United States
Department of
Agriculture

Forest Service
Southern Region

Record of Decision

Environmental Impact Statement

Revised Land and Resource Management Plan

Jefferson National Forest

Management Bulletin R8-MB 115C **January 2004**

Jefferson National Forest Offices

Supervisor's Office

5162 Valleypointe Parkway

Roanoke, Virginia 24019

Clinch Ranger District

9416 Darden Drive

Wise, VA 24293

(276) 328-2931

Glenwood/Pedlar Ranger District

27 Ranger Lane

Natural Bridge Station, VA 24579

(540) 291-2188

Mount Rogers National Recreation Area

3714 Highway 16

Marion, VA 24354

(276) 783-5196

New Castle Ranger District

P.O. Box 246

New Castle, VA 24127

(540) 864-5195

New River Valley Ranger District

Blacksburg Office

110 Southpark Drive

Blacksburg, VA 24060

(540) 552-4641

New River Valley Ranger District

Wytheville Office

155 Sherwood Forest Road

Wytheville, VA 24382

(276) 228-5551

Revised

Land and Resource Management Plan

Jefferson National Forest

Bedford, Bland, Botetourt, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Montgomery, Pulaski, Roanoke, Rockbridge, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties in Virginia.

Monroe County, West Virginia.

Letcher and Pike Counties, Kentucky.

Responsible Agency:	**USDA Forest Service**
Responsible Official:	**Robert Jacobs, Regional Forester** **Southern Region** **1720 Peachtree Road, NW** **Atlanta, GA 30309**
Cooperating Agencies:	**USDI Bureau of Land Management** **Eastern States Office, Deputy State Director** **Division of Resources Planning, Use and Protection** **7450 Boston Boulevard** **Springfield, VA 22153**
	USDI Fish and Wildlife Service **Karen Mayne** **Virginia Field Office** **6669 Short Lane** **Gloucester, VA 23061-4410**
For Information Contact:	**William E. Damon, Jr., Forest Supervisor** **George Washington & Jefferson NFs** **5162 Valleypointe Parkway** **Roanoke, VA 24019-3050**

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INTRODUCTION

This document, known as a Record of Decision, marks the beginning of a new chapter in the history of the Jefferson. This Record of Decision has two purposes: First, it is a legal document detailing the formal decision approving the Revised Land and Resource Management Plan for the Jefferson National Forest (Forest Plan). Second, and equally important, it explains the "why" of that decision.

The history of the Jefferson National Forest actually began 12,000 years ago when the first Americans entered Virginia. These early Americans did not come unprepared to survive the harsh environment they encountered. Along with their stone tool kits and Clovis-pointed spears, they brought their most powerful and influential tool--fire. We would not have recognized the forest then. It was mostly Jack pine and spruce. Following the arrival of the Europeans, clearing of steep mountain land for farming and grazing, iron ore mining, widespread logging and wildfires, and introduction of non-native species like the chestnut blight fungus changed our forests significantly. The dominance of oak, hickory, and southern pines throughout much of the Jefferson National Forest today, is due to extensive disturbance by both humans and nature over a very long period of time.

Land that would become the Jefferson National Forest began to be purchased in 1911 after passage of the Weeks Law, which authorized the purchase of lands "as may be necessary to the regulation of the flow of navigable streams or for the production of timber." Much of the early work on the national forest was completed by the Civilian Conservation Corps whose work emphasized these goals by planting trees, reducing soil erosion and improving stream channels. The need for wildlife management resulted in the historic cooperative agreement in 1938 between the Forest Service and Virginia Department of Game and Inland Fisheries that resulted in our longstanding relationship in improving wildlife habitat for many game and non-game species of wildlife. In 1960, Congress officially recognized the many additional uses of the national forest in the Multiple Use Sustained Yield Act. As society's needs have changed, so has management of the national forests, building on the original intent of Congress.

Today, Forest visitors enjoy more than 723,000 acres of forested landscape and the Jefferson is a favorite destination for hikers, horseback riders, mountain bikers, birdwatchers, campers, sightseers, and a myriad of other users. One of the most biologically diverse areas of the country, the Jefferson supports an amazing number of native plants, birds, salamanders, mussels, fish, and other types of wildlife. From the highest point in Virginia on top of Mount Rogers to the rich bottomland forests along our streams and coves, the Jefferson National Forest can help maintain a quality of life, both for the people who live and work on these lands, and for those interested in spending time visiting this American treasure.

Much history remains to be written about the Jefferson National Forest. The previous Forest Plan for the Jefferson NF reflected the desires that the public had nearly 19 years ago when the primary focus was on what the land could produce. These desires have changed, and they will continue to change. Today's focus is centered more on the condition of the land as a basis for providing multiple goods and services.

MY DECISION

I selected Alternative I from The Final Environmental Impact Statement for the Revised Land and Resource Management Plan for the Jefferson National Forest (Forest Plan). I have decided that Alternative I (the Selected Alternative) does the best job of incorporating scientific analysis and responding to the views of American citizens, legal mandates, and national policy. The Selected Alternative is a modification of the Preferred Alternative in the Draft EIS issued in February 2003. By selecting this alternative, I am also approving the Forest Plan that describes in detail the goals, objectives, standards, management area direction, lands suitable for various multiple uses, lands recommended to Congress for wilderness study, lands available for federal mineral leasing, as well as lands I consent to lease for Federal oil and gas exploration and development.

My decision strikes a balance between competing demands expressed by many people. It addresses Americans' needs and desires for this National Forest. Although this decision is mine, it has not been made alone. Several thousand comments were received during the development of the Forest Plan beginning in 1993. These comments helped guide the Forest Leadership and Interdisciplinary Team as they developed the Forest Plan. This Record of Decision and the supporting documents will shape the management of the Jefferson National Forest (JNF) for the next 10 to 15 years.

The Forest Plan meets our legal obligations to the people and environment that surrounds them. I want to make it clear that the Forest Service understands its special role in managing the national forests. The Selected Alternative maximizes net public benefits for future generations to use and enjoy. It employs strong conservation measures to protect, maintain, improve, and restore our sources of clean water, habitat for all native plants and animals, old growth conditions, and the unique scenic beauty of the Jefferson National Forest. It maintains and restores a healthy, resilient forest to reduce risks from wildfire, insects, pathogens and other threats.

Through their representatives in Congress, Americans have told the Forest Service that the 191 million acres of their national forests are to be managed with a multiple-use philosophy. The Selected Alternative continues to provide a supply of high quality hardwood sawtimber, a wide variety of recreation experiences with an emphasis on backcountry opportunities, unrestricted hunting and fishing, rangeland forage, natural gas, high-quality limestone, utility corridors, and communication sites.

I believe the Forest Plan is within the physical and biological capability of the land and that this alternative can be implemented without reducing that capability. This decision applies only to Jefferson National Forest lands and does not apply to any other Federal, State, or private lands, although the effects to these lands and the effects of my decision on lands surrounding the Forest were considered.

COMPONENTS OF THE DECISION

The FEIS and Forest Plan were developed according to the National Forest Management Act (NFMA), its implementing regulations, 36 Code of Federal Regulations (CFR) 219, National Environmental Policy Act (NEPA), and the Council of Environmental Quality (CEQ) regulations, 40 CFR 1500- 1508.

The Forest Plan provides direction to assure coordination of multiple-uses (outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness) and sustained yield of products and services [16 USC 1604(e)]. It fulfills legislative requirements and addresses local, regional, and national issues. The FEIS discloses the environmental consequences of the alternative management strategies and how they respond to the issues. I have studied and considered the FEIS in order to make the following decisions:

1. **Management direction and associated long-range goals and objectives** for the next 10-15 years in order to provide for multiple use and sustained yield of the products and services people use from the Forest, including outdoor recreation, range, timber, water, wildlife, fish, and wilderness. The Forest Plan establishes this direction in Chapter 2. [36 CFR 219.11(b)]

2. **Management areas**, which reflect biological, physical, watershed, and social differences; and **management prescriptions**, which reflect different desired conditions and provide the specific information used to develop projects to implement the Forest Plan. The Forest Plan establishes management areas in Chapter 4 and displays them on a map at the front of that Chapter. The management prescriptions are described in Chapter 3 and displayed on a set of maps enclosed with the Forest Plan. [36 CFR 219.11(c)]

3. **Standards**, which set the sideboards for achieving the goals, objectives and desired conditions, as well as provide meaningful direction when implementing projects. The Jefferson Revised Forest Plan contains standards that apply across the entire Forest in Chapter 2 and those that apply to specific areas of the Forest in Chapters 3 and 4. [36 CFR 219.13 to 219.27]

4. **Lands suitable** for different types of uses, and on lands that are suitable for timber production, the maximum timber harvesting levels (or **Allowable Sale Quantity**) ensuring a sustained yield of wood products in perpetuity. The suitability of different lands for different uses on the Jefferson National Forest is described by management prescription in Chapter 3. Lands suitable for timber production are displayed on a digital map in the cd-rom that accompanies each Revised Forest Plan. The Allowable Sale Quantity (ASQ) is determined to be 21 million board feet per year for the first ten years. [36 CFR 219.14) and 36 CFR 219.16]

5. **Wilderness study areas** recommended to Congress. We have recommended 3 new stand-alone wilderness study areas and 12 additions to existing wildernesses. [36 CFR 219.17]

6. **Monitoring and evaluation** requirements needed to ensure that the direction is carried out and to determine how well outputs and effects were predicted. These requirements are contained in Chapter 5 of the Forest Plan. [36 CFR 219.11(d)]

7. I am also making the decision in the Forest Plan: 528,400 acres where I **consent to lease** for Federal oil and gas development and exploration. [36 CFR 228.102(e)] This includes 195,900 acres with a no surface occupancy stipulation and 140,500 acres with controlled surface use and timing stipulations.

RATIONALE FOR THE DECISION

My decision to select Alternative I for implementation is based on a careful and reasoned comparison of the response of each alternative to the 20 significant issues. These issues represent the multiple uses and conflicting demands of the Jefferson National Forest.

The Selected Alternative continues the multiple use management that has directed the management of this forest since its inception and resulted in the wonderful array of resources that we now manage. Some people feel that multiple use is an outdated philosophy and one that generates conflict rather that resolving it. At first glance, it seems resolution of these conflicts is insurmountable. However, after reviewing the comments received on the Proposed Revised Forest Plan, the Selected Alternative meets most of the desires on at least a portion of the national forest. Some needs do directly conflict with each other, but an amazing number can co-exist very well. For those that do conflict we have areas allocated to emphasize certain resources. We have areas where no commercial activity is allowed and these meet the need for solitude, scenic beauty, and natural processes. We have other areas where commercial timber harvest helps achieve wildlife objectives while producing wood products and maintains hunting and hiking trails. Of course the underpinning that holds multiple use management together is proper protection of the basic resources of soil and water. The Selected Alternative fully protects water quality throughout the Forest through standards that direct precautions whenever management activities are prescribed. In addition, maintaining habitat for the species of plants and animals that live on the Forest is also a cornerstone of the plan.

My reasons for choosing the Selected Alternative are discussed below on an issue by issue basis. They explain why I believe Alternative I, as described in the FEIS, will maximize net public benefits when compared to the other alternatives. Chapter 3 of the FEIS describes in detail the effects of expected management actions on the various Forest resources. How each of these factors was considered in my decision is detailed below:

Responding to the Issues

ISSUE #1 TERRESTRIAL PLANTS AND ANIMALS AND THEIR ASSOCIATED HABITATS

Residents living near the JNF feel providing habitat and protection for abundant wildlife and fish is important in managing the Forest. In many cases, the JNF is a refuge where many species find quality habitat important to their continued persistence. All of the alternatives analyzed in detail provide habitat for the wide variety of species that inhabit our Forest, however, Alternatives B and D have the least numbers of at risk species as a result of management and Alternatives E, F and G have the highest numbers of at risk species as a result of management. Alternatives A and I have two more species at very high, high, or moderate risk than Alternatives B and D, while Alternative G has seven more species and Alternative E has 18 more species (FEIS, Table 3-94).

The increased species at risk in Alternatives G and E are those associated with habitats that require fire or other disturbance to persist on the landscape. These

include Table Mountain pine forest habitats, mature yellow pine forest habitats, early successional forest habitats, woodland, savannah, and grassland habitats. Alternative E has low levels of prescribed fire. While Alternative G has higher levels of fire, many of these important habitats are in management prescriptions which limit its use.

I have chosen the Selected Alternative because it recognizes the unique role of the JNF in providing older, interior forest habitats in balance with the recognition of the importance of these disturbance-associated habitats. Despite the Selected Alternative's recognition of the importance of early-successional forest habitat, the JNF will continue to provide a successional forest mix dominated by late-successional forests. 72% of the JNF will be in a late-successional condition (greater than 100 years of age) by the end of the first decade and 84% after five decades of Forest Plan implementation under the Selected Alternative. In contrast, two percent of the JNF will be less than 10 years of age.

Forty-two bird species of concern were examined in the FEIS. Three of these species, including the cerulean warbler, require mature interior forest. Five of the species, including the golden-winged warbler, require early successional forest. The Selected Alternative provides a home for both the cerulean warbler and the golden-winged warbler.

Issue #2 Threatened, Endangered, and Sensitive/Locally Rare Species

All of the alternatives analyzed in detail protect and recover threatened, endangered, sensitive, and locally rare species and provide habitat for the wide variety of other species that also inhabit our Forest. The Selected Alternative employs strong conservation measures to protect or actively restore habitat for all native plants and animals--with an emphasis on rare species and the rare communities that support them.

Alternatives A, B, D, E, G, and the Selected Alternative all designate areas around Indiana bat hibernacula and Peaks of Otter salamander habitat, as well as employ objectives and standards for managing these species and gray bats, Virginia big-eared bats, bald eagles, peregrine falcons, northern flying squirrels, and federally-listed plants. Each of these alternatives also include the latest strategies for management and recovery of these species as a result of our close collaboration with the U.S. Fish and Wildlife Service. Two new Indiana bat hibernacula protection areas were added to the Revised Forest Plan between the Draft and Final EIS.

Between the Draft and Final EIS, we worked closely with the U.S. Fish and Wildlife Service to develop a Fish and Mussel Conservation Plan that has been incorporated into the Selected Alternative. New aquatic habitat areas have been designated in the Forest Plan to protect known occurrences of James River spinymussel and blackside dace, as a result of these efforts.

Rare communities are an important part of our strategy to protect and recover threatened, endangered, sensitive, or locally rare species. We worked closely with the Virginia Department of Conservation and Recreation's Natural Heritage Program to identify rare communities and special biological areas because they contribute significantly to plant and animal diversity, particularly threatened, endangered,

sensitive, or locally rare species. Alternatives A, B, D, E, G, and the Selected Alternative all set aside these special areas for management to conserve and improve their natural composition, structure, and function in order to support the rare species associated with them. The Selected Alternative does the best job of protecting threatened, endangered, sensitive, or locally rare species while also addressing the remaining significant issues in a balanced manner.

ISSUE #3 OLD GROWTH

Protecting the small amount of old growth forest remaining on the JNF is important to me. These remnants of our past give us a glimpse into what our forests looked like when the Tutelo, Daniel Boone and Thomas Jefferson wandered southwestern Virginia. Alternatives A, B, D, E, G, and the Selected Alternative protect all 50,000 acres of existing old growth known to exist on the Forest as of today.

Every Alternative also includes areas that will develop old growth characteristics in the future because they are in wilderness, backcountry recreation areas, and other areas not suitable for timber harvesting. Alternatives G, E, and B have higher amounts of future old growth than the Selected Alternative, but I have chosen Alternative I because it not only protects all existing old growth and provides 193,800 acres of future old growth, but also provides for the needs of species reliant on younger forests and forest health.

Some who commented on the Draft EIS and Forest Plan felt Alternative I did not go far enough in providing old growth forests for the future. Management of the Forest is a balancing act. Some species need younger forests in order to survive. Older forests may be attacked by insects and pathogens and need to be cut so these threats do not spread to other healthy forests. Providing a mixture of age classes that includes old growth is consistent with my vision of good stewardship.

ISSUE #4 RIPARIAN AREA MANAGEMENT, WATER QUALITY, AND AQUATIC HABITATS

Clean water for drinking, swimming, fishing, or quietly sitting beside, is a very important resource the Jefferson National Forest provides. Clean water is vital for our survival. Every alternative considered includes standards and best management practices to ensure recreation, timber, minerals, grazing, and other uses are managed to protect the quality of the water flowing from the JNF.

Alternatives A, B, D, E, G, and the Selected Alternative take this a step further to protect the riparian areas along our streams, lakes, rivers, and wetlands. New *state of the art* standards are employed to protect not only streams that flow all year, but also those that flow only in the spring, and those that flow only after storm events, called ephemeral stream channels. The riparian corridor is designed to not only maintain water quality and protect aquatic species, but to also maintain the actual riparian area and the terrestrial species that use this area.

Alternatives A, B, D, E, G, and the Selected Alternative set aside source (or municipal) watersheds for special management to protect drinking water. These same alternatives identify watersheds in need of restoration and use reference watersheds to help us identify when a watershed needs restored. Between the Draft and Final EIS, we worked closely with the U.S. Fish and Wildlife Service to

develop a Fish and Mussel Conservation Plan that has been incorporated into the Selected Alternative. New aquatic habitat areas have been designated in the Revised Forest Plan as a result of these efforts.

Very little difference between alternatives is evident in Chapter 3 of the FEIS related to watershed or aquatic species. This was done deliberately to ensure the protection of these resources under all circumstances.

ISSUE #5 WOOD PRODUCTS

This issue deals with concerns over which lands are suitable for timber production, how coordination for other resources may affect timber harvest levels, and the effects of differing harvest levels on the local economy. Table 2-7 in the FEIS displays how the alternatives might respond differently to this issue during the first decade. Concern about the amount of timber production from the Forest remains high. Public opinion continues to be divided on this issue. Many recognize that forestry is a leading industry in both Virginia and West Virginia, and timber production has significant economic impacts regionally and to local communities. Many also recognize increased benefits to the economy from management for resources such as recreation, tourism, and wildlife. Most residents surrounding the Forest feel it is important to plant and manage trees for healthy forests.

The Revised Forest Plan identifies approximately 258,900 acres as suitable for timber production. The allowable sale quantity (ASQ) will be 38.5 MMCF (million cubic feet) for the first decade. Although higher than Alternmatives E, and G, and lower that Alternatives A, B, D and F, the level of timber harvest in the Selected Alternative will be higher than the level currently being produced on the Jefferson National Forest.

In the Southern Appalachians, while 17% of the timberland is held by the Forest Service, we manage 21% of all sawtimber, 27% of the grade 1 sawtimber, and 44% of the grade 1 select red oak sawtimber. The JNF has an important role to play in supplying this high quality sawtimber. Based on comments received on the DEIS, Alternative I has been modified to include 16,200 acres of the JNF specifically managed to produce this product. The two areas selected for this type of management were carefully selected based on input received during the citizen workshops in 1999. They are located on the Glenwood/Pedlar and Clinch Ranger Districts on highly productive sites traditionally managed for high quality sawtimber.

Retaining timber management on the JNF allows us to demonstrate environmentally sensitive and sustainable management practices to private landowners and industrial timber producers. The population of Virginia grew 14 percent in the last decade and the average size of the American home has almost doubled in the past 25 years. Every man, woman, and child in America uses a tree 18 inches in diameter, 100 feet tall every year; in other words, three and one-half pounds of wood a day. Many residents surrounding the Forest feel it is important to plant and manage trees for an abundant timber supply.

For these reasons, I believe the Selected Alternative best balances the need to provide a sustainable flow of forest products while protecting and conserving the many other values the JNF has to offer.

ISSUE #6 AESTHETIC/SCENERY MANAGEMENT

Residents living near the JNF feel it is important to manage the Forest in ways that leave it natural in appearance. Alternatives A, B, D, E, G, and the Selected Alternative all have much higher objectives for scenery than the 1985 Jefferson Forest Plan. This is primarily a result of recognizing that backcountry landscapes are highly valued even though they are not viewed as frequently as the foreground along our major roads and trails.

Under the 1985 Forest Plan, these backcountry areas predominately had low or very low objectives for managing scenic integrity. Under the Selected Alternative, these areas are managed with high or very high scenic integrity objectives. The Selected Alternative manages 53% of the JNF with a high or very high scenic integrity objective (compared to 16% percent in the 1985 Forest Plan), and 86% of the JNF with a moderate or higher scenic integrity objective (compared to only 43% in the 1985 Forest Plan).

Once again, Alternative I is the Selected Alternative because it best balances the high values for scenery across the Forest with the needs for managing wildlife, forest health, and providing other multiple uses.

ISSUE #7 RECREATION OPPORTUNITIES/EXPERIENCES

Perhaps nowhere is the role of the national forests in the Southern Appalachians more important than in providing backcountry recreation opportunities (called semi-primitive non-motorized and semi-primitive motorized in the Forest Plan). Two-thirds of these remote settings across the Southern Appalachians lie on public lands, including the Great Smoky Mountain and Shenandoah National Parks. Alternatives E, G, and the Selected Alternative incorporate special standards to protect these remote settings. None of the alternatives analyzed in detail permit road-building within semi-primitive areas, however, Alternatives E, G, and I buffer these areas with a designation called semi-primitive 2 in which only temporary road construction is allowed. Temporary roads are only built to the standard necessary to do the job they are needed to do. They are used for a brief period of time, one to two years, and then the land is plowed back to (or near) its original contour, seeded with native grasses or planted with trees, and left to quickly recover and disappear.

This buffering of semi-primitive areas is a new concept in the Selected Alternative to ensure that when a Forest visitor is looking for a backcountry recreational experience, these areas will continue to provide the physical, biological, social, and managerial conditions that give them value in our lives. Roads within hearing and sight distance of these areas can detract from their value for solitude and naturalness. By the same token, many of these backcountry areas are adjacent to important wildlife habitat or yellow pine communities that, as I explained under Issue #1, require some level of managed disturbance. Allowing temporary roads for brief and intermittent periods of time when they are really needed allows us to meet both of these important goals.

The Forest also provides spectacular upland scenery, unique ecosystems, trails, and many other nature-based recreation opportunities. Interstates, the Blue Ridge Parkway, and 1,125 miles of trail systems, including the Appalachian National Scenic Trail, facilitate easy access. The proximity of large urban areas in northern

Virginia, the Richmond-Tidewater, and North Carolina Triad-Research Triangle-Charlotte metro areas promotes high volume urban escapes, and the more rural lands are the backyard playgrounds and tourism attractions for many smaller communities. The Selected Alternative focuses on providing those recreation opportunities that the JNF is in the best position to provide and which have long-term value. Besides backcountry recreation, this also includes wildlife viewing and photography, hiking, picnicking, camping, horseback trails, water-based activities, nature trails, and interpretive opportunities particularly associated with historic, prehistoric, and geologic special interest areas.

The Selected Alternative also designates areas/roads on the Forest that are available for Off-Highway Vehicle and All-Terrain Vehicle (ATV) use to serve this interest in a carefully planned and environmentally responsible manner. Under Alternative I, a little less than 50 miles of open Forest Service Road are designed and managed for full-size off road vehicles like Jeeps. One designated ATV area on the New Castle Ranger District has roughly 60 miles of trails for unlicensed three- or four-wheeled vehicles less than 50 inches wide. Several trails are open on the Mount Rogers National Recreation Area to licensed motorcycles.

Very few of these opportunities open to the general public currently exist on private lands in Virginia and the demand for more is great. Jefferson National Forest personnel will continue to seek new opportunities for this type of use, using a process that examines the suitability and capability of specific areas. Citizens will be informed and involved as in any site-specific project.

Although the opportunities for outdoor recreation are extensive and the public demand for these opportunities is seemingly endless, the Forest's capability to meet these demands is neither static nor endless. Visitor preferences can shift over time, and both changing financial limitations and environmental impacts must be considered. I feel that the Selected Alternative provides the most flexibility to meet these public demands in an environmentally sound and financially sustainable manner.

ISSUE #8 ROADLESS AREAS/WILDERNESS MANAGEMENT

Almost everyone who commented on the DEIS and Proposed Forest Plan voiced their opinion about recommendations for wilderness, either pro or con. Various communities of interest, County Boards of Supervisors, elected representatives, and State agencies wrote, called, e-mailed, and passed resolutions in support of or against specific wilderness study recommendations. I carefully examined and weighed all of this input. I have a responsibility to consider and balance national, regional, and local interests and concerns, which may be at odds with one another. This is one of the most difficult and controversial issues faced in this revision of the Forest Plan.

Wilderness is very important to people. It is also a long-term commitment. It makes me take this decision very seriously, even though it is just a recommendation. The final decision belongs to our elected representatives in Congress.

I am recommending Hunting Camp/Little Wolf Creek, Garden Mountain, and Cave Springs as wilderness study areas, as well as 12 additions to existing wilderness areas. The additions to existing wilderness were made to enhance the size and remoteness of the existing areas where there were not substantial conflicts with existing uses in the additions.

Hunting Camp/Little Wolf Creek and Garden Mountain form the southern crest of Burkes Garden, a unique geologic landform visible from orbiting satellites. Beartown Wilderness Area (roughly 5,600 acres) forms the western crest of Burkes Garden. Due to the combined size of these three adjacent areas, recommending Hunting Camp/Little Wolf Creek and Garden Mountain as wilderness study provides a rare wilderness backpacking opportunity in the eastern U.S. Both areas have the added advantage of containing almost the entire watersheds of the headwaters of these creeks from ridgetop to ridgetop. This is also rare for wilderness areas on the JNF, as typically the bottomlands along creeks this size are privately owned.

Bland County Board of Supervisors submitted a formal comment on the DEIS and Proposed Forest Plan. They expressed concerns about the effects of wilderness recommendation on adjacent private property, fire control, and hunting access. These are legitimate concerns; however, the rare opportunity to create, in the eastern U.S., an almost 16,000 acre wilderness experience including a regionally significant geologic feature, is an equally important consideration. Consequently, I have decided to carry forward the recommendations for Garden Mountain and Hunting Camp/Little Wolf Creek as wilderness study areas in Bland County.

The most remarkable feature of the Cave Springs area is the fact that it is on the Clinch Ranger District, entirely underlain by Federal mineral ownership not currently under lease. Congressional designation would make this the only wilderness within the Cumberland Mountain ecological section in Virginia. When the initial inventory of roadless areas was done for the Revised Forest Plan in 1994, a portion of Cave Springs contained privately owned minerals and the remainder was under lease. Therefore this area did not qualify as potential wilderness under our criteria. Since that time, these rights have reverted to the Federal government and the mineral lease has expired. I have also decided to consent to lease oil and gas with a no surface occupancy stipulation in Cave Springs, in order to meet the vital demand for natural gas while protecting the wilderness values of the area.

Most of the time, wilderness recommendations start with an inventory of potential wilderness, commonly referred to as roadless areas. Many people helped us conduct this inventory using criteria for roadless areas in the east (which are different from those used in the western U.S.). In the east, a roadless area can contain up to ½ mile of improved Forest Service road for each 1,000 acres and timber harvesting within the last 10 years affecting up to 20% of the area. This is in recognition of the fact that most areas of the Forest were farms or logged in the early part of this century and old woods roads and wagon trails covered our mountains.

Consequently, these inventoried roadless areas are not pristine, virgin forests. Bear Creek, the largest roadless area we evaluated, has 9 miles of improved road within it. When we delineated the boundaries of these roadless areas, we extended them as far as possible out to primary access roads, utility rights-of-way, and the private land ownership boundary. So while portions of most the roadless areas are remote,

other parts include good roads, lie right along main roads and include areas that have been actively managed for timber and wildlife habitat for many years because of the easy access. For example, the boundary of the North Mountain roadless area is known as the "Wildlife Road". Likewise, roadless areas bordering utility rights-of-way frequently contain roads essential for maintenance of power lines. When a roadless area borders or contains private lands, there is no guarantee that these lands won't be subdivided and turned into housing developments. This recently happened to a small piece of private land that was within a potential wilderness addition to Mountain Lake Wilderness.

I also need to point out that management to maintain all the important characteristics (or roadless character) of inventoried roadless areas is different than management to meet the Roadless Area Conservation Rule. The Roadless Rule generally prohibits all road construction (temporary and permanent) and commercial timber harvest in roadless areas, although there are some exceptions. Maintaining roadless character, means these inventoried roadless areas will still qualify for placement on the roadless (or potential wilderness) inventory according to the criteria when we revise the Jefferson Forest Plan in another 10 to 15 years. In other words, future options for recommending these areas as wilderness study will not be forgone.

Alternatives E, G, and the Selected Alternative assign management prescriptions and standards to maintain the roadless character for all inventoried roadless areas throughout the planning period. Alternatives E, G, and the Selected Alternative maintain the roadless character of 100% of inventoried roadless areas on the JNF so that future options for recommending these areas as wilderness study will not be forgone.

77% of the inventoried roadless areas would meet the intent of the Roadless Rule should the Roadless Rule restrictions go into effect. The remaining 23% are governed by standards to maintain roadless character, but allow limited timber harvesting and temporary road construction in order to maintain important wildlife habitat, restore fire-dependent southern yellow pine communities, manage hazardous fuels around people's homes, and allow maintenance and co-location of utility rights-of-way within designated corridors.

Since the Forest Service issued the Final Rule for Roadless Area Conservation in January 2001, numerous legal challenges have been made to this decision. In the July, 2003 ruling from the United States District Court, Wyoming District, Judge Clarence Brimmer found the Roadless Area Conservation Rule to be in violation of the National Environmental Policy Act and the Wilderness Act and enjoined its implementation. However, this issue is not settled. Appeals of the Wyoming District Court decision, other litigation, new rulemaking, or new Forest Service directives could result in a change in direction for inventoried roadless areas.

I believe the Selected Alternative protects the important values people hold for roadless areas without compromising forest health, wildlife habitat, or abdicating my responsibilities to existing rights-of-way and adjoining neighbors. Whatever the final outcome of the Roadless Rule, I assure you we will continue to do this to the best of our abilities.

ISSUE #9 FOREST HEALTH

A healthy, resilient forest includes clean water, clean air, fertile soils, and abundant fish and wildlife populations. By the same token, healthy forest vegetation determine the health of our watersheds and soils, our riparian and aquatic ecosystems, the quality of habitat for wildlife, the ability of our national forest to filter our air and provide beautiful scenery, bountiful recreation opportunities, and essential wood products.

Many aspects of this issue are covered under Issues #1, 2, 3, 4, 10, 15, and 20. The remaining aspects to cover include restoration and maintenance of our native forest communities, non-native invasive species and insect and pathogen problems.

As mentioned under the Wildlife and Fire issues, although many forest communities on the JNF did not have a frequent fire return interval, those that did are suffering from serious forest health issues today due to the successful fire suppression policies of the past. The Selected Alternative increases the use of prescribed and wildland fire to restore the open, savannah-like, woodlands now largely missing from the landscape due to fire suppression, along with the southern yellow pine communities that were the historic hallmark of our dry ridgetops and southern aspects.

Since the chestnut blight epidemic in the early part of the 20th century, our forests have never been as vulnerable to forest health threats as they are today. About two-thirds of our Forest is between the ages of 60 and 100 years old. Such large portions of uniformly aged forests are becoming increasingly vulnerable to native and non-native pests.

The spruce-fir communities of the Mount Rogers NRA are threatened by infestations of the balsam woolly adelgid, exacerbated by acid precipitation. In the Selected Alternative, restoration of this community centers on reduced maintenance of some parts of the Crest Zone, planting in some areas, managing recreation use through the limits of acceptable change process, and working cooperatively with regional air management agencies and partners to reduce air pollution impacts to resources on the Forest.

For those native and non-native insects and pathogens that thrive in older aged forest conditions, Alternatives A, D, and F maintain more of the JNF in younger age classes than the Selected Alternative. However, Alternative I does a better job of balancing concerns for forest health with the amenity values of wilderness, backcountry recreation, scenery, and old growth.

Non-native invasive species are spreading at alarming rates, harming our forests and our economy. Non-native species have been moved from their natural habitats to a new environment. The Selected Alternative recognizes the serious threat to forest health from non-native invasive species and seek to identify, slow the spread, suppress, and eradicate these unwelcome invaders to the extent possible.

ISSUE #10 SPECIAL AREAS AND RARE COMMUNITIES

Rare communities are assemblages of plants and animals that occupy a small portion of the landscape, but contribute significantly to plant and animal diversity. Rare communities are frequently associated with areas of unusual geology or hydrology. Because of their importance to biological diversity and the small area affected, maintenance and restoration of these areas, as well as inventory and monitoring are a high priority under all alternatives. Special biological areas containing rare species have also been protected under all alternatives.

The Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301-4309) is intended to protect significant caves on federal lands by identifying their location, regulating their use, requiring permits for removal of their resources, and prohibiting destructive acts. Forest Supervisor Bill Damon has designated four caves as significant: Shire's and Miller's Cove Caves on the New Castle Ranger District and Kelly and Rocky Hollow Caves on the Clinch Ranger District.

Geologic Areas are managed to highlight and protect unique geologic resources as well as to develop public understanding of, and appreciation for, the influence of geology on the ecology and human history. Under the Selected Alternative, two areas on the JNF are designated as Geologic Areas, the Raven Cliff karst area on the Mount Rogers NRA, and the Russell Fork boulder field area on the Clinch District.

Four areas on the JNF are designated as Cultural/Heritage Areas under the Selected Alternative, the Settlers Museum on the Mount Rogers NRA, the Lignite and Fenwick Mines areas on the New Castle District, and the Glenwood Iron Furnace areas on the Glenwood District. These areas are managed to highlight and protect unique historic resources as well as to develop public understanding of, and appreciation for, the influence of human history on the forest ecosystem. Sites are preserved and protected as appropriate in accordance with the law.

One scenic area, Devil's Fork on the Clinch Ranger District, known for its rock outcrops, cliffs, cascades, a small waterfall, and the Devil's Bathtub is designated under the Selected Alternative.

ISSUE #11 WILD AND SCENIC RIVERS

Three miles of Roaring Branch on the Clinch Ranger District were identified as eligible to be considered for designation as part of the National Wild and Scenic Rivers System under the "Wild" classification. Stony Creek and Little Stony on the New River Valley Ranger District; the Clinch River, the Guest River, Russell Fork, and Little Stony on the Clinch Ranger District; Whitetop Laurel/Green Cove on the Mount Rogers NRA; North Creek, and a portion of the James River on the Glenwood/Pedlar Ranger District were found to be eligible for consideration as potential Wild and Scenic Rivers with a Recreational Classification.

The outstandingly remarkable values of all eligible wild and scenic rivers are protected under all Alternatives, with the exception of F (1985 Forest Plan). None of these eligible rivers have been evaluated for their suitability for designation as part of the National Wild and Scenic Rivers System. Almost all of them contain some private lands that will require coordination with Virginia Department of Conservation

and Recreation (VA-DCR) as well as private landowners. VA-DCR will likely take the lead on several of these rivers. Those that are predominately within Forest Service jurisdiction will be evaluated within the planning period.

ISSUE #12 ACCESS/ROAD MANAGEMENT

How do we balance the rights of citizens to access their national forests with our responsibilities to protect and manage the soil and water resources, wildlife populations and habitat, aesthetics, forest health, and desired vegetative conditions? Almost all visitors to the JNF use forest roads. Even wilderness areas would be inaccessible without roads leading to trailheads. Roads help determine where people will go and what they will see. Driving for pleasure is the single largest recreational use on the Forest. Access and management of our Forest road system is another contentious issue that has received national attention over the past several years.

By and large the road system of the JNF is complete, but there are still occasional needs for new roads to access trailheads, manage vegetation, or facilitate mineral development. These new roads are offset somewhat by decommissioning other roads that are no longer needed. Standards for road construction and maintenance are specified to ensure that water quality and wildlife habitat are protected under all Alternatives.

A forestwide Roads Analysis, completed for the Jefferson National Forest in January 2003, informed my decisions and the management direction in the Revised Forest Plan. The fragmented ownership pattern of the JNF means Forest Service System roads are an integral part of the rural transportation system and, conversely, State roads are an integral part of the Forest transportation system. Due to this fact, we were never able to meet the road density standards in the 1985 Forest Plan. Most of the roads on the Jefferson National Forest were originally constructed for access to recreation sites and for timber harvesting. Many were originally built by the Civilian Conservation Corps (CCC). Currently, these roads and their more recent counterparts serve a variety of needs including recreational access, fire protection, vegetation and wildlife management, adjacent private lands access, and energy and mineral development, to name a few.

Roads analysis is an on-going process. The transportation inventory is continually updated as roads are constructed, reconstructed, relocated, reclassified, or decommissioned. In sensitive areas, decisions related to roads will be informed by watershed-scale or project-scale roads analysis. Roads analysis will be conducted concurrently with watershed analysis in priority watersheds. The Forest Supervisor or District Ranger may also decide to perform a watershed-scale or project-scale roads analysis in other areas based on site-specific conditions or issues.

The Selected Alternative does not construct the least amount of new roads, nor does it decommission the most amount of new roads. It does continue to provide the essential transportation system needed to properly manage the Jefferson National Forest.

ISSUE #13 MINERALS

The use of mineral resources is essential to the local, regional and national economy as well as to the public use, management, and sustainability of national forests. The federal government owns the rights to all minerals on about 88 percent of the Forest acreage. Mineral rights on the remaining 12 percent of the Forest acreage are privately owned (See Issue #17).

Under the Selected Alternative, all but 100,000 acres of Federal subsurface are made available for oil and gas leasing and I consent to let the Bureau of Land Management lease these lands. The existing wilderness on the JNF are congressionally withdrawn from leasing. Areas recommended for wilderness study are adminstratively unavailable with the exception of the Cave Springs recommended wilderness study area on the Clinch Ranger District. This area is availble with No Surface Occupancy under the Selected Alternative. In addition, the Mount Rogers Crest Zone and Whitetop Mountain Special Areas on the Mount Rogers NRA, the Peaks of Otter Salamander Primary and Secondary Habitat Conservation Areas, the Indiana bat primary Hibernacula Protection Zones, and the Backcountry Recreation Areas—Natural Processes (12C) are all administratively withdrawn.

Under the Selected Alternative, those areas available for oil and gas leasing include 136,300 acres with a controlled surface use stipulation, 4,400 acres with a timing stipulation, and 195,900 acres with a No Surface Occupancy stipulation. Areas available for leasing of other federal minerals are similar to those for oil and gas, although there are 136,900 acres administratively unavailable for other federal minerals.

Aside from standard and additional stipulations and Federal laws governing mining activities, all alternatives also have forestwide standards to minimize potential effects to other resources, while ensuring an efficient and effective mineral leasing process.

Alternatives A, B, D, and F each had more acres available for both oil and gas and other federal mineral leasing; however, I believe Alternative I offers both a reasonable amount of available leasing and more protection to sensitive areas.

ISSUE #14 SPECIAL USES

Section 302 of the Federal Land Policy and Management Act of 1976 provides the Forest Service's authority to issue leases and permits for the use, occupancy, and development of public lands. Authorizations for access through national forest to private land are special uses, as are military exercises and training, recreational activities such as outfitting, guiding and competitive events such as fishing tournaments, foot races, horse endurance races, and mountain bike races. All alternatives continue these types of special uses, although some are limited in certain management prescriptions like wilderness.

Federal and State highways, utility transmission facilities, and communication sites are also special uses that exist on the JNF. These facilities provide essential infrastructure for the region's economy and society. Efficient transportation, energy transmission, and communication must be flexible enough to accommodate the nation's growing need for reliable and affordable movement of goods, people,

electricity, natural gas, and information. All alternatives include certain areas which are unsuitable for these types of special uses based on management prescription. Alternatives E and G are the most restrictive with over 70 percent of the Forest unsuitable for these uses. In contrast, the 1985 Forest Plan restricts these types of special uses on 42 percent of the Forest. Under the Selected Alternative, approximately 61 percent of the Forest unsuitable for these uses.

The Selected Alternative includes 11 communication sites, one 1,000 foot utility corridor along the authorized American Electric Power 765 kV power line right-of-way and ten 500 foot utility corridors along other existing utility rights-of-way. These sites and corridors will facilitate co-location of new uses, thereby minimizing negative environmental impacts and the proliferation of separate sites and rights-of-way.

ISSUE #15 FIRE MANAGEMENT

There was much discussion around the time the Draft EIS was released that the national forests in the Southern Appalachians had wrongly applied a western fire model to justify the levels of prescribed fire and other management activities on these Forests. I want to assure you, as Regional Forester, that the scientific literature and evidence we have used to determine fire history on the JNF was many times collected right from the bogs and mountainsides of this National Forest.

The presence of fire on the JNF began long before humans arrived in North America. Evidence of lightning fires exists in coal layers and as lightning scars on petrified trees. Sedimentary records, tree-ring fire history analysis, and fire scar chronology indicate that fire occurred frequently and continued throughout the 19th century and early 20th century. Wildland fires historically burned every 7 to 12 years on dry ridgetops and south-facing slopes, creating an open woodland condition with older aged oaks and pines and a grassy or shrubby understory. This open, savannah-like, woodland is now largely missing from the landscape due to fire suppression and the subsequent ecological changes that favor species that flourish in shadier, fire-free conditions. Restoring and maintaining this open forest woodland that is now in decline provides important habitat conditions for supporting federally listed threatened and endangered species such as Indiana bat and other high priority species in need of conservation attention such as Appalachian yellow-bellied sapsucker and golden-winged warbler.

In addition, table mountain pine, a fire-dependant species native to JNF, has serotinous cones that are sealed tight until the heat of a wildland fire opens the cone, releasing the seeds inside. Table mountain pine, pitch pine, and other native southern yellow pines are slowly being replaced on the landscapes of the Forest.

Although understanding historical and pre-European settlement conditions provides an important context for conservation planning, restoring such conditions is not an overriding objective or legal requirement for plan revision. In most cases, ecological and adjacent land use conditions have changed too much for this to be feasible, let alone desirable. Plan direction represents a decision on multiple-use management informed by the best science on disturbance ecology, Although other Alternatives (B and G) plan more prescribed fire use than the Selected Alternative, I believe Alternative I does the best job of balancing this management activity with other public concerns and issues.

ISSUE #16 THE JNF EFFECT ON LOCAL COMMUNITIES & PEOPLE'S EFFECT ON JNF

The Selected Alternative provides for sustainable levels of economic contributions to communities and continuance of a variety of uses, while providing adequate protections for ecosystem components at risk, proper ecosystem functioning and a broad spectrum of recreation uses. The Selected Alternative contributes approximately 74 million dollars to the economy of southwestern Virginia, however this is less than one percent of the total economy of the area. There is little difference in economic effects between the alternatives.

Social effects on local quality of life are harder to measure. One person's definition of quality of life may directly conflict with someone else's. In our revision outreach efforts, we heard from a diverse set of constituents that the Jefferson NF is very important from personal, societal and spiritual perspectives.

My greatest concern as Regional Forester is to ensure that resources on the national forests under our stewardship are sustainable far into the future. To that end, every element of the Revised Plan and FEIS is geared to reducing or eliminating adverse environmental, social, and economic impacts associated with the many and varied uses of the Forest. My decision attempts to balance many uses of the Forest, some of which are in conflict, and still provide valuable economic and social benefits for most people who use or depend on the Forest. It attempts to give something to everyone, but cannot supply everything that is demanded.

ISSUE #17 SUBSURFACE PROPERTY RIGHTS

The federal government owns the rights to all minerals on about 88 percent of the Forest acreage. Mineral rights on the remaining 12 percent of the Forest acreage are privately owned (either reserved or outstanding mineral rights). The Forest Service, as surface owner, cannot exclude entry by the mineral estate owner, either permanently or for an unreasonable amount of time. The mineral estate owner has the right to make such use of the surface as is reasonably necessary.

Under the Selected Alternative, subsurface property rights were considered when making any restrictive land allocations, particularly wilderness study recommendations. Restrictive land allocation decisions in other alternatives were driven by the theme of each alternative. Consequently, Alternatives F and D have the lowest potential for conflict with subsurface property rights and Alternatives G and E have the highest potential for conflict. Management prescriptions, desired conditions, and standards in the Selected Alternative acknowledge where private subsurface property rights exist and specify that restrictions are subject to valid rights and leases.

ISSUE #18 MOUNT ROGERS NATIONAL RECREATION AREA

The Mount Rogers National Recreation Area (NRA) covers over 140,000 acres of high mountain lands in southwest Virginia. The NRA offers seven campgrounds, four horse camps, two rental cabins, four visitor centers, outstanding trout fishing in Whitetop Laurel, picturesque Beartree Lake, and 400 miles of hiking, biking, horse, and motorcycle trails. The renowned Appalachian National Scenic Trail and Virginia Creeper Trail draw people from across the country.

The Commonwealth of Virginia's population has grown almost 15 percent in the last 10 years and visitors to the Forest have grown along with it. Nowhere is this more evident than in the High Country of the Mount Rogers National Recreation Area. The 20,000 acre High Country, including the Lewis Fork and Little Wilson Creek Wildernesses, hosts upwards of 200,000 visitors every year. The Selected Alternative incorporates many of the results from the nine-step Limits of Acceptable Change (LAC) process completed for the NRA High Country. Other LAC results will be implemented through site-specific projects where appropriate in order to manage the impacts of growing use on the NRA..

The differences in management direction on the NRA as compared to the rest of the Forest are evident from a quick look at the Revised Forest Plan Map. The NRA is dominated by the green shades of recreation, scenery, wilderness, and backcountry emphases with minor inclusions of wildlife and forest health management. The Selected Alternative addresses the myriad of issues unique to the NRA through specific standards in management area direction and special area management prescriptions that continue to highlight the outstanding recreation and unique scenery of the NRA, while also restoring and maintaining the rare communities and rare species that make their home here.

The Crest Zone of the NRA is home to the federally endangered northern flying squirrel, rare salamanders, globally significant rare plant communities, and fragile soils. Alternatives B and G curtail or eliminate active management in the Crest Zone allowing the open meadows, rhododendron-filled shrubby areas, and balds to naturally succeed to a more natural condition, usually spruce-fir forest. The Selected Alternative restores important corridors and connections for the northern flying squirrel, protects rare communities, while retaining the outstanding vistas and landscape character that led to the congressional designation of this National Recreation Area.

ISSUE #19 LANDS - PRIORITIES FOR ACQUISITION, DEPOSITION, AND EXCHANGE

All alternatives respond similarly to this issue, with the exception of Alternative G, which would not dispose of any JNF lands. National Forest System lands are consolidated to improve management effectiveness and enhance public benefits.

ISSUE #20 AIR QUALITY

Air pollution is having negative effects on the Jefferson National Forest. Sulfur compounds in the atmosphere are primarily responsible for the haze that obscures visibility. Sulfur compounds and sometimes nitrogen compounds cause acidification of headwater streams and can cause nutrients to leach out of soils. Ozone causes visible injury to plant leaves, and can also cause reduced plant growth. Because the pollutants originate from many sources over a wide geographic area, regional approaches to air pollution emission reductions are necessary to improve air quality and resource conditions. Under all Alternatives, the Forest will work cooperatively with air management agencies, Visibility Improvement State and Tribal Association of the Southeast (VISTAS), and other regional planning organizations in order to reduce air pollution impacts to resources on the Forest.

The Environmental Protection Agency (EPA) states, in their 1998 policy document entitled *Interim Air Quality Policy on Wildland and Prescribed Fires*, that while future air quality concerns from prescribed fire may arise, the EPA is on record stating that fire should function, as nearly as possible, in its natural role in maintaining healthy wildland ecosystems and human health and welfare should be protected by mitigating the impacts of air pollutant emissions on air quality and visibility.

The projected emissions from prescribed fires under all Alternatives are not expected to be a large contributor to total fine particulate matter mass nor exceed any of the fine particle National Ambient Air Quality Standard (NAAQS). Nevertheless, the Forest will work with state air quality regulators to develop emissions inventories and other information.

Environmentally Preferable Alternative

The Council on Environmental Quality has defined the "environmentally preferable" alternative as:

> *"…the alternative that will promote the national environmental policy as expressed in NEPA's section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."*

Alternative G is the environmentally preferable alternative because it has the fewest adverse effects on the environment overall. Alternative G would schedule the least amount of timber harvest, associated road development, and create the least negative human-induced change to the natural environment including the least effects to soil productivity and the lowest increases in sediment yield. Alternative G would have the most acres allocated to existing and future old growth. It would also have the least amount of beneficial human-induced effects.

Even though Alternative G is preferable from the standpoint of the physical and biological environment, I believe Alternative I provides for a better balance between the social, economic, physical, and biological environment. It provides the best balance between negative environmental effects and positive effects from human management of natural resources. Many components of Alternative G are incorporated into Alternative I, such as full protection of rare communities; streamside and riparian areas; threatened, endangered, sensitive and locally rare species habitat and watersheds; designated old growth areas, watershed restoration areas; and management, maintenance, and restoration of forest communities. Although Alternative I would emphasize wildlife that are area-sensitive and prefer late successional habitat, it would also provide more flexibility than Alternative G to manage habitats for a variety of wildlife species that need early successional habitat. Also, Alternative I would provide opportunities to improve overall forest health by effectively restoring native plant communities and lessening potential losses to insects and pathogens.

Alternatives with Higher Present Net Value

The purposes and principles of National Forest System Land and Resource Management Planning are spelled out in the first paragraph:

> "*…The resulting plans shall provide for multiple use and sustained yield of goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner*." [36 CFR §219.1(a)]

Net public benefits can be defined as the overall value to the Nation of all outputs (benefits) and positive effects, less all associated inputs (costs) and negative effects, whether they can be quantitatively valued or not. How do I determine what maximizes long term public benefits?

A component of determining net public benefits is the Present Net Value (PNV), which is used to measure the economic efficiency of each alternative. A comparison of the alternatives' PNVs, is shown in Table 3-227 of the FEIS. As shown in the table, Alternatives A, E, and D have higher PNVS than the Selected Alternative. PNV includes market and non-market values which can be assigned a price, either based on money the Forest Service actually receives for market goods like timber and minerals, or on estimated values from Forest Service research for non-market amenities like wildlife and recreation.

Although the timber and minerals resources contained within the Jefferson National Forest are important to Virginia's economy, I cannot just consider economic benefits. The Jefferson National Forest also holds areas of incredible beauty and solitude, clean water, abundant wildlife, rare species, and outstanding recreation opportunities--all of which are important to our spiritual needs and require a mix and balance with other uses. Since PNV does not include these important non-priced benefits, it was not the only criterion I used in my decision.

The Forest must not only provide for today's consumption and enjoyment, but for those of future generations as well.

> "*The twenty-first century forester must be a bridge between the ecology of the forest in relation to the dynamics of the landscape and the cultural necessities and human values of society. Tomorrow's forester is the guardian of both the forest and the future's options, because when all is said and done, the great and only gift we can give our children is the right of choice and something of value from which to choose."* Chris Maser

Traditionally in the Forest Service, local values and benefits were determined by local people working together with the local district ranger. Today when we ask folks what is important to them in managing the Jefferson National Forest, we hear from people all over the Nation and sometimes the world. Our supply and demand analyses still consider a market area that doesn't extend too far from the Forest boundary where the majority of the impacts exist, but that does not mean we do not recognize that we have people from all over the world hiking the Appalachian Trail and the hardwood sawtimber produced on the Jefferson National Forest contributes in some small way to the Nation's Gross Domestic Product by replacing a few million board feet of lumber imports.

Citizens from all different points of view want us to quantify these effects, sure that this will prove that their position is the right one. Due to the sheer abundance and variety of opinion in the United States, we in the Forest Service often find ourselves in the midst of controversy. With the passage of new laws and changing values, natural resource issues are growing more complex as demands for all these resources continue to increase.

Our growing population does need more wilderness; we do need more lumber, we

do need more recreational vehicle hookups, we do need more oil and gas, we do need more old growth forests, we do need more electric transmission lines, we do need more clean water, we do need more trails of all kinds, we do need more beautiful places to escape the rush of the world. We have done our best to try to provide a balanced Forest Plan that will provide more of those things that the Jefferson National Forest is uniquely able to supply in Virginia.

Based on the preceding discussions it is clear that Alternative I does not have the least impact on the environment nor does it generate as many market valued commodities as other alternatives considered in the FEIS. However, I believe the Alternative I achieves a balance between the economic benefits and environmental issues and concerns voiced by the American people. I believe the Selected Alternative will increase public benefits by moving the Forest towards improved forest health through its emphasis on restoring native landscape diversity and through its special attention to providing functional old-growth ecosystems and unique plant and animal habitats.

I am also confident that the management proposed in the Revised Forest Plan is within the physical and biological capability of the land and can be accomplished without reducing that capability.

CHANGES BETWEEN DRAFT AND FINAL

Over 12,000 individual pieces of mail, including e-mail, were received on the DEISs and Proposed Revised Forest Plans across the Southern Appalachians. Many offered recommendations or requests for changes or improvements in the environmental analysis; identified changes or improvements to the alternatives; or suggested modifications to the goals, objectives, or standards. Comments received on the DEIS and accompanying Proposed Revised Forest Plan also identified the need for several minor improvements to analysis and presentation of materials in the FEIS and Revised Forest Plan. As a result, editorial or other inconsistencies in the presentation of information in the DEIS were corrected for the FEIS.

Specific modifications to Alternative I and the environmental analysis beyond editorial and inconsistency corrections are explained in this section.

Water and Aquatic Species. Due to public comment and scientific peer review, we reexamined our riparian and watershed analyses and direction. The watershed health index was modified. Watersheds with a below average watershed condition ranking were added to the list of priority watersheds in Chapter 2 of the Forest Plan. These watersheds will receive priority for watershed improvements, watershed analysis and roads analysis. Cumulative effects on aquatic species were reanalyzed using the new watershed condition ranking.

The riparian corridor desired condition and standards in management prescription 11 were revised based on coordination with the U.S. Fish and Wildlife Service, public comments, and interdisciplinary team field reviews. A clearer delineation between the actual riparian area (referred to as the core area) and the upslope filter strip were incorporated, allowing more management flexibility in the filter strip portion of the corridor. Determination of the actual riparian area based on field conditions may result in site-specific adjustments to the riparian corridor to ensure the entire actual riparian

area is protected. The formula used to calculate the filter strip on intermittent streams was replaced to be consistent with perennial streams resulting in easier application in the field.

Additional Aquatic Habitat Areas (management prescription 9A4) were added to the Forest Plan to provide additional protections for the James River spinymussel. Reference watersheds, inadvertently omitted from the Proposed Revised Forest Plan, were added to the management prescription map and management prescription 9A2 was added to Chapter 3 of the Final Forest Plan.

Objectives and standards related to determination and maintenance of instream flows needed to protect stream processes, aquatic and riparian habitats and communities, and recreation and aesthetic values were added to Chapter 2 of the Forest Plan.

Threatened, Endangered, Sensitive, and Locally Rare Species. Public comment and scientific review identified the need to clearly depict where standards to protect the habitat of the Peaks of Otter salamander applied. Areas of old growth communities (management prescriptions 6A, 6B, and 6C) and source water protection areas (management prescription 9A1) were changed within the primary Peaks of Otter salamander habitat conservation area to management prescription 8E2a. A map clearly showing both primary and secondary habitat conservation areas, as well as the management prescriptions assigned has been added to the 8E2 management prescription. The mineral leasing decision in the primary and secondary areas was changed to administratively unavailable.

Minor changes were made to both the forestwide and management prescription standards for protection of the federally endangered Indiana bat as a result of consultation with the U.S. Fish and Wildlife Service (see Findings Related to Other Laws and Authorities below). A primary cave protection area for the Newberry-Bane cave in Bland County was added. The secondary cave protection area for Newberry-Bane is within the remote backcountry recreation area on Long Spur mountain. A secondary cave protection area for Patton Cave in Monroe County, WV was added.

Species Viability. Aquatic species viability was reanalyzed for the FEIS as a result of public comment and scientific peer review. The watershed condition ranking change described above was used to address cumulative effects on aquatic species because it is the most likely source of impacts from management activities, correlates to changes in endemic aquatic species populations, and is the best available science. The relationship between sedimentation and locally adapted species was analyzed for the FEIS using data collected from Virginia streams for the Jefferson National Forest. This reanalysis did not result in any significant differences in aquatic viability species effects for any alternative including the Selected.

Minor adjustments were made to the terrestrial species viability analysis as a result of scientific peer review, review of effects by alternative, and modifications to Alternative I. Forest ranks for individual species were adjusted through discussions with scientists familiar with species occurrences in Virginia and on the Jefferson National Forest. Abundance, distribution, likelihood of limitation, and management effects were adjusted as a result of a more thorough review of the effects by alternative and any modifications to Alternative I between the Draft and Final EIS. This reanalysis did result in minor differences in Alternatives B, E, and G; however, the relative comparison of risk

between alternatives did not change.

I find that the approach taken by the Jefferson National Forest to analyze both aquatic and terrestrial species viability, as described in the FEIS and its appendices, appropriately considers the viability risks associated with the land management activities projected in the Forest Plan, and uses the amount and quality of scientific information that is relevant to those risks.

Wilderness Recommendations. Following issuance of the DEIS and Proposed Forest Plan, various communities of interest including County Boards of Supervisors, elected representatives, and State agencies weighed in for and against specific wilderness study recommendations. I carefully considered all of this input. National, regional, and local interests and concerns may, at times, be at odds with one another, but I must respect and balance all of them.

I have decided to not recommend the eastern addition to Peters Mountain Wilderness. Since we acquired the Glen Alton property in 1999, we have been working with the Board of Supervisors, Economic Development Authority, and other communities of interest to develop the desired condition and management direction for the property itself as well as the surrounding area. We have recently finished the design narrative for Glen Alton, which outlines the development proposal for the area. This proposal includes trail development for hikers, mountain bikers, and horse riders within Peters Mountain Wilderness Addition B. One of the trails would connect to the Allegheny Trail on the top of Peters Mountain and allow for long distance bike and horse use. Based on projected use in the area and given the development plans for Glen Alton, I have decided not to recommend Peters Mountain Wilderness Addition B. Instead this area will be managed under Management Prescription 12C, Backcountry Natural Processes.

Roads. A number of commenters requested we make changes to our forestwide roads analysis, open road density standards and objective for decommissioning roads in the Proposed Forest Plan. They noted that in some cases our road density standards in the 1985 Forest Plan were more restrictive than those proposed in the Revised Forest Plan. As I discussed in the rationale for my decision, roads analysis is an on-going process. As a result of comments, we did revisit this analysis and the management direction related to roads in the Proposed Forest Plan. We strengthened the objective for road decommissioning and many of our open road density standards.

High Quality Forest Products. Based on comments received on the DEIS, Alternative I has been modified to manage 16,200 acres of the JNF specifically to produce high quality sawtimber. When the wood product market area surrounding the JNF is segmented into high, average and low quality sawtimber categories the current demand for high quality sawtimber is estimated to be about 32 million board feet per year for the JNF. The two areas were carefully selected for this type of management based on input received during the citizen workshops in 1999. They are located on the Glenwood/Pedlar and Clinch Ranger Districts on highly productive sites traditionally managed for high quality sawtimber. The area on the Glenwood/Pedlar Ranger District was allocated to 8B Early Successional Habitat Emphasis and the area on the Clinch was originally 8A1 Mix of Successional Habitats in Forested Landscapes in the Proposed Forest Plan. The reallocation of these areas did not change the suitable land base or the allowable sale quantity displayed in the DEIS. My decision to change these two areas improves the JNF's ability to provide high quality wood products and provides

a working demonstration area for active forest management. It provides a better balance to public collaboration and comments, being more responsive to those who feel emphasizing planting and management of trees for an abundant timber supply was important on this national forest.

Utility Corridors. The recent decision to authorize the 765 kV transmission line across approximately 11 miles of the JNF was incorporated into the Final Forest Plan and map. The point was raised during the comment period that our utility corridor management prescription included only existing utility rights-of-way without accommodation for co-location of new rights-of-way as described in the goal, desired condition, and standards for utility corridors. This oversight was corrected and 10 of these corridors were expanded to 500 feet to allow for this accommodation. Conversely, those rights-of-way where we do not want to allow new uses or that we want to eventually decommission are not identified as utility corridors.

Other minor changes. A few other changes are worth noting. Additional field verification was made to our inventory of existing old growth forest communities resulting in some new areas being added and some areas dropped that were incorrectly identified. The special biological area around Dismal Creek was enlarged to include all significant elements of biodiversity. The map of lands suitable for timber production in the North Creek Special Area was in error and has been corrected. Areas of the Appalachian National Scenic Trail that were mapped incorrectly, or shown as suitable for timber production in error, have been corrected.

PUBLIC INVOLVEMENT

This revision process has been arduous, lengthy, and at times contentious. I want to sincerely thank all the people who participated in the process, especially those who became involved in the numerous collaborative efforts seeking solutions.

Public comments were critically important to me in shaping a responsible plan for the Forest that best meets the Forest Service mission, the goals of the NFMA, FLPMA, and the National Environmental Policy Act (NEPA), and the interests of the American public. Preliminary work on the revision of the Forest Plan began in the fall of 1992 when citizens were asked to identify areas of the Forest Plan that needed to change.

The Notice of Intent to begin revising the Jefferson Forest Plan was published in the *Federal Register* June 28, 1993. After a series of open houses and extensive media coverage, the Jefferson National Forest received hundreds of comments, not only from local residents but also from people nationwide. Issues brought up by the public and by other agencies were examined by an interdisciplinary team of planners and resource specialists brought together to organize the planning process.

A recurring theme throughout the comments was that the Jefferson National Forest needed to work more closely with the other national forests in the Southern Appalachians. In January 1994, work on the Southern Appalachian Assessment (SAA) began. Formal inventories of the Forest's natural and environmental resources were done as part of the SAA using many improved scientific methods and data processing techniques that were unavailable during the development of the 1985 plan. Citizens and scientists from other federal and state agencies reviewed and offered suggestions for improving these inventories.

After the SAA was completed, a revised Notice of Intent (NOI) was issued in the *Federal Register* August 1, 1996. This new NOI marked not only a new beginning for revising the Jefferson Forest Plan, but also included the other four national forests in the Southern Appalachians, embarking us on an unprecedented process of coordination and cooperation.

Beginning with the SAA, more than 20 Southern Appalachian-wide resource team meetings, roughly 20 coordination meetings of the Planning Team Leaders across the Southern Appalachians, and over 60 regularly scheduled Interdisciplinary Team meetings were open to the public. This gave citizens unprecedented access to the planning process. It also provided people the opportunity to share and understand the difficulty and complexity of balancing the multiple resources of the Jefferson National Forest along with the diverse and frequently conflicting values of citizens interested in this Forest's management.

These in-house technical meetings were not the heart of our public involvement, however. Since 1993, almost 3,400 people have written letters, attended evening and

weekend meetings, gone on field trips, participated in discussions, drawn on maps, searched the woods for old growth, prepared reports about roadless areas, poured over data, wrote newspaper articles or letters to the editor, or just telephoned to express their thoughts. Three citizen workshops in 1998 were held to sketch the four preliminary alternatives. These alternatives transformed into eight alternatives, two of which were later dropped from detailed consideration.

In 1998, the concept of the "Rolling Alternative" was born. All communities of interest would work together on this alternative, taking the best pieces of the other alternatives while constantly searching for the best balance among the many conflicting interests in management of the JNF. Fifteen citizen workshops were held in 1999, five focused on finding common ground within individual issues, five focused on balancing issues on individual Ranger Districts, one field trip focused on the Bear Creek/Crawfish Valley roadless area, and four focused on balancing land allocations across the entire Forest.

The "Rolling Alternative" became Alternative I. Alternative I became the preferred alternative in the DEIS and the Selected Alternative in this Record of Decision. Alternative I was built collaboratively by the citizens who participated in this planning process.

The Draft EIS and Proposed Revised Land and Resource Management Plan for the Jefferson National Forest were released for public comment in February 2003. Over 12,000 letters, e-mails, and postcards were received as comments on the Forest Plans for the five forests in the Southern Appalachians. After careful reading, review, and consideration of these comments, the interdisciplinary team made necessary changes as they developed the FEIS. Alternative I was modified in response to public comments and incorporated into the Final Forest Plan.

A detailed summary of public involvement activities is available in Appendix A of the FEIS. A list of all the agencies, organizations, and individuals who received copies of the DEIS, many of whom participated in the planning process, is available in Chapter 5 of the FEIS. A summary of comments received on the DEIS and Proposed Revised Forest Plan is available in Appendix J of the FEIS.

ALTERNATIVES

Seven alternatives were analyzed in detail in the DEIS. Seven are considered in detail in the FEIS, including Alternative I, the Proposed Revised Forest Plan. Two additional alternatives were considered but eliminated from detailed study for reasons given in Chapter 2 of the FEIS. All alternatives considered in detail meet minimum legal and environmental standards.

The management theme for each of the alternatives is provided below. Although every alternative addresses all 20 of the significant issues, the themes described here focus only on the emphasis areas for each alternative. More information regarding how each alternative responds to the issues, distinguishing characteristics and acreage allocated for the management and prescription areas is provided in Chapter 2 of the FEIS. A detailed discussion of the environmental effects for the alternatives considered in detail is included in Chapter 3 of the FEIS.

ALTERNATIVES CONSIDERED, BUT ELIMINATED FROM DETAILED STUDY

Alternative C

Alternative C would emphasize resource management with minimal human intervention to the natural resources. Active management would only occur for the protection of resources, for meeting legal requirements, and for maintaining current recreation opportunities.

Alternative C was eliminated from detailed study because: 1) From further analyses it was determined that this alternative, as originally envisioned, would not meet all the legal requirements of the National Forest Management Act of 1976, the Multiple-Use Sustained-Yield Act of 1960, and the Endangered Species Act of 1973; 2) Alternative C only addresses some, but not all, of the forest planning issues that have been identified by the public; 3) Other alternatives considered in detail provide for relatively low levels of management activities; and 4) Alternative C is similar to the “Minimum Level Benchmark” discussed in Appendix B.

Alternative H

Alternative H would provide for active resource management to achieve multiple-use objectives with all lands classified as unsuitable for timber production. There would be timber harvest, but not under a sustainable harvest schedule as is done on suitable forest land.

Alternative H was eliminated from detailed study because the land allocations for this alternative were identical to Alternative A; and therefore, the environmental effects would be essentially the same. The only significant difference between

Alternative A and Alternative H was that in Alternative A, the majority of those acres being managed through silvicultural harvesting methods were classified as acres "suitable for timber production," while in Alternative H, those same acres and same management activities would be classified as 'unsuited for timber production." Since the main difference is primarily an administrative classification change, and there would be no differences in the overall outputs and environmental effects, this alternative did not need to be considered further in detail in this EIS.

ALTERNATIVES CONSIDERED IN DETAIL

Selected Alternative (Alternative I)

Alternative I recognizes and balances the wide diversity of interests and values in management. This alternative emphasizes watershed health, water quality, semi-primitive and remote recreation opportunities, threatened and endangered species recovery, sustainable forest ecosystem management on lands suitable for timber production, habitat for wide-ranging species, and a high quality forest transportation network. This alternative provides high quality, nature-based recreation opportunities, emphasizing non-motorized settings with natural appearing landscapes and those that are not widely available on non-Federal lands. Diverse ecosystems are sustained that support viable plant, wildlife and fish populations including habitats for those species needing large contiguous forested landscapes. A variety of old growth communities to meet biological and social needs is provided. Forest health is a priority to ensure a forest that is resistant to large-scale, catastrophic plant mortality from insects or pathogen, especially from non-native organisms. Prescribed fire, wildland fire use, and timber harvesting are used to restore natural ecosystem processes, maintain fire dependant communities, and reduce fuel-loading.

Alternative A

Alternative A emphasizes production of goods and services beneficial to local economies and communities. Timber management provides sustained yield of wood products with emphasis on high quality sawtimber and public-demand species including game and other species.

Alternative B

Alternative B is biologically driven, emphasizing restoration of vegetation to potential natural vegetation (plant associations) based on the ecological potential and capability of the land and providing a mix of the wildlife habitats for game and non-game species. Prescribed fire, wildland fire use, and timber harvesting are used to restore natural ecosystem processes and maintain fire dependant communities. The long-term goal provides old-growth conditions by old-growth community types within the ecological province or section similar to that existing before large-scale, extensive pioneer settlement and land uses.

Alternative D

Alternative D strives to reach and maintain a balanced age class for tree growth. All suitable lands are available for sustained-yield management. Production of both commercial wood products and a variety of aquatic/wildlife habitats are also emphasized. Old growth is provided only on unsuitable land, on steep slopes, riparian areas, or similar areas.

Alternative E

A natural setting and concentrated facilities are provided that attract a variety of recreation users, with an emphasis on backcountry recreation. Most areas maintain a continuous forested canopy. Large blocks of the Forest would be maintained in a roadless condition to provide remote, backcountry recreation. Active resource management is concentrated in certain locations and supports recreation use and visual quality.

Alternative F (No Action)

This alternative was developed for the 1985 Forest Plan (as amended) to address the "aging forest" condition. Management activities are designed to improve the age class distribution in all forest types and provide a balanced market and non-market resource program to maintain a broad geographic distribution of socio-economic benefits.

Alternative G

Alternative G emphasizes linking together movement corridors and large undisturbed areas, and concentrates on threatened, endangered, and sensitive species. National Forest System lands provide habitat for area sensitive species and a wide diversity of native plants and animals, particularly late-successional species. Old growth restoration areas around clusters of existing old growth and mature forests with old growth characteristics provide natural old growth dynamics. Road network mileage is reduced through closure and decommissioning of roads not needed for ecosystem stewardship or restoration.

FINDINGS
RELATED TO OTHER LAWS AND AUTHORITIES

I have considered the statutes governing management of the Jefferson National Forest, and I believe that this decision represents the best possible approach to both harmonizing and reconciling the current statutory duties of the Forest Service.

CLEAN AIR STANDARDS

As discussed in the FEIS, Chapter 3, Physical Resources, Air Resources, all lands managed by the Forest are currently in attainment with National Ambient Air Quality Standards. Compliance with air quality statutes is directed in the Forest Plan, Chapter 2, Watersheds: Water, Soil, Air, and Aquatic Species; Chapter 2, Fire Management; and Chapter 2, Wilderness and Wild & Scenic Rivers.

CLEAN WATER ACT

The Revised Forest Plan contains direction to ensure all projects comply with the requirements of the Clean Water Act. A watershed assessment was completed to show the current condition of streams and watersheds on the Forest. The results of this assessment informed direction in the Forest Plan. This direction is found in the Forest Plan, Chapter 2, Watersheds: Water, Soil, Air, and Aquatic Species and Chapter 3, Management Prescription 11: Riparian Corridors. An analysis of sediment yields and cumulative effects for water quality and associated beneficial uses is discussed in the FEIS, Chapter 3, Physical Resources, Water Resources.

NATIONAL HISTORIC PRESERVATION ACT

In accordance with a Memorandum of Understanding with the Advisory Council on Historic Preservation, Forest Plans are not undertakings under the National Historic Preservation Act. Consultation pursuant to Section 106 of the Act is not required at the Forest Plan level. As discussed in the Social/Economic Environment, Heritage Resource section of Chapter 3 of the FEIS, activities implementing the Revised Forest Plan will be in compliance with the Act. Conformance with the Act is directed in the Revised Forest Plan in Chapter 2, Heritage Resources. Additional direction is provided in FSM 2360.

ENDANGERED SPECIES ACT

A Biological Assessment was prepared to evaluate the potential effects of the Forest Plan on federally listed species and their habitat. The Biological Assessment concluded that implementation of Alternative I for the Forest Plan Revision would have “no effect” on the bald eagle, gray bat, Virginia round-leaf birch, and Peters Mountain mallow; “may affect, likely to adversely affect” the Indiana bat; and “may effect, but not likely to adversely affect” the remaining thirty federally listed species.

The Biological Assessment was transmitted to the U.S. Fish and Wildlife Service on August 19, 2003, with a request to initiate formal consultation.

In the November 17, 2003 Biological Opinion, the U.S. Fish and Wildlife Service concurred with the determinations of "No effect" on the bald eagle, gray bat, Virginia round-leaf birch, and Peters Mountain mallow, and "Not likely to adversely affect" the remaining thirty species.

Indiana bat. The U.S. Fish and Wildlife Service concluded that the action, as proposed in Alternative I for the Forest Plan, will not jeopardize the continued existence of the Indiana bat; since no critical habitat has been designated on this Forest, none will be affected. The U.S. Fish and Wildlife Service determined that implementation of Alternative I for the Forest Plan will result in the incidental take of Indiana bat. To minimize incidental take, projects that implement the Forest Plan will comply with the Reasonable and Prudent Measures and Terms and Conditions contained in the Biological Opinion. The Reasonable and Prudent Measures and Terms and Conditions applicable to Indiana bat are:

Reasonable and Prudent Measures

1. Proposed management activities will be planned, evaluated and implemented consistent with measures developed to protect the Indiana bat and maintain, improve, or enhance its habitat. These measures include, but are not limited to, the standards and guidelines developed in the revised Forest Plan, the George Washington & Jefferson National Forests' Indiana Bat Recovery Strategy, and terms and conditions outlined in this biological opinion.

2. The JNF will monitor timber sales and other activities to determine if these measures are being implemented and if incidental take occurs.

3. The JNF will continue its efforts to determine use of the JNF by Indiana bats during the hibernation, summer roosting, maternity, and pre-hibernation seasons.

Terms and Conditions

1 (A). Hibernacula and fall swarming areas existing within the JNF will be protected by implementing the following measures:

(a) primary area: Each Indiana bat hibernaculum will have a primary buffer (only as identified on public land) consisting of a radius of no less than 0.8 km (0.5 miles) defined by national forest ownership and topography. No disturbance that will result in the potential taking of an Indiana bat will occur within this buffer. Commercial timber harvesting, use of the insecticide diflubenzuron, creation of early successional habitat, expansion or creation of permanent wildlife openings, mineral exploration and development, and road construction are prohibited. However, prescribed burning, tree cutting, road reconstruction and maintenance, and integrated pest management using biological or species-specific controls will be evaluated to determine direct, indirect, and cumulative effects on Indiana bats and the hibernacula. The primary area is unsuitable for new utility rights-of-way and communication uses.

(b) secondary area (fall swarming and foraging area): A secondary buffer of approximately 2.4 km (1.5 miles) around the primary buffer will have limited disturbance. The actual area will be determined by on-the-ground conditions and topography. Within this area, the following management activities can occur: regeneration timber sales (no clearcutting), thinning, road construction or reconstruction, prescribed burning, trail construction/reconstruction, special uses, and biological or species-specific pesticide use. However, each proposed project will be evaluated to determine the direct, indirect, and cumulative effects on Indiana bats and the hibernacula. Timber harvesting operations will be suspended from September 15 until November 15. Authorization of commercial or personal use of non-timber forest products and firewood is prohibited.

In order to promote fall foraging and swarming areas within this secondary area, timber activities will leave all shagbark hickory trees and retain a minimum average of 6 snags or cavity trees (greater than or equal to 9" dbh) per acre as potential roost sites (except where they pose a safety hazard). For group selection harvest method, all shagbark hickories will be maintained (except where they pose a safety hazard) with no provision for minimum number of snags or cavity trees due to the small group opening size (2 acres or less).

The Forest land within each secondary area will be maintained as follows:

a minimum of 60% of the acreage of all Forest Types will be maintained over 70 years of age; and a minimum of 40% acreage of CISC Forest types 53 (white oak-red oak- hickory) and 56 (yellow poplar-white oak-red oak) will be maintained at an age greater than 80 years old;

OR

when the above age criteria cannot be met, forest stands receiving even-aged regeneration harvesting will be maintained with a minimum of 20 trees per acre in the 25-41 cm (10-16") diameter breast height (dbh) class and 15 trees per acre in the 41+ cm (16"+) dbh class of which two trees per acre must be 51 cm (20") dbh or greater.

In addition, the 0-10 age class will not exceed 10% at any time (regardless which of the criteria are used above).

1(B). In order to promote potential summer roost trees and maternity sites for the Indiana bat throughout the JNF, planned silvicultural practices in hardwood-dominated forest types will leave all shagbark hickory trees greater than 6 inches d. b.h. and larger, except when they pose a safety hazard. Group selection openings and clearcuts less than 10 acres in size have no provision for retention of a minimum number of snags, cavity trees, or residual basal area due the small opening size and safety concerns.

Clearcut harvest units 10 to 25 acres in size, will retain a minimum average of 6 snags or cavity trees per acre, 9” dbh or larger, scattered or clumped. All other harvesting methods (and clearcut openings 26-40 acres in size) will retain a minimum residual 15 square feet of basal area per acre (including 6 snags or cavity trees) scattered or clumped. Residual trees are greater than 6 inches dbh with

priority given to the largest available trees, which exhibit characteristics favored as roost trees by Indiana bats.

In addition, to insure a continuous supply of roost trees and foraging habitat, the following forest-wide conditions must be maintained:

(1) a minimum of 60% of the acreage of all CISC Forest Types combined on the JNF will be maintained over 70 years of age;

(2) a minimum of 40% of the combined acreage of CISC Forest Types 53 (white oak-red oak-hickory) and 56 (yellow poplar-white oak-red oak) on the JNF will be maintained at an age greater than 80 years old.

1(C). When active roost trees are identified on the Forest, they will be protected with a ¼ mile buffer surrounding them. This protective buffer remains until such time the trees and associated area no longer serve as a roost (e.g., loss of exfoliating bark or cavities, blown down, or decay). No disturbance that will result in the potential taking of an Indiana bat will occur within this active roost tree buffer. Commercial timber harvesting, road construction, and use of the insecticide diflubenzuron are prohibited. Prescribed burning, timber cutting, road maintenance, and integrated pest management using biological or species-specific controls during non-roosting season are allowed, following project level analysis to determine the direct, indirect, and cumulative effects on Indiana bats and the hibernacula.

If during project implementation, active roost trees are identified, all project activity will cease within a ¼ mile buffer around the roost tree until consultation with U.S. Fish and Wildlife Service is completed to determine whether project activities can resume. In the event that it becomes absolutely necessary to remove a known Indiana bat active roost tree, such a removal will be conducted during the time period when the bats are likely to be in hibernation (November 15 through March 31), through informal consultation with the U.S. Fish and Wildlife Service. Trees identified as immediate threats to public safety may be removed when bats are not hibernating; however, informal consultation with U.S. Fish and Wildlife Service is still required. Examples of immediate threats to public safety include trees leaning over a trail, public road or powerline that could fall at any time due to decay or damage.

1(D). If active maternity roost sites are identified on the Forest, they will be protected with a 2-mile buffer defined by the maternity roost, alternate roost sites, and adjacent foraging areas. No disturbance that will result in the potential taking of an Indiana bat will occur within this active maternity roost site buffer. Commercial timber harvesting, road construction, and use of all pesticides is prohibited. All other activities within this buffer will be evaluated during project level analysis to determine the direct, indirect, and cumulative effects on Indiana bats, through informal consultation with the U.S. Fish and Wildlife Service. To avoid injury to non-flying young Indiana bats, prescribed burning of active maternity roosting sites between June 1 and August 1 is prohibited.

If during project implementation, active maternity roost sites are identified, all project activity will cease within a 2-mile buffer around the maternity roost until

consultation with U.S. Fish and Wildlife Service is completed to determine whether project activities can resume.

2. Monitoring of timber sales and other activities will be implemented as follows:

(a) Timber sale administrators or biologists will conduct and report normal inspections of all timber sales to the JNF to ensure that measures defined in Terms and Conditions 1(A-D) have been implemented. Timber sale administrators will conduct normal inspections of all timber sales to administer provisions for protecting residual trees (residual trees are those trees not designated for cutting under provisions of the timber sale contract). Unnecessary damage to residual trees will be documented in sale inspection reports and proper contractual or legal remedies will be taken. The JNF will include this information in their annual monitoring reports. These will be made available to the Service, if requested.

(b) Informal consultations among the Service and the JNF will occur as needed in order to review and determine any need to modify provisions of the biological opinion, and other issues regarding the Indiana bat.

3. The JNF will continue its efforts to determine use of the JNF by Indiana bats during the hibernation, summer roosting/maternity, and pre-hibernation seasons by implementing the following research and monitoring needs. Selection of sites for future monitoring and research will be left to the discretion of the JNF biologists in consultation with the Virginia Department of Game and Inland Fisheries. The Service believes that implementation of the following terms and conditions are necessary to evaluate the underlying assumptions made on Indiana bat presence and characterized use on the JNF. Implementation of these terms and conditions, in turn, will provide a more site-specific measure of the protective adequacy of the conservation measures for the Indiana bat on the JNF. These needs include the following:

A. Cave Site: The biennial surveys of all Indiana bat hibernacula shall continue following the protocol of the Indiana Bat Recovery Team. After any new gating of a hibernaculum, yearly surveys shall be conducted to determine the effects of the gates on all bat species. This effort will be conducted for the first three years and then continue with the biennial monitoring according to the Indiana bat Recovery Team;

B. Roost Trees: Work shall continue to identify the roost trees and areas utilized by Indiana bats in the summer. The habitat at these sites will be characterized and quantified. These habitat data will be used to modify the Forest Plan;

C. Maternity Sites: Studies shall be conducted to identify if and where Indiana bat maternity sites are located on the JNF. If maternity sites are found, they will be protected along with associated roosts and foraging areas. The habitat at these sites will be characterized and quantified. These habitat data will then be used to assist in protecting existing sites and locating additional sites;

D. Summer Foraging Areas: Studies and monitoring activities shall continue to identify the forest types and structure used for foraging by Indiana bats. Habitat

will be characterized and quantified at both the local and landscape levels. These habitat parameters will be used to develop management strategies for the protection, maintenance, and promotion of foraging areas;

E. Fall Swarming and Foraging Areas: The identification of the areas utilized by the bats in the fall is warranted for the overall protection and maintenance of the wintering population. Studies shall be conducted to identify the major foraging areas used by Indiana bats during the swarming period. The habitat utilized by the bats will be characterized and quantified. Using these habitat parameters and actual foraging ranges, management strategies for protection of swarming areas will be identified.

4. Care must be taken in handling dead specimens of listed species that are found in the project area to preserve biological material in the best possible state. In conjunction with the preservation of any dead specimens the finder has the responsibility to ensure that evidence intrinsic to determining the cause of death of the specimen is not unnecessarily disturbed. The finding of dead specimens does not imply enforcement proceedings pursuant to the ESA. The reporting of dead specimens is required to enable the Service to determine if take is reached or exceeded and to ensure that the terms and conditions are appropriate and effective. Upon locating a dead, injured, or sick specimen of an endangered or threatened species, initial notification must be made to the nearest U.S. Fish and Wildlife Service Law Enforcement Office. Additional notification should be made to the nearest U.S. Forest Service Special Agent.

ROADLESS AREA CONSERVATION RULE

On January 12, 2001, the Roadless Area Conservation Rule (Roadless Rule) was published in the *Federal Register* (36 CFR 294). The Roadless Rule prohibited with certain exceptions, road construction and reconstruction activities; and the timber cutting, sale, or removal activities that could occur in the inventoried roadless areas (IRAs) identified in the Roadless Rule FEIS. The Roadless Rule in 36 CFR 294.12 and 294.13, identified the exceptions where road construction/reconstruction activities and timber cutting/removal activities would be allowed. The Roadless Rule had an effective date of March 13, 2001. This effective date was later delayed until May 12, 2001.

Subsequently, several groups and States filed lawsuits challenging the Roadless Rule. On July 14, 2003, the United States District Court, Wyoming District (Judge Clarence Brimmer) found the Roadless Rule to be in violation of the National Environmental Policy Act and the Wilderness Act, and permanently enjoined its implementation and set the rule aside. The effect of this ruling is that direction for inventoried roadless areas reverts to the direction provided in the Revised Forest Plan. However, this issue is not settled. Appeals of the Wyoming District Court decision, other litigation, new rulemaking, or new Forest Service directives could result in a change in direction for the management of inventoried roadless areas.

In managing the roadless areas, the Jefferson National Forest will follow the management direction contained in this Forest Plan and any Forest Service policy on roadless area management specified in the Forest Service directives. However,

should the Roadless Rule become effective, it will supercede this Revised Plan for those inventoried roadless areas identified in the Roadless Rule FEIS that was completed in November 2000. This would mean that 23% of the roadless acres in the Forest Plan that are identified as available for treatment, could not be treated unless they meet the exceptions in the Roadless Rule. According to 36 CFR 294.14 (b), should the Roadless Rule become effective, an amendment to this Revised Forest Plan would not be needed to implement its direction.

OTHER FOREST SERVICE DECISIONS WITH MANAGEMENT DIRECTION

Other decision that apply to the management of the Forest include the Records of Decision for the Gypsy Moth EIS and the Southern Pine Beetle EIS.

IMPLEMENTATION

The direction in this Forest Plan will become effective 30 days after the publication of the Notice of Availability (NOA) of the Final Environmental Impact Statement in the Federal Register.

Under NFMA, "permits, contracts, and other instruments for the use and occupancy" of National Forest System lands are required to be "consistent" with the current Land and Resource Management Plan [16 U.S.C. 1604(i)]. In the plan revision context, NFMA specifically qualifies the requirement in three ways: 1) these documents must be revised only "when necessary", 2) these documents must be revised "as soon as practicable", and 3) any revisions are "subject to valid existing rights".

In developing this Revised Plan, implementing pre-existing decisions and the associated effects of that implementation were considered part of the baseline against which the alternatives were evaluated. Because these earlier decisions were considered in our effects analysis, their implementation is not in conflict with the Revised Plan. Exercising my discretion under NFMA, I have determined that it is not "necessary" to apply the Revised Plan's standards retroactively, and I find that NFMA does not require revision of these pre-existing use and occupancy authorizations. As soon as practicable after approval of the Revised Plan, the Forest Supervisor shall ensure that, subject to valid existing rights, all outstanding and future permits, contracts, cooperative agreements, and other instruments for occupancy and use of affected lands are consistent with the Revised Plan. On a case-by-case basis, the Forest Supervisor shall exercise his/her sound discretion in determining when such consistency is practicable.

"Use and occupancy" agreements include contracts for timber harvesting. Most timber sale decisions are implemented through a three-year contract. While a timber sale contract is a valid existing right, the terms of the contract allow modification. Therefore, modification of a timber contract under its terms would not violate the "valid existing right" provision. Nevertheless, I have decided not to modify any existing timber sale contracts solely due to the Revised Forest Plan. As stated earlier, these contracts were considered part of the baseline against which the alternatives were evaluated. Finally, existing timber contracts will generally have been completed within three years. The decision will be left to the Forest Supervisor to determine whether to modify any decisions authorizing timber sales not currently under contract.

Other classes of "use and occupancy" agreements will be reviewed to determine whether or when the Forest Supervisor should exercise discretion to bring them into compliance with the Revised Plan.

The Forest Supervisor will accomplish many management activities to implement the Revised Plan. Unlike the programmatic decisions listed previously, these activities are site-specific and may require analysis and disclosure of effects under NEPA. These site-specific analyses will be done during implementation of the Revised Plan.

Forest Plans are permissive in that they allow, but do not mandate, the occurrence of certain activities. Site-specific analysis of proposed activities will determine what can be accomplished. The outputs specified in the Revised Plan are estimates and projections based on available information, inventory data, and assumptions.

All activities, many of which are interdependent, may be affected by annual budgets. However, the goals, objectives, standards, management prescriptions, and monitoring questions described in the Revised Plan may not change unless the Plan is amended.

The Plan will be amended or revised to adjust to changing circumstances. For example, the management goals, objectives, and standards stated for the Jefferson National Forest in the Revised Forest Plan may, in the near future, be in need of updating or amendment in order to be consistent with later assessments or analyses. The amendment process gives us the flexibility to adapt the decisions made today to the realities of tomorrow. We will provide opportunities to the public to be involved in future changes to the Revised Plan.

APPEAL INFORMATION

This decision is subject to administrative review pursuant to 36 CFR 217. A written appeal of this decision must be filed in duplicate within 90 days of the date of the published legal notices. Appeals must be filed with:

USDA Forest Service
Attn: NFS-EMC Staff (Barbara Timberlake)
Stop Code 1104
1400 Independence Avenue, SW
Washington, D.C. 20250-1104

Any notice of appeal must be fully consistent with 36 CRF 217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR part 217;
- The name, address, and telephone number of the appellant;
- Identification of the decision to which the appeal is being made;
- Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the Deciding Officer
- Identification of the specific portion of the decision to which appeal is made
- The reasons for appeal, including issues of fact, law, regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy
- Identification of the specific change(s) in the decision that the appellant seeks.

Requests to stay implementation of the Revised forest Plan will not be granted [36 CFR 217.10(a)]

Final decisions on proposed projects will be made on a site-specific basis using appropriate analysis and documentation and in compliance with NEPA. Project decisions may be subject to appeal at that time.

USDA Forest Service
Attention: Ecosystem Management Staff (Steve Segovia)
P.O. Box 96090
Washington, D.C. 20090-6090
(202) 205-1066)

For questions concerning the Jefferson Revised Forest Plan, contact:

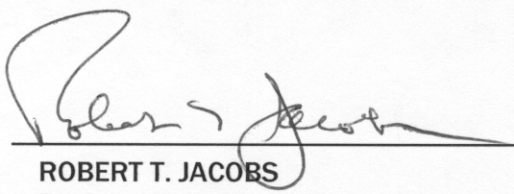
William E. Damon, Jr.
Forest Supervisor
Jefferson National Forest
5162 Valleypointe Parkway
Roanoke, VA 24019
(540) 265-5100

Reviewers are encouraged to contact the Forest Supervisor before submitting appeals to determine if misunderstandings or concerns can be clarified or resolved.

APPROVAL

I am pleased to announce my decision and bring this phase of forest planning to completion. This Forest Plan has been built on a strong foundation of citizen collaboration and the best available science.

As we move forward we will carefully monitor our activities, the condition of the land, the goods and services produced, and the effectiveness of the resource protection measures included in the Revised Forest Plan. I anticipate that implementation of the plan will be conducted in the same spirit of partnership that has characterized this revision process. Working together we can meet the challenges, realize the opportunities, and achieve the goals and objectives of the Jefferson Land and Resource Management Plan.



1/15/04

ROBERT T. JACOBS
Regional Forester
Southern Region
USDA Forest Service

Date