

DECISION MEMO
Alcona County ATV Trail Designation Project

USDA Forest Service, Eastern Region, Huron-Manistee National Forests
Huron Shores Ranger Station
Harrisville Ranger District
Alcona County, Michigan

I. DECISION

My decision is to approve the Alcona County ATV Trail Designation Project within Alcona County, Michigan. The decision will direct designation of approximately 21.25 miles of existing snowmobile trail, 4.25 miles of open Forest Service System Road, 1 mile of closed Forest Service System Road, and 2.25 miles of new trail construction for ATV trail use. The trail designation would become part of the Forest Service system of trails and the state-wide designated trail system. The trail would be operated and maintained by Alcona County Parks and Recreation Commission through Michigan DNR ATV Trail grant program and Forest Service Challenge Cost Share Agreement. The 4.25 miles of the route that are currently open to public travel by State of Michigan licensed vehicles will be signed to warn users of dual use. All other portions of the designated route will be limited to motor vehicle less than 50” in width and those that have obtained a current State of Michigan Off Road Vehicle Trail Permit Sticker.

A. Description of Decision

The Alcona County ORV Trail Project is a linear trail designation that begins in Millen Township, Alcona County, Michigan and ends in Mentor Township, Oscoda County, Michigan. The proposed trail route passes through the Huron National Forest in T26N R7E, Sections 8, 17 - 19, 30; T26N R6E, Sections 25, 31 - 36; T26N R5E, Sections 27, 28, 31 - 36; T25N R5E, Sections 1 - 3, 12; T26N R4E, Sections 25 - 27, 33 - 36. The proposed route would connect the Barton City area to the existing ATV trail system in Oscoda County south of McKinley. A small trailhead would be built adjacent to Walker Road just south of Barton City. A map of the proposed project is part of the project file.

B. Purpose of Decision

The Huron National Forest setting within Alcona County is generally well roaded. The road system is open only to motor vehicles that are licensed for street legal use by the Secretary of State. There are no designated motorized trails other than the wintertime snowmobile trail system. The proposed project is located in Management Areas 2.1 and 4.2 of the Huron-Manistee National Forests Land and Resource Management Plan (Forests’ Plan). According to the Forest Plan the desired future condition in these Management Areas is to “provide roads and trails appropriate for motorized and non-motorized uses” in a roaded natural recreational setting.

This project would provide trail opportunities for ATVs and trail bikes less than 50” in width. The trail would be located to provide motorized riding opportunity in Alcona County from Barton City to the existing system of ATV/motorcycle trails maintained in Oscoda County.

The Alcona County Parks and Recreation Commission manages the designated snowmobile trails in Alcona County. The Alcona County Board of Commissioners and the Parks and Recreation Commission have long recognized the desire of the recreating public for

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opportunities for riding of ATVs and trail bikes in their county. Both the county commissioners and park and recreation commissions have proposed the use of this route and desire to have the trail recognized by the Michigan DNR as part of ATV trail opportunities available in Michigan. As a recognized public trail the Forest Service, Alcona County and the Michigan DNR would form partnerships to construct and maintain this trail system by funding from Michigan DNR ATV Trail Grant dollars. Alcona County Parks and Recreation Commission proposes to seek this funding to provide dollars annually to sign, brush, repair, police and groom public ATV trails. This project will contribute to the local economy of the area which is heavily dependent on recreation and tourism.

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, 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, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

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 project file.

A. Category of Exclusion

The proposed action falls into the categories described in Forest Service Handbook 1909.15, Chapter 30, Section 31.2 - Categories of Action for Which a Project or Case File and Decision Memo Are Required, Category 1: Construction and Reconstruction of Trails.

B. Relationship to Extraordinary Circumstances

The following extraordinary circumstances were considered during the decision:

1. Steep Slopes or Highly Erosive Soils -

The project is located on Land Type Association (LTA) 1, 2, and 3 (for definitions of LTA's see USDA Forest Service, Field Guide – Ecological Classification and Inventory System of the Huron-Manistee National Forests) on flat to rolling terrain that is conducive to the activities included in the decision. ATV and trail bike use will occur year-round and erosion will be a concern. To ensure that soil-related impacts are minimized, Best Management Practices are incorporated as project design criteria.

2. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act, requires that federal actions do not jeopardize the continued existence

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of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species critical habitat. Biological evaluations have been conducted and documentation has been prepared. No federally listed species are known to occur in the project area.

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 flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any one year.”

The project is not located in or near floodplains and 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.”

The majority of the route segments are over existing snowmobile trail, gated roads and historic logging accesses. The project crosses one small area near wetlands. Additional culverts and some fill will be required. Appropriate permits will be acquired from the Michigan Department of Environmental Quality for this work and it will follow Best Management Practices. This decision will not have significant detrimental effects on wetlands.

Municipal Watersheds: Municipal watersheds are designated by Congress, and managed under multiple use prescriptions in forest plans. The project is not in a municipal watershed. This decision will not affect municipal watersheds.

4. Congressionally Designated Areas -

Wilderness: This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified in the Forest Plan as MA 5.1 (Forest Plan, p. III- 5.1-1). The project is located in MA 2.1 and 4.2. The closest Wilderness, Nordhouse Dunes Wilderness Area, is approximately 200 miles west of the project. This decision, with impacts limited to the immediate area of activity and will not affect the Wilderness Area.

Wilderness Study Areas: There are no Wilderness Study Areas in or near this project (Forest Plan FEIS, p. IV-99). This decision will not affect Wilderness Study Areas.

National Recreation Areas: There are no National Recreation Areas in or near this decision area. This decision will not affect National Recreation Areas.

Wild and Scenic Rivers: The section of the AuSable River between Mio Dam and Forest Road 4001 Bridge is within the National Wild and Scenic system. This proposed project crosses this Wild and Scenic designated at the south-eastern most end of the designation at the 4001 Bridge on existing

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motorized travel corridor. This portion of the River is designated Semi-Primitive Motorized. This decision will not affect Wild and Scenic Rivers.

5. Inventoried Roadless Areas -

There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area; therefore this decision will not affect inventoried roadless areas (Forest Plan FEIS, p. C-1).

6. Research Natural Areas -

The Hayes Tower RNA is near, but is avoided by this project. There are no other Research Natural Areas in or near this decision area. This decision does not affect 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 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. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. The district archaeologist has determined that this project will have no effect on archaeological resources.

Field review (monitoring) of similar projects validates acceptable resource effects from similar activities.

Additionally, 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. The intent of this consultation has been to remain informed about Tribal concerns.

Tribal agencies were contacted during the scoping of this project.

In the event that historic or prehistoric resources are discovered during implementation, further activity will be halted until an archaeological review can be carried out.

8. No other extraordinary circumstances related to the project were identified during this decision analysis.

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III. PUBLIC INVOLVEMENT

A notice of the proposed project was posted in the Forest's Quarterly NEPA Project Update, also referred to as the Schedule of Proposed Actions, (SOPA), January 1, 2008. Scoping/30 day comment letters describing the proposed action were mailed February 1, 2008 to interested publics, civic organizations, clubs, environmental groups and adjacent landowners. Legal Notices providing opportunity to comment were posted in the Oscoda Press, the newspaper of record and the Alcona County Review.

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.

Federal Land Policy and Management Act - This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource plans (Forest Plans). The Huron-Manistee National Forest Plan was approved in 2006, as required by this Act. The Forest Plan provides for guidance for all natural resource activities on the Forest. The Act requires all projects and activities are 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 Plan.

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 the Regional Forester has identified population viability as a concern. On October 5, 2006 the Regional Forester amended the sensitive species list (RFSS), which was first approved on February 29, 2000. Potential effects of this decision on the current list of sensitive species have been analyzed and documented in a Botanical Specialist Report and the Biological Evaluation for the Alcona County ATV Trail Designation Project.

The 2007 biological surveys of proposed ATV trail location found individual Cerulean Warbler near the proposed trail in several locations. The Cerulean Warbler is a bird species listed as a Regional Forester Sensitive Species primarily associated with mixed hardwood habitat along larger rivers and lakes.

Forest Plan direction provides mitigation of impacts to this species by requiring that vegetation management and road construction activities should not occur in occupied habitat within 400 feet of a cerulean warbler nest tree, during the breeding season. An additional measure has subsequently been recommended by Forest Biologists that trail construction minimize opening the canopy along the proposed route, to maintain the forest canopy in a closed condition.

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The designation of this ATV trail will not adversely alter Cerulean Warbler habitat, and will have no impacts to other Regional Forester sensitive species.

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 B3 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B3 of this document.

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 substantiate that no caves are in the decision area.

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.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. Public involvement occurred for this project and did not identify any adversely impacted local minority or low-income populations. The proposed action is not expected to disproportionately impact human populations. There also, are no known human health or safety factors associated with biological or physical factors influenced by the proposal that would affect low income or minority populations in the project area. The proposed decision complies with this Order.

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

This decision is subject to appeal pursuant to 36 CFR 215.11(a), by any person who, or any non-Federal organization or entity that has provided comment or otherwise expressed interest in a particular proposed action by the close of the comment period specified in Sec. 215.6. Written notice of appeal of this decision must be fully consistent with CRF 215.14, and include:

- a) Project or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed;
- b) An appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, an appeal must include the following:
 - 1) Appellant's name and address, with a telephone number, if available:

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- 2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- 3) When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- 4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- 5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C;
- 6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- 7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- 8) Why the appellant believes the Responsible Official's decision failed to consider the appellant's comments; and
- 9) How the appellant believes the decision specifically violates law, regulation, or policy.

The Appeal Deciding Officer shall not process an appeal when one or more of the following applies:

- 1) An appellant's identity is not provided or cannot be determined from the signature (written or electronically scanned) and a reasonable means of contact is not provided;
- 2) The appellant has not provided a reasonable means of contact;
- 3) The decision cannot be identified;
- 4) The appeal is illegible for any reason, including those submitted electronically in a format different from that specified in the legal notice.

Written notice of appeal must be submitted to: Acting Forest Supervisor Jerry Bird, USDA-Forest Service, Huron-Manistee National Forests, 1755 South Mitchell Street, Cadillac, MI 49601; faxed to 231/775-5551; or emailed to appeals-eastern-regional-office@fs.fed.us (must be readable by Microsoft Office 2000 or Adobe Acrobat 4.0 formats). Office hours at the above address are Monday through Friday, 8:00 a.m. to 4:30 p.m., for those wishing to file hand-delivered appeals. The time frame to file an appeal is 45 calendar days following the publication date of the Legal Notice of Decision in the Oscoda Press. Those wishing to appeal should not rely on date or timeframe information provided by any other source.

VI. IMPLEMENTATION DATE

This decision will not be implemented until at least five business days after the close of the 45-day appeal period, or fifteen days after the disposition of appeal, whichever is later.

VII. CONTACT PERSON

Further information may be obtained from Gordon Haase at: ghaase@fs.fed.us or by writing or calling:

Huron Shores Ranger Station
5761 North Skeel Avenue
Oscoda, MI 48750

Voice: 989-739-0728 ext. 3021

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TTY/TDD: 989-739-0806 (hearing impaired)
FAX: 989-739-0347

VIII. SIGNATURE AND DATE

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

My conclusion is based on information presented in this document, my familiarity with the project area and the entirety of the project file.

This project is planned under the regulation at 36CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

Charles J. Andrina
District Ranger

Date

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