

## **DECISION MEMO**

### **Great Divide ATV and Snowmobile Trail Reroutes 2007**

USDA Forest Service, Eastern Region, Chequamegon-Nicolet National Forest  
Great Divide Ranger District  
Ashland, Bayfield, and Sawyer Counties, Wisconsin  
Legal Descriptions Listed Below

#### **I. DECISION TO BE IMPLEMENTED**

##### **A. Description of Decision**

I have decided to relocate several segments of ATV and snowmobile trail on the Great Divide Ranger District. Four areas are affected, totaling about  $\frac{3}{4}$  mile. Safety and continued trail access are the primary purposes of the re-routes.

The first area is 3 short segments totaling 700 feet of the Deadhorse ATV trail and Snowmobile Trail 9, just east of the Deadhorse Slough Trailhead, about 3 miles east of Clam Lake, WI. It involves straightening two sharp corners of the trail where there are safety concerns, improving grooming access in the winter, and moving a segment of the trail off a plowed road where site-distance is limited and that also serves as access to a private residence.

The second area involves ATV Trail 405 and Snowmobile Trail 5 in Sawyer County at T40N R4W Section 18 near Fishtrap Lake. A short reroute of approximately 900 feet would move the trail off of private land that is no longer available for the trail.

The third area is in Bayfield County between County Highway M and Forest Road 334 at T43N R5W Section 27. It's a 400 foot re-route of Snowmobile Trail 8 around 2 steep hills within a pipeline corridor where grooming and safety problems exist.

The fourth area is about 0.3 miles of Snowmobile Trail 8 in Ashland County at T44N R4W Section 32 and involves moving the trail off of Forest Road 196, a plowed road, and re-locating it parallel to the road about 200 feet to the north.

##### **B. Purpose of Decision**

This decision is intended to respond to the Plan Goal of "Provide Multiple Benefits for People within the Capability of Sustainable Ecosystems – Recreation Opportunities" (Goal 2.1) by moving the snowmobile trail off of plowed roads. This decision is also intended to respond to the Forest Plan Goal by improving the safety of the recreation experience and minimizing the recreation use conflicts.

This decision is intended to contribute to accomplishment of the Forest Plan Objective 2.1g by moving the snowmobile trail off of plowed roads and minimizing recreation use conflicts with other user groups. (Plan, p.1-5).

## II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an Environmental Impact Statement or Environmental Assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2 as, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the Record.

### A. Category of Exclusion

The decision is within the category of exclusion 31.2.1 that includes, "Construction and reconstruction of trails."

### B. Relationship to Extraordinary Circumstances

#### 1. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat.

It was determined by the District Wildlife Biologist that this decision will have 'no effect' on the Timber Wolf. (PR, Extraordinary Circumstances checklist).

#### 2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, ". . . the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

The project is not located in or near floodplains. This has been validated by map and site-review. This decision will not affect floodplains.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, ". . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

The project is located near wetlands. This has been validated by map and site-review. This decision will improve wetlands. One of the re-routes moves the trail out of a wetland. To further ensure that wetlands-related impacts are minimized, Best Management Practices are incorporated.

*Municipal Watersheds:* Municipal watersheds are managed under multiple use prescriptions in land and resource management plans.

There are no municipal watersheds on the Forest. This decision will not affect municipal watersheds.

### 3. Congressionally Designated Areas -

*Wilderness:* This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified on the Forest as Management Area 5 (Plan, p.3-22). The project is located in Management Areas 1A (Plan, p. 3-3), 2B (Plan, p. 3-8) and 4A (Plan, p. 3-17). The closest Wilderness, the Porcupine Wilderness area, is 9 miles west of the closest project location. This decision, with impacts limited to the immediate area of activity, will not affect the Wilderness area.

*Wilderness Study Areas:* There are no Wilderness Study Areas within the project area (Plan FEIS, p. 3-26). This decision will not affect Wilderness Study Areas.

*National Recreation Areas:* There are no National Recreation Areas on the Forest. This decision will not affect National Recreation Areas.

4. Inventoried Roadless Areas – The re-route on map 4 is within a 2001 Roadless Area Conservation Rule area (RACR), which was called Tea Lake. RACR characteristics will not be altered by this project. The snowmobile trail is allowable because; 1) it is designated and managed as a trail, not a road. 2) RACR areas allow road construction and reconstruction anyway, conditionally. 3) The 2004 Forest Plan revision rejected Tea Lake as suitable for SPNM due to insufficient core area. 4) Trees can be cut and removed for the trail construction when incidental to implementation of a management activity. 5) The project is consistent with Forest Service Manual 1925.

5. Research Natural Areas - There are no Research Natural Areas in the decision area (Plan FEIS, p. 3-110). This decision will not affect Research Natural Areas.

6. American Indian and Alaska native religious or cultural sites - The Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with the Tribal Historic Preservation Officers of potentially affected tribes (PR, April 20, 2006 scoping letter). The intent of this consultation has been to remain informed about Tribal concerns.

No tribal concerns were identified for this project.

## 7. Archaeological sites, or historic properties or areas –

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered on federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (Record, Extraordinary Circumstances Checklist). A ‘no properties affected’ determination was made. Consultation with the State Historic Preservation Office was not required.

8. No other extraordinary circumstances related to the project were identified.

### **III. PUBLIC INVOLVEMENT**

Public involvement included listing in the Forest's *Schedule of Proposed Actions*, 119 direct mailings (August 17, 2007), and newspaper legal notice (Ashland Daily Press, August 20, 2007).

The following tribal governments have been contacted for their input: Lac du Flambeau, Lac Courte Oreilles, Mille Lacs, Sokoagon Chippewa Community, Bad River Band, and St. Croix Tribal Council (PR).

The following state and local governments have been contacted for their input: Towns of Gordon, Grandview, Marengo, Namakagon, and Spider Lake. The following agencies have been contacted for their input: Wisconsin Department of Natural Resources and Ashland County Forestry Department.

Property owners potentially affected by this decision have been contacted for their input.

The following potentially interested groups were sent letters requesting their input: Ashland County Snowmobile Alliance, Chequamegon Area Mountain Bike Association, Cable Area Chamber of Commerce, Defenders of Wildlife, Namekagon Trail Groomers Snowmobile Club, University of Minnesota, WPLA, Sierra Club Midwest, Wisconsin County Forests Association, North Country Riders ATV Club, and the Ice Age Trail Club.

No comment letters were received related to this decision.

#### IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Forest Plan Consistency- The Forest Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document. "I have reviewed this action with the goals, objectives, standards and guidelines of the 2004 Chequamegon-Nicolet Land and Resource Management Plan. I find my decision consistent with it."

Endangered Species Act - See Section II, Item B1 of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species have been analyzed. The Goshawk and Red Shouldered Hawk were analyzed. Potential Goshawk habitat exists and was field checked by the District Biologist at the northern location of map 2. No concern was noted. This decision will have "no impact" on sensitive species. (PR, Extraordinary Circumstances checklist). See also Section II, Item B1 of this document.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B2 of this document.

National Historic Preservation Act - See Section II, Item B5 of this document.

Archaeological Resources Protection Act - See Section II, Item B5 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B5 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

## **V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is not subject to appeal, because no concerns were raised during the 30-day comment period that was provided prior to this decision.

## **VI. IMPLEMENTATION DATE**

Implementation may begin immediately, however it is not expected to begin until on or after October 22nd, 2007.

## **VII. CONTACT PERSON**

Further information about this decision can be obtained from Jim Hong during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Hayward office (Address: 10650 Nyman Ave, Hayward, WI 54843; Phone: voice 715-634-4821 Fax: 715-634-3769; e-mail: [jhong@fs.fed.us](mailto:jhong@fs.fed.us)).

Additional information about this decision can be found on the Internet at: [www.fs.fed.us/r9/cnnf/natres/index.html](http://www.fs.fed.us/r9/cnnf/natres/index.html)

## **VIII. SIGNATURE AND DATE**



Constance Chaney  
Great Divide District Ranger  
Responsible Official



Date

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