

DECISION MEMO
2010 Mio Wildlife Openings Categorical Exclusion (CE)

USDA Forest Service, Eastern Region, Huron-Manistee National Forests
Mio Ranger District

Oscoda and Crawford Counties, Michigan

I. DECISION

My decision is to approve the 2010 Mio Wildlife Openings Categorical Exclusion within Oscoda and Crawford Counties, Michigan. These activities are proposed for implementation beginning in 2010 (see attached maps).

A. Description of Decision

2010 Mio Wildlife Openings Categorical Exclusion (total 734.0 acres):

These openings will be maintained through non-commercial cutting using hand tools, mechanical methods and prescribed fire, non native invasive species will be controlled by hand pulling and/or mechanical means.

Map ID	Acres	T/R/S	Township	County
63-55	2.7	T26N R1W S 23,26	South Branch	Crawford
63-56	2.0	"	South Branch	Crawford
63-59	4.9	"	South Branch	Crawford
66-31	5.5	T26N R1W S 15, 22	South Branch	Crawford
71-20	3.1	T26NR1W S25	South Branch	Crawford
71-26	11.0	"	South Branch	Crawford
71-27	1.4	"	South Branch	Crawford
71-41	3.4	"	South Branch	Crawford
71-45	3.8	"	South Branch	Crawford
71-49	5.1	"	South Branch	Crawford
71-50	2.6	"	South Branch	Crawford
71-51	3.4	"	South Branch	Crawford
71-55	5.9	"	South Branch	Crawford
76-15	15.9	T25NR1W S27,28,33,34	South Branch	Crawford
76-38	9.3	"	South Branch	Crawford
77-18	11.5	T25NR1W S25,26,35,36	South Branch	Crawford
90-12	1.9	T25N R1E S4,5 T26N R1E S31,32	Big Creek	Oscoda
90-26	0.5	"	Big Creek	Oscoda
90-38	2.9	"	Big Creek	Oscoda
90-39	134.0	"	Big Creek	Oscoda
93-16	4.0	T25N R1E S8,9	Big Creek	Oscoda
93-18	1.4	"	Big Creek	Oscoda
94-30	13.7	T25N R1E S18,19	Big Creek	Oscoda
95-14	11.9	T25N R1E S17	Big Creek	Oscoda
96-15	8.0	T25N R1E S17,20	Big Creek	Oscoda
96-3	5.4	"	Big Creek	Oscoda
98-22	16.5	T25N R1E S30	Big Creek	Oscoda
99-9	7.6	T25N R1E S29	Big Creek	Oscoda

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Map ID	Acres	T/R/S	Township	County
99-10	5.0	T25N R1E S29"	Big Creek	Oscoda
102-2	9.8	T25N R1E S27, 34	Big Creek	Oscoda
102-1	0.4	"	Big Creek	Oscoda
104-50	5.4	T25NR1E S 15,16,21,22	Big Creek	Oscoda
104-51	3.1	"	Big Creek	Oscoda
104-53	1.8	"	Big Creek	Oscoda
104-54	5.9	"	Big Creek	Oscoda
104-58	2.8	"	Big Creek	Oscoda
104-76	3.4	"	Big Creek	Oscoda
107-22	11.9	T26N R1E S26, 35	Big Creek	Oscoda
118-11	0.5	T25NR1E S1, T26N R1E S36	Big Creek	Oscoda
118-14	1.3	"	Big Creek	Oscoda
118-27	1.5	"	Big Creek	Oscoda
118-49	1.0	"	Big Creek	Oscoda
129-18	3.7	T25N R2E S7	Big Creek	Oscoda
129-25	0.3	"	Big Creek	Oscoda
129-27	24.7	"	Big Creek	Oscoda
130-6	2.5	T25N R2E S6	Big Creek	Oscoda
131-39	34.8	T26N R2E S30,31 T25N R1E S25,36	Big Creek	Oscoda
227-46	1.3	T26N R3E S 22,23,24	Big Creek	Oscoda
85-7	12.0	T26N R1E S16,17,18,20	Big Creek	Oscoda
85-11	16.0	"	Big Creek	Oscoda
86-2	2.3	T26N R1E S19,30	Big Creek	Oscoda
86-12	4.6	"	Big Creek	Oscoda
86-15	1.3	"	Big Creek	Oscoda
86-20	2.4	"	Big Creek	Oscoda
86-22	12.0	"	Big Creek	Oscoda
86-23	4.3	"	Big Creek	Oscoda
86-28	2.1	"	Big Creek	Oscoda
86-29	1.4	"	Big Creek	Oscoda
87-44	2.8	T26N R1E S20,29	Big Creek	Oscoda
87-45	5.7	"	Big Creek	Oscoda
100-10	11.6	T25N R1E S30,31	Big Creek	Oscoda

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76-38	9.3	"	South Branch	Crawford
77-18	11.5	T25NR1W S25,26,35,36	South Branch	Crawford
134-8	53.7	T26N R2E S7	Big Creek	Oscoda
134-17	9.4	T26N R2E S7	Big Creek	Oscoda

B. Design Criteria

Specific actions may be incorporated into the project design during the development of the project based on resource concerns and issues raised during scoping and analysis. Design criteria are intended to lessen or eliminate potential impacts from proposed activities. These criteria are measures that may or may not be included in Forests' Plan's Standards and Guidelines, or may impose a stricter application of a Standard or Guideline.

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Wildlife Protection Measures

General

Regional Forester's Sensitive Species will be protected within all project areas to the greatest extent possible. New sensitive species locations discovered within a project area may result in all actions being delayed or interrupted within the area. The appropriate district wildlife/fisheries biologist or botanist will be consulted to determine effects of the action on the species. A Supplemental Information Report (SIR) to the Biological Evaluation may be prepared and would include recommendations regarding protection of the species.

- **In order to mitigate the threat to the Michigan bog grasshopper, some jack pine 6" diameter at breast height or greater will be left in openings where Michigan bog grasshopper were found.**
- **Soil disturbance is to be kept to a minimum in all project areas.**

Non-Native Invasive Species (NNIS) Plants Measures

Off-road/heavy equipment will be cleaned of seeds, soil, vegetative matter and other debris that could hold NNIS seeds and/or propagules. Off-road/heavy equipment will be inspected by a Forest Service representative to prevent NNIS introduction or spread in the project areas.

Plant Protection Measures

To minimize disturbance, heavy equipment will be excluded from an area within 10 feet of marked Hill's thistle (*Cirsium hillii*) and other RFSS plant locations, unless specified otherwise by district botanist.

Cultural Resources Protection Measures

All cultural resources sites will be protected by avoiding the site, either through project design alteration, or through designation of a reserve area around the site. Such a Reserve Area will include at least a 30 meter (100 feet) buffer or other area determined by a Forest Service Archaeologist which will be adequate in size to protect the site.

Any cultural resource sites found during implementation of the project would be reported immediately to a Forest Service Archaeologist and work will stop in the area.

Soil Erosion and Water Quality

Soil erosion and water quality Best Management Practices will be followed.

C. Purpose of Decision

The 2010 Mio Wildlife Openings CE:

The Mio Ranger District has identified the need to maintain the openings listed above. Currently, these openings are becoming reforested through the encroachment of woody species such as oak, jack pine, red pine, and aspen. This encroachment is decreasing open habitat diversity, degrading the effectiveness of the openings, and replacing desirable herbaceous cover and warm season grasses. There is a need to maintain these open habitats to insure these open lands continue to provide high quality forage and cover for wildlife while maintaining early successional habitats.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

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

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I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in the document and the entirety of the project file.

A. Category of Exclusion

The proposed actions fall into the categories described in Forest Service Handbook 1909.15, Chapter 30, Section 31.2 - Category of Action for Which a Project or Case File and Decision Memo Are Required, Categories 6 and 12. Category 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. Category 12: Harvest of live trees not to exceed 70 acres, requiring no more than ½ mile of temporary road construction.

B. Relationship to Extraordinary Circumstances

The following extraordinary circumstances were considered during the decision:

1. Steep Slopes or Highly Erosive Soils -

The project is located on Land Type Association (LTA) 1, 2, 3, 4 and 5 (for definitions of LTA's see USDA Forest Service, Field Guide – Ecological Classification and Inventory System of the Huron-Manistee National Forests) on flat terrain that is conducive to the activities included in the decision. To ensure that soil-related impacts are minimized, Best Management Practices are incorporated as project design criteria.

2. Threatened, Endangered and Sensitive Species or Their Critical Habitat -

The Endangered Species Act, requires that federal actions 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 critical habitat. Biological evaluations have been prepared. No federally listed species are known to occur on or adjacent to the project area. Mitigations have been put in place for Regional Foresters' Sensitive Species that were found in the treatment areas. These mitigations can be found in the Biological Evaluation.

3. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, ". . . the lowland and relatively flat areas, adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any one year."

The project is not located in or near floodplains and has been validated by map and site review. This decision will not affect floodplains.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, ". . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction."

The project is not located in or near wetlands and has been validated by map and site review. This decision will not affect wetlands.

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Municipal Watersheds:

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

4. Congressionally Designated Areas -

Wilderness:

This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified in the Forest Plan as MA 5.1 (Forest Plan, p. III- 5.1-1). The project is located in MA 4.2, and 4.3. The closest Wilderness, Nordhouse Dunes Wilderness Area, is approximately 150 miles west of the project. This decision, with impacts limited to the immediate area of activity and will not affect the Wilderness Area.

Wilderness Study Areas:

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

National Recreation Areas:

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

Wild and Scenic Rivers:

The closest Wild and Scenic River Area is from the Mio Dam to the 4001 Bridge which is not in the project area. This decision will not affect Wild and Scenic Rivers.

5. Inventoried Roadless Areas -

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

6. Research Natural Areas -

There are no Research Natural Areas in or near this decision area. Therefore, this decision does not affect Research Natural Areas.

7. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas –

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act cover the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A cultural resource site is known to occur near one of the project areas.

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Project Design Criteria for American Indian and Alaska native religious or cultural sites, Archaeological sites, or historic properties or areas:

- *No prescribed burning or mechanical equipment shall impact the identified cultural resource site.*

Similar past projects in these areas were determined to have no significant impacts to Native American religious or cultural sites, archaeological sites or historic properties or areas. This decision should not result in significant impacts to such resources. Field review (monitoring) of similar projects validates acceptable resource effects from similar activities.

Additionally, the Federal Government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes. The intent of this consultation has been to remain informed about Tribal concerns.

No tribal concerns were identified for this project. Tribal agencies were contacted during the scoping of this project, and there were no concerns brought forward.

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

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

III. PUBLIC INVOLVEMENT

A notice of the proposed project was posted in the Forest's Quarterly NEPA Project Update, also referred to as the Schedule of Proposed Actions, (SOPA). Scoping was conducted via an ad in the paper of record, the Oscoda County Herald, and via letters to individuals and organizations who have expressed interest in receiving mailings about projects on the Huron-Manistee National Forests.

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

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

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

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource plans (Forest Plans). The Huron-Manistee National Forest Plan was approved in 2006, as required by this Act. The Forest Plan provides for guidance for all natural resource activities on the Forest. The Act requires all projects and activities are consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the Plan.

Endangered Species Act - See Section II, Item B2 of this document.

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Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability as a concern. On October 5, 2006 the Regional Forester amended the sensitive species list (RFSS), which was first approved on February 29, 2000. Potential effects of this decision on the current list of sensitive species have been analyzed and documented in a Biological Evaluation for the 2010 Mio Wildlife Openings Categorical Exclusion and a Botanical Specialist Report. The following results are fully documented in the reports:

Invertebrate surveys were conducted during the summers of 2008 and 2009 for dusted skipper, southern grizzled skipper, Henry's elfin and Michigan Bog Grasshopper. Several instances of Michigan Bog Grasshopper were found. Mitigation measures have been put in place to minimize any impacts to local populations.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

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

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

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiate that no caves are in the decision area.

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

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

Native American Graves Protection and Repatriation Act - See Section II, Item B7 of this document.

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

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

V. ADMINISTRATIVE REVIEW OR APPEAL

The Huron Manistee National Forests provided interested public's with an opportunity to comment on the 2010 Mio Wildlife Openings CE. Legal Notices providing opportunity to comment were posted in the Oscoda County Herald, the newspaper of record, on 13 January 2010 and letters were sent to individuals and organizations who have expressed interest in receiving mailings about projects on the Huron-Manistee National Forests. One supportive comment was received as a result of this formal comment period.

This decision is non-appealable, pursuant to 36 CFR 220.6 (e) (6 and 12).

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VI. IMPLEMENTATION DATE

The decision to approve the 2010 Mio Wildlife Openings CE is effective immediately upon publication in the Oscoda County Herald.

VII. CONTACT PERSON

Further information may be obtained from Eric O'Neil at: [eoneil@fs.fed.us](mailto:oneil@fs.fed.us) or by writing or calling:

Mio Ranger District
107 McKinley Rd.
Mio, MI 48647

Voice: 989-826-3252 ext. 3323
TTY/TDD: 989-826-3592 (hearing impaired)
FAX: 989-826-6073

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VIII. SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.8 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect and the decision is not subject to appeal.

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

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

/s/ Steven A. Goldman

District Ranger

3/11/2010

Date

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