

## DECISION MEMO

Commercial Thinning of Compartment 44 Stand 8  
(Ripley Lake Posts)

USDA Forest Service, Region 9, Mark Twain National Forest  
Eleven Point Ranger District  
Ripley County, Missouri  
(T 23 N, R 1 E, Section 9)

### I. DECISION

My decision is to commercially thin about 34 acres of national forest lands. This thinning is designed to reduce the stocking in an overstocked stand of shortleaf pine so that the stand exhibits a condition of 20-30 percent forbs, grass, and shrub ground cover. This would be consistent with a pine stand in Management 3.4, that emphasizes wildlife habitat diversity, and falls in the in the Oak-Hickory Breaks Land Type Association (Forest Plan, pages IV-115 to IV-120). This stand will also develop into a healthier more vigorous stand of trees. Commercial products will be made available in achieving the specific animal habitat conditions of 20-30 percent forbs, grass, and shrub ground cover.

The method of thinning will be conducted to favor selection of the larger, better formed trees as those to be left on the site while removing less vigorous suppressed, intermediate, and codominant trees contributing to a dense closed forest canopy, inhibiting the development of the 20-30 percent forbs, grass, shrub ground cover. Less than ½ mile of low standard temporary road will be constructed and closed upon completion of use to access log landings. Skid trails and landings will be designated to facilitate efficient removal of the timber while protecting other resource values. These skid trails and landings will be closed and appropriate erosion control measures will be implemented to protect soil and water resources.

### II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

#### A. **Category of Exclusion**

This action is included in Category 12 of Section 31.2 "Categories of Actions for Which a Project or Case File and Decision Memo Are Required". (Forest Service Handbook 1909.15). Category 12 includes "Harvest of live trees not to exceed 70 acres, requiring no more than ½ mile of temporary road construction." The project area is an overstocked stand which will benefit from, "b. Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor." The selected action is intended to reduce the current overstocked stand condition through commercial thinning. Category 12 also allows for incidental removal of trees for landings, skid trails and road clearing. There is no permanent system road construction associated with this decision. There are no extraordinary circumstances relating to commercially thinning this area.

#### B. **Forest Plan Direction**

This project is also responsive to the **Land and Resource Management Plan for the Mark Twain National Forest** (Forest Plan) goals found on pages IV-1 through IV-3. Specifically this project responds to the following goals:

##### Multiple Use Management Goals (IV-1)

- "Develop a cost efficient multiple use program which responds to overall resource demand while effectively resolving or mitigating issues and concerns."
- "Integrate ecological management principles into Forest resource programs."
- "Provide a natural appearing environment that accommodates a variety of public use."

##### Wildlife Management Goals (IV-2)

- "Manage habitat found on the Mark Twain National Forest to at least maintain viable populations of all existing native and desired non-native vertebrates."
- "Provide a habitat management program that responds to the demand for both consumptive and nonconsumptive fish and wildlife use."
- "Provide for wildlife species requiring specialized habitat including those recognized by both Federal and

State authorities as being threatened, endangered, rare or sensitive.”

#### Timber Management Goals (IV-3)

- “Provide a timber management program that perpetuates a healthy, well stocked forest on lands suitable for timber production.”
- “Provide a timber management program that meets projected demand for National Forest timber in the most cost efficient manner while complementing other resource objectives dependent on forested regimes.”
- “Incorporate concepts for managing natural vegetative communities and their seral stages into established silvicultural regimes.”
- “Identify and implement cost efficient opportunities for intensified management of shortleaf pine and high value hardwood species on sites where they occur naturally.”

This thinning unit is in Management Area 3.4. Management Area objectives, by Landtype Association, are found on Forest Plan pp. IV-115-123. This project specifically responds to Purpose (4) “To provide for moderate to high production of other resources such as timber products, recreation, forage, and minerals.” (p. IV-115); “Manage other vegetation intensively to respond to demand.” (p. IV-116); “40-50 percent of the sawtimber component of the woodland habitat in Oak, Oak-Pine, and Pine exhibits a condition of 20-30 percent forbs, grass and shrub ground cover.” (p. IV-119)

### **III. RELATIONSHIP TO EXTRAORDINARY CIRCUMSTANCES**

#### 1. Steep Slopes or Highly Erosive Soils

All soils are rated as having a slight to moderate erosion hazard. Most slopes within the thinning unit are from 0-10%. There should be no significant soil related impacts from thinning this unit. Past thinning experience shows that logging debris helps to protect the duff layer, leaving an inch or two of organic matter to hold the soil in most areas off of the main skidtrails and landings.

#### 2. 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. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Evaluation. (Planning Record, Document B-1). We analyzed the impacts to federally-listed threatened and endangered species that may occur, may be affected by, or have potential habitat in the project area. There is no designated critical habitat on the Eleven Point District or on the Mark Twain National Forest for any federally listed species. Indiana bat, gray bat, bald eagle, and Mead’s milkweed were the four listed species evaluated in the Biological Evaluation that could be affected by the project. The BE determined that there would be no effects beyond those previously discussed in the Forestwide BA/BO (see p. B-1-51) and that the project was not likely to adversely affect these four species. Additionally, it was determined this action will have no additional effects outside those evaluated in the programmatic Biological Assessment for running buffalo clover, pink mucket pearlymussel, and Curtis’ pearlymussel. There were “No Effects” on any other federally listed species that may be found in Missouri but are not found within the project area; there would be no effect on the short or long term viability of any Eastern Region sensitive species; and there would be no adverse impacts to State endangered species. A Biological Evaluation on the pine thinning project was prepared by Forest Biologist Mary Lane on March 7, 2003. U. S. Fish and Wildlife Service concurred with the Federal species determinations on June 12, 2003. (Planning Record, Document B-2).

#### 3. 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 the minimum, that area subject to a one percent or greater chance of flooding in any one year.” There are no floodplains within this thinning area.

*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.” There are no wetlands within this thinning unit.

*Municipal Watersheds:* Municipal watersheds are designated by Congress, and managed under multiple use prescriptions in forest plans. There is no Congressionally-designated municipal watershed on the Forest. This decision will not affect municipal watersheds.

#### 4. Congressionally Designated Areas -

*Wilderness:* The Irish Wilderness lies within the Eleven Point District (Forest Plan pages IV-152 through IV-163). This thinning unit is over 9 miles from the wilderness. This decision with impacts limited to the immediate area of activity will not affect the wilderness. Similar past projects on the Eleven Point District were determined to have no significant wilderness-related impacts. This decision should not result in significant impacts to the wilderness values found in the Irish Wilderness.

*Wild and Scenic Rivers:* The Eleven Point National Scenic River lies within the Eleven Point District (Forest Plan pages IV-201 through IV-205a). There will be no thinning within the designated river corridor, this thinning area is over 11 miles away from the river corridor. This decision, with impacts limited to the immediate area of activity, will not affect the national scenic river. Similar past projects on the Eleven Point District were determined to have no significant wild and scenic river-related impacts. This decision should not result in significant impacts to the "outstandingly remarkable values" for which the Eleven Point National Scenic River was designated.

*National Parks:* The Ozark National Scenic Riverways, administered by the National Park Service, is adjacent to the Eleven Point District. Commercial thinning is not permitted in the Riverways. Ozark National Scenic Riverways is managed to enhance functioning natural ecosystems; this decision is consistent with the ecological management philosophy within the Riverways. The thinning authorized by this decision is over 10 miles away from the Park. Potential impacts to Riverways resources were considered during analysis of the effects of this project. This decision, with impacts limited to the immediate area of activity, will not affect the National Scenic Riverways. Similar past projects on the Eleven Point District were determined to have no significant impacts to the National Scenic Riverways. This decision should not result in significant impacts to the Ozark National Scenic Riverways.

*Greer Spring Special Management Area:* The **Greer Spring Acquisition and Protection Act of 1991** authorized the purchase and establishment of an area of about 4,098 acres to be managed in accordance with the provisions of the Act (Forest Plan, pages IV-215 and IV-216). There is no thinning planned within the Greer Spring Special Management Area and the activity authorized by this decision is about 20 miles east southeast of this area. This decision, with impacts limited to the immediate area of activity, will not affect the Greer Spring Special Management Area. Similar past projects on the Eleven Point District were determined to have no significant impacts to the Greer Spring Special Management Area. This decision should not result in significant impacts to the Greer Spring Special Management Area.

*Wilderness Study Areas:* There are no Wilderness Study areas on the Forest. This decision will not affect Wilderness Study Areas. The release language in the Paddy Creek Wilderness Act, January 3, 1983, precludes the evaluation of additional Wilderness during the 10-15 year Forest Plan period. Public Law 97-407 states: "(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Missouri for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System." (Forest Plan FEIS, page III-23)

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

#### 5. Inventoried Roadless Areas -

The Irish Wilderness Excluded Lands are an area of approximately 1,040 acres set aside by Congress from the Irish Wilderness that permits mineral exploration (Forest Plan, pages IV-211 and IV-212). Wilderness management prescriptions are applied to these lands except as modified for mineral exploration and development. Activities implemented under this decision are not within this area, they are over 13 miles away from the Irish Wilderness Excluded Lands. This decision should not result in any roadless area-related impacts.

#### 6. Research Natural Areas -

There are no Research Natural Areas on the Forest. (Forest Plan FEIS, pages III –25, 26) There are nine areas on the Forest that the Forest Plan FEIS recommends for study as Research Natural Areas. Two of these areas, Tupelo Gum Pond and Cupola Pond, are on the Eleven Point District. No determination has been made concerning designation of these areas as Research Natural Areas but they continue to be managed under the direction of Management Area 8.1 prescriptions which affords them protection as "special areas". The thinning authorized by this decision is over 8 miles from either of these areas. This decision, with impacts limited to the immediate area of activity, will not affect these potential Research Natural Areas.

#### 7. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas -

Section 106 of the National Historic Preservation Act requires federal agencies 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 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 project (Planning Record – Document A-4). Consultation occurred on May 22, 2003 (Planning Record, Document A-2) with concurrence by the State Historic Preservation Office on June 16, 2003 (Planning Record, Document A-1). Similar past projects in this area were determined to have no significant impact to Native American religious or cultural sites, archaeological sites or historic properties or areas. This decision should not result in significant impacts to such resources.

#### **IV. PUBLIC INVOLVEMENT**

Evaluation of thinning these stands was initiated in 2001 as a portion of the Forestwide Pine Fuel Reduction that included thinning, prescribed burning, and both thinning/prescribed burning combined. The proposed action was developed with regard to issues and concerns identified through public involvement and discussion with resource specialists. A scoping letter was mailed to the public on September 28, 2001 (Planning Record, Document C-1). The scoping letter was also posted on the Mark Twain National Forest website:

[www.fs.fed.us/r9/marktwain/projects/project.htm](http://www.fs.fed.us/r9/marktwain/projects/project.htm)

Scoping comments were requested by November 7, 2001, giving 40 days to receive and respond. Thirty-one responses were received (Planning Record, Documents C-1 through C-30). These were reviewed to determine if there were any significant issues related to implementation of the proposed action. Issues identified for this project included:

1. General statements of support for commercial thinning of pine to enhance forest health.
2. General opposition of commercial timber harvesting on national forest lands.
3. Concern that activity be conducted only on national forest lands by insuring legal landlines are established before implementing actions adjacent to private property.
4. Need to treat overstocked stands on the national forest to reduce the risk of wildfire on adjacent private property.
5. Potential for air quality degradation when prescribed burning.
6. Effects on soil productivity and potential for erosion.

Additional site specific scoping for this proposal was conducted in 2003. A letter describing the proposal was sent to neighboring land owners and interested parties on January 12 requesting responses by January 23, allowing 12 days for comment. This information was also posted to the previously mentioned website. Three replies were received (Planning Record, Documents D-1 through D-3). Additional issues identified through this scoping include:

1. Concern over emphasis on shortleaf pine management.
2. Concern over categorically excluding the proposal from documentation in an EA or EIS.

The ID Team and I reviewed all comments received. No significant impacts to extraordinary circumstances were identified through public comments or during ID Team analysis of this proposal. Project design and the consultation and concurrence from the appropriate regulatory agencies convince me that all public issues have been thoroughly considered and adequately addressed.

#### **V. FINDINGS RELATED TO OTHER LAWS AND REGULATIONS**

This decision will comply with all applicable laws and regulations. I have summarized some below:

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans. The Mark Twain Forest Plan was approved on June 23, 1986, as required by this Act. The plan provides guidance for all natural resource management activities on the Forest. The Act

requires all projects and activities be consistent with the Forest Plan. 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. This decision is consistent with the standards and guidelines contained in the Forest Plan (Section II, B of this document).

Vegetation Manipulation (National Forest Management Act) - This Act and its implementing regulations require that vegetation manipulation of tree cover for any purpose must comply with seven requirements found at 36 CFR 219.27(b).

*1. Be best suited to the goals in the Forest Plan.*

The applicable goals are stated in the Section II of this document. This decision is responsive to those goals and is best suited to meet those goals.

*2. Assure that technology and knowledge exists to adequately restock lands within five years after treatment, except where permanent openings are created for wildlife habitat improvement, vistas, recreation uses, and similar practices.*

Restocking is not applicable; no regeneration harvest is proposed. Objectives of the thinning is to improve wildlife habitat and increase forest health by harvesting overstocked stands.

*3. Not to be chosen primarily because they give the greatest dollar return or the greatest output of timber (although these factors shall be considered).*

This decision was based on a variety of reasons. It was not chosen for its expected dollar return.

*4. Be chosen after considering potential effects on residual trees and adjacent stands.*

The effects on residual trees and adjacent stands have been considered. The overall direction, Standards, and Guidelines contained in the Forest Plan are designed to provide the desired effects of management practices on the resource values. This decision is consistent with the Forest Plan and provides the desired effect on residual trees and adjacent stands.

*5. Be selected to avoid permanent impairment of site productivity and to ensure conservation of soil and water resources.*

This decision avoids impairment of site productivity. The nature of the project and use of mitigation measures will protect soil and water resources.

*6. Be selected to provide the desired effects on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation users, aesthetic values, and other resource yields.*

This decision provides the desired effect on the above resources. The overall direction, Standards, and Guidelines contained in the Forest Plan are designed to provide the desired effects of management practices on the other resource values. This decision is consistent with the Forest Plan and provides the desired effect on the above resources.

*7. Be practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.*

The project area is adequately roaded; no new permanent roads are necessary to implement this decision. Temporary roads constructed to access log landings will be closed upon completion of sale activity. The treatment in this decision is appropriate to accomplish project objectives, and is economically practical.

Endangered Species Act – See Section III, Item 2 of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which population viability is a concern. On February 29, 2000, the Regional Forester approved the sensitive species list. Potential effects of this decision on sensitive species have been analyzed. This decision will have “no impact” on sensitive species.

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

Wetlands (Executive Order 11990) – See Section III, Item 3 of this document.

Floodplains (Executive Order 11988) – See Section III, Item 3 of this document.

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. 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. Hercules Glade Wilderness on the Ava/Cassville/Willow Springs District is the only Class I airshed on the Forest. This thinning unit is over 80 miles from Hercules Glade Wilderness. The remainder of the Forest, including all of this project area, is classified as Class II airsheds. No areas on the Forest have been designated as Class III at this time.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiates that caves will not be affected by this decision (Planning Record, Document E3-E8)

National Historic Preservation Act - See Section III, Item 7 of this document.

Archaeological Resources Protection Act - See Section III, Item 7 of this document.

Native American Graves Protection and Repatriation Act - See Section III, Item 7 of this document.

American Indian Religious Freedom Act – This Act protects American Indians' inherent right of the freedom to believe, express, and exercise their traditional religions. The federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected.

No tribal concerns were identified for this project.

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.

## VI. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to appeal pursuant to 36 CFR 215.

## VII. IMPLEMENTATION DATE

Implementation of this project may begin immediately.

CONTACT PERSON: Tom Oldham, Eleven Point Ranger District, at 4 Confederate Ridge Road, Doniphan, MO 63935, can supply further information about the decision. The phone number is (573) 996-2153. FAX (573) 996-7745 e-mail [toldham@fs.fed.us](mailto:toldham@fs.fed.us)

/s/ Jerry Bird

JERRY BIRD  
District Ranger

05/13/04

DATE

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