

Decision Memo

Restoration-related Activities Only in Specific Tornado-Damaged Areas

Carter and Butler Counties, Missouri
Poplar Bluff Ranger District,
Mark Twain National Forest
USDA-Forest Service

I. DECISION

I have decided to implement only part of the original Proposed Action at this time for the reasons stated below. I have decided to only plant areas damaged by a 2002 tornado in stands in Compartment 110, 135, 142, 103, and 144 as identified on the attached map (**NOTE: for web viewers, this is the map included in the original scoping package for the entire project**). I have decided to postpone the prescribed burning and site prep treatments in Compartments 110, 135, and 142 pending further Heritage Resources work.

The project area is located within Compartments 110, 135, 142, 103, and 144, respectively, on the Poplar Bluff Ranger District, Mark Twain National Forest. Compartment 110 is located in Township 26 North, Range 4 East, Sections 10, 11, 14, 15, and 16. Proposed activities would occur only in Sections 15 and 16. Compartment 135 is located in Township 26 North, Range 5 East, Sections 23, 25, and 26. Proposed project activities would occur only in Sections 25 and 26. Compartment 142 is located in Township 26 North, Range 4 East, Sections 9, 15, 16, 21, and 22. Proposed project activities are proposed in Sections 15, 16, and 21. Compartment 103 is located in Township 26 North, Range 3 East, Sections 11, and 12. Proposed project activities would occur only in Section 12. Compartment 144 is located in Township 26 North, Range 4 East, Sections 7, and 8.

Treatment stands include:

- 6 stands in Compartment 110 totaling an estimated 96 acres;
- 12 stands in Compartment 135 totaling an estimated 205 acres;
- 20 stands in Compartment 142 totaling an estimated 344 acres;
- 1 stand in Compartment 103, Stand 26-estimated 10 acres; and
- 1 stand in Compartment 144, Stand 63-estimated 5 acres)

Total acres to be treated are estimated at 659 acres. This acreage figure is slightly higher (10.29 acres) than the acreage in the scoping document. There is no change in the specific stands to be treated. Clerical error was the causative factor for the discrepancy. This has been corrected on the associated tables at the end of this document.

The last two stand areas were approved for prescribed burning treatment under a separate decision (Carter Corner Project, Decision Notice and Finding of No Significant Impact, July 18, 2003). However, planting was not authorized for these two stands under that decision. Following further on-the-ground evaluation, it was determined these two stands could not

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adequately be restored by natural seed from residual trees. Therefore, planting was included in this project proposal.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

This decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it falls within one of the categories identified by the U. S. Department of Agriculture in 7 CFR part 1b, and there are no extraordinary circumstances related to the decision that may result in a significant environmental effect.

A. Category of Exclusion

The Proposed Action falls within a category of actions established by the Chief of the Forest Service as routine actions that do not normally, in and of themselves, individually or cumulatively, have a significant effect on the quality of the human environment and, therefore, may be excluded from documentation in an environmental assessment. It does require a project or case file and decision memo (Forest Service Handbook 1909.15. They include:

- 1) **Category 31.2 {5}**, *“regeneration of an area to native tree species, including site preparation which does not involve the use of herbicides or result in vegetation type conversion”*; and
- 2) **Category 31.2 {6}**, *“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.”*

B. Relationship to Extraordinary Circumstances

1. Steep Slopes or Highly Erosive Soils.

There are no steep slopes or highly erosive soils. Topography in proposed treatment areas consists of rolling hills with moderate slopes of 10 to 40 percent conducive to the resource management activities included in the decision. This is supported by topographical map review, routine observations, and district records review. Planting activities near this project area, conducted in the past, were determined to have no significant soil-related impacts since no heavy equipment will be used so there should be no significant soil-related impacts.

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. A Biological Evaluation (BE) was done for the tornado-damaged areas under Alternative Arrangements with the Council on Environmental Quality. That BE addressed salvage and other immediate resource management activities associated with the effects of the tornado (Project File). Other actions, such as planting and burning, for example, were to be addressed as separate activities.

Six species were dropped from further consideration in the Biological Evaluation due to lack of suitable habitat or because the documented distribution of the species is outside the project area. These are Gray bat, Hine's emerald dragonfly, scale shell mussel, Mead's milkweed, Tumbling creek snail, and Topeka shiner. A determination was made by the Poplar Bluff Ranger District Wildlife Biologist that the actions proposed for the pine planting project will have no direct, indirect or cumulative effects on the remaining five species. These five species are the Bald eagle, Indiana bat, running buffalo clover Curtis' pearly mussel, pink mucket pearly mussel. It was determined that consultation with the US Fish & Wildlife Service's is not required for planting of pine in the tornado areas (Project File)

3. Floodplains, Wetlands, or Municipal Watersheds.

Floodplains: Executive Order 11988 requires avoiding 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 or greater chance of flooding in anyone year.* " Proposed resource management activities will not impair the function of any floodplains. Similar past projects near these areas have been determined to have had no significant floodplain-related impacts. Therefore, this decision should not result in significant floodplain-related impacts.

Wetlands: Executive Order 11990 directs us 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 will support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction."* The project is not located in or near wetlands. Topographical map review, routine observations, and District records review support this determination. Therefore this decision will have no affect on wetlands.

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

4. Congressionally Designated Areas –Wilderness. This decision, with impacts limited to the immediate area of activity, will not adversely affect any wilderness area. The nearest wilderness area is the Irish Wilderness, an estimated 50 miles southwest of the project area.

This project meets the State Air Quality Regulations (Forest Plan, p. IV -22). Similar past projects in this area were determined to have no significant impacts to the wilderness. This decision should not result in any significant wilderness-related impacts.

Wilderness Study Areas

There are no Wilderness Study Areas on the Forest (Forest Plan FEIS, p. 111-23). This decision will not affect Wilderness Study Areas.

National Recreation Areas

There are no National Recreation Areas on the Forest. Therefore, this decision will not affect National Recreation Areas.

5. Inventoried Roadless Areas.

The project is not within an inventoried roadless area (Forest Service Roadless Area Conservation Final Environmental Impact Statement [FEIS]). Therefore, this decision will not result in inventoried roadless area-related impacts.

6. Research Natural Areas. There are no Research Natural Areas on the Forest, (Forest Plan FEIS, p. 111-25,26.) This decision will not affect any Research Natural Areas.

7. Native American Religious or Cultural Sites, Archeological 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 found 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 proposed undertaking has been reviewed by the Shared Service Archeologist for the Poplar Bluff Ranger District. All of the stands in question have been surveyed for heritage resource sites. Two sites are present that will be protected from ground disturbing activities, one in Compartment 110, and one in Compartment 142. As a result, the proposed activity will have no effect on sites eligible for inclusion on the National register of Historic Places or sites not yet evaluated to determine their eligibility. Consultation with the State Historic Preservation Office is not required per the *Memorandum of Understanding between the Mark Twain National Forest and the Missouri State Historic Preservation Office, signed April 10, 2002.*

III. PUBLIC INVOLVEMENT

A scoping letter detailing the project and requesting public input was mailed to individuals and organizations on the Poplar Bluff Ranger District mailing list on December 16, 2003 (Project File). The project was also posted on the worldwide web. Three responses were received.

The first commenter pointed out that slash and/or debris from either cutting or natural causes provides some beneficial benefits to forest wildlife species. He was concerned about the possible effects an extremely hot fire could have on residual seed tree sources. He also stated that planting of oak in such areas is rarely successful. Lastly, he stated that tornado areas, depending on the severity of damage when not treated with reforestation efforts, would quite often take on the look and quality of an even-aged management area over time. He suggested that prescribed fire be used very carefully to reduce limited areas of heavy residual fuel from tornado damage and salvage operations and carefully consider the need for planting. These comments are included and addressed in the Project File.

Two organizations responded to the scoping letter in one consolidated response which both signed. Both commenters stated that the scoping document was unclear. They also stated that they sent multiple requests for clarification, but that the Forest Service refused to provide clear responses to specific questions. Also, the information was inaccurate. These comments are included and addressed in the Project File.

All three commenters were also concerned about the short (15 day) scoping period. In the past, the Poplar Bluff Ranger District requested comment on similar projects and received no new information and very little comment. My decision concerning the length of the scoping period was based upon: 1) the nature of the project, which is considered to be a normal, routine project that normally does not have significant environmental impacts; and 2) responses to previous scoping requests received regarding similar activities.

IV. 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 for individual National Forests. The Mark Twain Forest Plan was approved on June 23, 1986, as required by this Act. The plan provides for guidance for all natural resource management activities on the Forest. The Act requires that 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 this document in Section I, and is consistent with Plan Standards and Guidelines.

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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 I 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 a major part of the restoration activities. The forested areas will become adequately stocked as a result of project implementation. Permanent openings are created for wildlife habitat improvement and for the other identified purposes. None are proposed as part of the Proposed Action.
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 identified in Section I of this decision. It was not chosen for its expected dollar return. The project does not include any timber outputs.
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, and Standards, and Guidelines, described in the Forest Plan are designed to produce the desired effects of management practices on future resource values. This decision is consistent with the Forest Plan and is expected to produce the desired effect on residual and newly planted trees.
5. **Be selected to avoid permanent impairment of site productivity and to ensure conservation of soil and water resources.** This decision avoids permanent impairment of site productivity. The nature of the project should not impact 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 will produce the desired effect on the above resources. The overall direction and Standards and Guidelines contained in the Forest Plan are designed to produce the desired effects of management practices on the other resource values. This decision is consistent with the Forest Plan and produces the desired effect on the above resources.

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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 or temporary roads are necessary to implement this decision. The project does not include any timber harvest or logging operations. The treatment in this decision is appropriate to accomplish project objectives, and is economically practical.

Endangered Species Act - See Section II, Item B2 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 and documented in a Biological Evaluation (Project File). This decision should have no adverse impact on sensitive species.

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

Wetlands (Executive Order 11990) - See Section II, Item B3 of this document.

Floodplains (Executive Order 11988) -See Section II, Item B3 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 Glades Wilderness, an estimated 150 miles west of the project area, is the only Class I airshed on the Forest. The remainder of the Forest is classified as a Class II airshed. No areas on the Forest have been designated as Class III. The prescribed burn will not affect the Class I airshed on the Forest because the wilderness is well over 100 miles to the west. There is a second Class I area to the east approximately 15 air miles at the Mingo National Wildlife Refuge. Implementation will only occur when the wind direction – generally from the south - would disperse the smoke away from these two Class I areas and any major population areas. Also, prescribed burning activities will be coordinated with the State of Missouri, and follow the State Implementation Plan to protect air resources.

Federal Cave Resources Protection Act -This Act is intended to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiates that there are no known caves in the decision area. Therefore, no known cave resources will be affected by this decision.

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 B7 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. Therefore, this decision will not 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 and district records for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to appeal pursuant to 36 CFR 215.8(a)(4). It may be implemented immediately upon signing of this decision.

VI. IMPLEMENTATION DATE

Planting will be implemented immediately.

VII. CONTACT PERSON

Further information about this decision can be obtained from Bill Paxton, Integrated Resource Analyst, Poplar Bluff Ranger District, 1420 Maud Street, Poplar Bluff, Missouri 63901; (573) 785-1475; fax (573) 785-0267, e-mail bpaxton@fs.fed.us.

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VI. SIGNATURE AND DATE

/s/ Don Fish
DON FISH
Acting District Ranger

February 26, 2004
Date

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Restoration-related Activities (Planting only) in Specific Tornado-Damaged Areas

COMPARTMENT	STAND	GIS_Acres	SALE_NAME
00110	046	31.19	Walton Chapel
00110	047	19.60	Walton Chapel
00110	048	21.30	Walton Chapel
00110	057	1.94	Walton Chapel
00110	061	10.93	Walton Chapel
00110	062	11.06	Walton Chapel
		96.02	
00142	001	26.02	Walton Chapel
00142	002	32.69	Cane Creek
00142	003	35.38	Cane Creek
00142	004	10.90	Cane Creek
00142	006	43.26	Cane Creek
00142	007	4.70	Cane Creek
00142	008	30.72	Cane Creek
00142	010	19.22	Cane Creek
00142	011	1.17	Cane Creek
00142	012	9.10	Cane Creek
00142	013	26.31	Cane Creek
00142	014	8.76	Cane Creek
00142	015	15.82	Cane Creek
00142	016	39.98	Cane Creek
00142	017	12.10	Cane Creek
00142	052	9.21	Cane Creek
00142	057	17.18	Cane Creek
00142	058	0.12	Cane Creek
00142	060	1.79	Cane Creek
00142	060	0.04	Cane Creek
		1/ 344.47	
00135	012	11.30	Three Springs
00135	013	10.60	Three Springs
00135	015	20.80	Three Springs
00135	019	11.80	Three Springs
00135	020	18.40	Three Springs
00135	022	8.10	Three Springs
00135	023	31.90	Three Springs
00135	026	20.70	Three Springs
00135	027	22.10	Three Springs
00135	028	28.10	Three Springs
00135	029	7.90	Three Springs
00135	030	12.10	Three Springs
		2/ 203.80	

COMPARTMENT	STAND	GIS_Acres	SALE_NAME
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00103	026	9.50	Northfork
00144	063	<u>5.00</u>	Northfork
		14.50	

5 Compartments 40 stands 3/ 658.79

NOTES

1/ Acreage figure from scoping document has been revised to reflect mathematical error.

Net change of +11.29 acres

2/ Acreage figure from scoping document has been revised to reflect mathematical error.

Net change of -1.0 acre.

3/ Acreage figure from scoping document has been revised to reflect mathematical error.

Net total change of +10.29 acres