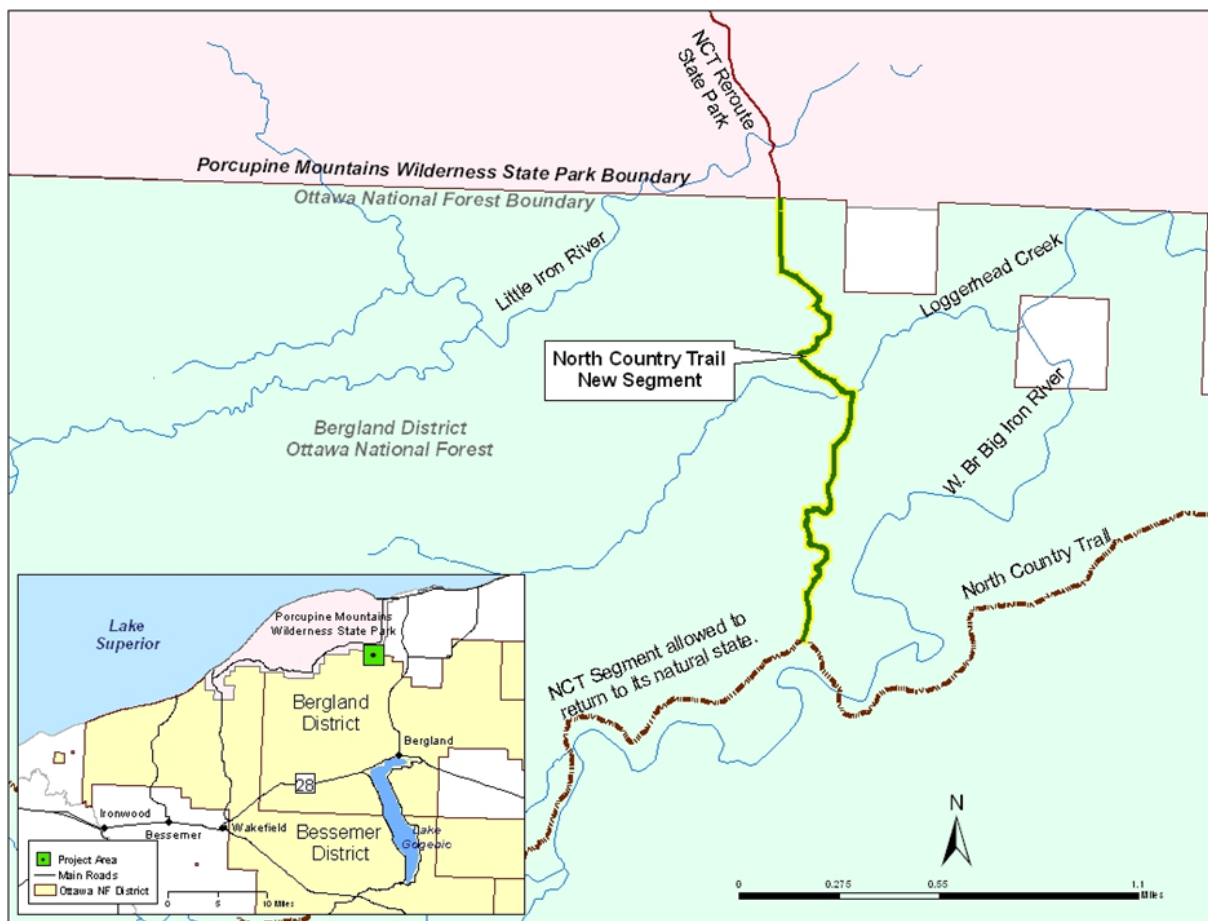


DECISION MEMO
North Country Trail Segment Reroute Project
USDA Forest Service, Eastern Region, Ottawa National Forest
Bergland Ranger District
Ontonagon County, Michigan

I. Decision

A. Project Description

My decision is to approve the North Country Trail Segment Reroute Project. A segment of new trail will be constructed so as to connect to a rerouted section of the North Country Trail (NCT), within the Porcupine Mountains Wilderness State Park. The new construction is on the Bergland Ranger District in Ontonagon County, Michigan.



Project activities:

- Reroute and construct approximately 1.5 miles of new trail segment, installing erosion control measures and trail switchbacks where needed.
- Where needed, minor brushing using hand tools and chainsaws to create an opening through downed trees

B. Purpose

The North Country Trail, part of the National Scenic Trail System, which stretches from North

Dakota to New York. The NCT is a hiking trail administered by the National Park Service working in cooperation with other federal, state, and local agencies; as well as private organizations and private landowners who host, develop, or maintain portions of the trail.

The 108 mile segment of the NCT that passes through the Ottawa is a popular hiking trail for Forest visitors. The Michigan Department of Natural Resources is rerouting a segment of the NCT within the Porcupine Mountains Wilderness State Park. To reconnect this rerouted segment back to the adjacent NCT segment on the Ottawa, a new segment of trail will be constructed, to ensure recreational access remains available to users.

II. Reasons for Categorical Exclusion

Actions 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 the Code of Federal Regulations (CFR) at 7 CFR part 1b.3 or in one of the categories at 36 CFR 220.6 (a) (2), if there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. I have concluded that this project is appropriately categorically excluded from documentation in an Environmental Impact Statement or Environmental Assessment, as it is an activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in significant individual or cumulative effects on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

A. Category of Exclusion

The project is within the 36 CFR 220.6 (e) (1) category of exclusion that allows construction and reconstruction of trails.

B. Relationship to Extraordinary Circumstances

Resource conditions were evaluated to determine whether extraordinary circumstances related to the proposed action warranted further analysis and documentation in an Environmental Assessment or an Environmental Impact Statement. The mere presence of one or more of the following extraordinary circumstances does not preclude the use of this category of exclusion (36 CFR 220.6(b) (2)). In review of the analysis performed by Forest Service specialists, and the degree of potential effect on the resource conditions documented below, I have determined the use of this category of exclusion (36 CFR 220.6(e)(20)) for my decision is appropriate. Following is a summary of the findings for each of the resource conditions listed in the 36 CFR 220.6 (b), which were considered for the presence of extraordinary circumstances.

1. Federally Listed Threatened Or Endangered Species Or Designated Critical Habitat, Species Proposed For Federal Listing Or Proposed Critical Habitat, Or Forest Service Sensitive Species - As required by this Act, potential effects of this decision on listed species have been analyzed and documented and can be found in the Project Record. It has been determined that implementation of this decision will not affect the federally listed species Canada lynx and Red Knot.

On December 19, 2014, the District Court for the District of Columbia vacated the Final Rule issued on December 28, 2011, that designated and delisted a Distinct Population Segment of the Western Gray Wolf (*Canis lupus*) (76 Fed. Reg 81,666, Dec. 28,

2011(*Humane Society of the United States v. Jewell, et al* Civ. No. 13-186)). The court ordered that the final rule delisting the gray wolf in the western Great Lakes be vacated and that protection for the gray wolf as a federally endangered species be reinstated in Michigan. Therefore, to ensure compliance with Section 7 of the Endangered Species Act, this project has been reviewed for potential impacts to gray wolf. The Forest Service has determined that implementation of this decision would not affect the gray wolf.

On May 4, 2015 the U.S. Fish and Wildlife Service (USFWS) listed the northern long-eared bat (NLEB) as threatened under the Endangered Species Act. Simultaneous with the listing decision, the USFWS also issued an interim 4(d) rule. The final 4(d) rule became effective on February 16, 2016 and outlines prohibited actions and conservation measures for bat protection. To ensure compliance with Section 7 of this Act, this project has been reviewed for potential impacts to NLEB. Affects determination for the northern long-eared bat is “May affect, not likely to adversely affect (NLAA)” due to the small chance that bats could use the area for roosting in summer. No tree cutting > 3” will occur with this project. This project does comply with the final 4(d) rule that became effective on February 16, 2016 and outlines prohibited actions and conservation measures for bat protection that allows exceptions for take. There are no known maternity roost trees or hibernacula within 0.25 miles of the project location as determined

There are no federally listed T&E plant species that are documented or expected to occur on the Ottawa NF. There is no designated critical habitat for T&E plants. There are no federally listed threatened or endangered fish or other aquatic wildlife or designated critical habitat within this project area.

There is no wildlife or plant species proposed for federal listing that are documented or expected to occur on the Ottawa NF, and no proposed critical plant habitat. If any other federally proposed or listed animal or plant species are found at a later date, or if any new information relevant to potential effects of the project on these species become available, then the Section 7 consultation process, as per the Endangered Species Act of 1973, as amended, would be initiated.

Regional Foresters’ Sensitive Species: There would be no effects to RFSS plants from project implementation. Analysis arrived at a determination of “may impact individuals but is not likely to cause a trend to federal listing or loss of viability” (MII) for RFSS species red shouldered hawk, little brown bat and tri-colored bat, dragonflies, and creek heelsplitter.

2. Floodplains, Wetlands, or Municipal Watersheds – This decision does not include activities in floodplains, wetlands, or municipal watersheds.
3. Congressionally Designated Areas – This decision does not include activities in congressionally designated areas.
4. Inventoried Roadless Areas - No inventoried roadless areas are in the project area. This decision will not affect inventoried roadless areas.

5. American Indian and Alaska Native Religious or Cultural Sites - There are no known American Indian religious or traditional cultural use areas present. This project does not lie within the Lac Vieux Desert to L'Anse Historic Trail Corridor.
6. Archeological Sites, or Historic Properties or Areas – There are no archaeological sites or historic properties in the project area.

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

III. Public Involvement

A scoping letter was sent to interested people and organizations in April 2020. The scoping documents were also posted on the Ottawa's internet web page and included in the quarterly Schedule of Proposed Actions.

The following tribal governments have been contacted for their input: Lac Vieux Desert Band of Lake Superior Chippewa; Keweenaw Bay Indian Community; Sokoagon Chippewa Community; St. Croix Chippewa Tribe; Bad River Chippewa Tribe; Lac du Flambeau Chippewa Tribe; Red Cliff Chippewa Tribe; Mole Lake Chippewa Tribe; Forest County Potawatomi Community; Bay Mills Indian Community; Lac Courte Oreilles Band of Lake Superior Chippewa; and the Great Lakes Indian Fish and Wildlife Commission.

IV. Findings Required by and/or Related to Other Laws and Regulations

My decision complies with all applicable laws and regulations, including:

Forest Plan Consistency (National Forest Management Act): This Act requires the development of long-range land and resource management plans (Forest Plans). The Ottawa Forest Plan was approved in June 2006, as required by this Act. The plan provides for guidance for all natural resource management 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 consistent with the following goals and guidelines contained in the Forest Plan: Resource specific goals are to: 1) *“promote diverse and quality recreation experiences within the capability of sustainable ecosystems, and consistent with the niche of the Ottawa, while minimizing impacts to natural resources”* (Forest Plan, p 2-4); 2) *promote recreation activities that meet the Recreation Opportunity Spectrum (ROS) for Management Area Designation* (Forest Plan, Appendix B); and *“Watershed improvements projects will be limited to correcting human-caused resource damage or resource damage from natural disasters, which threaten downstream health and safety”* (Forest Plan, p. 3-78 and 3-79).

A recreation management guideline is to manage and maintain the NCT consistent with the “North Country National Scenic Comprehensive Plan for Management and Use” (USDI National Park Service, 1982) which outlines plans for trail maintenance including the addressing of safety needs (Forest Plan, p 2-14).

Archaeological Resources Protection Act: This Act covers the discovery and protection of historic properties (prehistoric and historic) excavated or discovered on federal lands. It affords protection of archaeological resources and sites that are on public and Indian lands. This decision complies with this Act. See Section II, Item B7 of this document.

Endangered Species Act (ESA): Analysis has concluded that this project is not likely to adversely affect any federally listed species. See Section II, Item B1 of this document.

Sensitive Species (Forest Service Manual 2670): Manual direction requires analysis of potential impacts to Sensitive species, those species for which the Regional Forester has identified population viability to be a concern. Potential effects of this decision on Sensitive Species have been analyzed by the project's biologists and botanist. See Section II, Item B1 of this document.

Clean Water Act: The integrity of the project area's water and riparian features will be maintained as the result of application of Forest Plan management direction (Forest Plan, pp. 2-7 to 2-10, 2-26 to 2-27) and Best Management Practices.

National Historic Preservation Act: 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 of Historic Places. 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. This decision complies with this Act. See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act: This Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items. This decision complies with this Act. See Section II, Item B6 of this document.

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. Implementation

Implementation expected to occur summer 2020.

VI. Administrative Review or Appeal Opportunities

This decision is not subject to an administrative review (36 CFR 218.5) or appeal (36 CFR 214.5).

VII. Contact Person

For further information on this project, please contact Austin Walworth, Recreation Planner (906) 675-1787.

VIII. Signature and Date

Sincerely,



Barbara C. Van Alstine
District Ranger

Date:

Appendix A
Tamarack River Forest Road 4500 Bridge Project
Design Criteria

Botany:

1. Ensure all trail work equipment, worker clothing, boots, and other gear is visually free of soil, seeds, vegetative matter, or other debris that could contain or hold seeds prior to transport to the project site.
2. Retain native vegetation, including shade trees, in and around project activity to the maximum extent possible.
3. Minimize soil disturbance to the extent practical.
4. Revegetate disturbed soil in a manner that optimizes plant establishment for that specific site. Revegetation may include seeding and weed-free (Ottawa high and medium priority species) mulching as necessary.
5. Use clean, weed-seed free (Ottawa high and medium priority species) gravel and other fill material if fill is needed.

If seeding is recommended for this project. Recommended design criteria for seeding are:

6. Use weed-seed free (Ottawa high and medium priority species) mulch, such as straw, wood chips, coconut fiber, or shredded paper (no hay) where mulch is needed. Blanket or loose forms of mulch are acceptable.
7. Do not fertilize seeding areas to prevent nutrient enrichment to local streams.
8. Seed with a cover crop of slender wheatgrass and annual ryegrass (50:50) or other suitable local native grasses.

Wildlife:

1. If any active wolf den or rendezvous sites are found in the work area, work will immediately cease and a Forest Service wildlife biologist will be contacted to determine appropriate action, per Forest Plan direction, pg. 2-28.
2. Red Shouldered Hawk and/or Goshawk nest if found– Follow nest protection measures per Forest Plan direction, pg. 2-30 and contained in March 19, 2014 Ottawa Raptor Design Criteria document.
3. Northern Long-eared Bat If a maternal roost is found, all work would cease and a wildlife biologist would be notified to determine further course of action.

Soils/Watershed:

1. Follow applicable State BMPs per the Michigan Forestry BMPs for Soil and Water Quality handbook (Rev. 2018) during construction.
2. Where trail construction/benching occur at the ravine, promptly stabilize soil to ensure that runoff from this steep slope is adequately slowed and dispersed.
3. Avoid placing the trail in seasonally wet areas.

Heritage:

1. If any artifacts, features, or sites heritage resources are discovered, then activity must cease within that area and a Forest Service Archaeologist notified.

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