

Decision Notice
& Finding of No Significant Impact
**Land and Resource Management Plan (Prairie Plan)
Amendment #1 – Establishment of Management Area 3
and Designation of Utility Corridors into MA 2**
**USDA Forest Service
Midewin National Tallgrass Prairie
Wilmington, Will County, Illinois**

Decision and Reasons for the Decision

Background

The Midewin National Tallgrass Prairie was established in 1996 as the first national tallgrass prairie in the United States under the Illinois Land Conservation Act (ILCA) of 1995. On March 10, 1997, the Department of Defense (Army) transferred the first 15,080 acres of former Joliet Arsenal lands to the USDA Forest Service. The original transfer was composed of “buffer lands” which did not require any environmental cleanup.

As a result of the land transfer the Midewin Prairie Plan was initiated and it was approved in February 2002. In anticipation of future transfers the Prairie Plan states, “Any parcels transferred from the Department of Defense or acquired through donation, exchange or acquisition will be managed in accordance with the Prairie Plan without need for a plan amendment.” (Prairie Plan 4-15)

The Army, in consultation with regulatory agencies, prepared an environmental impact statement for the lands that were believed to be contaminated by Army operations. In 1998, the Army completed the Joliet Army Ammunition Plant Record of Decision (ROD), which established the standards for land cleanup prior to transfer. Some of the Goals/Objectives identified in the 1998 ROD, such as polychlorinated biphenyl (PCB) and landfills, were acceptable to all parties, set in regulations and were final for USDA lands.

Other site-specific Goals/Objectives proposed by the Army on some of the most contaminated lands were disputed and went through additional negotiations and analyses which were later documented in the 2004 ROD. These lands were identified in Section 2916 of the ILCA. They were not mapped as part of the Prairie Plan because their condition was unknown and the Secretary of Agriculture had the authority to decline their transfer if they were not in an acceptable condition.

The 2004 Joliet Army Ammunition Plant ROD documented contamination, established clean-up standards for additional contaminants, and identified by parcel any groundwater and soil restrictions that might affect future land uses. The selected Remedial Goals and Remedial Action Objectives (RG/RAO) were responsive to Midewin’s mission and to protect recreational users, prairie workers, and prairie ecosystems. The objectives do not provide a standard of clean up that allows for those sites to be permanently occupied (i.e., residential standard). The Army

ROD prohibits unrestricted exposure to soils with residual contamination and development and use of the property for residential or industrial uses. Those controls need to be in place permanently.

Groundwater restrictions in Groundwater Management Zones (GMZ) preclude the use or disturbance of groundwater that could cause migration of the contaminated groundwater plumes. In these GMZs, requirements exist to maintain the integrity of groundwater or monitoring wells and require that groundwater above the Maquoketa shale (see EA Appendix B, Glossary) not be used for potable water supply. Groundwater restrictions will remain in place until monitoring indicates that contaminant levels are below the Army ROD thresholds.

Decisions in the 2004 ROD were implemented through the Army's Environmental Condition of Property (ECOP- see EA Appendix B, Glossary). As a condition of the ECOP the Forest Service needs to report to the regulators annually on the status of land use and groundwater restrictions as well as any land use proposals that would be, or were, affected by them.

Additionally, corridors for future utility proposals were not identified in the Midewin Prairie Plan. Agency direction requires the identification of utility corridors in Land and Resource Management Plans--Midewin's Prairie Plan. This amendment will identify the locations available should there be a future request for an expansion or creation of a new utility corridor crossing Midewin.

Decision

Based upon my review of all alternatives, I have decided to implement Alternative 1, which will:

- apply land use restrictions through prairie-wide direction and create a tracking mechanism for remediated areas of long-term concern through the establishment of Management Area 3,
- clarify the assignment of lands recently transferred to specific management areas; and
- identify 593 acres as utility corridors, and provide direction for them, as a part of Management Area 2.

The most effective way to ensure that the land use and groundwater restrictions required by the ECOP are incorporated in Forest Service decisions is to create a unique management area in the Prairie Plan and provide the monitoring as a part of the Prairie Plan Annual Monitoring and Evaluation Report. We will fulfill the tracking and reporting requirements of the ECOP by mailing this annual report to the Army, USEPA, and Illinois EPA.

MA 3 will provide direction for additional monitoring and reporting on land uses for remediated lands transferred from the Army. MA 3 lands (see Figure 1) will have two designations which carry separate restrictions; Soil Restricted Areas (SRA) and Groundwater Management Zones (GMZ). One four-acre parcel on Midewin's west side will have both designations. Approximately 707 acres of Management Area 1 land will be allotted to MA 3 with this amendment, in addition to 321 acres of transferred land.

With this decision, approximately 862 acres of land that was transferred and not covered by the Prairie Plan--ILCA Section 2916 "most contaminated" lands will be covered by the Plan and assigned to appropriate Management Areas based on the Army ECOP. Approximately 541 acres

are added to MA 1 (Prairie Ecosystem Restoration) with the remainder added to the new MA 3. Future land transfers will be assigned to MA 1 unless restrictions apply to those lands, in which they will be assigned to MA 3.

We have received direction to identify utility corridors as implementation of the Energy Policy Act of 2005 and this decision effectively implements that direction. Certain utility corridors — approximately 593 acres — that are now included in Management Area 1-Prairie Ecosystem Restoration will be designated as Management Area 2-Administrative Sites under Alternative 1 (see Figure 1).

The number of designated corridors has been decreased from what was proposed in the environmental assessment. I feel the revised corridors (along Hoff Road and Midewin's eastern boundary) adequately address the need for corridors for future proposals. Any proposals of utility development or expansion will be limited to these designated Administrative Site Utility Corridors. Companies contacted did not identify a need beyond that already authorized by the Army. Any new proponents would need to work cooperatively with existing utilities to cross the Midewin National Tallgrass Prairie.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative. A comparison of these alternatives can be found in the EA on pages 3-7.

Alternative 2 -- No Action

Under the No Action alternative, the 2002 Land and Resource Management Plan would not be amended. MA 3 would not be created and utility corridors would not be designated under MA2.

Public Involvement

As described in the background, the need for this action arose in late 2005 following the most recent transfer of former Joliet Army Ammunition Plant lands to the USDA Forest Service. The proposal was listed in the Schedule of Proposed Actions beginning in January 2006. The proposal was provided to the public and other agencies for comment during a 30-day scoping period beginning in July 2006. In addition, as part of the public involvement process, Midewin representatives presented the proposal for a Prairie Plan amendment at public meetings and events in 2006. To allow for additional public review prior to making this decision, the environmental assessment was sent to approximately 150 individuals, partners, and federal, state, and local agency contacts in September 2007.

Based on public comment and internal review, no significant issues were identified for this amendment. However, the Forest Service considered public safety and impacts to invasive species; threatened, endangered, and sensitive species; soil and water resources as integral to the analysis of this amendment.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the

context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, because this amendment is for a programmatic LRMP and not a site-specific project proposal (see EA page 17). Also, the designation of a separate management area (MA 3) for remediated lands received from the Army will allow for better tracking and identification of those parcels leading to reduced risk of health and safety issues for prairie workers, volunteers and visitors to Midewin.
3. There will be no significant effects on unique characteristics of the area, because this amendment is for a programmatic LRMP and not a site-specific project proposal (see EA pages 8-17). Midewin has a history of altered conditions, including conversion from native prairie to farmland and the subsequent conversion to the Joliet Arsenal. Several unique areas did survive this conversion and the environmental consequences section of the EA, particularly the Vegetation section, evaluates these areas in light of this Plan Amendment.
4. The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of the project (see EA pages 8-17). Recreation and safety were evaluated in the EA and the quality of the visitor experience at Midewin continues to be a high priority.
5. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA pages 8-17). No site-specific activities are to be implemented with this amendment. This amendment creates a third management area, designates land to certain management areas, and identifies corridors for future utility proposals. Any specific activities will have to undergo further analysis in addition to this amendment prior to implementation.
6. The action is not likely to establish a precedent for future actions with significant effects, because this amendment is for a programmatic LRMP and not a site-specific project proposal (see EA pages 8-17). Future amendments will undergo the same analysis procedure as this amendment, and any projects will have to go through a separate analysis project.
7. The cumulative impacts are not significant (see EA pages 8-17). The environmental assessment describes the effects from this amendment in detail. Overall, the impacts are positive and with consideration of past, present and foreseeable future actions will not have a significant cumulative impact from both direct and indirect effects.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because this amendment is for a programmatic LRMP and not a site-specific project proposal (see EA page 17). The action will also not cause loss or destruction of

- significant scientific, cultural, or historical resources, because this amendment is for a programmatic LRMP and not a site-specific project proposal (see EA page 17). Resources of concerns were considered in the identification of corridors for future utility proposals to limit the impact from potential future, site-specific proposals.
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because this amendment is for a programmatic LRMP and not a site-specific project proposal (see EA pages 12-13). Threatened, endangered, and sensitive species and habitats were considered in the identification of corridors for future utility proposals to limit the impact from potential future, site-specific proposals. As a result of this evaluation, the number of corridors was reduce from the environmental assessment to this final decision.
 10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 8-17).

Findings Required by Other Laws and Regulations

Land and Resource Management Plans are mandated under the authority of the National Forest Management Act. This Prairie Plan amendment was developed under implementing regulations at 36 CFR 219 published in the Federal Register (47 FR 43037) on September 30, 1982 as allowed by the 2004 Interpretive Rule of the 2000 Planning Rule (69 FR 58055). In making this amendment I have considered the best available science, as documented in the EA. I have determined that this action results in a nonsignificant amendment to the Prairie Plan, and thus is within my authority.

The determination that this is a non-significant amendment is made in accordance with the NFMA (16 USC 1604(f)(4)), the 1982 planning rule (36 CFR 219.10(f)), and Forest Service Manual 1926.5. This plan amendment meets the criteria for a non-significant amendment because these changes will not “significantly alter the long-term relationship between levels of multiple-use goals and objectives originally projected...[or] have an important effect on the entire forest plan or affect resources throughout a large portion of the planning area during the planning period (FSM 1926.52).

Implementation Date

Pursuant to 36 CFR 217.10(a) implementation of this amendment may begin 7 calendar days after publication of the legal notice in the newspaper of record.

Administrative Review or Appeal Opportunities

As provided by 36 CFR 219.14 (b)(2), this amendment was prepared under the provisions of 1982 planning rule. Therefore, my decision to approve this amendment to the Land and Resource Management Plan for the Midewin National Tallgrass Prairie is subject to administrative review (appeal) pursuant to **36 CFR 217** (November 4, 1993). Because this decision is a nonsignificant amendment to the Plan, a written notice of appeal must be filed with the Reviewing Officer within 45 days of the date that legal notice of this decision is published in *The Herald News*. The

notice of appeal must contain sufficient narrative evidence and argument to show why the decision to amend the plan should be changed or reversed and it must include the content specified at 36 CFR 217. File a notice of appeal under this regulation to:

USDA Forest Service – Eastern Region
Attn: Regional Forester – Appeal Deciding Officer
626 East Wisconsin Ave.
Milwaukee, WI 53202
OR
Fax: (414) 944-3963

The office business hours for those submitting hand-delivered appeals are: 7:30am – 4:00 pm Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to:
appeals-eastern-regional-office@fs.fed.us

Any notice of appeal must be fully consistent with 36 CFR 217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR 217.
- The name, address, and telephone number of the appellant.
- Identification of the decision to which the objection is being made.
- Identification of the document in which the decision is contained, by title and subject.
- Date of the decision and name and title of the Deciding Officer.
- Identification of the specific portion of the decision to which the objection is made.
- The reason for the appeal including issues of fact, law, regulation, or policy.
- Identification of the specific change(s) in the decision that the appellant seeks.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Mary Honer, NEPA Planner, 30239 South State Route 53, Wilmington, IL 60481 or (815) 423-6370, mhoner@fs.fed.us



LOGAN LEE,
Prairie Supervisor

June 26, 2008

Amended Prairie Plan Pages

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3.3. MANAGEMENT AREA 2 – ADMINISTRATIVE AND DEVELOPED RECREATION SITES

This area includes those portions of Midewin National Tallgrass Prairie that contain facilities developed for administration and recreational use. Administrative sites include all current and proposed sites for the administrative office and work center, including the Hot Shot firefighting facilities, seedbed production areas and parking areas. Developed recreation sites include proposed visitor center and access points, proposed group campground and picnic area, and associated grounds and parking areas.

3.3.1. Desired Condition

Land, resources, vegetation and facilities contribute to safe, attractive, efficient, and user-friendly settings for administration and visitor uses. Recreational and administrative developments and uses are emphasized, but prairie restoration and natural resources management also occur.

- a) Infrastructure to support designated uses of sites will be constructed, including parking lots, water and sanitation facilities, buildings or shelters, signs, interpretive trails and roadways.
- b) New recreational and administrative facilities will be designed according to the Master Site Plan, the Built Environment Image Guide, the scenic integrity objectives and architectural themes appropriate for Midewin.
- c) Administrative sites and visitor facilities will be designed to minimize impacts on resources, and provide for visitor safety and security.
- d) Noxious weeds and invasive plant species will be controlled or eradicated.
- e) Native seed production will be expanded to increase seed production capacity needed to meet restoration goals.

3.3.2 Desired Condition of Utility Corridors:

If approved and where compatible, new transmission lines or pipelines will be placed within designated utility corridors rather than creating additional areas or expanding the corridors. Note that for some utility corridors that traverse sensitive resource areas, additional utilities may not be appropriate. Burial of utilities, where appropriate, is required. Compatible multiple uses are encouraged including co-location of communication and electronic towers on existing electric transmission towers. Coordination with utility companies will help to develop appropriate management strategies for each corridor. Utility corridors will also have other uses such as habitat restoration, dispersed recreation, and agricultural activities. Noxious weeds and invasive species will be managed under approved operating plans by utility companies.

Page 3-8**3.4 MANAGEMENT AREA 3 – SPECIAL MANAGEMENT AREAS**

This management area includes those portions of Midewin National Tallgrass Prairie that are remediated lands transferred from the Department of Defense. Lands with these permanent land use restrictions may not be suitable for any future land conveyances without consultation with Illinois EPA and US EPA and additional cleanup.

Lands in MA 3 will have one (or more than one) of the following designations:

- **Soil Restriction Areas (SRA)** SRAs are areas where soils contaminated with chemicals of concern have been cleaned up to the standards identified in the 2004 ROD or areas where bioremediated soils have been used as backfill. In either case, the sites in SRAs meet a non-residential standard (i.e. no picnic areas or campgrounds) and require land use constraints and tracking.
- **Groundwater Management Zones (GMZ)** GMZs are areas which have contaminated groundwater which is expected to naturally “purify itself” over time. Use constraints will be in place until monitoring indicates that water quality meets the standards identified in the 1998 ROD.

3.4.1 Desired Condition

Former Army infrastructure will be removed and the landscape restored to a more natural appearing condition with either native prairie vegetation or agricultural grassland maintained as grassland bird habitat. Activities permitted will be similar to Management Area 1- Prairie Ecosystem Restoration. These prairie land management activities may include: prescribed fire, prairie restoration, wetland restoration, watershed restoration, other habitat restoration as appropriate, noxious and invasive species management, grassland bird habitat management, native seed production, fencerow removal, recreation, and research. Uses prohibited on these areas include removing the soil from SRA-designated lands or disturbing the groundwater or monitoring wells in GMZ-designated lands.

Table 3.1b: Activities Prescribed or Allowed in Management Area 3

Activity	Management Area 3 Components	
	SRA	GMZ
Mowing	Prescribed	Prescribed
Agriculture Use	Prescribed	Prescribed
Prescribed Fire	Prescribed	Prescribed
Prairie Restoration	Prescribed	Prescribed
Wetland Restoration	Prescribed	Prescribed
Watershed Restoration	Prescribed	Prescribed
Other Habitat Restoration	Prescribed	Prescribed
Noxious and Invasive Species Management	Prescribed	Prescribed
Grassland Habitat Management	Prescribed	Prescribed
Seed Production	Prescribed	Prescribed
Fencerow Removal	Prescribed	Prescribed
Group Campsites	Not Permitted	Not Permitted

Recreational Hunting/Trapping	Prescribed	Prescribed
Environmental Education	Permitted	Permitted
Dispersed Camping	Not Permitted	Not Permitted
Research	Prescribed	Prescribed
Hiking Trails	Prescribed	Prescribed
Multiple Use Trails	Prescribed	Prescribed
Public Motorized Access	Prohibited	Prohibited
Guided Shuttle or Tours	Permitted	Permitted
Road Decommission	Prescribed	Prescribed
Infrastructure Demolition/Removal and Environmental Cleanup	Prescribed	Prescribed

Permitted: Activity allowed without needing NEPA documentation.

Prescribed: Activity allowed pursuant to NEPA documentation.

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4.2.4. LANDS AND SPECIAL USES

4.2.4.1. Special Use Administration Standards

1. Private uses of National Forest System lands will not be granted where such uses can reasonably be accommodated on other lands.
2. New special use requests will be reviewed for compatibility with the Land and Resource Management Plan, Illinois Land Conservation Act, and environmental values, economic feasibility, and social and economic benefits.
3. Upon renewal or transfer of a permit, terminate or bring into conformance existing uses that are not compatible with the Prairie Plan.
4. All new utilities must be placed within designated utility corridors in Management Area 2. (See Management Area 2 - Lands and Special Uses Guidelines for more information.)
5. Previously existing, Army-authorized, utilities that occur outside designated utility corridors will be honored but may be subject to land use constraints to protect natural resources.
6. If Soil Restriction Areas (SRA) are conveyed outside a governmental agency, land must be cleaned up to a residential standard, or conveyed with a deed restriction.

Page 4-34**4.4.3. LANDS AND SPECIAL USES****4.4.3.1. Livestock Grazing****Guidelines**

1. After sites are developed, prohibit livestock grazing in developed recreation sites.

4.4.3.2. For New Utilities under Special Uses:**Standards**

1. There will be no utilities added in designated corridors if they are determined to have adverse effects on sensitive resources, including: populations of Threatened, Endangered, and Sensitive plants and animals; cultural resources; native vegetation remnants; and high quality aquatic resources.

Guidelines

1. Where technology exists, bury new utility lines within designated corridors. If overhead utilities are necessary, they should be located outside of lands with viewsheds determined to be Concern Level 1 or 2.
2. New utilities that cannot be buried (e.g. radio and cellular transmission towers, high voltage transmission lines and towers etc) should not be placed on Prairie lands, unless all other ownership locations are determined unfeasible.
3. When technically feasible, permitted communication towers should serve multiple purposes (e.g. cellular phone, radio, etc.).
4. Avoid construction of additional communication towers.
5. Avoid tower installation on Prairie lands in the viewshed of a Concern Level 1 or 2 travel way or use area. Use the shortest possible tower in a given location. Consider a series of shorter, strategically placed, non-lighted towers rather than constructing a tall, lighted tower.
6. Use appropriate mitigation measures to reduce visual impacts.

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4.5. MANAGEMENT AREA 3 – SPECIAL MANAGEMENT AREAS

Standards

1. **SRA** – Movement of soil from soil restriction areas (SRA) can only be moved within the same parcel, to another soil restriction area, or removed to a landfill permitted to accept restricted soils. Incidental soil movement, including but not limited to soil on equipment, plant salvage and soil sampling, is not subject to this restriction.
2. **GMZ** – Prohibit installation of groundwater production wells, or any other activities that could cause migration of contaminated groundwater, within the boundaries of groundwater management zones (GMZ) defined by the Army.
3. **GMZ** – If groundwater management zones are reduced or eliminated as a result of Army monitoring, the parcel cleared by the Army will revert to MA 1 – Prairie Ecosystem Restoration, without need of an amendment.
4. In areas that are comprised of more than one component of Management Area 3 (i.e. SRA and GMZ in the same area), applicable standards and guidelines will be followed for all component areas.
5. Report on condition of Management Area 3 lands annually in the Monitoring and Evaluation (M&E) Report and send M&E Report to the USEPA – Region 5, Illinois EPA and the US Army.

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The following monitoring question would be added to Table 6-1, Chapter 6 (Monitoring and Evaluation Plan) of the Prairie Plan to reflect this amendment.

Monitoring Question	Monitoring Priority	Monitoring Driver	Sampling Unit	Sampling Methods	Scale	Frequency
22. Management Area 3 –Special Areas 22.1. Has there been any non-compliance of restrictions for MA 3 lands? If so, describe actions taken to remedy the non-compliance and explain the reasons for the non-compliance.	Great Consequences; Key Issue	Agreement with Army; regulatory agencies	Each site in MA 3	Monitor actual land uses on MA 3 sites	Site	Annually*

* Each year send a copy of the Midewin Annual Monitoring and Evaluation Report to the USEPA – Region 5; Illinois EPA; and the US Army.

Figure 1
Midewin National Tallgrass Prairie

Management Areas
Amendment 1

LEGEND

- Public Roads
- Management Area 1**
 - Restoration
- Management Area 2**
 - Utility Corridor
 - Administrative and Developed Rec. Sites
- Management Area 3**
 - Groundwater Management Zone (GMZ)
 - Soil Restricted Area (SRA)
 - SRA/GMZ
 - Wauponsee Trail
- Railroad
- Municipality

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