

DECISION MEMO

FY08 Wildlife Habitat Projects

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

I. DECISION TO BE IMPLEMENTED

A. Description of Decision

My decision is to implement several projects beginning in 2008, to maintain and improve areas for wildlife habitat. The projects include mowing and brushing of existing Hunter Access Trails (HATs); manipulation of water levels in existing wetland impoundments; and mowing, brushing, and/or burning of existing upland grassy openings.

Maintenance of HATs

HATs are located on all districts across the CNNF. These trails provide walking access into the Forest for hunters, hikers, wildlife watchers, and others, to pursue recreational activities. They are gated to prevent public motor vehicle use. These trails are usually established within forest habitat types that provide optimal conditions for game species such as white-tailed deer, ruffed grouse, black bear, and woodcock. All of these HATs to be treated have been established and maintained for over 10 years. Maintenance includes clearing of windfalls by chain saw, followed by mowing with a tractor-mounted mower unit. The district HATs are maintained on roughly a 3-year rotation schedule.

Wetland impoundments

Several impoundments on the Great Divide district are maintained as breeding and migratory habitat for waterfowl, colonial waterbirds, and shorebirds, as well as aquatic species such as muskrat, mink, otter, and amphibians. This project will involve periodic water level drawdowns in Lynch Creek and Balsam Creek impoundments. Typically, a drawdown of this type will be started in mid summer. Water levels will be gradually lowered about 1.5 feet, and left that way until mid-late fall, when the water level will again be increased. In the past, these impoundments have been drawn down about every 2-3 years. Future activity will be dependent on vegetation conditions.

Upland opening maintenance

This project will involve a total of about 26.5 acres of upland openings. All of the openings to be treated have been constructed in the past couple of decades, by a combination of dozing, discing, and seeding. They range in size from less than one acre to approximately 10 acres. About 16.5 acres of openings are associated with some of the HATs previously described. One opening, ten acres in size, is not associated with any HAT.

The project will involve removal of encroaching woody vegetation and accumulated herbaceous vegetation by a combination of hand cutting, mowing, and in some cases prescribed fire. The activity will occur on an as-needed basis over the next ten years, to sustain the open condition. All of the openings are within Forest Plan Management Areas that allow for upland opening maintenance. The action will meet a need for wildlife species that utilize edge and early successional habitat, including wild turkey, eastern bluebird, American woodcock, black bear, butterfly species, and many neo-tropical migrant birds.

B. Purpose of Decision

Hunter Access Trails are maintained primarily to provide recreational opportunities, by encouraging walking access for hunting and wildlife viewing activities. Without periodic maintenance, they would gradually become overgrown with brush and tree saplings, which would discourage walking use. Maintaining these trails would therefore continue to provide hunting recreation, which is consistent with recent Presidential Order #13443.

Wetland impoundment drawdowns are used primarily as a vegetation management tool. They are helpful to reduce submergent vegetation, expose mudflats, and increase emergent vegetation on those mudflats. They are needed on a regular basis to maintain the optimum ratio of vegetation and open water for wildlife use. Since these impoundments were built primarily for wildlife habitat reasons, doing drawdowns therefore becomes a way to realize the best return for the investment.

Most upland openings require at least some periodic maintenance to prevent encroachment by woody vegetation. Some openings with dense sod cover or with other environmental factors (such as those located in frost pockets) might remain open for many years without maintenance. Others however would start growing in with shrubs and tree saplings within a short amount of time. As they grow in, the value of the openings to many wildlife species is reduced. The project action would therefore maintain the current value of the openings. It would meet Forest Plan goal 1.5 for wildlife habitat enhancement, and would also be consistent with guidelines found on page 2-16 of the Forest Plan. The action would maintain recreational opportunities such as hunting, wildlife viewing, and berry picking, consistent with Presidential Order #13443.

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 31.1 or 31.2, 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 31.2.6 that includes, "*Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction (Service Level D, FSH 7709.560).*" This decision is also within the category of exclusion 31.12.4 that includes, "*Repair and maintenance of roads, trails, and landline boundaries.*"

B. Relationship to Extraordinary Circumstances

I have considered conclusions by resource specialist reviews of conditions at the affected sites (Record, CE checklist). I find there are no extraordinary circumstances that may result in a significant and adverse, individual or cumulative environmental effect on the following:

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. In accordance with Section 7(c) of this Act, a review and analysis of the U.S. Fish and Wildlife Service listed and proposed, threatened or endangered species that may be

present in the project area was conducted. The results of that analysis are documented in a Biological Evaluation for this project (Record, BE).

This decision will have “no effect” on listed species or their critical habitats.

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 floodprone 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.”

This decision includes activities within floodplains. Lynch Creek and Balsam Creek impoundments resulted in the inundation of floodplains when they were originally created in the 1960's. Manipulation of water levels at these impoundments will not have any further adverse significant impacts on the 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.”

Portions of the project are located within or adjacent to wetlands (the impoundment management portion involves water level manipulations within various wetland types). This has been validated by map and site review. There will be no adverse impacts to these wetlands however (Record, CE checklist).

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

There are no municipal watersheds on the Forest (Plan, p. 2-1 to 2-3). 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, 2C, 4A, and 5B (Plan, p. 3-3, 3-9, 3-17, and 3-26). The closest Wilderness, Porcupine Lake Wilderness Area, is 1.5 miles north of the closest activity site. This decision, with impacts limited to the immediate area of activity, will not affect the Wilderness Area.

Wilderness Study Areas:

This decision includes activity partially within the Porcupine Addition Wilderness Study Area (Plan FEIS, p. 3-201; Selected Alternative Management Areas map). The portion of the decision within this area includes maintenance of a Hunter Access Trail by mowing. This activity will not detract from potential classification as Wilderness. Trail maintenance activities are allowed by MA 5B guidelines, as long as the trail brushing is limited to a width of six feet. Similar past projects in this area were determined to have no significant Wilderness Study Area-related impacts. This decision should not result in significant Wilderness Study Area-related impacts.

National Recreation Areas:

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

4. Inventoried Roadless Areas -

A portion of the project is within an inventoried roadless area (based on a 2005 State Petitions Rule, according to email from Mike Miller, Forest Planner, dated 5/9/2005). However, no new road construction will occur as part of this decision. The portion of the project area involved is within the Porcupine Addition Wilderness Study Area (see under 3, above). Activities within that area, which is also considered an Inventoried Roadless Area, meet Plan guidelines for trail maintenance. Therefore, this decision should not result in significant inventoried roadless area-related impacts.

5. Research Natural Areas -

There are no Research Natural Areas in the decision area (Plan, p. 3-50; FEIS, p. 3-110; Selected Alternative Management Areas map). The closest Research Natural Area, Ghost Lake Cedars Research Natural Area, is one mile west of a project site. This decision, with impacts limited to the immediate area of activity, 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 potentially affected tribes (Record, Tribal scoping letter). The intent of this consultation has been to remain informed about Tribal concerns.

The Lac du Flambeau Tribal Historic Preservation Office expressed interest in the project, stating that the project is located within the aboriginal territory of the LDF Band and has potential to impact areas of cultural significance (Record, letter dated October 19, 2007). That office requested a copy of the Archival Review and reports that were conducted for the project. Chequamegon-Nicolet National Forest heritage survey information and reports are sent to the LDF THPO on a regular basis by the Forest Archeologist. This information was related back to the THPO in a letter from the Forest (Record, letter dated October 30, 2007).

No site-specific 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 in 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 in 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. The project activities have been reviewed by the Forest Heritage Program Manager, who provided the following direction. Surveys have been conducted at many project sites for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Prior to scheduling any annual maintenance activity, district

staff, including an archeology paraprofessional, will review district files to confirm whether or not project sites have been covered by recent surveys. If a site has been surveyed since 1995 and no protected cultural resources were recorded, the project may proceed. If an area was not surveyed, or the survey took place prior to 1995, district staff will consult further with the Forest's Heritage staff. (Record, letter from Mark Bruhy dated November 30, 2007).

Based on public and agency scoping, no other extraordinary circumstances related to the project were identified (Record, scoping letters).

III. PUBLIC INVOLVEMENT

The public was informed of the proposed action through a mailing to approximately 16 interested or potentially affected parties, including other agencies or organizations (Record, public scoping letter and mailing list). Three letters or emails were received, all in support of project activities. A legal notice regarding the 30-day comment period was published in the newspaper of record (Ashland, WI, Daily Press) on December 6, 2007.

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 (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Plans). The Chequamegon-Nicolet Forest Plan was approved in 2004, as required by this Act. The Plan provides for guidance for all natural resource management activities. The Act requires all projects and activities to be consistent with the Plan. The 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. (Record, BE)

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 and documented in a Biological Evaluation (Record, BE). This decision will have "no impact" on sensitive species.

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

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

Clean Air Act – If prescribed burning is used, it will be in conformance with the Clean Air Act. Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Impacts to air quality have been considered for this decision. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. The Rainbow Lake Wilderness, about 10 miles from the nearest project site, is a Class I airshed (Plan FEIS, p. 3-41 and 44). The remainder of the Forest is classified as Class II airsheds. A greater amount of additional human-caused air pollution may be added to these areas. No areas on the Forest have been designated as Class III at this time. The Wisconsin Department of Environmental Quality regulates prescribed burning in the state in accordance with the State Implementation Plan (SIP). The State has been involved in the planning process. Prescribed burning in this decision will coordinate with the State and follow the SIP to protect air resources, including obtaining and following air quality permits.

National Historic Preservation Act - See Section II, Item B7 of this document.

Archaeological Resources Protection Act - See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B6 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 an administrative review or appeal pursuant to 36 CFR 215 and the Earth Island Institute v. Ruthenbeck Ruling of October 19, 2005.

VI. IMPLEMENTATION DATE


This decision may be implemented immediately.

VII. CONTACT PERSON

Further information about this decision can be obtained from Tom Matthiae during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Hayward office (Address: 10650 Nyman, P.O. Box 896, Hayward, WI 54843; Phone: 715-634-4821; Fax: 715-634-3769; e-mail: tmatthiae@fs.fed.us).

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

VIII. SIGNATURE AND DATE



CONSTANCE CHANEY
District Ranger
Responsible Official

1-23-08

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.