensure irreversible damage does not occur, Defendant adopted a measurable threshold, concluding that soil impairment has not occurred so long as less than 15% of the activity area is disturbed.

110. Defendant's decision for this project leaves no margin of error, estimating that approximately 15% of the activity areas will be disturbed, even if no surfaces other than skid trails, roads, and log landings are disturbed.

111. In the recent nearby Island Creek (Hogback) timber sale, with similar soils, slopes, and harvest methods, Defendant's own monitoring data shows that over one third of soil disturbance occurred in the interior of stands, not only on skid trails, roads, and log landings, and that actual disturbance exceeded both the Defendant's prediction (10%) and the 15% threshold for impairment.

112. Defendant's own monitoring data and findings noted a need for additional limitations or mitigation in future projects, but Defendant nevertheless failed to consider the relevance of the monitoring report to the Dinkey Project.

113. Defendant was aware that erosion problems occurred on previous projects because of high skid trail density and location of skid trails on steep slopes, and which could have been avoided by limiting skid trail density, lighter harvest methods, or avoiding the need for skid trails on steep slopes by using skyline harvest instead of ground-based logging or by only harvesting as far down from the ridgetop as feasible to retrieve trees by cable winching. The Dinkey Project decision did not include any of these mitigation measures.

114. Without the mitigation measures identified in Paragraph 113 or comparable mitigation measures, the Dinkey Project is virtually certain to exceed the 15% threshold for soil impairment, and is therefore inconsistent with the Forest Plan's requirement to leave at least 85% of a project area undisturbed and to "[d]esign and implement projects in ways that will maintain or improve the long-term productive capacity of the soil resource."

115. Defendant's decision approving the Dinkey Project is accordingly arbitrary, capricious, and contrary to law, and subject to reversal pursuant to 5 U.S.C. § 706.

Count 5: Defendant Violated NEPA By Failing To Disclose A High Risk of Erosion

116. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if set forth in full.

117. An Environmental Assessment must disclose and assess “the environmental impacts of the proposed action and alternatives.” 40 C.F.R. § 1508.9(b). In order to determine whether an Environmental Impact Statement is required, the EA must disclose and assess the degree of risk that harm will occur. 40 C.F.R. § 1508.27(b)(5). Impacts caused by previous similar actions are relevant to the assessment of risk.

118. Defendant’s EA fails to disclose and assess the risk of erosion for the Dinkey Project in light of the recent nearby failures in the Island Creek and Hopper Branch timber sales. Defendant acknowledged in its monitoring report conclusions and in other communications that the outcomes of nearby timber sales are relevant to the risk of erosion and needed design and mitigation changes for future projects, yet failed to disclose these outcomes to the public or provide a reasoned decision that similar outcomes could be avoided in the Dinkey Project.

119. Defendant failed to consider an important aspect of the Dinkey Project by turning a blind eye to its own reports showing impermissible erosion caused by nearby, recent, and similar timber sales.

120. Defendant’s decision is therefore arbitrary, capricious, contrary to law, and fails to observe the procedures required by law and is subject to reversal pursuant to 5 U.S.C. § 706.

Count 6: Defendant Failed to Comply with NEPA Because the Dinkey Project Cannot Proceed Without an Environmental Impact Statement

121. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if set forth in full.

122. Agency actions require an EIS if they may have significant impacts on the environment. 42 U.S.C. §4332.

123. The Dinkey Project's impacts are significant because they threaten a violation of NFMA, a statute imposed to protect the environment and public lands. 40 C.F.R. § 1508.27(b)(10).

124. The Dinkey Project's impacts are significant because they threaten unique characteristics of the Tumbling Creek drainage in the upper Ocoee watershed—*i.e.*, they would cause the degradation of soil resources in a healthy stream in a watershed with heavy historical impacts to soil and water. 40 C.F.R. § 1508.27(b)(3).

125. The Dinkey Project's impacts are significant because they are cumulative with the impacts of other projects, like the Island Creek and Hopper Branch timber sales, which have not previously been disclosed or analyzed in the Forest Plan EIS or in other project-level analyses. 40 C.F.R. § 1508.27(b)(7).

126. The Dinkey Project's impacts are significant because the decision would set a precedent for future projects. 40 C.F.R. § 1508.27(b)(6). Defendant should learn from its recent mistakes and develop better mitigation practices for all future projects with similar risks. If appropriate analysis and mitigation is not required for this project, then it is unlikely to be provided for future projects.

127. The Dinkey Project's impacts are significant because they involve risks that remain highly uncertain due to Defendant's failure to disclose, assess, and mitigate them. 40 C.F.R. § 1508.27(b)(5).

128. Defendant's failure to prepare an EIS is arbitrary, capricious, contrary to law, and fails to observe procedures required by law. It is therefore subject to reversal pursuant to 5 U.S.C. § 706.

**Count 7: Defendant Failed to Comply with NEPA Because
Defendant's Mitigation is Inadequate to Support a FONSI**

129. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if set forth in full.

130. In order to rely on mitigation measures to support a FONSI, an agency must connect the dots between the potential adverse impacts and the associated mitigated measures intended to avoid them.

131. Given the significant erosion caused by its recent nearby timber sales, Defendant has not offered a rational connection between the facts of the Dinkey Project as described in the Decision Notice and the judgment that no significant impacts will result.

132. Defendant's Decision Notice and Finding of No Significant Impact is therefore arbitrary, capricious, contrary to law, and fails to observe procedures required by law, and it is subject to reversal pursuant to 5 U.S.C. § 706.

Count 8: Defendant Unlawfully Failed to Respond to Public Comment

133. Conservation Groups incorporate and restate by reference the allegations of paragraphs 1 through 94 of this Complaint as if set forth in full.

134. For any proposal requiring NEPA analysis, the Forest Service must consider and respond to public comments in the administrative record. 36 C.F.R. § 220.4(c).

135. Defendant did not consider or respond to Conservation Groups' comments related to the Hogback Project and its relevance to the Dinkey Project, but instead deliberately ignored those comments.

136. Defendant's failure to address relevant public comments on the Dinkey Project is arbitrary, capricious, contrary to law, and fails to observe procedures required by law, and it is therefore subject to reversal pursuant to 5 U.S.C. § 706.

Request for Relief

WHEREFORE, Conservation Groups respectfully request that this Court enter a judgment in favor of Conservation Groups and against Defendant and enter an Order:

- A. Declaring that Defendant's dismissal of Conservation Groups' objection was in violation of Forest Service regulations;
- B. Declaring that Defendant's approval of the Dinkey Project violated the National Environmental Policy Act and the National Forest Management Act;
- C. Reversing both Defendant's dismissal of Conservation Groups' objection and Defendant's approval of the Dinkey Project;
- D. Enjoining Defendant from marking trees for bid and sale, accepting bids from timber purchasers, entering into contracts for the purchase and sale of timber, performing road maintenance or construction contemplated in the Dinkey Project decision, or otherwise taking any action to implement the Dinkey Project, unless and until Defendant complies with all requirements of law;
- E. Allowing Conservation Groups to recover their costs, including reasonable attorneys' fees, incurred in connection with this action, 28 U.S.C. § 2412(d);
- F. Granting any further relief as the Court considers just in order to protect the interests of Conservation Groups, to remedy the violations of law alleged in this Complaint, and to protect public lands and the public interest.

This 15th day of March 2018.

s/ Anne Passino

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ATTACHMENT 1



File Code: 1950
Date: January 29, 2018

Sam Evans
National Parks and Forests Program Leader
Southern Environmental Law Center
48 Patton Ave, Suite 304
Asheville, NC 28801

Dear Mr. Evans:

The Cherokee National Forest received your letter dated January 4, 2018 for "Notice of Representation in Connection with the Dinkey Project (Tumbling Creek)." Your letter ".is intended to clarify the respective positions of all involved parties, including commenters who did not participate in the objection, and to identify the remaining opportunities for resolution." The points brought forth in your letter are the following:

- A. Objectors and Other Commenters Share the Same Concerns Over Risk to Soils
- B. Objectors Consistently Explained Why the CNF's Analysis Does Not Support its Decision
- C. The CNF Has Not Addressed Soil Risks at the Programmatic or Project Level
- D. The Forest Unlawfully Dismissed the Objection, and
- E. The Forest Service Must Remedy its Unlawful Action.

I have reviewed your letter at length and subsequently tasked an independent team to do a second review of the Objection on the Dinkey Project (dated July 17, 2017) submitted by Davis Mounger and Sheryl Campbell, on behalf of the Tennessee Chapter of the Sierra Club, Tennessee Heartwood, and Heartwood. The team reviewed comments submitted, the Environmental Assessment with respective appendixes, Response to Comments, the Decision Notice/Finding of No Significant Impact, the Objection and the Objection Response Letter (dated August 25, 2017).

The regulations at 36 CFR 218.10 provide the reasons to set aside an objection. Pertinent here is 36 CFR 218.10(a)(5), which states, 'The objection does not provide sufficient information as requested by 218.8 (d)(5) and (6) for the reviewing officer to review.

36 CFR 218.8 (d)(5) states "A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project, if applicable how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy, suggested remedies that would resolve the objection, supporting reason for the reviewing officer to consider, and



36 CFR 218.8 (d)(6) states “A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity, and the context of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment (see paragraph (c) of this section).”

The second independent review of the Objection affirms my original decision and conclusion as stated in my Objection Response Letter (dated August 25, 2017; Objection 17-08-04-002-0218). Both reviews, original and independent, affirm that the objector did not demonstrate the connection between prior specific written comments and the objection, including respective proposed violation of law, regulation, policy, suggested remedies and supporting reason for the reviewing office to consider. Thus, the objection does not comply with 36 CFR 218.8 (d)(5) and (6).

As you indicated at the end of your letter, “Commenters and Objectors alike will continue participating in good faith in collaborative processes and other project discussions with the Cherokee National Forest.” The Forest also will continue participating in good faith through a collaborative process. These meetings encourage understanding of different perspectives and viewpoints, build a trust level among members and the agency, and provide a venue to implementing the 2004 Land and Resource Management Plan.

Sincerely,



D. JASAL MORRIS
Forest Supervisor

cc: Ken Arney, Peter Gaulke, Michael Wright

ATTACHMENT 2

**Decision Notice &
Finding of No Significant Impact
Dinkey**

USDA Forest Service

Ocoee/Hiwassee Ranger District, Cherokee National Forest

Polk County, Tennessee

Decision and Reasons for the Decision

Background

The Ocoee/Hiwassee Ranger District prepared an Environmental Assessment (EA) that documents the detailed analysis of a no-action alternative and two action alternatives that will implement the Cherokee National Forest (CNF) 2004 Revised Land and Resource Management Plan (RLRMP). The need for action is to improve wildlife and fisheries habitats and forest health by providing early successional wildlife habitats, restoring community types, and diversifying the age class distribution. The action alternatives evaluate utilizing commercial and non-commercial means to meet this need. Connected actions such as site preparation, release of desired regeneration species from competition, maintaining system roads, system road construction, and temporary road construction, are also part of the analysis.

The EA was prepared by an interdisciplinary team and is available for public review at the Tellico and Ocoee/Hiwassee Ranger Stations and on the Forest web site at <http://www.fs.usda.gov/projects/cherokee/landmanagement/projects>.

The approximately 3,700 acre project area is located 4 miles south-west of Ducktown, TN.

Decision

Based upon the analysis and disclosure of effects contained in the EA, I have decided to select Alternative B. Maps of the management actions for Alternative B are attached and are also available at <http://www.fs.usda.gov/projects/cherokee/landmanagement/projects>. The following actions in this decision may be accomplished by any combination of stewardship contracts, timber sale contracts, service contracts, and/or in-house force account work.

Vegetation and Forest Health Improvements

Oak and Oak/Pine Maintenance or Restoration (Treatment Approximate Acres – 52)

Maintain or restore natural oak and oak-pine communities and create early successional habitat through silvicultural methods. These stands are mostly upland sites that would support dry to mesic oak forest or dry and dry mesic oak-pine forests. The existing dominant tree species vary by stand but generally are:

- Oak – white, northern red, mixed oak
- Mixed Hard –red maple, yellow poplar, hickory
- Pine/Soft – eastern white, shortleaf,

Merchantable trees will be marked for removal. Favored reserve trees include trees with dens, large and long-lived mast-producing trees and long-lived yellow pine. Likely species to leave will include black gum, white oak, red oak, hickory, chestnut oak and shortleaf pine. Each stand will be variable density marked resulting in areas of higher basal area where favorable leave trees may be clumped. Areas where fewer favorable leave trees occur may result in lower basal area, but the overall stand basal area will be within the range as prescribed in Table 1. Regeneration sources will be existing seedlings, coppice or stump sprouts and oak enrichment planting. If necessary and to ensure desired conditions are achieved, herbicide applications (triclopyr) will be applied in the second year after planting. Activities will occur in the stands listed in Table 1.

Table 1. Oak and Oak/Pine Maintenance or Restoration

Comp/Stand	Acres	Type of Harvest	Basal Area	Successional Stage	Existing Basal Area	Desired Management Type
362/31	40	Shelterwood w/ reserves	21-49 sq ft.	Late	115 sq. ft.	Dry and Dry-Mesic Oak-Pine Forest
365/4	12	Shelterwood w/ reserves	21-49 sq ft.	Late	178 sq. ft.	Dry and Dry Mesic Oak-Pine Forest

Successional Stages: 11 to 40 years old – Sapling; 41 to 80 years old – Mid; 80+ years old – Late
 Square feet is approximate-based on QMD_≥5 inches

Pine Pine/Oak Maintenance or Restoration (Treatment Approximate Acres – 178)

Maintain or restore shortleaf pine, pitch pine and associated pine-oak communities and create early successional habitat through silvicultural. These are mostly ridge sites that would support xeric pine and pine-oak forests. The existing dominant tree species vary by stand but generally are:

- Oak – white, northern red, mixed oak
- Mixed Hard –red maple, yellow poplar
- Pine/Soft – eastern white, Virginia, shortleaf, hemlock, loblolly

Merchantable trees will be marked for removal. Favored reserve trees include trees with dens, large and long-lived mast-producing trees and long-lived yellow pine. Likely

species to leave will include black gum, white oak, red oak, hickory, chestnut oak and shortleaf pine.

Each stand will be variable density marked resulting in areas of higher basal area where favorable leave trees may be clumped. Areas where fewer favorable leave trees occur may result in lower basal area, but the overall stand basal area will be within the range as prescribed in Table 2. Regeneration sources will be existing seedlings, coppice or stump sprouts and shortleaf pine planting. If necessary and to ensure desired conditions are achieved, herbicide applications (triclopyr) will be applied in the second year after planting. Activities will occur in the stands listed in Table 2.

Table 2. Pine Pine/Oak Maintenance or Restoration

Comp/Stand	Acres	Type of Harvest	Basal Area	Successional Stage	Existing Basal Area	Desired Management Type
339/1	40	Clear cut w/reserves	(10-15 sq. ft.)	Late	97 sq. ft.	Xeric- Pine/Pine-Oak
339/2	39	Clear cut w/ reserves	(10-15 sq. ft.)	Late	92 sq. ft.	Xeric- Pine/Pine-Oak
362/29	39	Seedtree w/ reserves	(16-20 sq. ft.)	Late	125 sq. ft.	Xeric- Pine/Pine-Oak
362/37	40	Clear cut w/ reserves	(10-15 sq. ft.)	Late	131 sq. ft.	Xeric- Pine/Pine-Oak
365/3	10	Shelterwood w/ reserves	(21-49 sq. ft.)	Late	147.5 sq. ft.	Xeric- Pine/Pine-Oak
365/6	10	Seedtree w/ reserves	(16-20 sq. ft.)	Late	123 sq. ft.	Xeric- Pine/Pine-Oak

Successional Stages: 11 to 40 years old – Sapling; 41 to 80 years old – Mid; 80+ years old - Late
 Square feet is approximate-based on QMD \geq 5 inches

All stands in Table 1 and 2 will require pre-harvest site preparation and post-harvest site preparation, planting, and timber stand improvement release treatments:

- Pre-harvest understory/midstory site preparation: Midstory species will be treated by a cut surface method of treatment along with an herbicide (imazapyr and/or glyphosate) to reduce post-harvest sprouting of overly-competitive species. Major species targeted for treatment include red maple, white pine, yellow poplar and rhododendron between 1 to 5.9 inches diameter at breast height (DBH). Species not treated include dogwood and hard- and soft-mast producing species.
- Post-harvest Site Preparation: Site preparation will include mechanical slash down (chainsaw) of residual species between 1 to 5.9 inches DBH if any are present that might inhibit healthy growth of regeneration. Major species targeted for treatment include red maple, white pine, yellow poplar and rhododendron. Species not treated include dogwood and hard- and soft-mast producing species. Lastly, a site preparation prescribed burn (growing or dormant) will follow slash down treatments.
- Planting: Oaks will be planted at 30 x 30 ft. spacing (Table 1) and shortleaf pine will be planted at 15 x 15 ft. spacing (Table 2) after site preparation treatments.

- Timber Stand Improvement (TSI) Release Treatment: Where applicable, two years after planting a release treatment will be applied to ensure desired conditions are achieved. In addition, where needed, the need for additional 5th and/or 7th year TSI release treatments will be determined during post-harvest monitoring. The TSI release will treat overly-competitive undesirable sprouts with herbicides (triclopyr).

Intermediate Treatments (Treatment Approximate Acres – 356)

Merchantable trees will be marked for removal. Priority for removal will first be damaged and diseased trees followed by red maple, white pine, scarlet oak, yellow poplar and black oak. Favored reserve trees include trees with dens, large and long-lived mast-producing trees and long-lived yellow pine. Likely species to leave will include black gum, white oak, hickory, chestnut oak and yellow pine. The existing dominant tree species vary by stand but generally are:

- Oak – white, northern red, mixed oak
- Mixed Hard –red maple, yellow poplar, black cherry, black gum, white ash
- Pine/Soft – eastern white, Virginia, shortleaf, hemlock, loblolly

Each stand will be variable density marked resulting in areas of higher basal area where favorable leave trees may be clumped. Areas where fewer favorable leave trees occur may result in lower basal area, but the overall stand basal area will be within the range as prescribed in Table 3. Activities will occur in the stands listed in Table 3.

Table 3. Intermediate Treatments

Comp/Stand	Acres	Treatment	Desired Sq. Ft.	Successional Stage	Existing Basal Area	Desired Management Type
339/1	30	Thinning	50-59	Late	97 sq. ft.	Xeric Pine/Pine-Oak
339/2	12	Thinning	50-59	Late	92 sq. ft.	Xeric Pine/Pine-Oak
339/9	30	Thinning	60-69	Late	96 sq. ft.	Dry and Dry Mesic Oak-Pine
339/16	10	Thinning	50-59	Late	100 sq. ft.	Dry and Dry Mesic Oak-Pine
339/33	31	Thinning (no burning)	60-69	Late	140 sq. ft.	Xeric Pine/Pine-Oak
339/35	42	Thinning (no burning)	60-69	Late	132 sq. ft.	Xeric Pine/Pine-Oak
339/38	14	Thinning (no burning)	50-59	Late	143 sq. ft.	Xeric Pine/Pine-Oak
362/04	17	Thinning (no burning)	60-69	Late	109 sq. ft.	Dry and Dry Mesic Oak-Pine
362/29	7	Thinning	50-59	Late	125 sq. ft.	Dry and Dry Mesic Oak-Pine
362/30	12	Thinning	50-59	Late	116 sq. ft.	Xeric Pine/Pine-Oak
362/31	30	Thinning	50-59	Late	115 sq. ft.	Dry and Dry Mesic Oak-Pine
362/34	7	Thinning (no pre-harvest)	70-79	Late	142 sq. ft.	Xeric Pine and Pine-Oak
362/35	25	Thinning	60-69	Late	120 sq. ft.	Dry and Dry Mesic Oak-Pine
362/37	9	Thinning	50-59	Late	131 sq. ft.	Xeric Pine and Pine-Oak
362/38	8	Thinning	50-59	Late	114 sq. ft.	Dry to Mesic Oak
362/39	8	Thinning	50-59	Late	115 sq. ft.	Dry and Dry Mesic Oak-Pine
362/40	7	Thinning	50-59	Late	103 sq. ft.	Dry to Mesic Oak
362/41	8	Thinning	60-69	Late	126 sq. ft.	Dry to Mesic Oak
365/7	26	Thinning (no burning)	50-59	Late	116 sq. ft.	Dry and Dry Mesic Oak-Pine
365/9	9	Thinning (no burning)	50-59	Late	150 sq. ft.	Xeric Pine and Pine-Oak
365/10	14	Thinning (no burning)	50-59	Late	102 sq. ft.	Dry and Dry Mesic Oak-Pine

Successional Stages: 11 to 40 years old – Sapling; 41 to 80 years old – Mid; 80+ years old – Late
 Square feet is approximate-based on QMD≥5 inches

All stands in Table 3 will require pre-site preparation, timber stand improvement release treatments and post-harvest prescribed burn (except where indicated):

- Pre-harvest understory/midstory site preparation: Prior to harvest, midstory species will be treated with an herbicide (imazapyr and glyphosate) to reduce post-harvest sprouting of overly-competitive species. Major species targeted for treatment include red maple, yellow poplar, white pine and rhododendron between 1 to 5.9 inches DBH. Species not treated include dogwood and hard- and soft-mast producing species.
- Post-harvest Prescribed Burn (203 acres): Fourteen stands (339/1, 2, 9 and 16, 362/29, 30, 31, 34, 35, 37, 38, 39, 40, and 41) in Table 3 will receive either a growing or dormant season treatment.

- Timber Stand Improvement (TSI) Release Treatment: The need for one or more TSI release treatments will be determined during post-harvest monitoring. Where needed, 5th and/or 7th year post-harvest overly-competitive undesirable sprouts will be treated using herbicides (triclopyr).

Non-commercial Thinning (Treatment Approximate Acres – 32)

Non-commercial trees will be cut and left. Priority for removal will first be damaged and diseased trees followed by white pine, red maple, yellow poplar, scarlet oak, and black oak. Favored reserve trees include trees with dens, large and long-lived mast-producing trees and long-lived yellow pine. Likely species to leave will include black gum, white oak, hickory, chestnut oak and yellow pine. The existing dominant tree species vary by stand but generally are:

- Oak – white, northern red, mixed oak
- Mixed Hard –red maple, yellow poplar,
- Pine/Soft – eastern white, Virginia, shortleaf, hemlock,

Each stand will be variable density marked resulting in areas of higher basal area where favorable leave trees may be clumped. Areas where fewer favorable leave trees occur may result in lower basal area, but the overall stand basal area will be within the range as prescribed in Table 4

Activities will occur in the stands listed in Table 4.

Table 4. Non-commercial Thinning

Comp/Stand	Acres	Desired Sq. Ft.	Treatment	Successional Stage	Existing Basal Area	Desired Management Type
362/32	19	60-69	Non-Commercial Thinning	Late	100 sq.ft.	Dry to Mesic Oak Forest
362/33	13	50-59	Non-Commercial Thinning	Late	130 sq.ft.	Dry to Mesic Oak Forest

Successional Stages: 11 to 40 years old – Sapling; 41 to 80 years old – Mid; 80+ years old – Late
 Square feet is approximate-based on QMD>5 inches

All stands in Table 4 will require pre-site preparation, timber stand improvement release treatments and post-harvest prescribed burn:

- Pre-noncommercial understory/midstory site preparation: Prior to harvest, midstory species will be treated with an herbicide (imazapyr and glyphosate) to reduce post-harvest sprouting of overly-competitive species. Major species targeted for treatment include red maple, white pine, yellow poplar, and rhododendron between 1 to 5.9 inches DBH. Species not treated include dogwood and hard- and soft-mast producing species.
- Post-harvest Prescribed Burn: Growing or dormant season prescribed burn treatments will occur.

- Timber Stand Improvement (TSI) Release Treatment: The need for one or more TSI release treatments will be determined during post-harvest monitoring. Where needed, 5th and/or 7th year post-harvest overly-competitive undesirable sprouts will be treated using herbicides (triclopyr).

Extended Streamside Management Zones (Treatment Approximate Acres – 75)

Within the extended streamside management zones merchantable trees will be marked based on a 50% canopy reduction and pulled out by cable. Priority for removal will first be damaged and diseased trees followed by white pine, red maple, scarlet oak, and black oak. Favored reserve trees include trees with dens, large and long-lived mast-producing trees and long-lived yellow pine. Likely species to leave will include black gum, white oak, hickory, chestnut oak, yellow poplar and yellow pine. The existing dominant tree species vary by stand but are generally:

- Oak – white, northern red, mixed oak
- Mixed Hard –red maple, yellow poplar, black cherry, hickory, black glum, white ash
- Pine/Soft – eastern white, Virginia, shortleaf, hemlock, loblolly

Activities will occur in the stands listed in Table 5.

Table 5. Extended Streamside Management Zones

Comp/Stand	Acres	Treatment	Successional Stage	Existing Basal Area	Desired Management Type
339/1	6	50% Canopy Reduction	Late	97 sq. ft.	Xeric- Pine/Pine-Oak
339/2	9	50% Canopy Reduction	Late	92 sq. ft.	Xeric- Pine/Pine-Oak
339/9	2	50% Canopy Reduction	Late	96 sq. ft.	Dry and Dry-Mesic Oak-Pine
339/16	3	50% Canopy Reduction	Late	100 sq. ft.	Dry and Dry-Mesic Oak-Pine
362/29	2	50% Canopy Reduction	Late	125 sq. ft.	Dry and Dry-Mesic Oak-Pine
362/30	3	50% Canopy Reduction	Late	116 sq. ft.	Xeric- Pine/Pine-Oak
362/31	9	50% Canopy Reduction	Late	142 sq. ft.	Xeric Pine and Pine-Oak
362/32	2	50% Canopy Reduction	Late	100 sq.ft.	Dry to Mesic Oak Forest
362/33	6	50% Canopy Reduction	Late	130 sq.ft.	Dry to Mesic Oak Forest
362/34	6	50% Canopy Reduction	Late	142 sq. ft.	Xeric Pine and Pine-Oak
362/35	3	50% Canopy Reduction	Late	120 sq. ft.	Dry and Dry Mesic Oak-Pine
362/37	3	50% Canopy Reduction	Late	131 sq. ft.	Xeric Pine and Pine-Oak
362/41	5	50% Canopy Reduction	Late	126 sq. ft.	Dry to Mesic Oak Forest
365/3	2	50% Canopy Reduction	Late	147.5 sq. ft.	Xeric- Pine/Pine-Oak
365/4	1	50% Canopy Reduction	Late	178 sq. ft.	Dry and Dry Mesic Oak-Pine Forest
365/6	1	50% Canopy Reduction	Late	123 sq. ft.	Xeric- Pine/Pine-Oak
365/7	6	50% Canopy Reduction (no burning)	Late	116 sq. ft.	Dry and Dry-Mesic Oak-Pine
365/9	3	50% Canopy Reduction (no burning)	Late	150 sq. ft.	Xeric Pine and Pine-Oak
365/10	3	50% Canopy Reduction (no burning)	Late	102 sq. ft.	Dry and Dry-Mesic Oak-Pine

Successional Stages: 11 to 40 years old – Sapling; 41 to 80 years old – Mid; 80+ years old – Late
 Square feet is approximate-based on QMD_≥5 inches

Sixteen stands (63 acres) in Table 5 will receive a post-harvest prescribed burn. The burn will be either a growing or dormant season treatment in stands 339/1, 2, 9 and 16, 362/29, 30, 31, 32, 33, 34, 35, 37, and 41 and 365/3, 4, and 6.

Wildlife Habitat Improvement

Wildlife Stand Improvement – Midstory Reduction (Treatment Acres – 444)

The stands proposed for midstory reduction are composed predominately of mixed oak or pine-oak forest types. Several stands are mixed mesophytic hardwood. The understory in most stands is predominately lacking due to overstocked stands with little sunlight reaching the forest floor. Mast producing species such as oak and hickory are being encroached by Virginia pine, maple, rhododendron or other competing species. Ridge tops and stands classified as “xeric” or “dry” contain off-site white pine that is also competing with oaks, hickories, and yellow pines. The objective is to improve wildlife habitat diversity by reducing the midstory component of the stands to allow more sunlight to reach the forest floor, thus increasing grass, forb, and shrub production.

Reducing the midstory component of these stands could also improve mast production by releasing the crowns of mast producing species; an emphasis for Management Prescription 8.C. Midstory reduction reduces competition for resources such as sunlight, water and nutrients. Grasses, forbs, and shrubs are important browse for various wildlife species (including black bears) as well as nesting habitat for a variety of bird species. Hard mast is an important food source for many wildlife species, including black bears.

A diameter class cut ranging from 1 to 8 inches DBH will be used to select trees for midstory removal. Chainsaws will be used to fell midstory trees while retaining oaks, hickories, and shortleaf pine and/or pitch pine in addition to most soft mast producers (black cherry, dogwood, service berry). Parameters for selecting trees for removal include: low-value wildlife species (such as Virginia pine), poor growth form, and disease. Felled trees will be left and utilized as micro-habitats by forest floor species. Snags will be retained unless they pose a safety hazard.

There are five stands where rhododendron is the dominant species 347/2, 9, 11, 13 and 14 (see below). The rhododendron in these stands will be treated with a cut and stump herbicide (imazypyr or triclopyr) application.

Table 6. Wildlife Stand Improvement – Midstory Reduction

Comp/Stand	Acres	Successional Stage	Dominant Tree Species	Management Type
338/1	1	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
338/2	20	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
338/5	13	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
338/6	58	Mid	Yellow Poplar-White Oak-Red Oak	Mixed Mesophytic Hardwood
338/7	25	Mid	Virginia Pine-Oak	Xeric Pine & Pine-Oak
338/8	29	Late	Yellow Poplar-White Oak-Red Oak	Mixed Mesophytic Hardwood
338/9	4	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
338/11	5	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
338/13	7	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
338/14	1	Late	Yellow Poplar-White Oak-Red Oak	Mixed Mesophytic Hardwood
338/18	4	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
338/21	12	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
339/6	64	Late	White Oak-Black Oak-Mixed Yellow Pine	Dry & Dry Mesic Oak-Pine
339/7	0.4	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
339/16	30	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
339/24	2	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
339/25	12	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
339/26	26	Mid	White Oak-Red Oak-Hickory	Dry Mesic Oak
339/27	13	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
339/28	23	Mid	Shortleaf Pine	Xeric Pine & Pine-Oak
347/2	20	Mid	Virginia Pine	Xeric Pine & Pine-Oak
347/4	2	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
347/9	17	Late	Yellow Poplar-White Oak-Red Oak	Mixed Mesophytic Hardwood
347/11	22	Late	White Oak-Red Oak-Hickory	Dry Mesic Oak
347/13	16	Mid	White Oak-Red Oak-Hickory	Xeric Pine & Pine-Oak
347/14	3	Late	Yellow Poplar-White Oak-Red Oak	Mixed Mesophytic Hardwood
347/27	14	Mid	Virginia Pine	Xeric Pine & Pine-Oak

Nest Box Installation (Treatment – up to 60 boxes)

Artificial roost boxes for bats will be installed to provide additional roosting habitat. Boxes may provide roost sites for the endangered Indiana bat. Nest boxes for cavity

nesting birds or small mammals will also be placed in forest stands to provide habitat for animals where natural cavities are limited.

Up to 60 nesting boxes will be installed on trees or poles. Boxes will be placed in proposed silvicultural treatment areas, wildlife stand improvement areas, and/or log landings.

Wildlife Plantings (Treatment Acres – 10)

Provide or increase the amount of quality mast producing plants throughout the project area for black bears and other wildlife species.

Plant native hard or soft mast producing trees and/or shrubs in log landings, temporary roads, skid trails, or other open areas created by project activities.

Wildlife Pond Construction (Treatment – up to 30 ponds)

Wildlife ponds provide valuable water sources for game and non-game animals, including the endangered Indiana bat, northern long-eared bat, and provide habitat for amphibians. Pond locations will be selected in upland areas where water sources or pond habitat is needed. The RLRMP objective is to provide a water source every 0.5 miles.

Locations will typically be located in log landings, skid trails, openings, and old roads accessing project areas. Ponds are small (0.1 acre or less) and shallow with gradually sloping sides to provide amphibian habitat in the edges of the pond. Ponds will typically be built in terrain that is fairly flat and in areas that provide good watershed for holding water for a portion of the year (ponds may be ephemeral and dry up during summer months). A bulldozer will be used to construct ponds.

Prescribed Burning

Wildlife Habitat Improvement – Prescribed Burning (Treatment Acres – 734)

Prescribed burning will be implemented during the dormant and growing seasons (alternating between seasons). Burn areas will typically be burned at 2-5 year intervals, depending on vegetative response. Pre- and post-burn monitoring will be implemented to determine burn frequencies, seasonality, and intensities. Fire intensity will vary depending on vegetation type, slope, aspect, and weather conditions. Higher fire intensities are expected on ridge tops and in dry oak or yellow pine forest types. In order to minimize fireline construction, the burn block will employ natural or existing man-made fuel breaks such as streams/shoreline (5.1 miles) and roads (2.1 miles). Approximately 0.1 miles of hand line will be constructed. The objectives of burning are described below:

1. Provide for a diversity of plant and animal communities throughout the project area, specifically improving habitat for game and non-game species.
2. Create canopy gaps for birds requiring a well-developed understory.

3. Manage competing vegetation. Low-value, poor-quality, shade-tolerant hardwoods often occupy or encroach upon land best suited for pine and oak species. Unwanted species may crowd or suppress pine and oak species. Prescribed fire could be used to limit competition of undesirable species with desired species. Prescribed fire may also be used in mature hardwood stands to control the composition of advanced regeneration to favor oak species.
4. Perpetuate oak-pine/grassland and woodland cover types by increasing the amount of available sunlight to the ground to encourage native grasses and forbs to re-establish and improve habitat conditions for fire-adapted plant species.
5. Maintain grass, forb, and shrub understories of wildlife stand improvement areas.
6. Reduce fuel accumulations to acceptable levels thereby reducing the possibility of wildfire events from occurring.

Stillhouse Burn Block – Prescribed Burning (Treatment Acres – 947)

Prescribe burn O-53 Stillhouse burn block, an area of 947 acres treated by growing or dormant season burning. In order to minimize fireline construction, the burn block employs natural or existing man-made fuel breaks such as streams, roads and trails. Approximately 1,046 feet of dozer line and 731 feet of hand line will be constructed as holding lines. Burn area will typically be burned at 2-5 year intervals, depending on vegetative response. Pre- and post-burn monitoring will be implemented to determine burn frequencies, seasonality, and intensities. Fire intensity will vary depending on vegetation type, slope, aspect, and weather conditions. The objectives of burning are described below:

1. Provide for a diversity of plant and animal communities throughout the project area, specifically improving habitat for game and non-game species and managing for identified natural plant communities.
2. Prepare sites for seeding, planting, and natural regeneration. Prescribed fire will be used to prepare an adequate seedbed and control competing vegetation until seedlings become established. Prescribed fire will also be used to promote regeneration of hardwood forests.
3. Manage competing vegetation. Low-value, poor-quality, shade-tolerant hardwoods often occupy or encroach upon land best suited for pine and oak species. Unwanted species may crowd or suppress pine and oak seedlings. Prescribed fire could be used to limit competition of undesirable species with desired species. Prescribed fire may also be used in mature hardwood stands to control the composition of advanced regeneration to favor oak species.
4. Reduce fuel accumulations to acceptable levels thereby reducing the possibility of severe wildfire events from occurring and damaging natural resources, recreation, and wildland-urban interface areas present near the project area.
5. Maintain open timber stands; produce vegetative changes, and increase numbers and visibility of flowering annuals and biennials.

Transportation Improvements

1. Reconstruct approximately 1.29 miles of existing NFSRs (.49 mi NFSR 33621 and .80 mi NFSR 1339) to bring them up to haul standards. Work will consist of widening curves, spot placing gravel, brushing, minor re-shaping, cleaning and constructing dips and other drainage structures to improve overall drainage, upgrading culverts, and replacing gates.
2. Construct approximately 2.7 miles of temporary roads to access treatment units. Temporary roads will be closed and stabilized following completion of the project. Closing and stabilizing of temporary roads could be accomplished by a combination of but not limited to:
 - Blocking the entrance points (e.g. gates, berms, natural material, etc.)
 - Felling trees and scattering debris on the roadbed to prohibit access.
 - Revegetate the roadbed utilizing TN BMPs and 2004 RLRMP (see soil & water design criteria below)
3. After use as a haul road for timber sales proposed in this EA, decommission the reconstructed portion of NFSR 33621 (Sholey Branch) that crosses Tumbling Creek totaling approximately .49 miles.
4. Perform pre-haul maintenance on approximately .6 miles (NFSR 65) to prepare the road for timber haul.
5. Construct and add approximately .45 mile NFSR 33621 to the system where it will intersect with County Road 158 in Georgia. This newly constructed road will be used to replace the portion of NFSR 33621 that currently fords Tumbling Creek because the section crossing Tumbling Creek will be decommissioned after use as a haul road for this project.

Design criteria, best practices, and best management practices

The RLRMP contains Forest Wide, Management Prescription specific, and Management Area specific standards that mitigate adverse effects to all resources. These standards are part of the decision.

In addition to the RLRMP standards, the following documents are sources of design criteria, guidelines, and best practices:

Fire Monitoring Handbook available at <http://www.nps.gov/fire/wildland-fire/resources/documents/fire-effects-monitoring-handbook.pdf>

The Guide to Forestry Best Management Practices in Tennessee, available at <http://www.tn.gov/agriculture/publications/forestry/BMPs.pdf>.

To comply with various RLRMP "soil and water" standards the following will be implemented:

- Due to the documented presence of acid producing rock in the vicinity of NFSR 33621 (Sholey Branch Road), if road construction requires exposure of rock cut-faces, pH and/or other monitoring may be required to comply with Forest Wide Standard (FW) 118.
- In addition to or in some cases, in lieu of seeding, ground cover shall be applied to all bladed areas with greater than 12% slope on the following soil map units as part of erosion control: Junaluska and Tusquitee soils. Ground cover may include mulch, logging slash, matting, natural leaf-fall, etc. These areas would also have drainage controls installed before closure.
- Ground cover shall be applied to all bladed surfaces on Junaluska and Tusquitee soils in regeneration units
- Prior to implementation, collect a composite soil sample from the areas to be revegetated to be analyzed through University of Tennessee extension for the purpose of obtaining locally appropriate recommendations on lime and fertilizer applications. Alternatively, consult with district personnel responsible for revegetating landings/skid roads and/or maintaining wildlife openings on similar soils to determine lime/fertilizer concentrations that have been most effective in the past. Unit specific revegetation plans should be in place prior to the occurrence of any ground disturbance.
- If unacceptable rutting occurs in the streambed at the location of the ford on Tumbling Creek, or if trucks begin to sink in to the streambed, the sale administrator shall require the logger to harden the crossing to mitigate damage. Tennessee BMPs suggest the following: "Where necessary, establish a smooth hard surface by using gravel to establish a low water crossing. Material should not significantly impede stream flow or release significant amounts of fine material into the stream. (TDF 2003, p. 18)" Other options for protecting the streambed include the placement of log corduroy or cattle guards (to be removed at completion of hauling activities).
- Flag a spring in stand 362/31 and buffer appropriately.

To comply with FW-28 "Protect individuals and locations of other species needed to maintain their viability within the planning area. Site specific analysis of proposed management actions will identify any protective measures." the following protective measures will be followed:

- A hornwort (*Megaceros aenigmaticus*) was found at one location within stand 362/31. The site should be fully protected from the impacts of vegetation management activities through the implementation of riparian standards. In addition the site has been marked in the field and should be avoided where possible through directional felling and designation of no skid zones.
- American climbing fern (*Lygodium palmatum*) was found at one location during the botanical surveys, within an acidic cove along the southern boundary of adjoining stands 339/33 and 339/35. The location can be avoided by the

designation of a no-skid zone during harvest activities. The site has been marked in the field and should be avoided where possible through directional felling and designation of no skid zones.

- Large whorled pogonia (*Isotria verticillata*) was found in stand 339/09 (approximately 15 individual plants in one clump). The harvest prescription here is for a variable thinning treatment thus the location could be easily avoided. The site will be marked for protection. The site has been marked in the field and should be avoided where possible through directional felling and designation of no skid zones.

To help achieve Objective 15.02 Control non-native and unwanted native species, where they threaten TES elements, ecological integrity of communities, or habitats created for demand species treat the following location during site-preparation if possible.

- Infestations of invasive species specifically noted within the botanical reports for this project include a small patch of English ivy (*Hedera helix*) located within stand 365/4 and a single vine of wisteria (*Wisteria sinensis*) located within stand 365/9.

The December 2016 USFWS concurrence with the Dinkey Biological Assessment is based on implementation of RLRMP standards and the January 2015 Indiana Bat BO Reasonable and Prudent Measures Terms and Conditions; they are part of this decision.

The December 2016 USFWS concurrence with the Dinkey Biological Assessment is also based on implementation of RLRMP standards and consistency with the January 2016 Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions.

The design criteria necessary to achieve the Scenic Integrity Objectives (SIOs) prescribed in the RLRMP for each inventoried Scenic Class and Management Prescription are in the project file and are part of this decision.

Monitoring associated with this decision

Implementation monitoring will be accomplished through harvest and contract inspections conducted by certified timber sale administrators and contract inspectors. This type of implementation monitoring occurs throughout the operating period and is intended to ensure the appropriate practices are implemented to protect soil productivity, water quality, and other resources, and that problems are identified and corrected.

Monitoring of prescribed burning is done at the Forest- and zone-wide level with emphasis on fire tolerant community types. The communities sampled and the location of plots is determined by zone. The south zone includes the Ocoee/Hiwassee and Tellico Ranger Districts. Due to the emphasis placed on community types and random

sampling, not every prescribed burn block is monitored. Monitoring data is collected following the direction set forth in Forest Service Manual (FSM) 5142.3 and the Region 8 Fire Monitoring Guidebook.

Plot data is collected pre-burn, post-burn, and in years 1, 2 and 5. All plot data is collected after green-up has occurred. A plot may be monitored beyond 5 years if there is an observed need or if a second prescribed fire cycle has occurred.

The following data are collected in each plot cycle:

- Plot identification and location, including direction to area, description of area, size, photo points, plot ID, burn unit name, date and recorders.
- Overstory trees (>6" DBH) are measured and tagged throughout the 60' x 150' plot. The plot is divided into 4 quadrants.
- Pole-sized trees (>2" to <6" DBH) within quadrant 1 (Q1), a 30' x 75' area, are measured, mapped and numbered on the data collection sheets.
- Seedling/Saplings are tallied by species in a 15' x 30' area within Q1.
- Understory cover plots (3' x 3') frames are taken at 5 locations along both 150' sides of the plot (a total of 10 frames). Herbaceous plants, shrubs, and vines are counted in the frames by life form groups or species.
- Shrub cover is recorded in all four quadrants of the plot by species or species group in percent cover.
- Data from three random fuels transects, 50' in length are collected. Fuels data includes 1hr, 10hr, 100hr and 1,000hr fuel tallies. The depth of the litter and duff layer is measured 10 times along each transect.
- Severity is measured by scorch height in the post-burn measurement cycle.

There are several plots established in or adjacent to the project area. Monitoring of these plots will continue for five years post-burn.

Reasons for the Decision

I believe Alternative B best addresses the purpose and need to increase the acreage of early age class/early successional habitat and increase habitat diversity. Wildlife habitat diversity and forest health will be improved through periodic or regularly scheduled activities accomplished through prescribed burning; mechanical and chemical vegetation control; and uneven-aged, two-aged, and even-aged silvicultural methods.

Alternative B will diversify vegetation by increasing the acreage of 0-10 year old stands by 230 acres. Management Prescription (MP) 8.C has objectives for the percentage in an early successional stage. In MP 8.C, Alternative B increases the 0-10 age class from 0% of the forested acres to approximately 8%, the RLRMP objective is 4-8%. This increase will benefit many wildlife species, both game and nongame. These actions

contribute to RLRMP goals for the management prescriptions and objectives to manage for appropriate distributions of forest successional stages (Objective 8.C-1.01).

Wildlife habitat improvement activities and harvest, post-harvest, and regeneration/planting activities will increase wildlife browse and cover, create early successional forest habitat, promote hard mast production, control non-native invasive plant species, and provide upland water sources. These actions contribute to RLRMP goals and objectives to:

- maintain and restore natural communities (Goal 10),
- provide ephemeral or permanent upland water sources (Objective 14.02),
- control non-native and unwanted native species (Objective 15.02),
- achieve desired conditions in the distribution of early, mid-, and late successional forest (Objective 8.C-1.01), and

Alternative B will improve habitat for the endangered Indiana bat. Open areas resulting from regeneration harvests and WSI treatments will increase sunlight on the forest floor, increasing herbaceous growth for bats' insect prey. Bats may also benefit from reduced clutter in the canopy and more open flight space. Construction of ephemeral pools and installation of artificial roosts will enhance habitat for the bats. The actions in Alternative B are not likely to adversely affect any endangered or threatened species or adversely modify critical habitats (BA and USFWS letter dated December 14, 2016). These actions contribute to RLRMP goals and objectives to:

- contribute to conservation and recovery of federally listed threatened and endangered species (Goal 14), and
- provide high quality foraging, migration, and maternity habitat (Objective 14.03)

Harvest activities and prescribed burns will remove shade tolerant species such as white pine and promote fire dependent oak and oak-pine forest stands. WSI treatments will decrease species such as Virginia pine and release oak and desirable pine species (shortleaf and pitch pine). Growing season prescribed burns will maintain pine forest communities by ensuring shade tolerant species are less abundant, promote fire dependent pine and pine-oak forest stands, and create open understories. These actions contribute to RLRMP goals and objectives to:

- maintain and restore natural communities (Goal 10),
- restore native communities to sites currently occupied by white pine plantation or other sites with minimal diversity (Objectives 17.01 and 17.02),
- reduce the acreage of Virginia pine forest, restore fire-adapted pine or oak communities and restore shortleaf, pitch, or table mountain pine forests (Objective 17.03 and 17.05),
- encourage the reintroduction of extirpated or declining native species, promote forest health, and encourage advanced regeneration of oak species (Objectives

18.01 and 18.02),

- restore and maintain fire associated and dependent landscapes (Goal 23),
- establish appropriate fire return cycles in pine, oak, oak-pine, and pine-oak forests (Objectives 21.01, 21.02, and 21.04),
- reduce hazardous fuels while minimizing fire in mixed mesophytic and northern hardwood forests.(Objectives 24.01 and 24.02), and
- achieve desired conditions in the distribution of early, mid-, and late successional forest (Objective 8.B 1.01).

Forest health will be improved by diversifying age classes and thinning to improve growth and vigor. Alternative B will decrease the risk of oak decline, Southern pine beetle outbreak and gypsy moth infestation at the landscape level by promoting vigorous stands and diversifying the age class and species composition. Regeneration harvest diversifies the age class distribution and promotes the development of younger, healthier stands, and in some cases, stands with more diverse species. These actions contribute to RLRMP goals and objectives to:

- maintain and restore natural communities (Goal 10), and
- encourage the reintroduction of extirpated or declining native species, promote forest health, and encourage advanced regeneration of oak species (Objectives 18.01 and 18.02).

Prescribed fire will be used as a silvicultural tool and for fuels management. Prescribed fire will benefit forest stands by reducing fuel loads, reducing white pine and Virginia pine density, promoting advanced oak regeneration, and stimulating growth of shrubby plants used by wildlife for nesting, forage, and cover. These actions contribute to RLRMP objectives to:

- maintain and restore natural communities (Goal 10),
- restore native communities to sites currently occupied by white pine plantation or other sites with minimal diversity (Objectives 17.01 and 17.02),
- reduce the acreage of Virginia pine forest, restore fire-adapted pine or oak communities and restore shortleaf, pitch, or table mountain pine forests (Objective 17.03 and 17.05),
- encourage the reintroduction of extirpated or declining native species, promote forest health, and encourage advanced regeneration of oak species (Objectives 18.01 and 18.02),
- establish appropriate fire return cycles in pine, oak, oak-pine, and pine-oak forests (Objectives 21.01, 21.02, and 21.04),
- restore and maintain fire associated and dependent landscapes (Goal 23), and
- reduce hazardous fuels while minimizing fire in mixed mesophytic and northern hardwood forests (Objectives 24.01 and 24.02).

Alternative B will decommission .49 miles of NFSR after use for this project. One road will be constructed and then added to the system (0.45 mile total). Roads that are needed for the vegetation management actions in this decision will be maintained (.6 miles), reconstructed (1.29 miles), or constructed (2.7 miles of temporary road). These actions contribute to RLRMP goals and objectives to:

- construct, reconstruct, and maintain roads to reduce sediment delivery (Goal 47),
- provide a transportation system that supplies safe and efficient access while protecting forest resources (Goal 48),
- decommission unneeded roads (Objective 49.01),
- upgrade needed roads that are adversely affecting resource values or conditions (Goal 50), and
- construct new roads only when existing ones are inadequate to meet needs (Goal 51).

As required by 36 CFR 219, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and where appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

Other Alternatives Considered

In addition to the selected alternative, three alternatives were analyzed in detail in the EA. A comparison of these alternatives can be found in the EA on page 32.

Alternative A (No Action)

With the No Action Alternative, no changes to the existing environment would occur beyond those attributed to natural processes and disturbances. No project activities would be implemented. Routine activities such as road maintenance and wildlife opening maintenance would continue to occur. Prescribed burning approved in other decision documents may also occur.

I did not select Alternative A because it does not contribute to achieving RLRMP goals. It does not achieve the need to increase the acreage of early age class/early successional habitat or increase habitat diversity. It does not provide measures to improve forest health and reduce forest susceptibility to disease and pest outbreaks (EA, pp 34-129).

Alternative C

Compared to Alternative B, Alternative C does not respond as well to concerns stakeholders had in regards to water quality and sedimentation. In several collaborative discussions additional mitigation measures were suggested by stakeholders to help prevent sedimentation. These discussions included possible use of inclusions where

machinery would not be allowed to operate, leaving a higher residual basal area on steeper portions of the stands, leaving some uncut areas within stands, and/or non-commercial inclusions within commercial stands. Alternative C does not provide for an extended streamside management zone with 50% canopy retention to respond to these concerns.

In addition Alternative C does not include approximately 0.5 mile of road decommissioning which responds to public concerns in regards to Tumbling Creek water quality.

I did not select Alternative C because Alternative B better responds to public comments (EA, pp 6-7).

Public Involvement

Scoping to solicit the issues and concerns related to the proposed action started in December 2013. Letters were mailed to approximately 80 interested and potentially affected agencies, organizations, tribes, individuals, and adjacent landowners. These letters informed recipients of the proposed action and requested their input. Additional information was sent to those that requested it. In February of 2014 a field trip to the project area was held. Invitations were sent to approximately 80 interested parties in November 2013 with representatives from seven entities actually attending the field visit. After the field visit time was permitted to submit additional comments. All comments submitted were reviewed and a modified proposal was developed to respond to the issues raised in the comments.

A 30-day notice and comment period was provided in February and March 2016. See the EA, Appendix F for the response to comments. Using the comments received during 2014, issues were identified that needed to be addressed in the effects analysis.

Using the comments from the public and other agencies, the interdisciplinary team identified several issues regarding the effects of the proposed action (see EA, pp 6-7).

The issues included:

- There are concerns about the effects of proposed harvest activities on soil quality and erosion and about the effectiveness of best management practices.
- There is a concern that use of prescribed fire as proposed will adversely affect soil quality.
- There are concerns about the effects of proposed activities on water quality, specifically sediment.
- There are concerns that desired species that are a minor component of the forest stands will be adversely affected by the proposed activities.
- There is a concern that the proposed activities will affect carbon sequestration.

To address these concerns, the Forest Service created Alternative B and an alternative.

The proposal has also been listed in the Cherokee National Forest Schedule of Proposed Actions from January 2014 to the present. In addition, all letters requesting public input have been placed on the CNF web page along with the documents that were requested to be reviewed.

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 findings on the following:

- 1) My finding of no significant environmental effects is not biased by the beneficial effects of the action.
- 2) There will be no significant effects on public health and safety. Alternative B utilizes herbicides to accomplish site preparation and second year release effectively and economically. Triclopyr is an EPA approved herbicide whose environmental effects will be minimal. Use of site specific, manually applied herbicides, in proper weather conditions does not pose unacceptable risk to surface or groundwater resources. Use of herbicides for release of seedling is a standard forestry practice that has proven both safe and effective, when properly applied (EA, pp. 42-47, 90-96, and 105-109).
- 3) There will be no significant effects on unique characteristics of the area. The project proposes to maintain and restore native plant and animal communities. (EA, pp 34 -129)
- 4) The effects on the quality of the human environment are not likely to be highly controversial. Treatment methods are based on past experience, scientific literature and/or research, and have been implemented in the past with expected results. No experimental or untried methods are prescribed. Potential threat of herbicides is minimal based on the mitigation measures. (EA, pp 34 -129)
- 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. (EA, pp 34 -129)
- 6) The action is not likely to establish a precedent for future actions with significant effects. (EA, pp 34 -129)
- 7) The cumulative effects are not significant. The cumulative effects of the proposed actions have been analyzed with consideration of other similar activities on adjacent lands, in past actions, and in foreseeable future actions. (EA, pp 34 -129)
- 8) The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because potential earth disturbing activities avoid these areas. The action will also not cause loss or destruction of significant scientific, cultural,

or historical resources (EA, pp 120-121).

- 9) The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (EA, pp 65-77), Appendix B, Biological Assessment, and USFWS letter of concurrence dated December 14, 2016).
- 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 Cherokee National Forest Revised Land and Resource Management Plan (EA, pp 34 -129).

Findings Required by Other Laws and Regulations

This decision to improve wildlife and fisheries habitat and forest health and to enhance the transportation and trail system is consistent with the intent of the RLRMP long-term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates additional design criteria identified in the EA and standards identified in the BA.

It is my finding that the actions of this decision comply with the requirements of the National Historic Preservation Act, the Endangered Species Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality.

FSM 7712 states; "Use travel analysis (Forest Service Handbook 7709.55, Ch. 20) to inform decisions related to identification of the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands per 36 CFR 212.5(b)(1) and to inform decisions related to the designation of roads, trails, and areas for motor vehicle use per 36 CFR 212.51,...." FSM 7712 further states: "A roads analysis conducted at the scale of an administrative unit that was completed in accordance with Publication FS-643, "Roads Analysis: Informing Decisions About Managing the National Forest Transportation System," satisfies the requirement to use travel analysis relative to roads." A Forest-wide RAP and watershed level RAP were completed in accordance with Publication FS-643.

Some of the recommended changes to the transportation system are incorporated in this decision. Other recommendations from the watershed level RAP may be included in future analyses or decisions.

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976, 16 U.S.C. 1604 (g)(3)(E), by following the Forest-wide goals, objectives and standards as well as the standards for MP 8.C.

Objection Opportunities

This decision is subject to objection pursuant to 36 CFR 218.5. Objections must meet content requirements of 36 CFR 218.8. The Notice of Objection, including attachments,

Objection Opportunities

This decision is subject to objection pursuant to 36 CFR 218.5. Objections must meet content requirements of 36 CFR 218.8. The Notice of Objection, including attachments, must be postmarked or received within 45 days after the date the legal notice is published in the *Cleveland Daily Banner*, Cleveland, TN). The objection should be sent to Cherokee National Forest, ATTN: Objections, 2800 Ocoee Street, Cleveland, TN 37312. Objections may be faxed to (423) 476-9791. Hand delivered objections must be received at 2800 N. Ocoee Street, Cleveland, TN within the normal business hours of 8:00 am to 4:30 pm. Objections may also be electronically mailed to: objections-southern-cherokee@fs.fed.us

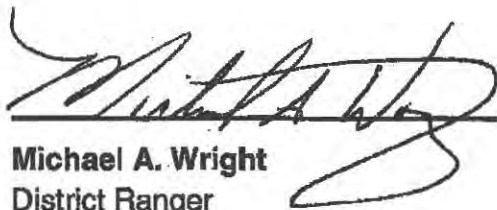
All time periods are computed using calendar days, including Saturdays, Sundays, and Federal holidays. However, when the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next Federal working day (11:59 pm). The day after publication of the legal notice of the decision in the newspaper of record (§218.7) is the first day of the objection-filing period. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an objection. Those filing an objection should not rely on date or time information provided by any other source.

Implementation Date

As per 36 CFR 218.12, if no objection is received within the legal objection period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection-filing period. If an objection is filed, this decision cannot be signed or implemented until the reviewing officer has responded in writing to all pending objections.

Contact

For further information on this decision, contact Mike Wright, District Ranger, Ocoee/Hiwassee Ranger District, 3171 Highway 64, Benton, TN 37307 or at (423) 338-3300.



Michael A. Wright
District Ranger
Ocoee/Hiwassee Ranger District

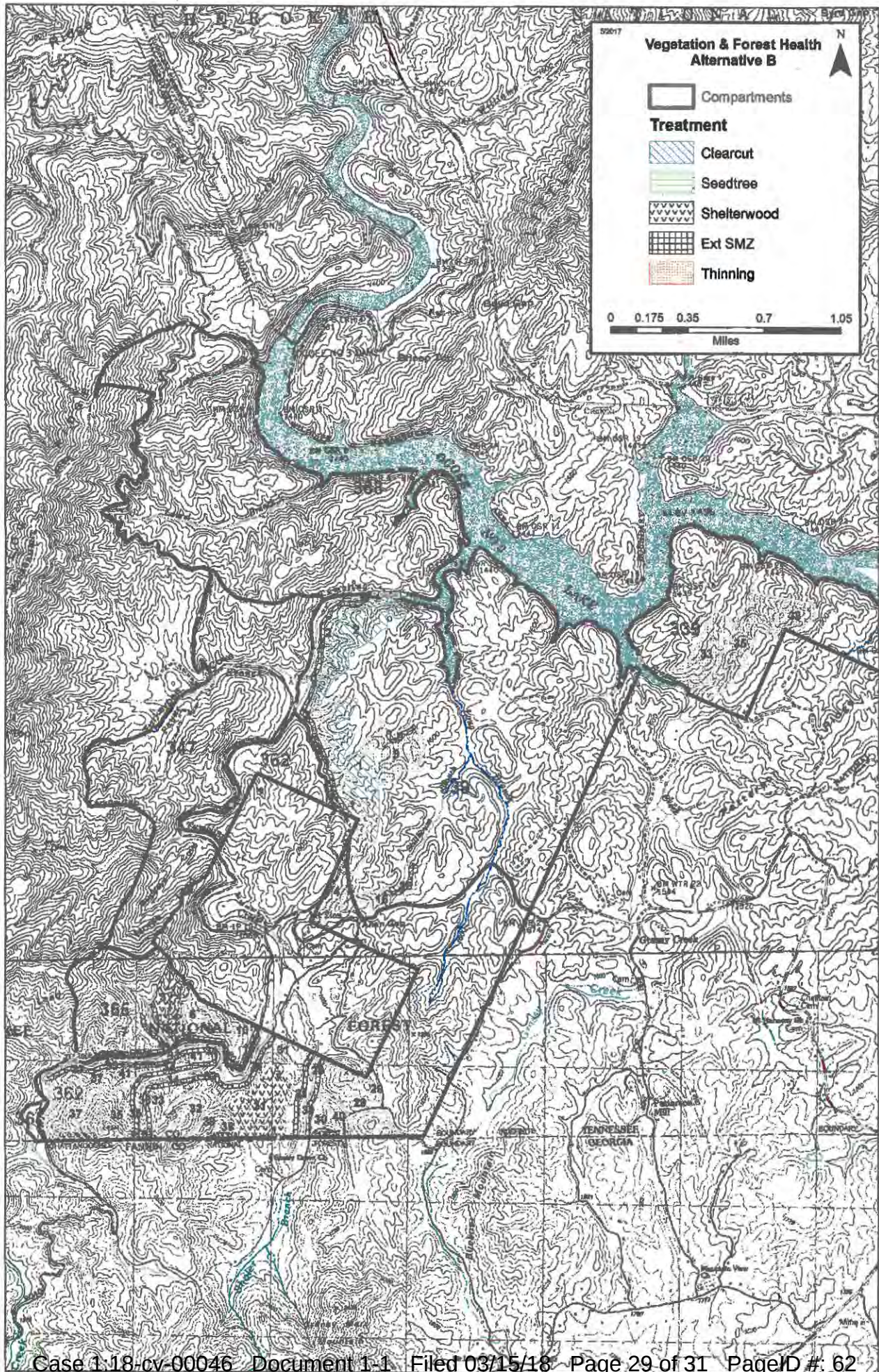
12/07/17
Date

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52017

Wildlife Habitat Improvements & Prescribed Burning Alternative B


N

-  Midstory Trtmnts
-  Compartment

Burn

-  Site Preparation
-  StillHouse
-  Wildlife

Burn Lines

-  Dozer
-  Skid Trail or Hand
-  Hand
-  Road
-  Water

0 0.175 0.35 0.7 1.05
Miles

