

DECISION MEMO

LaCroix Openings Project USDA Forest Service, Eastern Region, Superior National Forest LaCroix Ranger District

St. Louis County, Minnesota
T62N R18W S18, T65N R16W S1, T65N R15W S10,
T66N R18W S2, 3, 7, 10, 11, 12, 13, 14, 15, &18
And
T67N R18W S34 & 35

I. DECISION TO BE IMPLEMENTED

A. Description of Decision

This memo documents my decision to maintain six openings totaling 1,160 acres with prescribed fire and or mechanical treatments on the LaCroix Ranger District of the Superior National Forest for the purpose of wildlife habitat improvement and fuel reduction using 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.

Three of the proposed sites are lowland marsh, dominated by grasses, sedge, small shrubs, and cattails; two are existing helispots on rock clearings dominated by blueberry (*Vaccinium spp.*), grasses, sedges, and shrubs; and one is a man made pond created in 1996 at the Ranger District administrative office which is currently dominated by cattails.

Prescribed fire reduces overabundant vegetation, reduces woody vegetation, and stimulates growth of grass, sedge, wildflower, and blueberry (*Vaccinium spp.*) species. The prescribed fire frequency of the sites will generally run at one to five year intervals. Mechanical treatments on the sites will consist of enforcing holding lines on the perimeters of the sites for prescribed fire purposes, if needed, and to remove unwanted woody vegetation to maintain the integrity of the opening.

The units utilize natural barriers to limit fire spread outside of the unit. These barriers may be a stream or lake on the perimeter, snow cover in adjacent areas, and/or a change in fuel type where fire will not carry. Multiple units or parts of the units may also be combined into a single prescribed burn if conditions or circumstances warrant.

The primary Ecological LandTypes (ELT) at the project sites are ELT's 3, 6, and 10. Two of the sites are primarily ELT 17. For the sites that are predominately ELT 17, the Forest Plan guideline G-WS-10 would be followed. The G-WS-10 states "when conducting prescribed burns on ELT's 7,8,9,11,12,16,17, and 18, minimize the loss of forest floor (surface O layer).

Provide for:

- a) Igniting burns only when the Canadian Fire Weather Build Up Index (BUI) is 50 or less.
- b) Adjustment of ignition timing and firing patterns.
- c) Taking in account vegetation type, topography, number of days since precipitation, wind, air temperature, humidity, and fuel loadings.”

Due to the projected implementation date of March – May, the ground should be fairly cool and moist and the burns would have relatively minor impacts to the soil, if any at all.

The prescribed burning in all of the proposed projects would be accomplished through hand and or aerial ignition. The prescribed burning would only be initiated if the temperature, wind speed, relative humidity, amount of recent precipitation, and other factors are within pre-determined "prescribed" guidelines. The Prescribed Burn Plan, which must be prepared for any projects utilizing fire as a treatment tool, would describe these items. The Superior National Forest routinely completes projects of this type on an annual basis. Biological surveys for rare, threatened, or endangered species have been completed.

The locations of the units are identified in Table 1 and on the attached map. Additional maps and photo's along with a copy of the Decision Memo may be found on the forest website at : www.fs.fed.us/r9/superior located under “Projects and Plans” and then “LaCroix Openings Project”.

B. Existing Conditions

The six (6) sites are identified as LaCroix Pond, Pat Zakovec Wetland, Cold Springs Helispot, Jeanette Helispot, Goldmine Impoundment, and Goldmine Sloughs.

- The LaCroix pond was created at the District administrative site in 1996. The pond area consists of native prairie grasses as well as other grasses, wildflowers and cattails. An interpretive trail with signs exists at the site. The pond attracts waterfowl throughout the waterfowl nesting period, and visitors throughout the summer. It was last burned in April 2006. The prescribed burn will maintain native prairie grass and wildflower species, and control and/or remove unwanted invasive species.
- Pat Zakovec Wetland provides migration and nesting habitat for wetland dependant birds, and potential habitat for numerous amphibians, reptiles, mammals, and plants. The establishment and enhancement of the Pat Zakovec Wetland was a cooperative project between: St. Louis County, Minnesota Department of Natural Resources, 1854 Authority, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and U.S. Forest Service. The project was created in two phases. Phase one was the design and construction beginning in 1991. Phase two utilized a prescribed fire to reduce competing vegetation and prepare a seed bed for wild rice, which occurred March 20, 1998. The area was again burned in April 2006. The Bug Creek hiking trail leads up to and around the wetland. The area consists of cattails and other wetland grasses, shrubs, and wildrice. The prescribed burn will reduce encroaching vegetation and

overabundant vegetative litter, and encourage sedge and grass growth resulting in improved nesting cover.

- Cold Springs and Jeanette Helispots consists of a substantial crop of Blueberry (*Vaccinium* spp.) and various grasses and shrubs. Adjacent tree species consist of pine and aspen. Adjacent tree species will encroach upon the site and are periodically removed mechanically by the fire crew. Fire would help reduce the encroachment of the trees and shrubs into the helispot, and improve the vigor of the blueberry plants. Approximately four acres were burned around the helispot in the late 1980's for blueberry management. The prescribed burn will increase Blueberry (*Vaccinium* spp.) production and vigor by reducing encroaching woody vegetation from adjacent forested stands, which in turn will also help maintain the opening as a helispot. The encroaching woody vegetation must be removed periodically to maintain the helispot for safe use.
- Goldmine Impoundment provides migration and nesting habitat for wetland dependant birds. The establishment and enhancement of the Goldmine Impoundment was a cooperative project between: St. Louis County, Minnesota Department of Natural Resources, 1854 Authority, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and U.S. Forest Service. The project was created in two phases. Phase one was the design and construction. Phase two utilized a prescribed fire to reduce existing vegetation. The area consists of grasses and shrubs along with an area of large open water. The woody vegetation and cattails in the area are increasing since the last time burned. Nesting boxes for waterfowl are located throughout the impoundment. The prescribed burn will reduce encroaching vegetation and overabundant vegetative litter, and encourage sedge and grass growth resulting in improved nesting cover.
- Goldmine Sloughs is a project proposal by MN DNR Division of Wildlife. The proposal to the Forest Service states that “the wild rice beds of the Goldmine Sloughs, a series of pools and oxbows on the Vermilion River, provide an excellent source of food and overwater cover for ring-necked ducks and other waterfowl. However, the quality of the adjacent nesting habitat has been declining due to natural succession. A prescribed burn would set back encroaching woody vegetation, reduce overabundant vegetative litter, and encourage sedge and grass growth in the surrounding lowland areas, resulting in improved nesting cover. This project combined with the Goldmine Impoundment would create a large complex of actively managed habitat in an area of traditional waterfowl use.”

C. Purpose of Decision

The purpose of this project is to:

- modify undesirable forest fuel conditions through removal of dead grasses, overabundant vegetative litter (i.e.: cattails), and reduce encroaching woody vegetation.
- increase the amount of grass and sedge which would improve waterfowl nesting

- habitat;
- increase the production and vigor of Blueberry (*Vaccinium spp.*),
- maintain native prairie grasses, wildflower species, and control/ remove unwanted invasive species; and
- restore fire to an ecosystem where it historically played a role in maintaining wetland community biological diversity.

In addition this project will help achieve the desired condition through the following objectives as stated in the Forest Plan:

- Establish, maintain, or improve the condition of vegetation using prescribed fire, mechanical treatments, and other tools (p. 2-19, O-ID-2).
- Maintain acres of non-forested wetlands (p. 2-23, O-VG-4).
- Increase amount of a variety of prescribed burning practices to restore the ecological process of fire and provide habitat for threatened and endangered species and other wildlife that benefit from or require burned vegetation (p. 2-24, O-VG-10).

D. Findings Required by Laws, Regulations and Policies

This action is categorically excluded from documentation in an environmental assessment or environmental impact statement because:

- 1) This type of action falls under Chapter 31.2, 6(b) & 6(d) in the Forest Service Handbook 1909.15, Environmental Policy and Procedures.
- 2) This action is routine and no extraordinary circumstances (see II B below) exist that might cause this action to have significant effects.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project is planned under the regulation at 36 CFR 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 acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

I have concluded that this decision is appropriately categorically excluded from documentation in an environment 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 Record.

A. Category of Exclusion

I have determined this action falls under the following category of action that is normally excluded from documentation in an environmental impact statement or environmental assessment pursuant to FSH 1909.15:

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 (service level D, FSH 7709.56).”

(b): “Thinning or brush control to improve growth or to reduce fire hazard including the opening of an existing road to a dense timber stand”, and

(d): “Prescribed burning to reduce natural fuel build-up and improve plant vigor”.

B. Relationship to Extraordinary Circumstances

1. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. The Project will have *no* effect on federally listed species or their critical habitat (Biological Evaluation February 21, 2007 in project record).

1. 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 include flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

The Goldmine Sloughs proposed project site is located within a 100-year recurrence floodplain. The rest of the project sites are not located in or near floodplains. This has been validated by map and site-review. Mitigation measures, such as burning when the ground is cool and moist for the Goldmine Sloughs project site, will be implemented to not cause any adverse impacts to the floodplain.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated

by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

This decision includes activities within wetlands. This has been validated by map and site-review. The wetland areas will be burned when the surface fuels are cured (primarily grasses, sedges, and cattails), and the ground relatively cool and moist. In addition the areas will be burned when adequate moisture exists in the adjacent areas in order to limit fire spread outside the burn area. No soil disturbing activities are anticipated. This limited activity will not change the function of the wetlands. Field review (monitoring) of similar projects validates acceptable resource effects from similar activities. This decision will not result in significant wetlands-related impacts.

To further ensure that wetlands-related impacts are minimized, the treatment activities will adhere to the standard management requirements described in the 2004 Superior National Land & Resource Management Plan and 1999 Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines (<http://www.frc.state.mn.us/FMgdline/Guidebook.html>).

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans. There are two municipal watersheds located on the Superior National Forest: Burntside Lake serves the community of Ely and Colby Lake serves the community of Hoyt Lakes. The nearest project site is located 13 miles northwest of Burntside Lake watershed and over 30 miles north of Colby Lake watershed. The distance to these municipal watersheds and drainage patterns of the affected area preclude overland effects of this project on these watersheds. This decision will not affect municipal watersheds.

2. **Congressionally Designated Areas** –

Boundary Waters Canoe Area Wilderness: This decision does not affect the Boundary Waters Canoe Area Wilderness (BWCAW). The BWCAW is located approximately one mile southeast from the nearest burn unit. Refer to the attached vicinity map for the proximity of the project to the BWCAW. This decision, with impacts limited to the immediate area of the activity, will not affect the BWCAW.

Standard smoke management techniques through prescribed burn planning and smoke modeling will mitigate smoke impacts on the wilderness air shed (Class 1). The air shed is not expected to be negatively impacted.

Wilderness Study Areas / National Recreation Areas: There are no Wilderness Study Areas or National Recreation Areas on the Superior National Forest (SNF Forest Plan ROD page 7 and Duane Lula pers. comm.). Therefore, the proposed activities will not affect these kinds of areas.

3. Roadless Areas -

Forest Plan Inventoried Roadless Areas

There are no Forest Plan Inventoried Roadless Areas in the decision area (Forest Plan FEIS page 3.7-6 and Echo Trail FEIS page 3-135). Based on the 2004 Forest Plan, the nearest Inventoried Roadless Area is Lake Jeanette Forest Plan Inventoried Roadless Area, which is about 0.25 miles northeast of the Lake Jeanette Helispot. This decision, with impacts limited to the immediate area, will not affect Forest Plan Inventoried Roadless Areas.

Roadless Area Conservation Rule

There are no Roadless Area Conservation Rule roadless areas affected by this decision.

4. Research Natural Areas -

There are no Research Natural Areas or Potential Research Natural Areas in the decision area (SNF Forest plan pages 3-33 and 3-36). This decision, with impacts limited to the immediate area, will not affect Research Natural Areas.

5. American Indian and Alaska native religious or cultural sites -

The Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest programmatically consults with potentially affected tribes. The intent of this consultation has been to remain informed about Tribal concerns. No tribal concerns were identified for this project.

6. 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.

Heritage surveys are completed for the LaCroix Pond, Pat Zakovec Wetland, Jeanette Helispot, and Cold Springs Helispot, and “no effect” on heritage resources was determined. A records check has been completed for the Goldmine Impoundment project and knowing the history of the unit being burned before; it is determined to not have an effect on heritage resources. It is recommended to not do any ground disturbing work on any shorelines (i.e. hydro-mining or any high pressure water suppression work, grubbing, heavy clearing for safety zones, etc.). Due to the time of year the unit will be burned and the ground being fairly cool and moist and the adjacent fuels being resistant to fire spread, the ground disturbance will be minimal.

The Goldmine Sloughs project will be evaluated in the summer of 2008. No burning of this unit will be planned until the survey is complete.

8. No other extraordinary circumstances related to the project were identified.

III. PUBLIC INVOLVEMENT

The responsible official has discretion in determining appropriate public involvement. Because of the routine nature and limited complexity of the project, I asked that internal scoping among Superior National Forest staff be conducted and that a Draft Decision Memo be distributed for public review. This project is also listed in the Superior Quarterly Newsletter under the Schedule of Proposed Actions.

All internal concerns were addressed in the draft Decision Memo. A Legal Notice for the Draft Decision Memo 30 day public review and comment was published in the Mesabi Daily News on February 19, 2008. During the 30 day review and comment period, 8 comments were received. No negative comments were received. Comments received were in support of the management of the project areas. Concerns were addressed with using prescribed fire to meet our objectives. There were suggestions to use mechanical methods instead of prescribed fire, if possible, due to the risk of escape of the prescribed fire. Mechanical methods such as using chainsaws and brush saws will be implemented when possible. However, the majority of the sites are on Ecological LandTypes (ELT) where heavy equipment should not be used due to the high potential for resource damage.

In addition, the Superior National Forest routinely uses prescribed fire as an effective management tool. There are many steps in place that must be followed to reduce the risk of an escape fire and to conduct a prescribed fire safely. First a burn plan must be written by a qualified Burn Boss, reviewed by technical specialists, and approved by a Line Officer. The day of the burn, the Burn Boss and the Line Officer go through two checklists to determine if all needs are met for the burn to be conducted safely that day. The checklists contain a list of contingency resources pre-determined by the Burn Boss to assist with the burn if the burn does go beyond the span of control of the resources assigned to the burn that day.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

This decision will comply with all applicable laws and regulations. Pertinent laws are summarized below.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Plans). The Forest Plan was approved in 2004, as required by this Act. The Act requires all projects and activities be consistent with the Plan. The Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the Plan.

Endangered Species Act – The Project is covered in the Biological Evaluation for the LaCroix Openings, dated February 21, 2007; see section II, item B1 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 is a concern. The current Regional Forester Sensitive Species (RFSS) List for the Superior National Forest was developed for the recently revised Forest Plan (2004). Potential effects of this decision on sensitive species have been analyzed and documented in the Biological Evaluation (Project Record). This decision may impact individuals (RFSS) but is not likely to cause a trend toward federal listing or loss of population viability.

Clean Water Act – The intent of the 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.

Clean Air Act – The Clean Air Act is addressed through the State Smoke Management Plan. All burning activities will be carried out in compliance with the forest's Fire Management Plan and the State's Smoke Management Plan. These plans outline how prescribed burning will be carried out so that the resulting smoke minimally affects air quality. These plans also require the preparation of burn plans. The burn plans prepared for each burn address smoke management. Burning will only be initiated on days for which the atmosphere can adequately disperse the smoke. Depending on the burn's size and complexity, and the proximity of sensitive receptors, additional steps may be taken. Modeling may be done during the development of the burn plan to better determine what meteorological conditions are necessary to prevent adverse impacts from smoke. In addition, air quality monitoring can be done on burn day to actually measure the smoke impacts.

Based on the provisions set forth in the Smoke Management Plan and the results of past projects, I determined that this decision will be in compliance with the Clean Air Act.

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

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

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

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

Native American Graves Protection and Repatriation Act - See Section II, Item B6 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

VI. IMPLEMENTATION DATE

If no comments or only comments expressing support of the project are received during the comment period this decision would not be subject to appeal (36 CFR 215.12). If comments expressing concern are received during the comment period this decision may be implemented no sooner than 50 days following publication of the legal notice in the Mesabi Daily News. If no appeal is received, implementation of this decision may occur on but not before five business days from the close of the appeal filing period. If an appeal is filed, implementation may not occur for 15 days following the date of a decision on the appeal. Implementation is scheduled to begin in the spring of 2008.

VII. CONTACT PERSON

Further information about this Project can be obtained from Lori Karau during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the LaCroix Ranger District Office (Address: 320 N Hwy 53, Cook, MN 55723.; Phone: voice 218 666 0020; Fax: 218 666 0022; e-mail: Lkarau@fs.fed.us).

VIII. SIGNATURE AND DATE

/S/ Nancy S Larson

8/4/08

NANCY S. LARSON
La Croix District Ranger
Responsible Official

Date

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Table 1. LaCroix opening sites and management objectives.

Project Site	Legal Description	Acres	Objectives
LaCroix Pond	T62N R18W S18	2	Maintain native prairie grass and wildflower species and control and/or remove unwanted invasive species.
Pat Zakovec Wetland	T66N R18W S7 & 18	22	Reduce encroaching vegetation and overabundant vegetative litter, and encourage sedge and grass growth resulting in improved nesting cover.
Goldmine Impoundment	T66N R18W S12 & 13	158	
Goldmine Sloughs	T67N R18W S34 & 35 T66N R18W S2, 3, 10, 11, 14, & 15	963	
Jeanette Helispot	T65N R16W S1	11	Increase Blueberry (<i>Vaccinium spp.</i>) production and vigor by reducing encroaching woody vegetation from adjacent timber stands, which in turn will also help maintain the opening as a helispot. The encroaching woody vegetation must be removed periodically to maintain the helispot for safe use.
Cold Springs Helispot	T65N R15W S10	4	

