

**File Code:** 1950**Date:** January 19, 2021**Route To:****Subject:** South Red Bird Objection Resolution**To:** Robert Claybrook, Redbird District Ranger

This letter is in response to two objections, both dated October 5, 2020, to the South Red Bird Wildlife Habitat Enhancement Project (SRB Project) located on the Redbird Ranger District of the Daniel Boone National Forest (Forest). One objection was on behalf of Kentucky Heartwood and Kentucky Resources Council, and the other was on behalf of the Ruffed Grouse Society & American Woodcock Society (RGS). I have considered these objections, reviewed the Environmental Assessment (EA) and the analysis in the project file, and I understand the disclosed environmental effects. I have also considered the comments submitted during the public scoping for this project. My review was conducted in accordance with 36 CFR 218 Subparts A and B.

NON-HFRA PROJECT BACKGROUND

The *Land and Resource Management Plan for the Daniel Boone National Forest* (Forest Plan, 2004) provides guidance to work towards the Forest's mission to sustain the ecological health and productivity of the lands and waters entrusted to its care and provide for compatible human uses. Information gathered through the Integrated Resource Management Strategy (IRMS) and collaborative efforts identified several areas in the project area that do not currently meet desired resource conditions in the Forest Plan. The purpose of the South Red Bird Project is to improve wildlife habitat with a wider variety of age class, plant composition, and structural diversity than currently exists. The project's proposed action would help move the project area into conditions based on Forest Plan desired conditions, goals, and objectives that provide for a variety of forest structures and compositions.

The administrative review of the project has been conducted under 36 CFR 218 Subparts A and B in which the objectors provided narrative descriptions of the project, specific issues related to the project, and suggested remedies that would resolve the objection (36 CFR 218.8(d)(5)). Under these regulations, a review team unrelated to the project examined the objections and the project record and provided recommendations to the Forest for potential resolutions to the issues.

These regulations also allow for the parties to meet in order to resolve the issues (36 CFR 218.1 l(a)), which we did virtually through TEAMS on December 14, 2020. Those in attendance from the Forest were you (District Ranger Robert Claybrook); Region 8 Environmental Coordinator Stephanie Medlin; Forest Environmental Coordinator Andrea Felton; Forest Soil Scientist Dr. Claudia Cotton; and me. Objectors in attendance were Director of Kentucky Heartwood Ashley Lipscomb; Ecologist for Kentucky Heartwood Jim Scheff; Kentucky Heartwood Coordinator Tina Marie Johnson; Attorney for Kentucky Resources Council, Tom Fitzgerald; and Nick Biemiller, Southern Appalachian Forest Conservation Director of the Ruffed Grouse Society & American Woodcock Society. As a group, we reviewed the issues, heard each other's concerns, and discussed ideas about how to resolve those concerns.



Kentucky Heartwood stated for the record that they did not believe the RGS's objection met the criteria for objections under 36 CFR 218. However, both the Forest and the Regional Office have reviewed the objections by both RGS and Kentucky Heartwood and find both objections meet the required criteria.

I have reviewed and considered the project in light of the issues presented in the two objection letters. I appreciate that two organizations have taken an interest in the proposal, and that we are all working together to develop a collaborative relationship regarding this project. This type of collaboration embodies the intent of the pre-decisional objection process, and I hope this continues with forthcoming Forest projects. I will summarize our discussions below.

ISSUE REVIEW

Topic One: The Ruffed Grouse Society (RGS) wants the Forest Service to increase early seral habitat (ESH) to 20-25%, considering the lack of young forest conditions in the surrounding landscape. The RGS claims in their objection that the South Red Bird (SRB) project does not create adequate ESH. Their suggested remedy is for the Forest to increase ESH creation to 15-25% young forest.

Response: The Objection Review Team found that, when the definition of "young forest" is standardized between the Forest Plan (which defines ESH as 0-10 year old age class) and the *Kentucky Ruffed Grouse and Young Forest Strategic Plan 2017 to 2027* (*Strategy*, which defines ESH as 0-20 year old age class), the SRB Project meets the recommendations of the Strategy by creating 9% ESH on NFS lands.

Resolution: After reviewing the project record and consulting the Forest silviculturists, foresters, and scientists, I believe the SRB Project meets the goals in the *Strategy* by creating 9% ESH on NFS lands.

Topic Two—Kentucky Heartwood objected to logging operations that could affect threatened and endangered (T&E) species, specifically the Kentucky Arrow Darter (KAD), snuffbox mussel, northern long-eared bats (NLEB) and aquatic designated critical habitat (DCH). Kentucky Heartwood claims that the Forest failed to take a hard look at DCH of KAD and snuffbox mussel and that they rely on a flawed biological assessment. Their proposed resolutions for this issue are:

- Substantially reduce the total acreage of timber harvest in the project area;
- Limit the size of harvest areas;
- Limit or eliminate timber harvest in watersheds designated as critical habitat for the Kentucky arrow darter;
- the agency must correct each of the factual deficiencies in the environmental analysis identified in this objection, and;
- the agency must go back to the drawing board with this project and develop a new proposed action.

Response: The Objection Review Team studied the documents attached to Heartwood's objection. The Forest Service's requirement to adhere to the 4d Rule is still in effect. The DBNF has professional biologists on the Forest who ensure compliance with the Endangered Species Act. After reviewing the project record, I am satisfied with the analysis of bats, KAD and other T&E species and their DCH. We have received

concurrence from U.S. Fish and Wildlife Service (USFWS) that we will implement under the Forest Plan Biological Opinion. I am convinced there has been a hard look and we have consulted with USFWS appropriately.

Substantially reducing the total acreage of timber harvest in the project area would not help us achieve Forest Plan goals and objectives for young forest habitat. Forest Plan Standards require timber stand units to be less than 40 acres each with 330-foot buffers between the next unit, protecting the flyways and canopied corridors for bats and other wildlife species. Design criteria developed for this project are based on the repeated hard looks and data analysis of our soil scientist, Dr. Cotton, and other resource specialists.

Resolution: We stand by our findings in the biological assessment.

Topic Three: Kentucky Heartwood claims, “The Forest Service has proposed management that will eliminate or preclude the development of interior forest tracts in the project area and fail to meet the Objectives of the Forest Plan.” They say the Plan’s 1.K.1.A young forest objective conflicts with the 1.K.1.C objective for interior forests. Their suggested remedy is for the Forest to, “Undertake a spatial analysis so that the distribution of harvest areas maximizes the potential for interior forest habitat.”

Response: The first work we do in the IRMS process is assess age class distribution and forest type distribution across the area. It is the most important data used to develop our proposed vegetation management actions. Our analysis shows that we far exceed the Forest Plan’s desired acreage for mature forests, and that we have little to no early seral habitat on NFS lands in the project area. The Forest is trying to achieve a balance between interior forest and young forest habitats, and the SRB project was designed to help meet the desired future condition for both Forest Plan objectives. These two objectives do not conflict with each other; they enable the Forest to achieve a mosaic of habitats required by most wildlife species.

Resolution: After careful consideration of how the age class and forest type distribution data were used to develop the proposed action, I am satisfied that the prescriptions for the proposed stands are appropriate to achieve multiple objectives in the Forest Plan. Nearly 65% of the project area within NFS lands will not be subject to any activities in this decision, and those untouched forest stands will continue to age.

Topic Four: Kentucky Heartwood’s main objection issue centered around erosion, sedimentation, and landslides. It was further subdivided into related issues:

- Issue 2.A. Geologic hazards and stratigraphy
- Issue 2.B. Slope hazards
- Issue 2.C. Inadequacy of Kentucky Best Management Practices (BMPs)
- Issue 2.D. Failure to follow Forest Plan Standards
- Issue 2.E. Failure of post-harvest reclamation
- Issue 2.F. Precipitation
- Issue 2.G. Inadequacy of project-specific protective measures
- Issue 2.H. Mischaracterization of road miles (i.e., 91 > 3.7)
- Issue 2.I. Inadequacy of cumulative effects analysis

In its objection, Kentucky Heartwood suggested the following remedies for the above issues:

- Limit the size of harvest areas;
- The Forest Service must clarify its 10% soil exposure rule in the Forest Plan
- Allow no construction of skid roads or skid trails, especially “full-bench” skid roads, on slopes over 35%

Response: The Objection Review Team’s corrective actions for the DBNF included:

- Analyze geologic formations other than Fireclay and Fireclay Rider in the project area;
- Quantify slopes between the (2008) Group One Project area and the SRB Project area;
- Identify Streamside Management Zones (SMZs) and geologic hazards;
- Provide an estimate of total exposed soils from implementation, instead of a maximum limit; add design criteria to monitor contracts and take measures if meeting a threshold near 10% soil exposure;
- Define the differences between road types and clarify calculations of soil exposure from road construction;
- Study monthly precipitation events, instead of yearly averages, to predict the risk of landslides;
- Clarify when, where, and how stands will be marked to avoid areas of concern. Consider soil protection areas on high-risk slopes or formations;
- Clarify consideration of timber harvests on private land relative to cumulative impacts in the Soil and Water Report and EA.

Resolution: During our resolution meeting, we discovered our commonalities and each party proposed the following remedies to resolve the issues:

Table 1. Commonalities between the Objectors and the Forest Service

Kentucky Heartwood	Ruffed Grouse Society	Forest Service
The length and width of skid roads and trails need to be documented during implementation.	Treat the highest-risk units differently, e.g., conduct tower or cable logging on those units to reduce skid roads and trails.	Design criteria to address skid roads: The length and width of skid roads and trails should be documented during implementation and seeded if nearing the 10% threshold.
The Forest Service should monitor soil exposure before, during, and after timber operations.	Substitute certain prescriptions on high-risk areas to create ESH, using cost-effective and efficient timber harvests. Then monitor and adapt.	The Forest Service does monitor soil exposure before, during, and after timber operations.
Project-specific standards need to be developed to prevent landslide hazards, e.g., do not log on slopes greater than 50%.	Incorporate standards to create early seral habitat while mitigating the risk of landslides.	Design criteria have been developed to reduce the risk of landslides and erosion. Forest Plan Standards and Kentucky BMPs will be implemented.
The Forest Service needs to identify triggers and “thresholds		Interdisciplinary teams will ground-truth high-risk areas and

Kentucky Heartwood	Ruffed Grouse Society	Forest Service
of risk” (Kentucky Heartwood admitted they did not know what those thresholds should be).		modify prescriptions as conditions warrant (e.g. set a higher residual basal area, woodlands, group selection, non-commercial thinning, no action, etc.)
The Forest Service should use the landslide model (Crawford 2020) to assess if areas are appropriate for timber operations.	The model is helpful for showing areas of high risk. It could be used to identify areas where ESH can be achieved using different prescriptions or methods.	Models are not facts—they’re tools that make inferences. We cannot rely entirely on this model for this decision.
Create or maintain ESH in areas that have already been cut in the 1980’s and 1990’s instead of harvesting older, mature trees.	Add some non-commercial treatments in old clear cuts	We may need to do some non-commercial thinnings to get ESH on steep slopes, but we’ll need to use timber receipts and stewardship agreements to pay for this work.

As shown in Table 1, many commonalities exist among us. All of us want what is best for the Forest. None of us want landslides. At the end of the discussion, we did not reach a resolution on how to address this erosion and landslides issue but understood the perspective of each group represented.

SUMMARY

I appreciate the extensive participation from both Kentucky Heartwood and the Ruffed Grouse Society & American Woodcock Society throughout our collaborative processes and the time they spent to prepare thoughtful comments and specific objection issues with proposed resolutions. I know we all share the same passion for the Daniel Boone National Forest and am encouraged that we will find more opportunities to work together in the near future. The relationships we have formed and continue to refine through collaboration will help us better define common goals for management of the Forest into the future.

Ranger Claybrook, in response to the resolutions described on pages 2 through 5 of this letter, I request that you complete the following activities in the decision and during project implementation:

1. Ensure silviculturists and foresters follow Forest Plan Standards, Kentucky’s 2018 Best Management Practices, and the timber marking handbook when laying out timber sale units and writing contracts. An interdisciplinary team shall develop and utilize an Implementation Checklist prior to and during project layout and throughout implementation to establish where skid roads and log landings can be constructed. Ensure contractors adhere to the checklist and specifications during implementation.
2. Ensure DBNF’s silviculturists and foresters continue to work with wildlife biologist(s) to achieve a mosaic of habitats needed in the project area while protecting T&E species and Designated Critical Habitat. Consult with specialists (e.g., District Biologist, Forest Soil Scientist, Hydrologist) and adhere to the site-specific design criteria they propose.

3. Ensure we give careful consideration to areas of high-risk potential for landslides so that prescriptions and management tools minimize risk of landslides as much as feasible. Considerations should be given to seasonality for which precipitation is high during implementation and also consideration to seasonality and precipitation for soil stabilization through seeding and mulching that ensures viability of seed germination and growth.
4. Ensure Best Management Practices are adhered to including any soil protection areas identified. In slopes and soil types that have a high probability of landslide potential, look at alternative harvest options (e.g., high line logging, basal area increases) to mitigate those higher probability areas.

Once the concerns and instructions I've identified above have been addressed, you may make your decision and implement the project immediately following the decision (36 CFR 218.12 (a) and (b)). This response is not subject to further administrative review by the Forest Service or the Department of Agriculture (36 CFR 218.11(b)(2)).

X



Signed by: Department of Agriculture

H. SCOTT RAY
Acting Forest Supervisor

cc: Nick Biemiller (Ruffed Grouse Society & American Woodcock Society), Ashley Lipscomb (Kentucky Heartwood), Jim Scheff (Kentucky Heartwood), Tom Fitzgerald (Kentucky Resources Council)