



United States
Department of
Agriculture
Forest Service

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Decision Notice and Finding of No Significant Impact

Devil Trout Project Environmental Assessment

**Gunflint Ranger District, Superior National Forest
Cook County, Minnesota**

Township 61 N Ranges 1&2 W, Township 62 N Ranges 1-3 E,
Township 62 N Ranges 1&2 W, Township 63 N Ranges 1-3 E

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INTRODUCTION

This document describes the decision I have made for management activities occurring in the Devil Trout Project Area, Superior National Forest. This document also describes reasons for the decision, and the finding that an environmental impact statement is not needed. This finding is in accordance with the National Environmental Policy Act, other laws, regulation and policy. My decision and findings are based on my knowledge of the area, from Devil Track Lake toward Bogus Lake, the Devil Trout Environmental Assessment (Devil Trout EA), the project record of proposed activities and alternatives to those actions, and the 2004 Superior National Forest Land and Resource Management Plan (Forest Plan).

This project will be the first larger scale ecosystem project on Gunflint Ranger District that is proposed to implement the revised Forest Plan. Our Forest Plan was revised with the completion date being August, 2004 and represents a different approach to forest management than was present in the 1986 Forest Plan. This Forest Plan is more strategic, providing broad guidance, describing ecological processes and how we want the land to look and function as a result of implementing the plan. What it doesn't do is prescribe particular actions that will be done to implement it.

An important concept in the revised plan is what are called Landscape Ecosystems (LE), which are relatively large land areas composed of groupings of interacting ecological systems that are repeated due to factors such as geology, soils, native plant communities, climate and natural processes. The Forest Plan provides general direction on vegetation and age class composition for each LE. A review of landscape ecosystems can be found beginning on page 2-55 of the Forest Plan. The dominant LE for this project is called mesic birch/aspen-spruce/fir with descriptors and objectives for this LE found beginning on page 2-70 of the Forest Plan.

Another important concept from the Forest Plan is that of the Management Area (MA), which describes a portion of a landscape with similar management objectives and a common management prescription. Each is an area of common direction that differs from neighboring areas. The predominant MA for Devil Trout is "General Forest- Longer Rotation with desired conditions, objectives and standards and guidelines found beginning on page 3-9 of the Forest Plan. There are other MAs within the Devil Trout project area; however there are no prescriptions for activities found within those areas. The EA discusses each of those Management Areas.

A third concept presented in the Forest Plan is that of Forest Vegetation Spatial Patterns with the discussion beginning on page 2-24 of the Forest Plan. This represents a dramatic swing in how we look at, and manage, the National Forest particularly as we look at blocks or patches of both older and younger forest. Our previous Forest Plan followed the concept of smaller units of older and younger forest with a general objective of treating or harvesting up to 200 acres in areas important to moose and up to 40 acres in the rest of the Forest. Our new forest Plan looks at managing patches similar to what nature would provide. Older patches will be maintained in 10,000 acre blocks and treatment or harvest units may be up to 1,000 acres in size.

Patch size, landscape ecosystem and management area were all important factors when developing the proposal for Devil Trout. The Mesic Birch/Aspen-Spruce/Fir LE, particularly in Cook County has a large component of older forest comprised of over-mature aspen and paper birch. One only needs to look at the aspen and birch as they drive either Highway 61 or the Gunflint Trail to see a high percentage that is all ready dead as well as those trees that do not have long to live. While most of the visible area along those roads is dominated by live trees, there are some areas with larger patches of nearly 100% mortality. The situation is created because aspen and paper birch mature at about age 50 to 60 and are considered overmature at age 80. Many trees in Cook County are at about age 100 which is when natural mortality progresses rapidly. It is natural and will only accelerate over the next few years.

Next, a person should look at the undergrowth to see what will be the next generation of forest as the trees die out. While there is some aspen and balsam fir, often what can be found is a combination of hazel and tag alder, both brush species.

There is an area around Trout Lake that is somewhat different and is one of the larger mature upland patches found in zone 2 from the Forest Plan. Hardwood species, such as maple, are a strong component of the stand, due in part to the slightly richer soil around Trout Lake that supports longer lived tree species.

So, we have the condition that most of our mature aspen and birch will not live through the next ten years. However one of our goals is to maintain a larger block of land in older upland forest. We also have an area of high scenic integrity, particularly along the Gunflint Trail.

Understanding that, I directed our interdisciplinary team to find ways attend to the scenic quality objectives along the Gunflint while doing something to improve the long term visual quality. Further, since the Trout Lake area has a component of longer lived maples and other hardwoods, I also asked that they find ways to add diversity through longer lived conifer species, thereby maintaining and enhancing the larger block of forest in the Trout Lake area. As another consideration, because many stands have a high component of dead and down balsam fir, I asked that they review the risk of wildfire in the project area and propose measures to reduce that threat while also meeting the objectives for young age class in this portion of the LE. Other parts of our purpose for this project are outlined below.

Project Area

The Devil Trout Project Area is located north of Grand Marais, MN in Cook County in Townships 61 N Ranges 1&2 W, Township 62 N Ranges 1-3 E, Township 62 N Range 1&2 W, Township 63 N Ranges 1-3 E. Some of the larger lakes in the project area include Devils Track, Elbow, Northern Light and Trout Lakes, and numerous rivers and creeks.

The Devil Trout project area encompasses about 46,500 acres of land of which 34,000 acres are National Forest System land. Of these, approximately 24,000 acres (71%) have been classified as capable of producing timber harvest. Other ownership in the project area includes about 7,800 acres of State, 4,200 acres of private and 290 acres of Cook County.

Purpose of and Need for Action

As described in detail in Environmental Assessment, the purpose and need for action in the project area includes the following:

1. The purpose of this project is to create young age class, increase acres of white pine and spruce and increase within-stand diversity, thereby moving towards landscape ecosystem objectives for Mesic Birch-Aspen-Spruce Fir LE.
2. The purpose of this project is to promote spatial patterns that more closely emulate the patterns that would result from natural disturbance processes and improve interior forest conditions.
3. The purpose of this project is to maintain wildlife species diversity by moving towards the Management Indicator Habitat (MIH) Objectives of creating young aspen-birch (MIH 4), young upland spruce-fir (MIH 6) and young red and white pine (MIH 7).
4. The purpose of this project is to maintain or improve habitat for threatened and endangered species and their prey.
5. The purpose of this project is to improve marsh and shrub habitat for wildlife.
6. The purpose of this project is to reduce hazardous fuels in urban interface areas and along the Gunflint Trail.
7. The purpose of this project is to improve and maintain condition class in the Birch/Aspen/Spruce/Fir LE by increasing the spruce fir component and creating more young age classes.
8. The purpose of this project is to reintroduce fire to red and white pine stands that are beyond their fire return interval.
9. The purpose of this project is to control stocking density in red pine and white spruce plantations.
10. The purpose of this project is to provide timber products.
11. The purpose of this project is to maintain or enhance scenic quality along the Gunflint Trail and Trout Lake Road.

Forest Plan Direction

The Devil Trout Project Area lies predominantly (30,000 acres) within the General Forest Longer Rotation Management Area of the 2004 Superior National Forest Land and Resource Management Plan (Forest Plan). There are lesser amounts of the following Management Areas: Recreation in a Scenic Landscape, General Forest, Eligible Wild, Scenic and Recreation Rivers and Candidate Research Natural Area.

General Forest-Longer Rotation emphasizes land and resource conditions that provide a wide variety of goods, uses, and services, including wood products, other commercial products, scenic quality, developed and dispersed recreation opportunities, and habitat for a diversity of terrestrial and aquatic wildlife and fish species. Numerous roads open to public travel provide access to resources and roaded recreation opportunities. This management area has a higher proportion of young forest than other Management Areas and has the largest timber harvest units.

DECISION

I have given careful consideration to the resources affected; the guidance provided by law, regulation and policy as well as the comment provided by members of the public, including those received during the early scoping period, my discussions with people throughout and comments provided during our 30 day comment period. It is my decision to implement Alternative 3 with the changes listed below. I have walked through many of the stands listed for treatment and have had long discussions with the ID team on options to meet our objectives. This decision is based on that conversation with the ID team, my knowledge of the project area and a review of the Devil Trout Project Environmental Assessment (EA), the Biological Evaluation, the Biological Assessment, the project file, and the 2004 Forest Plan. The Devil Trout Project EA is tiered to the 2004 Forest Plan Revision Final Environmental Impact Statement (FEIS).

The decision includes the following change, FR 154 A and U2104C01 will not be decommissioned for 6 years following harvest. This is to allow those bands of the Chippewa Tribe covered under the 1854 Treaty to have access to a fairly large harvest unit for hunting purposes. The road would be gated for most of the year with it being open for about four weeks for moose season. This would include two weeks prior to opening and the State season of two weeks. After six years the road would be obliterated. These changes are minor and do not alter the effects analysis. In most cases the changes will result in fewer treatment acres and fewer effects than those described in the Devil Trout Project EA.

Table 1 is a summary of the actions under Alternative 3 incorporating the above change. A list of the specific projects that will be implemented with this decision is included in Appendix B. All acreages stated in the Decision Notice and Devil Trout Project EA are best estimates, and relatively small differences in actual on-the-ground harvest unit acreages are expected.

Table 1: Summary of Actions including in the Decision

Treatment	Amount*
	Acres
Acres of Clearcut	1,588
Acres of Seed Tree	42
Acres of Seed Tree Clumping	31
Acres of Shelterwood Cut	76
Acres of Partial Cut 30BA- Lower Residual	321
Acres of Partial Cut 70BA- Higher Residual	187
Acres of Thinning	59
Acres of Variable Thinning	81
Acres of Release	54

Table 1: Summary of Actions including in the Decision

Treatment	Amount*
	Acres
Acres of Mechanical Fuels Reduction	27
Acres of Hand Pile and Burn	125
Acres of Broadcast Burn	117
Acres of Pruning	14
Acres of Mechanical Pile and Burn	974
Acres of Underburn	290
Acres of Mechanical Site Preparation	949
Reforestation	Acres
Acres of Artificial Regeneration (planting)**	125
Acres of Natural Regeneration	1,217
Acres of Natural/Artificial Regeneration (Interplanting)***	805
Transportation System	Miles
Miles Temp. Access. Use existing unclassified road	1
Miles Temp. Access, reuse grown in route	1.5
Miles Temp. Access, new construction	5.7
Total Miles of Temporary Access	7.2
Decommission unclassified road	1.0
Decommission NFSR OML 2	0.6
Total Decommission	1.6
Miles NFSR-convert from unclassified road	0.9
Total Miles of additional NFSR and SU	0.9
*All acres shown are estimates based on stand acres. Actual treated acres would be less than the numbers shown due to legacy patches, reserve islands, and other factors. ** Based on the results of monitoring and to the degree in which the planted species is being affected vegetation competing with the planted species would be removed ***A portion of the acres with interplanting would be released and/or pruned. Based on the results of monitoring and to the degree in which the planted species is being affected, vegetation competing with the planted species would be removed and/or if blister rust or white pine weevil is present it will be pruned. Also based on monitoring, a portion of the acres interplanted would have some type of treatment to protect the pine from deer such as bud caps, or spraying deer repellent.	

My decision includes standard management requirements (Appendix A) and site specific mitigation measures (Final Unit Cards). These standard management requirements and mitigation measures incorporate 2004 Forest Plan standards and guidelines and MFRC guidelines. They address concerns of the public expressed during scoping and the public comment period on the Preliminary EA and incorporate other actions necessary to protect the resources. The site specific mitigations for each project are included on the unit cards. The Final Unit Card Book is available at the Gunflint Ranger District and on the internet at www.fs.fed.us/r9/forests/superior. The specific monitoring actions that are included with this decision are listed in Appendix A.

REASONS FOR THE DECISION

In making my decision, I considered the environmental effects of each alternative and how well each alternative would meet the purpose and need, protect the qualities that are valued in this area and move the area towards the desired condition in the Forest Plan. During my work on the Gunflint Ranger District, I have learned some of the history of the Superior National Forest. A couple things stood out in my mind as I prepared for this project and as I considered the decision.

The Superior was established in 1906 (100 years ago) through an action by President Theodore Roosevelt. The first Forest Supervisor was in place between 1910 and 1912. He was interviewed in 1970 to get some of his perspectives of the Forest, both when he worked here and in 1970. Following are some questions and answers from that interview.

Joe Fitzwater, first Superior National Forest Supervisor, 1910 to 1912

His first impression: *“It was a wonderful backwoods country with nobody back in there. Most of it had been logged and burned over. It was mostly jack pine with very little white pine, and a few shrubs here and there.”*

How does the country compare in 1970 to 1910? *“There’s no comparison. It’s all green virgin-looking forest now. It’s not one of those vacant, dug over, logged over lands. It’s just green and full. I’m impressed that we could have such a change.”*

Did you ever realize this might be one of the top recreation areas in the country one day? *“No, there was practically no recreation here. I was more interested in getting some timber back growing here than anything else.”*

A couple of important points. At the turn of the century, most of the country had been dug over, logged and burned over. By 1970 it looked virgin, green and full. I’m guessing many people carry that view of the Forest with them, a forest that appears virgin, green and full.

However once again, we’re at the turn of the century and the trees that had their beginning with Joe Fitzwater are now 100 years old. It is fairly evident what will happen if we do nothing. Most of the balsam fir is already dead, the aspen and birch are dying, most of which will not live another 10 years.

The Forest Plan envisioned some of the older forest going through a transition from aspen/birch to spruce/fir including natural mortality. However, doing nothing and allowing all of the aspen and birch to die will not meet Forest Plan objectives for young forest nor will it allow us to capture the opportunity to establish longer lived conifers. Particularly evident from doing nothing would be along the Gunflint Trail where current aspen mortality is being replaced mainly by brush species. There is a high probability those units proposed for harvest and reforestation would become brush fields. I have determined that selecting the No Action Alternative would not be prudent forest management.

As I stood in some of these stands and discussed the proposals with the ID team, I tried to mentally picture the harvest and reforestation then consider the impacts each would cause. I reviewed all issues and took into account the competing interests and values of the public. I know that harvesting timber results in changes to scenery, wildlife habitats, and may alter human use of an area. I am aware of the interactions between the various resources; the direct, indirect, and cumulative effects of the proposed actions on the different resources; I have taken these into consideration in deciding to implement this project.

The information below provides my rationale for selecting Alternative 3 based on how it meets the purpose and need and how it addresses each of the issues and resource areas analyzed in the Devil Trout Project EA.

Young Age Class, including MIH 4, 6 and 7

Alternative 3 provides a percentage of young upland forest that is within the guidelines of the Forest Plan (EA, table 2.13 pg. 2-18). Alternative 2 is somewhat lower and still within the guidelines, but doesn't capture the opportunity as well as Alternative 3.

Spatial Patterns

Both Alternatives 2 and 3 work to enhance the large mature forest patch surrounding Trout Lake over the long run. Alternative 3 adds the component of a moderate scale disturbance with the clearcuts between the Gunflint Trail and Pine Mountain Road. These harvest units are larger than what we're used to from past management proposals with the exception of our blowdown incidents. The harvest units when viewed with recent cutting done by the State in this vicinity will create a patch of even aged forest similar to a moderate scale natural event. 50 years from now there will be a moderate size patch of mature forest in this area. I find this better promotes forest health and better meets the Forest Plan objectives for emulating natural disturbance.

White Pine and White Spruce

Alternatives 2 or 3 provide good opportunities to promote both species, particularly along the Gunflint Trail corridor, whereas no action would allow more brush species to become established. This action takes positive steps to change the long term composition and appearance of the Trout Lake, Gunflint Corridor area. Both the Gunflint Pines and Washington Pines demonstrate the value of long lived conifers in an area of high visual concern. To clearly state the outcome of much of this reforestation, the white pine will be interplanted among natural regeneration of aspen and birch. White pine grows much healthier during its younger years when mixed with other species. You will not see pure white pine stands but a mixture of white pine, aspen, birch and balsam fir. We will be monitoring these plantations through time to determine follow up treatments to assure survival of the pine. Alternative 3 was selected because it meets objectives for establishing white pine and white spruce while also meeting other objectives.

Reduce Hazardous fuels

The Devil Trout project area overlaps the Maple Hill wildland urban interface as identified in the Cook County Community Wildfire Protection Plan. Fuel reduction is important in this area to provide safe ingress and egress to area residents and visitors. Alternative 3 adds the measure of treating a large block of overmature forest that contains large amounts of dead and down balsam

fir in the area between Pine Mountain Road and the Gunflint Trail. While clearcutting is prescribed using a timber sale, the design of this unit is such that visual impacts will be minimized through use of reserve islands near the roads. Alternatives 2 or 3 further meet fuels reduction objective by using mechanical equipment to reduce understory fuels, hand piling and burning fuels, reducing fuels through harvest and slash reduction and improving condition class through underburning. Alternative 3 captures the opportunity for fuels reduction better because there are prescriptions in both the Pine Mountain area and along the Gunflint Trail.

Provide Timber Products

This is an important consideration for Cook County and the time in which we live. One of the purposes for this project is to provide sustainable timber products. As described above, much of the aspen and birch are dying and won't live another 10 years, if that. I considered options that members of the public requested such as treating these stands without harvest, using either non-commercial mechanical treatment or prescribed fire. Those are both valuable tools, however since we as a public use wood fiber on a daily basis, it makes much more sense to me to capture all the wood fiber that is reasonable from our treatments. Alternative 3 does that best. On the other hand, I am also selecting non-commercial mechanical fuels reduction for 27 acres in the Washington Pines because commercial harvest is not feasible to meet the objectives for those stands. This treatment is to remove the balsam fir from the understory because it is a highly flammable species that if a fire were to occur, would kill the pine. Table 2.5 from the EA lists 654 and 1292 acres of mechanical pile and burn, however those are done following a timber sale to clean up residual fuels. I believe we have selected the appropriate activities to meet our objectives for this area.

Scenic Quality

I've provided some thoughts on the condition along the Gunflint Trail, Trout Lake Road, Pine Mountain Roads and the Gunflint Snowmobile Trail. Doing nothing will result in change, adding large amounts of dead and down and replacing many of the current forest stands with brush. This has occurred and likely will continue in some areas. While there will be short term adverse visual impacts caused by our treatments, I strongly believe there will be long term gains. As mentioned, again we are at the turn of the century and at a decision point. The forest along the Gunflint Trail is going to change, either naturally or under our influence, either way it will change. The actions selected in Alternative 3 will move toward species that will survive for more than one century, providing that long term gain.

It would be much easier from a forest management standpoint to simply clearcut all of the mature trees and put a focused reforestation effort into the Trail corridor. That is pretty much the option we were left with after the blowdown on the upper end of the Gunflint. I didn't choose that route in this area. My directions to the ID team and the option I selected were to treat the highest risk stands, use prescriptions that reduce the visual impacts but at the same time provide some visual benefits in the long run. My goal is to provide better options as we cross into the next century.

Maintain or Improve Habitat for Threatened Endangered and Sensitive Species (TES)

Both Alternatives 2 and 3 will reforest white pine in areas of fish bearing lakes. Over the long term, white pine has the capability to grow above the surrounding trees to provide what are

called super-canopy trees. These are preferred by eagles and osprey for nesting. I believe these actions are good stewardship.

Wolves and lynx will benefit as we provide and maintain prey habitat. Page 2-20 of the EA presents a discussion on how that will be achieved. Again, I believe that is good stewardship.

Reintroduce Fire to Red and White Pine

Something we've learned over time is that fire can play an important role in forest management if used properly. When we suppressed all fires, particularly in our pine stands, balsam fir becomes established quite well in the understory and poses a threat to the pine. After we have removed the larger quantities of balsam fir, we can conduct low intensity burns that will help us maintain a high quality pine stand. I believe that is appropriate stewardship.

Improve Marsh and Shrub Habitat

Similar to the discussion for pine, our fire exclusion in marsh areas has led to brush species taking over. Conducting low intensity prescribed fires will help keep these marsh areas more diverse, supporting a greater variety of wildlife species, which is appropriate stewardship.

Tribal Communities

I recognize the Gunflint Ranger District is part of the territory ceded to the United States under the La Point Treaty of 1854 and that tribal members have reserved rights to use the area for hunting, fishing, gathering forest products, recreating, and other cultural activities. During my communications with the Grand Portage Band and the 1854 Treaty Authority, they expressed concerns about the effects of the proposal on game species habitat (moose, deer and grouse), and the tribes' use of the area, particularly access for hunting and gathering. After receiving their comments on our preliminary EA, it seems I didn't completely understand our communications. I have provided a more detailed response to their comments which is included in Appendix C of this Decision Notice.

Hunting and gathering are important culture aspects of the tribes under the 1854 Treaty and this project will have effects on the members and their rights. Although not highlighted in the EA, Alternative 3 was developed partially in response to the concerns raised by 1854. Within the EA we made the assumption that effects to early successional wildlife species would correlate to effects on Tribal rights from a game habitat perspective. The EA presents effects to moose, deer and ruffed grouse and demonstrates that Alternative 3 offers higher levels of habitat for those species (EA section 3.2). As habitat levels increase, it seems logical that hunting opportunities would either be maintained or increased.

Results from a game habitat perspective do not necessarily correlate to changes in access for hunting, particularly motorized access. My general experience is that with timber sales, there are often opportunities to walk old skid trails throughout a harvest unit, at least for the first 3-4 years until new growth begins to take over. Therefore I expect an improvement over a short term for walking access.

Motorized access will be different. Our proposal would add 0.9 miles of road to our system and decommission 1.6 miles. On the surface that appears to be a loss of mileage. I personally

walked and reviewed both U2140C01 and FR 154A. Both are old corridors where ingrowth of vegetation has substantially closed them and they have not been driven recently. We also proposed to construct and obliterate 7.2 miles of temporary road upon completion of the timber sales. None of those exist yet and therefore are not currently drivable. In my mind that results in a no-net-change in drivable roads.

However I also understand the 1854 authority has a different perspective on our actions regarding roads management. They see immediate closure of temporary roads as a negative effect on access and tribal rights. I believe my obligations under the Forest Plan are to close temporary roads as soon as our management is completed (S-TS-3, pg 2-50 Forest Plan). I have flexibility on timing of closing unclassified and system roads. Therefore I have decided to gate FR 154A and U2140C01 for a period of up to six years following completion of harvest activities. The gates will be opened for the fall moose season and then closed at the end of the season. FR 154A and U2140C01 will be obliterated at the end of the six year period. I have discussed this with the 1854 Authority and while this would not be considered to meet their expectations, it is considered a “step”. I am taking these actions to meet our stewardship for the land while attempting some measures to address tribal rights.

This project does meet the desired conditions and objectives of the Forest Plan. Section 3.9 of the 2004 Forest Plan FEIS (to which this Decision notice is tiered) includes a thorough discussion of the unique relationship of the Superior NF and the Ojibwe Bands of Bois Forte (Nett Lake), Fond du Lac, and Grand Portage, and a detailed analysis of the effects of forest management under the 2004 Forest Plan on these Ojibwe Bands.

PUBLIC INVOLVEMENT

In November 2005, a detailed scoping package requesting comments was mailed to nearly 500 individuals, groups, and agencies who either own land within the project area or who have expressed interest in these types of projects by placing their name on a mailing list maintained in the Forest Supervisor’s Office in Duluth. The scoping package was also available online at <http://www.fs.fed.us/r9/superior>. Comments were requested to be submitted by December 12, 2005.

We received 20 responses from individuals, groups and agencies. There were a handful of requests to be removed from the mailing list. We also received comments via telephone and from visitors to the Gunflint Ranger Station.

The 30-comment period began on April 21, 2006, the date our legal notice was published in the Cook County News Herald. Comments and responses are included as an appendix to this Decision Notice.

Agencies

Comments on the scoping package were requested from the United States Fish and Wildlife Service, and the Minnesota Department of Natural Resources.

Tribes

Prior to our developing a proposal for this project I visited with the Grand Portage Band Chairman Norman DesChampe up at Grand Portage. During our conversation, Norman suggested I discuss our proposal with the 1854 Authority. Comments on the scoping were requested from the 1854 Authority, representing the Grand Portage and Bois Fort Bands of the Lake Superior Chippewa, as well as from other local Tribal associations. We received a response from the 1854 Authority.

I had a phone conversation with Darren Vogt of the 1854 Authority in January, 2006, to clarify aspects of the proposed action and to discuss their specific concerns regarding the proposal and how it affected treaty rights in the ceded territory. Topics that were addressed at this meeting included hunting access and moose and white tail deer habitat. During the discussion it was recognized that those concerns were more directed at the Forest Plan and could not be appropriately addressed at the project level, particularly our policy to close temporary roads upon completion of their use for timber sale access, and the maximum acres of harvesting set in the 2004 Superior National Forest Plan.

In April of 2006 a Preliminary Environmental Assessment was mailed to 1854 Authority and a response was received. I contacted both Millar Meyer and Darren Vogt to clarify concerns from their perspective.

OTHER ALTERNATIVES CONSIDERED

In addition to Alternative 3, the following alternatives were considered in detail:

Alternative 1: No Action: In this alternative, the proposed action would not take place, and there would be no new management actions proposed at this time. Existing management actions such as timber sales or road projects would be allowed to continue. Natural succession processes would take place. Current road use would continue. Selection of this alternative would not preclude future management actions in the project area.

Alternative 2: This alternative was sent out for public comment in November, 2005 and it was revised slightly after further examination. Minor changes were made such as 42 acres of Partial Cut 30 BA was changed to Seed Tree Cut, to better fit vegetation management needs.

This alternative was developed to achieve the purpose and need for action in the Devil Trout Project Area. It will create young age class, increase acres of white pine and spruce, and increase within-stand diversity, thereby moving towards landscape ecosystem objectives for the Mesic Birch-Aspen-Spruce Fir LE and the Management Indicator Habitats (MIH) within the project area through harvesting and other vegetative management techniques such as planting.

Harvesting through clear cutting, partial cutting, and seed tree harvest followed by planting white pine, white spruce, and tamarack would be the primary tools used to restore conifers to the project area.

Harvesting treatments such as clearcutting and partial cutting will be used followed up by interplanting white pine and white spruce along the Gunflint Trail and Trout Lake Road in order to maintain or enhance scenic quality along those travel routes.

Additional sites will receive some form of competition control (mechanical, management-ignited fire, or both) to minimize understory brush which will reduce hazardous fuels in urban interface areas and along the Gunflint Trail.

Another action in this alternative includes the commercial thinning of red pine and white spruce stands which would control the stocking density in red pine and white spruce plantations shortening the time necessary to provide managers with the options involving large pine and spruce, whether for timber, aesthetics, wildlife, or seed source.

Connected road management actions for this alternative would result in using 1 mile of unclassified road as temporary access which would be decommissioned after harvest activities are completed, construct 1.7 miles of temporary road which would be decommissioned after harvest activities are completed, and use 0.9 miles of unclassified road which would be converted to National Forest System Road Operational Maintenance Level (OML) 2 which ATV, snowmobile and other motorized recreation vehicles generally would be allowed on these roads.

Other Alternatives considered: The following alternatives were considered but eliminated from detail study:

Alternative 4. Increase Forest Health by harvesting 4,931 acres. This alternative was not chosen because defined in the purpose and need, is to have 2-7% of the project area in the young age class. Creating more young age class than that would not meet the purpose and need. This alternative would create 20% young, therefore not meeting the forest plan objectives.

Alternative 5. Maximize Aspen Regeneration by clumping leave trees in harvested areas. This alternative was not chosen because it does not meet the purpose and need for this project. Some stands in the chosen alternative will have only legacy patches or leave islands with no leave trees scattered throughout the harvested area. Other stands in the chosen alternative will have scattered 6-12 leave trees.

Alternative 6. No clearcutting, restore forest types without logging. This alternative was not chosen because it does not meet the purpose and need of this project and it is unreasonable within the context of the 2004 Forest Plan.

Alternative 7. Create Fire Buffers along the Gunflint through clear-cutting aspen. This alternative was not chosen because it would not meet the short-term or long-term visual objectives for the Gunflint Trail.

Chapter 2 of the EA explains why these alternatives were not considered in detail. Three alternatives were considered in detail and four were considered but dropped from further review. This range of alternatives was broad enough to provide a range of effects based on potential

effects of significant issues. This analysis provided me with sufficient information to make a sound and reasoned decision.

NATIONAL FOREST MANAGEMENT ACT and FOREST PLAN CONSISTENCY

I have reviewed the 2004 Forest Plan and determined the selected actions are consistent with the 2004 Forest Plan. My reasons for making this determination are:

1. I reviewed the desired conditions, goals and objectives from the 2004 Forest Plan to determine how the actions analyzed in this document move the area towards those desired conditions and goals. The Devil Trout Project Area is predominantly in the General Forest – Longer Rotation Management Area. Some of the key desired vegetation conditions for the General Forest – Longer Rotation Management Area are: 1) Forest vegetation communities managed with practices that mimic ecosystem processes, mainly stand replacement disturbance and 2) Larger patch sizes emphasized, with more uneven aged and partial cut harvesting resulting in more uneven-aged and multi-aged forests (2004 Forest Plan pg. 3-10). Direction for the General Forest Management Area is similar with more emphasis on a young, even-aged vegetative condition.

Through the selected actions (harvest, thinning, and prescribed burning,) we are beginning to move this area towards the desired conditions identified in the 2004 Forest Plan, specifically those for the General Forest – Longer Rotation and General Forest MAs listed above and the age class and composition objectives for landscape ecosystems. Timber harvest was designed and coordinated with the principles of ecosystem management and the habitat needs of various wildlife species. We are providing conditions that will provide biological diversity and forest health, while simultaneously producing timber for the local economies and providing for human use of the area.

2. I have reviewed the standards and guidelines in the 2004 Forest Plan. All relevant standards and guidelines will be met and have been incorporated in the standard management requirements listed in Appendix A and mitigation measures listed on Final Unit Cards.
3. Road management in the selected alternative is consistent with the desired condition, objectives, standards and guidelines for Transportation Systems in the 2004 Forest Plan. The minimum amount of road needed to accomplish forest management objectives will be added to the road system and roads no longer needed for forest management will be decommissioned.
4. Harvest of this timber will contribute toward the allowable sale quantity expected in the Forest Plan.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed both the context and intensity of the environmental consequences of the selected alternative, the reference documents, and maps of the project. Based on my experience with similar projects and practices, I conclude that the selection of Alternative 3 does not constitute a major Federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. The level of analysis conducted for the Devil Trout Project

Environmental Assessment is adequate and documents no significant effects. Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

A. Context. ...the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting...in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The physical and biological effects are analyzed at appropriate scales, such as within the project area, adjacent to the project area, or across the Landscape Ecosystems. As discussed in more detail below for other elements of significance, the context of this proposal is limited to the locale of the Devil Trout area.

Even in a local context, this proposal would not pose significant short- or long-term effects. The proposal's relatively small scale limits its effects to a minor level, for recreation and other natural resource values and uses. Mitigations included in this proposal minimize and avoid adverse impacts to the extent that such impacts are almost undetectable and immeasurable, even at the local level.

B. Intensity (the severity of impact): The following should be considered in evaluating intensity:

1. Impacts may be both beneficial and adverse. A significant effect may exist even if, on balance, effects are believed to be beneficial.

Both adverse and beneficial impacts of the alternative are analyzed and disclosed. Beneficial effects were not used to compensate for or offset adverse effects. Even when considered separately, adverse effects are not significant.

2. The degree of effects on public health or safety.

Safety of users of the area (visitors and residences) would be protected under all alternatives by standard management requirements and mitigation measures. Specific mitigations for treatments have been identified such as posting signs at road and trail junctions during timber operations to warn trail users of logging activity. These have been determined to be effective at reducing conflicts on other projects such as Silver Island and Eastside thinning by recreation personnel, law enforcement personnel and sale administrators. For prescribed burning, mitigation measures such as posting prescribed fire warning signs and contacting nearby residents and business have been identified. Considering some of the units planned for prescribed burning are in close proximity to Grand Marais and the outlying residents, smoke management could be a concern. One mitigation to help prevent smoke from affecting the general Grand Marais area is not burning on days when winds would carry smoke into town. The prescribed burn units are small enough in size that smoke emissions of concern are expected to be fairly short in duration (1-3 hours during ignition). There may be lingering smoke effects in the general area in the night

time hours when inversions hold smoke in low areas. The amount of these emissions has been determined to not exceed EPA health standards.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Unique Geographical Characteristics:

There are no known unique geographical characteristics that will be significantly affected by the actions of the two action alternatives. The ID Team along with the responsible official reviewed each stand for potential conflicts with other resources. The Forest Plan, looked at the Superior National Forest as a whole, to determine appropriate Management Areas including unique biological and geographical areas. None of the stands included in this project, under both action alternatives, are in those areas established under the Forest Plan.

Historic or Cultural Resources:

Potential effects to these are described under item 8.

Park lands, Prime Farmlands, Wild and Scenic Rivers:

There are no known park lands or prime farmlands within or near the Devil Trout project area. This project will not result in significant impacts to these resources.

Two stands where timber harvest is being proposed (approximately 130 acres), and five stands where broadcast burning is being proposed (approximately 87 acres) are within one quarter of a mile from the Brule River, which is eligible for designation as a Wild, Scenic and Recreation (WSR) river. The segment of river that contains these stands is eligible for "Recreation" status within the WSR system. The 2004 Superior National Forest Plan explains that within the Recreational segment of the (WSR) Management Area "silvicultural practices are allowed provided methods used would have no substantial adverse effect within the river corridor to the river's free flow, water quality, and outstanding remarkable values" (G-WSR-4, pg 3-18). The Forest Plan also encourages vegetation management to promote long-lived tree species, leading towards the development of big-tree characteristics (G-WSR-6, pg 3-15).

One of stands where timber harvest is proposed which lies in the WSR, stand 23 in compartment 111, partial cut 30BA and plant with white pine spruce and tamarack is being proposed inside the region where the WSR management area lies (approximately 35 acres), which promotes big tree characteristics and long lived species. The other stand where timber harvest is being proposed within the WSR is in stand 25 in compartment 111 (approximately 15 acres). This stand is a decadent aspen stand which is beginning to fall apart and the proposed prescription is clearcut with reserves. There will be minor effects to the short term visual character by treating stand 25 in compartment 111, but they will be minimal due to a black spruce stand (111/26) that lies between Northern Light Lake and stand 25, and the topography is relatively flat as well.

The effects to water resources have been analyzed and standard management requirements and mitigations will be applied to minimize the impacts caused by the actions to be carried out in the

Devil Trout project. There will be no effect to the free flowing character of the river and only minimal effect to the visual character. Therefore I find these actions fit within the guidelines of the WSR Management Area within the Forest Plan, the actions will not affect the river's eligibility for designation as a Wild, Scenic and Recreation river, and the effects will not be significant.

Wetlands:

Maps of wetlands from the National Wetlands Inventory show 11,229 acres of palustrine wetlands within the Devil Trout project area. Alternative 2 stands include 700 acres of wetlands (6% of total), while alternative 3 stands include 923 acres of wetlands (8% of total). These figures include mapped wetlands that would be excluded from the units during implementation. Standard management requirements require that all mechanical operation on wetlands occur during frozen conditions. Under frozen conditions, effects to wetlands such as rutting or changes in hydrological flow would not occur or be minimal. Additional standard management requirements includes measures such as prohibiting fueling within wetlands and not surrounding wetlands with slash. This project would have limited impacts to wetlands.

Ecologically Critical Areas:

One Candidate Research Natural Area (cRNA) is located in the southwestern region within the Devil Trout Project Area. Neither action alternative is within 2 miles of the cRNA, and those actions do not pose any risk of negative impacts to the ecological integrity of the cRNA.

4. The degree of controversy over environmental effects.

The Interdisciplinary team and District Ranger carefully reviewed all comments and determined there were no highly controversial effects. During the scoping period many people stated divergent preferences for what action should be taken such as "commercial logging is not and should not be viewed as a tool for reducing wildland, home, and community fire risk or for achieving forest restoration objectives", or harvesting most of the "overmature aspen-birch which if not harvested will perpetuate insect and disease outbreaks and create conditions favorable to wildfire". These comments express divergent views on how National Forest lands should be managed and what values are most important. However, no scientific evidence was presented that displayed controversy about effects.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Proposed activities, including timber harvest, reforestation, and road management, are similar to those that have occurred in the past in this area and similar areas across the Superior National Forest. The effects of the Devil Trout Project will be similar to the effects of many past vegetation and road management actions. These past actions have been monitored and were taken into account during the development of the Forest Plan and the development of the Devil Trout Project. All actions included in the Devil Trout project are consistent with the 2004 Forest Plan, and all environmental effects are within the range disclosed in the Final Environmental Impact Statement for the 2004 Forest Plan. Based on the effects of past decisions and the effects

that are disclosed in this environmental analysis, there will not be any highly uncertain effects or effects that involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Implementing specific activities within this project area would not commit the Forest Service to actions on other lands either within or outside the project area. This project will not establish a precedent for future actions nor does it represent a decision in principle about a future consideration. All actions that are connected have been included in this analysis.

The reasonably foreseeable future projects disclosed under cumulative effects are those that are in the development phase. Environmental analyses will be completed on all of these projects and site specific decisions will be made on whether or not to implement these other projects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

For each resource/issue, the relevant cumulative effects analysis boundary was determined using professional judgment of the resources affected and how those effects accumulate. All known actions on all ownerships, including past, on-going, and reasonably foreseeable future projects were considered. Appendix F of the EA describes potential cumulative actions. There are no known significant cumulative effects between this project and other projects that have occurred in the past, or are currently being implemented, or are planned in the project area or adjacent areas.

Soil Productivity: Standard management requirements within the Devil Trout project come from Forest Plan standards and guidelines and Minnesota Forest Resource Council Guidelines. Forest Plan standards and guidelines were designed to protect the soil productivity of soil during mechanical and burning activities. Examples include retaining slash on low-nutrient soils, conducting burns so organic matter is retained, and limiting mechanical activity to frozen ground or during dry periods for those soils susceptible to rutting.

Compartment 188, stand 7 may be subjected to piling and burning on seven areas of nutrient sensitive soils within the unit totaling 35 acres, while two larger, contiguous areas totaling 68 acres will not have slash removed using piling and burning. A short-term reduction in soil nutrients is possible in those seven areas where piling and burning may occur, which may reduce vegetative growth. This reduction of soil nutrients will diminish over time as nutrients are replaced from the regenerating stand.

Management activities on non-federal lands would have minimal impacts to the soil through implementation of standard management requirements. There are no reasonably foreseeable future actions that would occur on land impacted by proposed management activities. This project would not result in significant cumulative effects to soil productivity.

Watershed: The portion of each watershed that is in upland open or upland young condition is a good cumulative effects indicator. Research indicates that watersheds having more than 60 percent upland open and upland young forest conditions are susceptible to peak flows than can reshape channels, increase erosion and sedimentation, as well as decrease diversity within streams (Verry 2000).

Based on a review and analysis of the watersheds that occur within the Devil Trout Project Area and the vegetative conditions that would result from implementing Alternatives 2 and 3, there are no watershed values that would exceed the 60 percent threshold within the project area. Additionally, based on the percent of each watershed within and outside the project area, it is unlikely that proposed cumulative vegetative management associated with Alternatives 2 and 3 would result in an upland open and upland young value that would exceed 60 percent for any entire watershed within or intersecting the project area (Devil Trout Biological Evaluation).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No impacts are foreseen on any properties listed on or considered eligible for listing in the National Register of Historic Places, nor would there be any loss or destruction of any scientific, cultural, or historic places under any of the alternatives. The Project Area has been reviewed by Heritage Resource staff. They have identified the known heritage sites within and adjacent to treatment sites and all known heritage resources would be avoided during implementation of the project. Any previously unrecorded heritage resources discovered during project implementation would be avoided and reported.

Appendix C and D of the EA contains mitigations for treatment units that have the potential for containing unrecorded heritage resources. A reasonable and good faith effort would be made to identify heritage resources in those locations. All land within 400 feet of lakes and streams that is within treatment unit boundaries would be reviewed. The review would consider the potential for unrecorded archeological sites. Field survey would be conducted as deemed appropriate by the Heritage Resource Program Manager.

Based on the review of past surveys and recorded heritage resources, planned review of areas of higher potential prior to action, and the mitigation measures and monitoring associated with the actions, the Superior National Forest Heritage Program Manager concluded that there would be no direct, indirect or cumulative effects to heritage resources under any of the alternatives.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (ESA).

A comprehensive analysis of effects to each threatened or endangered species was conducted in the Devil Trout Project Biological Assessment (USDA Forest Service 2006, planning record). The Biological Assessment determined Alternatives 3 may effect but are not likely to adversely

affect the bald eagle because nest sites are protected from disturbance with mitigations and future nesting habitat would increase. Alternatives 3 may effect but are not likely to adversely affect the gray wolf and Canada lynx because vegetative habitat is maintained with good distribution and miles of open roads are the same in LAUs 39-40, increased by 0.01 mile per square mile in LAU 38, or decreased by 0.02 mile per square mile in LAU 39 in the action alternatives.

Consultation with USDI Fish and Wildlife Service: Consultation specific to the Devil Trout Project is documented in the project file. Included are emails and telephone calls between February 14, 2006 and May 16, 2006. The Forest Service consulted with the FWS, seeking concurrence with the determination of effects in the Biological Assessment (BA), which concludes that the action with the greatest potential for effects (Alternative 3) “may affect, but are not likely to adversely affect” bald eagle, gray wolf, and Canada lynx. Concurrence with the effects determinations in the BA was received from the FWS on May 16, 2006.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

These actions would not threaten a violation of any Federal, State, or local law or requirement for the protection of the environment. The Devil Trout Project would protect the environment to the extent practical and would enhance water quality, threatened, endangered and sensitive species and soil quality through vegetation and road management activities to meet Forest Plan desired conditions and objectives.

Environmental Justice: Following Executive Order 12898 (February, 1994) all federal land management agencies are mandated to address environmental justice in minority and/or low-income populations with the goal of achieving environmental protection for all communities regardless of their racial and economic composition. Examination of community composition revealed that no minority or low-income community groups would be disproportionately impacted by any of the proposed vegetation management activities.

Each alternative would have some effect on opportunities for subsistence hunting, gathering, or other treaty rights guaranteed to Native American tribes. Alternative 1, or no action, would not provide young habitat for game species other than in some stands where natural mortality occurs that is followed by natural regeneration of aspen. Experience has shown that most of the stands of natural mortality are replaced by brush species and balsam fir; therefore I do not expect those areas to provide increased opportunities for hunting/gathering. Alternatives 2 and 3 will provide harvesting followed by both planting conifers and natural regeneration of common species including aspen. Alternative 3 provides the greatest amounts of young aspen, which in turn should provide quality game habitat.

In essence there will be a “no-net-change” in roads and access, which will translate into a similar effect to hunting access opportunities. Two roads scheduled for decommissioning will be done following a six year period after the harvest. This will result in minor increase in hunting opportunity. Temporary roads needed for harvest will be obliterated following logging and any needed reforestation or prescribed fire actions. This will provide no change for motorized hunting access.

PROJECT IMPLEMENTATION

This project may be implemented fifty days after the date of publication of this decision in the Cook County News Herald, of Grand Marais, Minnesota.

Should new information relevant to this decision become available, that information will be considered, and the decision examined to determine appropriate action. During implementation, any proposed changes to the authorized project will be subject to the requirements of NEPA, NFMA, and other laws concerning such changes.

In determining whether and what kind of NEPA action is required, we will consider the criteria for whether to supplement an existing EA in 40 CFR 1502.9(c), and FSH 1909.15, sec. 18, and in particular, whether the proposed change is a substantial change to the Selected Alternative as planned and already approved, and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas of specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

As stated and analyzed in the EA, the acreages of units are estimates and may vary slightly in implementation. Many of these minor changes will not present sufficient potential impacts to require any specific documentation or other action to comply with applicable laws. Some minor changes may still require appropriate analysis and documentation to comply with FSH 1909.15.

APPEAL RIGHTS

This decision is subject to appeal in accordance with the provisions of 36 CFR 215.11 (June 2003). The period for filing a notice of appeal begins the first day after the publication of the legal notice in the Cook County News Herald, of Grand Marais, Minnesota. A notice of appeal must be filed, and postmarked or received by the Appeal Deciding Officer (listed below) by the close of business on the 45th day following publication of the legal notice. The publication date of the legal notice is the exclusive means for calculating the time to file an appeal. The Notice of Appeal must be sent to:

James W. Sanders, Appeal Deciding Officer
Attn: Appeals & Litigation
USDA Forest Service, Eastern Region
626 E. Wisconsin Avenue
Milwaukee, WI 53202

Faxed Notices of Appeal must be sent to James W. Sanders, Appeal Deciding Officer / Devil Trout Project EA / Superior National Forest, Attn: Appeals & Litigation at: (414) 944-3963. Business hours for hand delivered Notices of Appeal are: 7:30AM to 4:00 PM Central Standard Time, Monday-Friday.

Electronic appeals should be directed to: appeals-eastern-regional-office@fs.fed.us subject: Notice of Appeal: Devil Trout Project EA / Superior National Forest. Acceptable formats for electronic appeals are: text (.txt), MSWord 6.0 or higher (.doc), portable document format (.pdf), or rich text format (.rtf). For submission by email, appeals greater than 10 lines (no more than 80 characters per line) should be electronically attached. If electronic appeals are 10 lines or

less, they may be submitted as an email message using standard messaging software. All email submissions should contain "Notice of Appeal: Devil Trout Project EA / Superior National Forest" as the first words on the subject line.

The Notice of Appeal must:

- State that the document is a Notice of Appeal filed pursuant to 36 CFR part 215;
- List the name, address, and, if possible, a telephone number of appellant;
- Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
- Identify the specific changes(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects;
- State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in 36 CFR 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

DECIDING OFFICER:

/s/Dennis D. Neitzke
Dennis D. Neitzke
Gunflint District Ranger

Date: June 7, 2006

Gunflint Ranger District
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Grand Marais, MN 55604
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For further information regarding the Environmental Assessment or the Decision Notice, please contact Amy Wilfahrt (218) 387-3211 at the Gunflint Ranger District Office.