



**File Code:** 1900

**Date:** April 20, 2001

**Route To:** Monongahela Forest Supervisor  
Kimberley Johnson, Assistant Forest Supervisor  
All Monongahela District Rangers

**Subject: Monitoring of the Indian Run Decision and Comparison  
with Hobson/Laurel Timber Sale Contract**

**To:** Liz Schuppert, Cheat/Potomac District Ranger  
Richard Cook, Assistant Forest Supervisor

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## SUMMARY

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In April 2001, I compared the projects and mitigation measures that were approved in the 1998 Indian Run Decision Notice and Finding of No Significant Impacts (DN/FONSI) with those that were implemented via the 1998 Hobson/Laurel Timber Sale Contract. The purpose of my evaluation was to determine the extent to which standards similar to, or the same as, those recommended in the January 1999 USDA Office of Inspector General Evaluation Report #08801-10-At were met in projects implemented prior to the 1999 OIG recommendations.

The following summarizes my observations (also see the attached monitoring report):

**Areas Consistent with OIG Recommendations:**

- The FONSI addressed all 10 intensity criteria, and provided some references to the EA to support conclusions. It also stated, “an environmental impact statement is not needed.”
- Most unit numbers in the DN/FONSI agreed with numbers in the Hobson/Laurel Contract.
- Harvest methods and the shape and location of units shown on the Indian Run Alternative 2 Map were similar to those identified on the Hobson/Laurel Timber Sale Maps.
- Most of the mitigation measures that were to be included in the timber sale contract were included. The District also used other means to ensure mitigation measures were implemented (e.g. silvicultural prescriptions and verbal communication).
- Interviews with District personnel and an April 16<sup>th</sup> site visit to the Hobson/Laurel Timber Sale Area confirmed that the District is implementing mitigation measures listed in the Indian Run DN/FONSI and conducting some implementation monitoring (e.g. during timber sale inspections; road construction and reconstruction inspections).
- Page 100 of the Indian Run Environmental Assessment indicates that a wide variety of resource specialists worked together during planning. Interviews of District and Forest personnel indicate that communication between specialists has continued through implementation to ensure mitigation is implemented as planned (e.g. coordination between Forest Hydrologist and Aquatic Ecologist and Hydrological Technician to discuss the implementation of FR 959 rehabilitation work).



**Areas Not Consistent with OIG Recommendations:**

- The Indian Run FONSI did not provide EA references for all the intensity criteria.
- A decision notice checklist was not completed for the Indian Run DN/FONSI.
- No records exist to document that the District Ranger verified the appropriateness of mitigation measures prior to signing the Indian Run DN/FONSI.
- Documentation does not exist to certify that the DN/FONSI and the timber contract agree.
- Documentation does not exist to explain discrepancies between the DN and the contract. A crosswalk displaying differences between DN/FONSI unit numbers with contract unit numbers had not been developed prior to my evaluation. Acres approved for treatment did not consistently match acres identified in the contract.
- Implementation monitoring was not consistently documented. Changes made during implementation were not always recorded, and no explanation was given as to whether environmental effects would be different than those described in the Indian Run EA.
- The District did not use a tracking system to ensure that all of the mitigation measures outlined in the Indian Run DN/FONSI were carried out as intended.
- Communication wasn't sufficient to guarantee that all mitigation was implemented (e.g. the bluntlobe grape fern, a Region 9 sensitive species, was found near an approved harvest unit, but it is not clear that the markers knew the exact location of the plant before marking).
- I am not aware of records that show the Ranger verified implementation of mitigation.

As my report indicates, many standards recommended by OIG already are being implemented; however, those requiring comprehensive documentation have not been implemented for Hobson/Laurel activities. This is not surprising since the Indian Run analysis and Hobson/Laurel timber activities were initiated before OIG identified standards for extensive documentation.

**Recommendations:**

- If appropriate, use language in future environmental documents that allows some flexibility during implementation (e.g. consider a small range of acres that could be effected to allow minor acreage modifications during implementation). Describe environmental effects with this flexibility in mind to allow for adjustments that may occur during implementation.
- In all future FONSI, reference pages from the EA to support conclusions for all 10 criteria.
- Before approving future decisions, have Deciding Official sign mitigation tracking forms to verify the appropriateness of mitigation and complete a decision notice checklist.
- Have Districts develop and use a form to track mitigation accomplishments. If adjustments to mitigation are needed during implementation, consult with the specialist who identified the mitigation to ensure appropriateness and document the rationale and effects of changes.
- Ensure the appropriate personnel initial mitigation forms as mitigation is implemented.
- Have Districts use crosswalks, as appropriate, to identify what changes, if any, are made to unit numbers, acres, location, etc. during implementation.
- If changes to acres, location, etc. are made during implementation, explain how such changes do or don't alter the environmental impacts that were described in the EA.
- Assess the effects that cutting of Unit 4 did, or did not have, on the bluntlobe grape fern.

# MONITORING OF THE 1998 INDIAN RUN DECISION

In January 1999, the USDA Office of Inspector General reviewed several Forest Service timber sales and provided recommendations regarding timber sale environmental analysis requirements (OIG Evaluation Report #08801-10-At). Few timber related decisions have been approved on the Monongahela National Forest since OIG made its recommendations in 1999, and of those decisions, none have been implemented to the point to which compliance with OIG recommendations can be adequately assessed. However, to determine the extent to which pre-1999 analyses and timber sale activities have implemented standards similar to, or the same as those recommended by OIG in 1999, the Forest chose to examine four timber sales in 2001. The first sale to be monitored was the Hobson/Laurel Timber Sale.

The Hobson/Laurel Contract (#010955) was awarded in November 20, 1998. It is one of several projects resulting from the May 27, 1998, Indian Run DN/FONSI (see pages 1-4). Some, but not all, ground-based and skyline timber harvesting and road construction and reconstruction has been completed under the Hobson/Laurel Contract.

On April 16, 2001, Cheat/Potomac District Ranger (Liz Schuppert), the Forest Timber Contracting Officer (George Hudak), the North Zone Timber Management Assistant (Larry DeHaven), and myself field reviewed (1) various timber units (including Units 4, 11, 13, and 19); (2) the sediment controls that have been completed on SR 8; (3) the efforts initiated on FR 973; and (4) work completed on FR 953 to verify that projects were implemented as planned and that mitigation were properly executed.

**My evaluation indicates that many standards recommended by OIG already are being implemented, however, those requiring comprehensive documentation have not been implemented for Hobson/Laurel activities. However, this is not surprising since the Indian Run analysis and Hobson/Laurel timber activities were initiated before OIG identified standards for extensive documentation.**

**The following pages (1) identify the OIG recommendations that I addressed; (2) convey my observations after reviewing various documents, interviewing District personnel, and field-checking a variety of projects; and (3) describe actions the Deciding Official may choose to take to address these observations.**

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## **OBSERVATIONS AND RECOMMENDATIONS**

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1. *The implementation monitoring for mitigation measures is carried out and documented* (part of OIG Recommendation No. 1b).

Interviews with District personnel and my April 16<sup>th</sup> site visit to the Hobson/Laurel Timber Sale Area confirm that **the District is implementing mitigation measures listed in the Indian Run DN/FONSI and conducting implementation monitoring** (e.g. during timber sale inspections; road construction and reconstruction inspections). **However, District personnel did not document what changes were made during implementation or compile the results of their implementation monitoring.**

**The following are some examples of mitigation the District has implemented and the results of implementation monitoring conducted on April 16, 2001:**

- **Den/cull trees and shagbark hickory were retained in cut stands.** Pages 7-8 of the Indian Run DN stated “Shagbark hickory trees will be left in harvest units as well as den and cull trees...to protect potential roosting areas for the Indiana bat” and that “Three to five cull/den trees per acre will be retained if available.” I found that silvicultural prescriptions directed timber markers to retain 3 to 5 cull/den trees per acre (see prescription for Units 1-22, dated 2/96). The North Zone Timber Management Assistant believed markers also were instructed to protect shagbark hickory, but no documentation of this instruction exists. My field review confirmed that den/cull trees and shagbark hickory were retained in harvested units (see photo below); but I suggest the District review the Hobson/Laurel Sale Report to verify that all shagbark were retained.



Figure 1: Cull/Den trees and shagbark hickory retained in Unit 19 wildlife opening.

- **Heritage resource sites were protected.** My field review of the Hobson/Laurel Sale confirmed that historic sites were flagged and avoided as DN/FONSI page 8 required.



Figure 2: Heritage site flagged and protected in Hobson/Laurel Timber Sale Unit.

- **No new skid roads were created in Units 2 and 3.** The DN/FONSI stated that water quality concerns would be addressed by restricting ground-based skidders to existing skid trails (no new skid trails in harvest Units 2 and 3)(DN/FONSI, p. 6). My interview of the North Zone Timber Management Assistant and April 16 field review revealed that no new skid trails were created in Units 2 and 3.
- Page 6 of the DN/FONSI stated, “In harvest Unit 4, if possible, do not cross the functioning channel within the unit with skid trails – approach the channel from either side without crossing it.” **The channel in Unit 4 was crossed after determining that developing a skid trail from the west side of the channel would have required very steep skid trails and resulted in greater soil disturbance.**

The tributary in Unit 4 was crossed by two skid roads. My field visit verified that the slope on the west side of the channel in Unit 4 was too steep to create a skid trail on.



**Figure 3: Log landing and cut slope in Unit 4.**

As the picture and a topographic map shows, developing a skid trail from the west side of the channel would have required crossing private land (for which the Forest does not have a right-of-way) or creating a skid trail adverse to the cut slope.

The Cheat District Timber Sale Administrator indicated that the channel in Unit 4 is likely an ephemeral or intermittent channel (note: it had been raining quite a bit the week I conducted my field review, therefore, I could not confirm this). To minimize the potential for disturbance in the channel, (1) the timber operator placed a pipe in the channel so that skidding occurred over the pipe rather than through the channel; and (2) skidding across the channel occurred in August when no water was flowing. Although the language in the decision notice allowed the Timber Sale Administrator some flexibility, in the future, **I recommend that the specialist who identified the mitigation be consulted prior to making changes and that such changes be documented.**

- **Seeding had been implemented in critical areas such as cut banks, steep sections of skid trails, and areas near functioning stream channels (see the following photographs of skid trails and landings).**

Most skid trails, landings, and cut slopes I visited April 16<sup>th</sup> had lush grass cover.



**Figure 4: Vegetation growing on cut slope of FR 970.**



**Figure 5: Log landing and skid trail of Unit 13.**



**Figure 6: Sections of a skid trail in Unit 4 had recently been seeded and didn't have coverage yet.**

The above are examples that demonstrate the District is following through with mitigation, but documentation of their implementation monitoring efforts is not compiled. During our April 16<sup>th</sup> visit, the Cheat/Potomac District Ranger and the North Zone Timber Management Assistant indicated that the District has been doing more to document their implementation monitoring for those decisions that have been approved since the January 1999 OIG Report.

**I recommend the District identify and use a format that helps them track their monitoring accomplishments** and ensure all mitigation measures are carried out as intended. **Their monitoring form should encourage the consistent explanation of what changes are made during implementation and whether these changes alter the environmental effects that were described in the environmental document.**

Had a tracking system been in place for the Hobson/Laurel contract, the following incidents could have been avoided:

- Page 8 of the Indian Run DN/FONSI indicated, “A single population of bluntlobe grape fern will be avoided during timber management activities in Unit 4.” **The District could not find any written record to verify that, when laying out Unit 4, the timber markers avoided the bluntlobe grape fern** (a Region 9 sensitive plant species).

District records indicate that the botanical survey crew flagged the location of the bluntlobe grape fern, but the botanical crew did not identify the color of the flagging or display the exact location on a map. Unit 4 was laid out by May 1996; it was marked by June 1996; and the DN was signed May 1998. The North Zone TMA cannot recall the markers identifying a fairy ring of flagging in Unit 4. **In a conversation with the North Zone TMA, the interdisciplinary team leader for the Indian Run analysis (Jim Knibbs) stated that the bluntlobe grape fern was found near the riparian area of Hobson Run and that Unit 4 did not extend into the riparian area (see photo below).**



**Figure 7: The riparian area of Hobson Run appeared to be below and outside of this skyline unit.**

**However, I recommend that the District document the effects that cutting of Unit 4 did, or did not have, on the bluntlobe grape fern.**

- The Indian Run DN/FONSI stated, “In intermediate units, whole tree skidding will not be permitted and log lengths will be limited to less than 26 feet” (see page 7). This mitigation was identified to minimize effects from vegetation management practices.

**My review of the Hobson/Laurel Contract revealed that CT 6.42 set the skidding length to 33 feet, 7 feet more than stated in the Indian Run DN/FONSI.** Had a tracking system existed for the Indian Run decision, this discrepancy could have been avoided, or an explanation would have been provided to support the change.

One other observation, it was difficult to determine if roads were implemented as approved. For example, the DN/FONSI did not separate the mileage for each road to be constructed /reconstructed as the Hobson/Laurel Contract did; rather, the DN/FONSI simply stated that 1.84 miles of road was to be reconstructed and 5.38 miles constructed. **I suggest that all Decision Notices identify the mileage of each road, or refer back to the page in the EA where such mileages are documented.** In the case of the Hobson/Laurel Contract, I suggest that a crosswalk be developed that compares the roadwork approved with the roadwork that has, or is to be implemented. The crosswalk should compare the approved road name, number, activity, and mileage with that which has been, or is yet to be implemented. It should also identify the project name or contract number under which the work has been, or will be, accomplished.

2. Communications are improved by sharing critical information between resource specialists (e.g., biologist and timber sale layout person)(part of OIG Recommendation No. 1b).

Page 100 of the Indian Run Environmental Assessment indicates that a wide variety of resource specialists worked together to plan Indian Run projects. In my interviews of District and Forest personnel, it appears that communication between resource specialists has continued through implementation (e.g. design of FR 959). However, communications could be improved to avoid oversights such as occurred with regard to the bluntlobe grape fern and log length limitations.

**Using a tracking system to document their monitoring accomplishments, as proposed under item #1, would improve communication among specialists and help the District ensure that all mitigation measures are carried out as intended.**

My impression is that each District is developing its own tracking system (e.g. Appendix G of the May/Little River Environmental Analysis and mitigation summaries developed by the Marlinton Ranger District). **It is not required, but may be worthwhile to review these documents and design a format that can be used across the Forest.**

3. Develop an administrative control plan that includes a provision to require deciding officials, prior to signing the decision notice, to review the draft decision notice and reference the environmental assessment to ensure that mitigation measures are appropriate (OIG Recommendation No. 2a).

**No records document that the District Ranger verified the appropriateness of mitigation measures prior to signing the Indian Run DN/FONSI,** but such an administrative control plan was not required at the time the DN/FONSI was signed.

As a former District NEPA Coordinator, I know Forest NEPA Writers are making greater efforts to reference the environmental document to support the finding of No Significant

Impacts (e.g. August 2000 May/Little River DN/FONSI). **To ensure that deciding officials consider the appropriateness of mitigation measures prior to signing decision notices, I recommend that deciding officials sign mitigation tracking forms prior to signing the decision document.**

4. Include in the administrative control plan a provision whereby the deciding official verifies that mitigation measures are properly implemented (OIG Recommendation No. 2b).

**I am not aware of documentation that indicates the Cheat District Ranger verified Indian Run mitigation measures were implemented. If a document is developed for tracking mitigation measures, I recommend that a section be provided for the deciding official, or his/her representative, to initial once mitigation is implemented.**

5. Direct that all timber sale contract preparers sign and place in the environmental project file a certification that the timber sale contract is in agreement with the decision document. Specifically, ensure that items, such as maps, number of acres, location, harvest method and stand numbers all agree (part of OIG Recommendation No. 2d).

**A document does not exist in the project file to certify that the Indian Run DN/FONSI and the Hobson/Laurel Contract agree; but such documentation wasn't required in 1998 when the contract was awarded. Acres identified for treatment did not consistently match acres identified in the contract--although harvest methods and the shape and location of units shown on the Indian Run Alternative 2 Map were similar to those identified on the Hobson/Laurel Timber Sale Maps.**

The Indian Run DN/FONSI did not state that the acres that were considered during the analysis of environmental effects could change somewhat during implementation without changing potential effects. For example, Alternative 2 Unit Summary on page 3 of the DN states xx acres will be cut. There is no footnote that indicates that these numbers are approximations (although page 1 does say that "A commercial timber sale will harvest about 259 acres by regeneration harvest prescriptions..."). Therefore, changing acres during implementation may leave some wondering if the environmental effects have been adequately considered.

In a comparison between the units approved in the Indian Run DN/FONSI with the units awarded by the Hobson/Laurel Contract, I found that 55 fewer acres would be harvested under the Hobson/Laurel Contract than identified in the Indian Run DN. The greatest increase in harvested acres occurred in thinning Unit 16 of the Hobson/Laurel Contract--8 acres more were awarded for harvest in that unit than was approved in the DN. The largest reduction in acres occurred in thinning Unit 11 of the Hobson/Laurel Contract--21 fewer acres were awarded for that unit than were approved in the DN.

In a March 29, 2001, phone conversation, Tim Scherm (the Timber Sale Administrator for the Hobson/Laurel Contract and a member of the Indian Run interdisciplinary team) explained that during the planning stage, unit locations were approximated on topographic maps and acres were estimated using a dot grid. At the time of implementation, Indian Run units were precisely laid out on the ground and measured using a global positioning system. The variation between the dot grid method and the GPS system accounts for some of the difference in planned versus implemented acres. Units can be laid out precisely during the planning stage, but this would require a greater financial investment prior to the

environmental analysis, and the public may feel the Forest is making a decision prior to public involvement.

**I recommend that the District use language in their environmental documents to allow flexibility during implementation** (e.g. consider a small range of acres that could be effected to allow minor acreage modifications during implementation). **Using such language would help ensure environmental effects are appropriately documented. I also suggest that Districts document changes that are made during implementation, provide rationale for such changes, and insert their findings in project files.**

6. Secondly, ensure that all mitigation measures that should be included in the timber sale contract are included (the rest of Recommendation No. 2d).

- **I found that most of the mitigation measures that could be included in the timber sale contract were included.** The mitigation to limit log lengths to less than 26 feet is the only mitigation measure I saw that could have been included in the contract but wasn't.

Due to the automation of the timber sale contract preparation process, and the general nature of the timber sale contract clauses from which to choose from, it is not always possible to include all mitigation measures in the timber sale contract (conclusion based on conversations with Larry DeHaven, North Zone Timber Management Assistant, and George Hudak, Forest Timber Contracting Officer). In the case of the activities to be implemented under the Hobson/Laurel Contract, other means also were used to ensure mitigation measures were implemented (e.g. silvicultural prescriptions, verbal communication, etc., see discussions under Item #1).

7. Require that a cross-walk from the applicable timber sale contract to the decision document and referenced environmental assessment be prepared and filed in the project folder whenever stand numbers are changed (OIG Recommendation No. 2e).

**A crosswalk comparing DN/FONSI unit numbers with the Hobson/Laurel Timber Sale unit numbers did not exist** prior to my evaluation; **however**, by comparing the Alternative 2 Map with the three Hobson/Laurel Timber Sale Maps, I found that **most unit numbers in the DN/FONSI agreed with unit numbers in the contract.** The only exceptions to this finding were units 5, 6, 19, 20, which, I later learned from Larry DeHaven, were to be offered separately in a future timber sale.

During my review, the District created a crosswalk (see "Indian Run EA Monitoring" provided by Larry Dehaven 04/04/01). **I recommend the District elaborate on this crosswalk to document why acres approved for harvest in the DN do not agree with acres authorized for harvest under the Hobson/Laurel Contract. I also encourage the District to look at crosswalks that have been used on other Districts to select the easiest format to use** (the Forest has several examples of crosswalks to choose from).

8. Require all line officers with timber sales on their units to review this report to obtain an understanding of the deficiencies noted (OIG Recommendation No. 2f).

This was first done in March 1999, after OIG inspected timber sale units on the Monongahela National Forest. In January 2001, the Leadership Team revisited OIG recommendations during a review of the Forest's OIG/NEPA Action Plan.

9. Require that a decision notice checklist, modeled after the checklist contained in the 1900-1 training course, be completed, signed by the deciding official, and filed in the project file for all decision notices (OIG Recommendation No. 5).

**Such a checklist** wasn't required or **completed for the 1998 Indian Run DN/FONSI. I recommend a decision notice checklist be completed for all future projects;** but I don't see how completing a checklist for decisions already approved would be helpful.

10. Direct the preparers of "Findings of No Significant Impact" include a brief explanation of the conclusion reached for each intensity item and include the appropriate reference to specific pages in the environmental assessment or other documents used as a basis for the conclusion (OIG Recommendation No. 6a).

In his March 13, 2000, letter, Forest Service Deputy Chief James Furnish directed each administrative unit that conducts a timber management program to specifically address each of the 10 intensity criteria in a FONSI and provide "the appropriate reference to specific pages in the environmental documents used as the basis for the conclusion."

**The Indian Run DN/FONSI addressed the 10 intensity criteria and, to some extent, referenced pages in the EA to support conclusions; however, it did not provide references for all 10 criteria. I recommend that FONSI reference pages from the EA to support conclusions for all 10 criteria,** such as was done for the 08/00 May/Little River DN/FONSI.

11. Direct responsible officials to ensure that "Findings of No Significant Impact" contain the statement that an environmental impact statement is not needed (Recommendation No. 6b).

Deputy Chief Furnish's March 2000 letter directed that this be done (see page 3 of his letter). On page 12, the Indian Run DN/FONSI stated, "an environmental impact statement is not  
**The Indian Run DN/FONSI included this statement.**

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## IMPLEMENTATION OF OTHER APPROVED PROJECTS

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The Hobson/Laurel Contract does not address the following approved projects:

1. **Regeneration cutting to be accomplished via helicopter logging** (DN/FONSI, pp. 1 and 3). The North Zone Timber Management Assistant indicated that helicopter units would be sold (units 5,6,19, and 20 of the DN/FONSI ) under a separate contract. The District felt selling the ground-based and skyline units separately would allow for more competition, since few logging companies currently implement helicopter logging. Timber harvested from the helicopter units will be transported via some of the same roads being constructed or reconstructed under the Hobson/Laurel Timber Contract. Therefore, to simplify contract administration of the roads, the helicopter units will not be awarded until the Hobson/Laurel sale is completed.
2. **Potential use of herbicides** (DN/FONSI, pp. 1-2). The North Zone Timber Management Assistant stated that the need for herbicide use would not be determined until after post-harvest stocking surveys are completed (probably sometime in 2001).
3. **Sediment reduction work on SR 8** (DN/FONSI, p. 4). Much of the work on SR 8 has been completed and has helped reduce sediment input to Clover Run (see photos).



**Figure 8: SR 8 crossing of the Left Fork of Clover Run.**



**Figure 9: Arch culvert installed on SR 8 in Clover Run drainage.**



**Figure 10: Riprap material used to stabilize the stream bank of the Left Fork of Clover Run.**



**Figure 11: Silt fence used to prevent sediment from entering Clover Run during SR 8 rehabilitation.**



**Figures 12: Outlet side of cross-drainage installed on SR 8 in the Clover Run drainage.**



**Figure 13: Inlet side of a culvert that was installed on SR 8 in the Clover Run drainage.**

4. **Rehabilitation of FR 959 in the Hobson Run drainage** (DN/FONSI, p. 4).  
Rehabilitation of FR 959 has not begun.

Knutson-Vanderberg funds are being collected from the Hobson-Laurel Sale so that it may be in the future, and the Forest Hydrologist, Aquatic Ecologist, and Hydrology Technician have met to identify an effective location and method of closure for this road (04/07/01 phone conversation with Barry Edgerton).

**I recommend that the District identify a timeframe for accomplishing item 4 and develop a tracking system to ensure mitigation is implemented.**

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### **ADDITIONAL OIG COMPLIANCE EVALUATION**

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I did not evaluate compliance with OIG Recommendation regarding Threatened, Endangered, Proposed and Sensitive Species Considerations, Surveys, and Information. **I recommend that a Wildlife Biologist who is unfamiliar with the Indian Run analysis review the Indian Run Biological Evaluation to assess fulfillment of OIG Recommendations Nos. 4a, 4b, and 4c.**

If you have any questions regarding my observations and recommendations, please contact me at [lhise@fs.fed.us](mailto:lhise@fs.fed.us) or 304-636-1800, extension 219.

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