

**DECISION NOTICE
And
FINDING OF NO SIGNIFICANT IMPACT
For
Tree Cooler Project**

**USDA - Forest Service
Chippewa National Forest
Deer River Ranger District
Itasca County, Minnesota**

I. INTRODUCTION

This decision notice documents my decision regarding implementation of the Tree Cooler Project on the Deer River Ranger District of the Chippewa National Forest. The project consists of construction, site work, and rehabilitation activities on the Deer River administrative site. The project area encompasses the administrative site for the Deer River Ranger District. The address of the administrative site is 1235 Division Street, Deer River, MN 56636.

The reasons for my decision and my finding regarding whether or not to prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (40 CFR Parts 1500-1508) are included in this decision notice. The proposed activities analyzed in the environmental assessment were designed to implement the management direction contained in the Revised Forest Plan (2004 Chippewa National Forest Land and Resource Management Plan) as required by NFMA Section 1604 (i). I find this project to be consistent with the Plan. The analysis follows the regulations for implementing the National Environmental Policy Act and Forest Service regulations for preparing environmental assessments.

An interdisciplinary team of Forest Service resource specialists prepared the June 2012 Environmental Assessment (EA) for Tree Cooler Project. The EA documents the purpose and need for action, public involvement in the process, alternatives considered, the affected environment, and discloses the environmental effects of implementing each alternative. The project file contains background information and original documents used in the analysis.

II. PURPOSE AND NEED FOR ACTION

The purpose of the activities selected in this decision is to implement the goals and objectives of the current Forest Plan while incorporating up-to-date resource management knowledge and information. The purpose and need for action in the Tree Cooler Project Environmental Assessment (Section 1.3) is that the Forest will construct one environmentally efficient Tree Cooler as per the Facilities Master Plan.

III. PUBLIC PARTICIPATION

Opportunities for the public to provide comments regarding this proposed project were made available through the processes explained below:

- The project was listed in the *Chippewa National Forest Quarterly Schedule of Proposed Actions* beginning with the April 2012.
- Scoping for the Deer River site was done by contacting the immediately adjacent landowners in June, 2012, notices in the *Western Itasca Review* on June 14, 2012 and posted on the Chippewa National Forest Web site.

During scoping there were no key issues presented to address in the environmental assessment (Section 1.8). The original comments received are located in the project file

The environmental assessment for this project was made available for a 30-day public review and comment from June 14, 2012 through July 14, 2012. An ad was published in the *Western Itasca Review*

on June 14, 2012 requesting comments on the proposed action, preliminary issues and alternatives. The Environmental Assessment was posted on the Chippewa National Forest Web site on June 14, 2012.

IV. DECISION

Per a review of public comment; consultation with District and Forest specialists; and a thorough review of the analysis, applicable laws and the Forest Plan, I have decided to implement the Proposed Action as described in Section 2.2 (EA). This includes: construct one tree cooler on the Deer River Ranger District of the Chippewa National Forest. Two categories of activities were identified: site work and construction. Please refer to Table 1 (EA) for a detailed description of these activities.

V. RATIONALE FOR DECISION

I have carefully read and considered the effects discussed in the environmental assessment, the Biological Evaluations, and the comments received during scoping and the 30-day comment period. I also considered applicable laws, the Forest Plan, the MOU (memorandum of understanding) requirements on the Migratory Birds Treaty Act, and how well each alternative met the purpose and need for the project. The project record demonstrates a thorough review of relevant scientific information, best available science, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

I am selecting the Proposed Action Alternative to meet the identified purpose and need to construct a tree cooler at the Deer River Ranger District site in order to provide for adequate local tree seedling planting stock quality control due to the lack of proper storage using a rented refrigerated trailer at Deer River and to reduce the time and energy lost (and increase travel safety) due to inefficient and unsafe high round trip vehicle travel distances when using the Blackduck tree cooler.

VI. OTHER ALTERNATIVES CONSIDERED

There were no key issues influencing the development of alternatives to the proposed action as described in Section 1.8 of the environmental assessment. A comparison of the alternatives considered in detail can be found in Table 2.4 under Section 2.4 (EA). The following discussions explain why these alternatives were not selected.

Alternative A (No Action) Rationale for Non-Selection

This alternative provides a baseline upon which to compare the effects of the Proposed Action. Under this alternative, current use of the tree cooler at Blackduck and/or a rented refrigerated trailer would continue. No new construction would be implemented to accomplish project goals. There would continue to be a tree seedling planting stock quality control issue due to lack of proper storage needs using refrigerated trailer. There would continue to be time and energy lost due to inefficient high round trip vehicle travel distances using the Blackduck tree cooler.

VII. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

A. Context

This decision is consistent with the activities implemented by the Chippewa National Forest, which lead toward achieving the goals, objectives and requirements in the Forest Plan identified for the management areas within the project area (Forest Plan, Chapter 2 and 3), while meeting the purpose and need of the EA. This project is tiered to the Forest Plan, and all of the expected impacts from this project are consistent with the expected impacts disclosed in the Final Environmental Impact Statement for the Forest Plan.

B. Intensity

I have determined the following with regard to the intensity of the project. Bold items are directly from 40 CFR 1508.27:

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes the effect will be beneficial.** The beneficial effects of the action

do not bias my finding of no significant environmental effects. Impacts associated with my decision are discussed in Chapter 3 of the EA. The environmental assessment provides sufficient information to determine that this project will not have a significant impact (beneficial or adverse) on the land and its natural resources, air quality, or water quality (EA pages 9-12).

2. The degree to which the proposed action affects public health or safety. Building on administrative sites is a common practice in the past on the Chippewa National Forest with little or no effects on citizens. The chosen alternative would not degrade public water supplies. Considering the effects disclosed in Chapter 3 of the EA, and the information contained in the project file, I conclude that implementing the chosen alternative would not significantly affect public health or safety.

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. There are no parklands, prime farmlands, or wild and scenic rivers affected by the Deer River Tree Cooler Project. In addition, the supporting documentation located in Chapter 3 of the EA and the project file provides sufficient information to determine that this project will not affect any known unique characteristics of the geographic area such as cultural resources (section 3.4) or wetlands (section 3.1).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The degree of controversy with regard to effects on the quality of the human environment are limited and considered not significant based on comments received during the scoping and the comment periods (Appendix B and EA, section 1.6 & 1.8,). Differing opinions do not indicate controversy.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. No impacts to the human environment that are highly uncertain or involve unique or unknown risks have been identified in this analysis.

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. Construction on administrative sites is a well-established practices on the Chippewa National Forest and do not establish a precedent for future actions. All federal, state, and local permits as required for site development and building construction and communications will be obtained.

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. There would be no significant cumulative effects as a result of this project beyond those discussed in the Chippewa National Forest Land and Resource Management Plan. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Effects Section of the EA (pages 9-12) and find that this action will not have a significant cumulative impact on the environment.

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. A cultural resource inventory has been completed for this project. The Cultural Resources Report and EA disclosure (section 3.4), project file, Tribal Historic Preservation Office and State Historic Preservation Office consultation indicate that no properties eligible for or listed on the National Register of Historic Places are within the project's area of effect. The potential for impacting yet undiscovered sites is adequately mitigated in Forest Plan Standards. Based on this information, I conclude that this action will not cause loss or destruction of significant scientific, cultural, or historical resources (EA, section 3.4).

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. Based on the information disclosed in the EA (section 3.2), the Biological Assessment, no adverse effects are anticipated as a result of implementing this decision. There are no known federally listed threatened, endangered species, specifically, Canada lynx within the existing sites (EA, section 3.2).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. Laws imposed for the protection of the environment provided the framework for the 2004 Chippewa National Forest Land and Resource Management Plan. From the documentation provided in the EA, the project file, and Other Findings Required by Law (below), I find that the proposed activities do not threaten a violation of Federal, State, or local law imposed for the protection of the environment.

C. Finding

Based on the context and intensity of the environmental effects documented in the EA and project file, on my experience with similar projects, and factors in 40 CFR 1508.27, I have determined that the project does not constitute a major Federal action that will significantly affect the quality of the human environment. The project is in a localized area with effects expected to remain in this same area. This decision affects a very small portion of the Chippewa National Forest. The Chippewa National Forest contains 660,000 acres. Therefore, an Environmental Impact Statement is not needed.

VIII. OTHER FINDINGS REQUIRED BY LAW

The selected alternative will not have significant impacts on air and water quality, wetlands, soil resources, threatened and endangered species, or cultural resources. Therefore, this decision is in compliance with the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. It is consistent with the Executive Orders for Wetlands (11990), Floodplains (11988), Migratory Birds (13186), and Environmental Justice (12898) (EA, Chapter 3; Biological Evaluations).

Resource Protection: The Proposed Action will result in protection of TES species (EA section 3.2). Mitigation measures and management requirements will aid in the protection of water and protection of cultural resources (EA pages 9 & 11).

National Forest Management Act (16 USC 1600 ET SEQ.)

All actions meet the National Forest Management Act requirements including those for:

Consistency (16 USC 1604 (i)): The actions are consistent with the goals and direction stated in the 2004 Forest Plan (EA, Section 1.5).

I am basing this determination on the fact that the selected activities are similar to those that have been or are currently being practiced on the Chippewa National Forest.

IX. APPEAL RIGHTS

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215.7 dated June 4, 2003. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer. An appeal may be filed by individuals or organizations who have submitted comments or expressed interest during the 30-day notice and comment period for the Tree Cooler Project. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date of publication of the legal notice for this decision in *Western Itasca Review* (Deer River, MN). However, when the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The publication date of the legal notice is the exclusive means for calculating the time to file an appeal. Those wishing to appeal

this decision should not rely upon dates or timeframe information provided by any other source. At a minimum, an appeal must include information as specified in 36 CFR 215.14. The Notice of Appeal should contain a subject line "Tree Cooler Project".

Written Notice of Appeal on the project must be delivered (via mail or by hand) to: USDA, Forest Service, Eastern Regional Office; ATTN: Appeals Deciding Officer: Darla Lenz; 626 E. Wisconsin Avenue; Suite 700; Milwaukee, Wisconsin 53202. The office business hours for those submitting hand-delivered appeals are: 7:30 am-4:00 pm, Monday through Friday, excluding holidays. The Notice of Appeal may alternatively be faxed to: 414-944-3963; Attn: Appeals Deciding Officer: Darla Lenz; USDA Forest Service; Eastern Regional Office. The Notice of Appeal may be submitted electronically to: appeals-eastern-regional-office@fs.fed.us, Attn: Appeals Deciding Officer: Darla Lenz; USDA Forest Service; Eastern Regional Office. Electronic appeals must be submitted in plain text (.txt), rich text format (.rtf), Word (.doc), PDF or other Microsoft Office-compatible formats.

It is the appellant's responsibility to provide sufficient project-specific or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include information as specified in 36 CFR 215.14(b).

It is the responsibility of interested parties to respond within the established time period. No means of communication is perfect. Please contact our 'for further information' address if a document is not available or delivered at the expected time, to ascertain its availability, and if necessary, arrange an alternate delivery method.

X. IMPLEMENTATION OF DECISION

If no appeal is received, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for fifteen (15) business days following the date of appeal disposition. Implementation means conducting ground disturbing actions. Field project preparation work may proceed (ground staking, contract preparation, etc.).

XI. CONTACT

The Tree Cooler Project is available for public review at the Deer River Ranger District office, P.O. Box 308, 1235 Division Street, Deer River, MN 56636. It is also on the Chippewa National Forest website (www.fs.fed.us/r9/forests/chippewa/projects). For additional information concerning this decision or the Forest Service appeal process, contact the Responsible Official, Jason Kuiken, Deer River District Ranger at (218) 246-3485; or Greg Van Orsow, Team Leader, at (218) 246-3483 or (218) 246-9743 (FAX).

/s/ Jason J. Kuiken

3/28/2013

Jason J. Kuiken
District Ranger
Deer River Ranger District

Date

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