

**Draft Decision Notice
and
Finding of No Significant Impact
for
Houston South Vegetation Management and Restoration Project**

**USDA Forest Service
HOOSIER NATIONAL FOREST
Jackson and Lawrence Counties, Indiana**

Introduction

This Draft Decision Notice (DDN) and Finding of No Significant Impact (FONSI) describe the decision I intend to make for the Houston South Vegetation Management and Restoration Project, which the interdisciplinary (ID) team analyzed in the Houston South Vegetation Management and Restoration Project Environmental Assessment (EA). The EA presents a site-specific analysis of the potential effects of implementing the Proposed Action or the No Action alternative.

The ID team prepared the EA using public scoping, field review, environmental studies, and the Hoosier National Forest Land and Resource Management Plan (Forest Plan) as guidance. The EA is available for public review from the Hoosier National Forest at the Forest Supervisor's office in Bedford, Indiana. Copies of the EA are available upon request and on the Hoosier National Forest website at: <https://www.fs.usda.gov/project/?project=55119>.

The majority of the project area is in the northwest corner of Jackson County on the Brownstown Ranger District. A small portion overlaps into the northeast corner of Lawrence County. Most of the project is in Management Area 2.8, with portions of Management Areas 2.4, and 6.4 included for prescribed burning. All proposed harvests would occur on National Forest System (NFS) lands. Prescribed fire could be applied where adjoining U.S. Army Corps of Engineers land and private landowners express interest and are willing to enter into an agreement. The proposed aquatic organism passages would be implemented on county roads and possibly near private land on the downstream side of one passage with prior approval.

The legal descriptions for the project area include:

- T7N, R2E, all or portions of Sections 14-16, 21-28 and 33-36
- T7N, R3E, all or portions of Sections 22-23, 26-30, and 31-36
- T6N, R3W, all or portions of Sections 2-6, 7-11, and 14-18
- T6N, R2E, all or portions of Sections 1-4, 10-12, and 13

Draft Decision

Based on my review of the EA and the project record, I plan to approve and implement the Proposed Action as described in EA on pages 10 through 14.

Silvicultural Treatments

- Clearcut 401 acres to remove nonnative pine, create early successional habitat, and restore native hardwoods
- Shelterwood harvest on 703 acres for oak-hickory regeneration
- Thinning 2,405 acres to reduce stand density and enhance forest health

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- Selection harvest on 462 acres to promote tree growth and age class diversity
- Midstory Removal on 234 acres to enhance light conditions below the upper canopy
- Crop Tree Release on 170 Acres to provide increased growing space to selected trees
- Selective herbicide applications for site preparation and stand improvement activities within 1,970 acres

Prescribed Fire Treatment

- Apply approximately 13,500 acres of prescribed fire over the life of the project to create habitat conditions that are conducive to oak and hickory regeneration and reduce existing accumulated fuels and those made available through timber harvest

Road Treatments

- Construct 3.2 miles of new road
- Construct 8.3 miles of temporary road
- Reconstruct 4.9 miles of existing road
- Obliterate or decommission 2.7 miles of road

The road treatment mileage figures are approximate and represent the most that will be needed for implementation. New road construction will be added to the current road system. Temporary roads will be decommissioned after project completion.

Aquatic organism passage (AOP)

- Replace two undersized culverts and one undersized concrete structure with appropriately sized structures that allows for aquatic organism passage

My decision will include the design measures listed in Appendix A of the EA.

Rationale for the Decision

I plan to implement the Proposed Action because it will fulfill Forest Plan direction associated with the goal of maintaining and restoring sustainable ecosystems. The Proposed Action will improve forest health and sustainability of the oak-hickory ecosystems while also improving wildlife habitat. The Proposed Action will promote tree growth, reduce insect and disease levels and move the landscape toward desired conditions. It will also increase the resiliency and structure of forested areas (stands) by restoring the composition, structure, pattern and ecological processes necessary to make these ecosystems sustainable. The Proposed Action will provide a mosaic of forest conditions dominated by hardwoods and restore dry hardwood forest ecosystems without any significant negative effect to the human environment, including soil and water, wildlife habitat, and air quality.

The Proposed Action fulfills the Forest Plan's direction of Management Area 2.8 by moving the Forest toward its desired future condition of maintaining 4 to 12 percent of the area in young forest habitat and manage the area for plant and animal habitat with a diversity of age class and forest structure.

Other Alternatives Considered

Consideration of the No Action Alternative and reasons for not selecting it

The No Action alternative provides a baseline for estimating the effects of the Proposed Action.

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There would be no implementation of any of the management activities in the Proposed Action. Management activities previously approved within the project area would still be implemented.

I did not select the No Action Alternative because:

- It does not meet the purpose and need of the proposal
- It would not restore dry hardwood ecosystems that have been degraded by a lack of fire and limited oak-hickory regeneration
- It would not create high quality early successional forested habitat
- It would not remove the nonnative pine plantations that provide less suitable habitat and less biodiversity than native forests
- It would not create an ecosystem more resilient to the effects of insects, disease, and climate change
- It would not repair poorly maintained roads and eroded areas to reduce sediment deposition into streams and lakes in the project area
- It would not improve approximately 14 miles of upstream habitat from the construction of three AOPs

Design Measures

To ensure protection of various resources, the Hoosier included design measures to the project, shown in Appendix A of the EA and follow all State Best Management Practices (BMP's).

Public Involvement

On September 6, 2018 staff of the Hoosier presented and discussed the early stages of this proposal at a public meeting in Bedford, Indiana. Forest Supervisor Michael Chaveas delivered a presentation that included the proposal and took questions at the Monroe County public library on October 25, 2018.

Project information was made available electronically on the Forest website. The project was added to the Planning, Appeals & Litigation System (PALS), which generates the SOPA on 11-26-2018 and has continued to be listed in the quarterly SOPA, up to the most recent in October 2019.

On November 26, 2018, the scoping letter (USDA FS 2018) was posted on our website, 218 hardcopy letters were mailed, and 84 emails were sent with the scoping letter attached. Press releases were sent to multiple newspapers announcing the proposed project. We received questions and comments from 93 respondents.

The Hoosier sent the Draft EA to individuals that commented or otherwise showed interest during initial scoping on July 24, 2019. We also posted the document on the Hoosier's website. On July 27, 2019, publication of a legal notice in the *Hoosier Times* initiated the 30-day formal comment period.

The Hoosier received 90 responses from individuals or groups during the 30-day comment period. The comments received were both supportive and opposing but did not raise any new issues that the ID team had not addressed in the EA. However, some additional information was added to the EA to address concerns or for clarification.

Names of respondents, their comments, and our responses to them are in the project record for this project, which is on file at the Hoosier National Forest Supervisor's Office in Bedford, Indiana 47421.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that implementing the Houston South Vegetation Management and Restoration Project will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. "Significance" as used in the NEPA, 42 U.S.C. 4321 *et seq.*, requires consideration of both the context (here a local context) and intensity (severity of the impact) of the Federal action.

Context

The Houston South Vegetation Management and Restoration Project is limited in context (scope and duration). The Houston South Vegetation Management and Restoration Project EA is a site-specific project level analysis; its scope is confined to addressing the environmental effects of the project, and the context of the action is local and specific to the general area surrounding the project area.

The selected alternative will not pose any significant short or long-term effects because site-specific design measures included in this project (see Appendix A), Best Management Practices (BMPs), and Forest Plan standards and guidelines will limit adverse effects to such an extent that they will not be significant (see EA Chapter 3, Environmental Effects).

Intensity

This refers to the severity of impact, as defined by the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27. The following ten factors are considered in evaluating intensity:

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

Implementing Alternative A will not have a significant effect on the quality of the environment. My finding of no significant environmental effects is not biased by the beneficial effects of the action (EA, pp. 60 - 65).

- 2. The degree to which the proposed action affects public health or safety.**

The selected alternative will not significantly affect public health and safety. Based on the analysis reported in the EA, there is no indication that the general public will experience any adverse health or safety effects from the project (EA p. 65).

Design measures were developed to reduce any potential negative impacts (EA, Appendix A).

- 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.**

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This project would not have any significant effects on unique characteristics of the geographic area (EA, p. 65).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Based on public participation and the involvement of resource specialists, I do not expect the effect on the quality of the human environment to be highly controversial. This does not mean that my decision will be acceptable to all people, as some will neither agree nor be pleased with the decision. However, the anticipated effects of the project are reasonably predictable and therefore the effects are not highly controversial (EA, p. 66).

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

I do not know of any effects on the human environment from this project that are highly uncertain or involve unique or unknown risks. EA (p. 66).

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.

The actions are not likely to establish a precedent for future actions. I base my decision to proceed on the results of a site-specific environmental analysis conducted in accordance with the National Environmental Policy Act. I will make decisions regarding any future action in a similar manner, based on its own site-specific analysis.

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.

The EA considered cumulative effects and concludes there is no reason to expect any significant cumulative effects between this project and other projects currently implemented, ongoing, or planned (EA p. 66).

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.

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. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA p. 67).

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.

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This project will have no additional effects on the Indiana bat beyond those previously identified and evaluated in the Hoosier National Forest Programmatic Biological Assessment and the USDI Fish and Wildlife Service Biological Opinion of the Hoosier National Forest Land and Resource Management Plan. Incidental take from tree removal activities and prescribed fire is not prohibited under the final 4(d) rule for northern long-eared bat. This project will not likely adversely affect gray bat and will have no effect on the eastern fanshell mussel, rough pigtoe, sheepsnose muscle, or the gray fanshell (EA pp. 69 - 71).

The Biological Evaluation and a letter requesting consultation for the Indiana bat and northern long-eared bat was sent to the U.S. Fish and Wildlife Service. No final decision will be made until a response is received from the US Fish and Wildlife Service.

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

The actions are consistent with and do not violate Federal, State, and local environment protection laws (EA p. 71).

Consistency with Laws and Regulations

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

National Forest Management Act

The actions to be implemented in the Houston South Vegetation Management and Restoration Project are consistent with the National Forest Management Act (NFMA), the Forest-wide standards and guidelines listed in chapter 3 of the Forest Plan (pages 3-1 to 3-24), as well as those listed for Management Area 2.8 (pages 3-28 to 3-30), Management Area 2.4 (pages 3-25 to 3-27), and Management Area 6.4 (pages 3-40 to 3-41).

Harvesting on Suitable Lands

I have determined that the land on which harvesting will be implemented is suitable for timber production as described in 16 U.S.C. 1604(K) and NFMA.

1. The land is forestland which is a least 10 percent occupied by trees. This has been verified through on-the-ground examination of the stands to be harvested. Documentation of this examination is found in the project file (HS_Silv.xlsx).
2. Technology is available to ensure timber production from the land without irreversible resource damage to watershed conditions. This is documented on pages 14-28 of the EA.
3. There is reasonable assurance that the lands can be adequately restocked as required by NFMA.
4. An Act of Congress, the Secretary of Agriculture, or the Chief of the Forest Service has not withdrawn the lands where timber harvesting would occur from timber production.
5. The land has not been deemed inappropriate from timber production due to assignment to other resource uses or considerations of cost efficiency.

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National Forest Management Act Requirements

All proposals involving the manipulation of the tree cover for any purpose comply with NFMA. My reasons for making this determination follow:

1. The actions are best suited to the goals stated in the 2006 Forest Plan as discussed previously. The Forest Plan, Appendix B, described the use of vegetation management practices to achieve the goals.
2. The technology and knowledge exist to adequately restock the lands per NFMA.
3. In the Rationale for Decision (page 2), I describe the combination of factors that I considered in selecting the Proposed Action. The choice of management practices was determined by a combination of factors including protection of other resource values, improving forest health, and increasing the diversity of habitat types--not because of a maximum dollar return or output of forest products.
4. These activities were chosen after considering potential effects on residual trees and adjacent stands. The effects are documented throughout the EA.
5. The selected activities will avoid permanent impairment of site productivity and will ensure conservation of water resources.
6. The selected activities will provide the desired effects on water quality, wildlife habitat, regeneration of desired tree species, recreation use, aesthetic values, and other resource yields. These considerations are discussed in the Environmental Effects section of the EA.
7. The selected activities are practical in terms of transportation and harvesting requirements and total cost of preparation, logging, and administration. I base this determination on the fact that the selected activities are similar to those that have been practiced previously and are currently being practiced on the Hoosier National Forest.

Appropriateness of Even-Aged Management

The project will use even-aged timber management on approximately 804 acres. Even-aged management in this project consists of an estimated 401 acres of clearcut and approximately 703 acres of shelterwood.

I have determined that the preliminary silvicultural prescriptions in the project file specifying even-aged management are appropriate for restoration of natural communities, the purpose of Management Area 2.8, while at the same time meeting a timber management purpose on these stands. Implementing even-aged management on these stands is consistent with Forest Plan direction.

Optimality of Clearcutting

On the estimated 401 acres of clearcutting, I have determined that this is the optimum treatment to achieve management objectives for these areas as defined in the Forest Plan. During the analysis, a certified silviculturist compared each site where all the pine trees are to be removed with other silvicultural options and determined that clearcutting is the best method for that site.

The Houston South Vegetation Management and Restoration Project EA combined with the project record describes the stand conditions found in the stands where clearcutting will be implemented. The areas to be clearcut will be restocked naturally.

Programmatic Documents Tiered to this Analysis

The decision to implement the Proposed Action is consistent with the programmatic documents listed below. These documents are hereby incorporated as part of this decision and analysis.

- Final Environmental Impact Statement for the Land and Resource Management Plan

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(January 2006)

- Programmatic Biological Assessment of the Hoosier National Forest Land and Resource Management Plan (June 2005), which addresses issues with protection of Federally threatened and endangered species and their associated habitat
- Biological Opinion of the Land and Resource Management Plan, Hoosier National Forest (January 2006), which addresses protection of Federally threatened and endangered species and the formal consultation process and findings with the USDI Fish and Wildlife Service
- Nonnative Invasive Species Plant Control Program Analysis (September 2009)

Administrative Review and Objections Process

The Administrative Site Project is subject to the objection process pursuant to 36 CFR 218, subparts A and B.

A written notice of objection must be submitted within 45 calendar days after the Legal Notice is published in *The Hoosier Times*; however, when the 45-day filing period ends on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The date of the publication of the Legal Notice is the only means for calculating the date by which objections must be submitted; do not rely upon any other source for this information. Per 36 CFR 218.9, it is the objector's responsibility to ensure timely filing of a written objection. Timeliness must be determined by the following indicators: the date of the U.S. Postal Service postmark for an objection received before the close of the 5th business day after the objection filing period; the agency's electronically generated posted date and time for e-mail and facsimiles; the shipping date for delivery by private carrier for an objection received prior to the close of the fifth business day after the objection period; or the official agency date stamp showing receipt of hand delivery. For e-mailed objections, the objector should receive acknowledgement of receipt. It is the sender's responsibility to ensure timely filing by other methods.

Objections will be accepted only from individuals or entities (as defined by 36 CFR 218.2) who submitted timely and specific written comments (as defined by 36 CFR 218.2) about this proposed project or activity during the designated public comment periods in accordance with 36 CFR 218.5(a). A timely submission will be determined as outlined in 36 CFR 218.25 (a)(4). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities (36 CFR 218.8(c)).

The objection must contain the minimum content requirements specified in 36 CFR 218.8(d) and incorporation of documents by reference is permitted only as provided in 36 CFR 218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer. All objections are available for public inspection during and after the objection process. Written objections, including attachments, must be filed with:

Objection Reviewing Officer
USDA Forest Service, Eastern Region
Attn: Administrative Review Staff
626 E. Wisconsin Avenue
Milwaukee, WI 53202

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Objections may be submitted by email to: objections-eastern-region@usda.gov subject: Objection: Houston South Vegetation Management and Restoration Project EA. Acceptable formats for electronic comments are text or html email, Adobe portable document format, and formats viewable in Microsoft Office applications. The Notice of Objection may alternatively be faxed to: 414-944-3963, Attn: Objection Reviewing Officer, USDA, Forest Service, Eastern Regional Office. Hand-delivered objections may be submitted at the above address between 7:30 and 4:00 pm CT Monday through Friday, except on Federal holidays. It is the objector's responsibility to provide sufficient project or activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. The objection must be filed with the Objection Reviewing Officer in writing. As provided in 36 CFR 218.8(d) at a minimum, an objection must include the following:

- Objector's name and address as defined in §218.2, with telephone number if available;
- Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- When multiple names are listed on an objection, identification of the lead objector and verification of the identity of the lead objector as defined in §218.2 or the reviewing officer will designate a lead objector;
- The name of the proposed project, the name and title of the responsible official, and name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented;
- A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
- A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment.

Project Implementation

If no objection is received, signature and implementation of this decision may occur on, but not before, 5 business days from the close of the objection filing period. If an objection is received, signature of the decision and project implementation may not occur until a written objection response is issued by the reviewing official and any instructions issued to the responsible official have been completed.

Contact

Questions regarding the environmental assessment for this draft decision should be directed to: Kevin Amick, Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421 (812) 275-5987.

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MICHELLE PADUANI
District Ranger

Date

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