

DECISION MEMO
Buffalo Pike Project

USDA Forest Service, Eastern Region, Hoosier National Forest
Brownstown Ranger District
Jackson County, Indiana

Sections 33 and 34 T7N, R3E

I. DECISION

A. Description of Decision

My decision is to implement a group selection harvest on 15 acres and 38 acres of single-tree selection harvests. The current forest is overstocked, resulting in unhealthy conditions. These conditions include small crowns, reduced growth, and increased susceptibility to insects and disease.

An existing system road will be used for access and no new system road construction is anticipated. The existing road will be stabilized after use.

The attached map displays the project location.

I expect implementation of the project to begin in the summer of 2016; however, this can vary due to contract length.

My decision includes the project features referred to in section C, Design Criteria.

B. Purpose of Decision

The proposed selection harvests would increase stand health by reducing competition among remaining trees for sunlight and nutrients. Groups that are less than three acres would allow pockets of declining or poor quality trees to regenerate.

These treatments fall within Management Area 2.8 as defined in the *Forest Plan*. Pertinent standards and guidelines in the *Forest Plan* include:

- "Limit temporary opening size in group selection harvests to no larger than three acres" (*Forest Plan* 3-28)
- "A variety of tree species is present, but shade tolerant species may dominate some forest communities over time" (*Forest Plan* 3-28)
- "Maintain a component of large, mature trees in harvest areas, retaining at least three live trees per acre greater than 20 inches diameter at breast height (DBH) of these preferred species (leave trees will be located along edges of the harvest area or in clumps to maximize their benefit to bats):
 - silver maple (*Acer saccharinum*)
 - bitternut hickory (*Carya cordiformis*)
 - shellbark hickory (*Carya laciniosa*)
 - shagbark hickory (*Carya ovata*)
 - white ash (*Fraxinus americana*)
 - green ash (*Fraxinus pennsylvanica*)

- eastern cottonwood (*Populus deltoides*)
 - white oak (*Quercus alba*)
 - northern red oak (*Quercus rubra*)
 - post oak (*Quercus stellata*)
 - black locust (*Robinia pseudoacacia*)
 - American elm (*Ulmus americana*)
 - slippery elm (*Ulmus rubra*)” (*Forest Plan 3-3*).
- “If a stand possesses no trees greater than 20 inches DBH, leave 16 live trees per acre (leave trees will be located along edges of the harvest area or in clumps to maximize their benefit to bats) of these preferred species remaining in the stand” (*Forest Plan 3-3*).

C. Design Criteria

The following Design Criteria are incorporated into the decision;

Implement Standards and Guidelines from the *Forest Plan*, specifically for timber harvest, to maximize the benefit to Indiana bats

Work with Brownstown Ranger District Wildlife staff to install vernal pools on temporary skid trail or pathways to be abandoned where applicable.

Timber markers shall coordinate with the Brownstown Ranger District Wildlife Biologist when timber marking begins to enhance areas along openings.

Allow dead trees and woody debris to decompose naturally on the ground via non-removal and/or create habitat piles.

Trees that would provide the best potential for roosting bats shall not be removed from the early successional areas near the action area.

Logging equipment/trucks can only turn north toward Houston, Indiana onto Jackson County Road 115.

Monitor the total number of non-target trees (≥ 7 " DBH) that contractors accidentally fell during implementation and inspect any potential roost trees that are accidentally felled during the active bat season (April 1 to September 30) for the presence of any dead or injured bats.

Report the actual number of timber operation accidents to the USDI Fish and Wildlife Service, Bloomington Field Office shortly after the project is completed.

Cover perpendicular strip infestations of Japanese stiltgrass at road entry areas with gravel (do not grade or run equipment through infestation prior to gravel application).

Avoid disturbing NNIS near existing populations (particularly for designating log landings). Use native or non-persistent, nonnative species in areas requiring revegetation.

Clean all equipment prior to implementation to reduce potential non native invasive species (NNIS) spread.

Do not remove trees whose root systems are integral to a streambank.

Shagbark or Shellbark hickories will not be removed unless they present a safety hazard.

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 in 36 CFR 220.6 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.

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 this document and the entirety of the record.

A. Category of Exclusion

The project activities are within the category of exclusion 36 CFR 220.6 (e)(12) "Harvest of live trees not to exceed 70 acres, requiring no more than ½ mile of temporary road construction." Management in this project will be uneven aged, and no vegetative type conversion is proposed.

B. Relationship to Extraordinary Circumstances

There are seven resource conditions that need to be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an ESI as listed in FSH Interim Directive No. 1909.15-2004-1, approved June 29, 2004. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. The degree of the potential effect of a proposed action on these resource conditions determines whether extraordinary circumstances exist.

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. -

The Endangered Species Act requires that Federal activities not jeopardize the continued existence of any species Federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service (Harriss 2014). The information indicated there are four species listed that occur on the Forest and one species that may be listed by April 2,

2015. They are listed below. As required by this act, Forest employees have analyzed the potential effects of this decision on listed species and have documented their findings in a biological evaluation (Harriss 2014). The findings from this report are summarized in the table below.

Federally Listed Species:	Status	Species Present	Habitat Present	Species Affected	Habitat Affected	Effects
Fanshell <i>Cyprogenia stegaria</i>	Endangered	No	No	No	No	NE
Gray bat <i>Myotis grisescens</i>	Endangered	No	No	No	No	NE
Indiana bat <i>Myotis sodalis</i>	Endangered	Yes	Yes	Yes	Yes	LT
Rough pigtoe pearly mussel <i>Pleurobema plenum</i>	Endangered	No	No	No	No	NE
Northern long-eared bat <i>Myotis septentrionalis</i>	Endangered*	Yes	Yes	Yes	Yes	LT

NE = no effect / no adverse modification:

"This conclusion is reached if the proposed action and its interrelated and interdependent actions will not directly or indirectly affect listed species or destroy/adversely modify designated critical habitat."

LT = May affect, is likely to adversely affect species / adversely modify critical habitat:

"This conclusion is reached if any adverse effect to listed species or critical habitat may occur as a direct or indirect result of the proposed Service action or its interrelated or interdependent actions, and the effect is not discountable or insignificant (see definition of "is not likely to adversely affect"). In the event that the overall effect of the proposed action is beneficial to the listed species or segments of the critical habitat, but may also cause some adverse effect on individuals of the listed species or segments of the critical habitat, then the determination should be "is likely to adversely affect."

* USDI Fish and Wildlife Service has received a petition to list this species as endangered. The proposed listing data is spring 2015.

As shown above, project activities are "**likely to adversely affect**" summer, roosting, and foraging habitat for the Indiana and northern long-eared bats or modify critical habitat. The "**likely to adversely affect**" call is primarily due to the potential for timber operation accidents. A tree could be accidentally hit by the felling of a target tree. If the tree that was accidentally taken had roost tree potential (which is a very low percent), it potentially may have bats present. This scenario is very unlikely but possible. This would be considered "take" of the Indiana bat and is covered under the Forest's Incidental Take Statement.

The overall effects are believed to be short-term with project activities showing long-term improvements for these species such as increased solar exposure for maternity colonies, potential roost creation, increase in plant/insect diversity (better foraging potential) and an increased water supply by vernal pool creation. Since other potential

and past Forest activities are considered to have no negative effects on these bats, the proposed Buffalo Pike Project would not cumulatively affect (negatively) them.

Regional Forester Sensitive Species (RFSS) were also analyzed for the project (Coon 2014). Based on Coon's analysis, no negative cumulative impacts to any RFSS should occur. The proposed project "**may impact**" the northern long-eared bat, little brown bat, tri-colored bat, bald eagle, timber rattlesnake, West Virginia white, large yellow lady's slipper, trailing arbutus, butternut, Illinois wood sorrel, Yellow nodding ladies'-tresses and American ginseng, but is not likely to cause a trend to federal listing or loss of viability. The proposed project may also have "**beneficial impact**" for the ruffed grouse, American woodcock and cerulean warbler.

Coon's evaluation determines that project activities would have "**no impact**" on all other RFSS considered present in the project area or near the project area.

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 directs agencies 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 floodprone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

The project is not located in or near floodplains. Reviews of maps and the site validated this conclusion (Planning Record 8). This decision will not affect floodplains.

Wetlands: Executive Order 11990 directs Federal agencies 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. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

The project is located in an upland area and no wetlands are in the immediate vicinity. National Wetland Inventory maps have confirmed this (Planning Record 9). This decision should not result in any significant wetlands-related impacts.

Municipal Watersheds: USDA Forest Service manages municipal watersheds under multiple use prescriptions in forest plans.

This decision will not affect municipal watersheds. There are two municipal watershed(s) on the Forest. One is Patoka Reservoir and the other is Monroe Reservoir. The project area is not in a municipal watershed, as was validated by review of maps.

To further ensure that municipal watershed-related impacts are minimized, Best Management Practices are incorporated (IDNR 2005).

3. Congressionally Designated Areas -

Wilderness: This decision does not affect wilderness. The project is not in or near wilderness. Wilderness is identified on the Forest as Management Area 5.1 (*Forest Plan*, p. 3-34). The project is located in Management Area 2.8. The closest wilderness, Charles C. Deam Wilderness, is 8 miles to the west of the project. This decision, with impacts limited to the immediate area of activity, will not affect the area.

Wilderness Study Areas: There are no wilderness study areas on the Forest. This decision will not affect wilderness study areas.

National Recreation Areas: There are no national recreation areas on the Forest. This decision will not affect national recreation areas.

4. Inventoried Roadless Areas -

There are no inventoried roadless areas (RARE II or *Forest Plan*) on the Forest. This decision will not affect inventoried roadless areas.

5. Research Natural Areas -

There are no research natural areas in the decision area (*Forest Plan* FEIS, p. 3-45). Pioneer Mothers Research Natural Area is 40 miles from the project. This decision, with impacts limited to the immediate area of activity, will not affect research natural areas.

6. American Indians and Alaska Native Religious or Cultural Sites –

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes' reserved rights are protected. Consultation with tribes helps ensure that these trust responsibilities are met. No tribal concerns were identified for this project (Planning Record 4).

7. 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 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. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on 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 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 the cited acts. In 1987 Forest employees conducted surveys for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (Krieger, 2014). A 'no properties affected' determination was made.

III. PUBLIC INVOLVEMENT

On May 2, 2014, a scoping letter and map was sent to 14 individuals and groups who had either expressed interest in past projects or owned property in and around the project area. They were invited to provide input into project development. Two comments were received (Planning Record 3). At the same time the project was listed on the Hoosier National Forest's website and has been listed in the Hoosier's schedule of proposed actions since July, 2014.

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 USDA 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 management plans (*Forest Plans*). In compliance with the act, the Hoosier developed a revised *Land and Resource Management Plan*, approved in January 2006. The Forest Plan provides for guidance for all natural resource management activities on the forest. The act requires all projects and activities be consistent with the *Forest Plan*. Forest employees reviewed the *Forest Plan* in connection with 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 *Forest Plan*.

Endangered Species Act - See Section II, Item B1 of this document and the response from the U.S. Fish and Wildlife Service (Planning record 7).

Sensitive Species (USDA 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 is a concern. On April 15, 2008 the Regional Forester approved the sensitive species list (Planning Record 5). The analysis team has analyzed potential effects of this decision on sensitive species and documented the findings in a biological evaluation (Planning Record 5). This decision will have "no impact" on sensitive species.

Clean Water Act – The intent of this act is to restore and maintain the integrity of waters. The USDA 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 (IDNR 2005).

Wetlands (Executive Order 11990) - See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B2 of this document.

Clean Air Act - Under this act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. There are no Class I airsheds on the Hoosier National Forest. The Forest is classified as a Class II airshed. A greater amount of additional human-caused air pollution may be added to these areas. No areas on the Forest have been designated as Class III at this time. Indiana Department of Environmental Management regulates prescribed burning in the State. The Hoosier National Forest is exempt from prohibitions on open burning (326 IAC 4-1-3).

Federal Cave Resources Protection Act - This purpose of 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. This decision will not affect any known cave resources.

Subsequently identified caves will be protected.

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 B6 of this document.

Wild and Scenic Rivers Act - See Section II, Item B3 of this document.

Public Interest Determination (36 CFR 254.3(b)) – This regulation states that an authorized officer may complete a land exchange only after a determination is made that the public interest will be well served. This project does not involve an exchange of land.

Environmental Justice (Executive Order 12898) - This order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

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

This decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.12(f).

VI. IMPLEMENTATION DATE

This decision may be implemented immediately.


VII. CONTACT PERSON

For additional information concerning this decision please contact Chris Thornton at (812) 547-7051.

VIII. SIGNATURE AND DATE

My decision is based on a review of the record, which shows consideration of relevant scientific information, including responsible opposing views and, as appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. My decision implements the Hoosier National Forest's Forest Plan. As required by NFMA section 1604(i), I find this project to be consistent with the Plan.

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment because it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified in 36 CFR 220.6, and there are no extraordinary circumstances present. I base my conclusion on information presented in this document and the entirety of the planning record.



Chris Zimmer
District Ranger



Date

REFERENCES CITED

Coon, Cheryl 2014. Biological evaluation for Regional Forester Sensitive Species, Buffalo Pike Project. 22 p.

Harriss, Steve 2014. Biological evaluation for Federally threatened and endangered species, Buffalo Pike Project. 18 p.

Indiana Department of Natural Resources (IDNR) 2005. Indiana Logging and Forestry Best Management Practices. Available online at: <http://www.in.gov/dnr/forestry/2871.htm>.

Krieger, Angie. 2014. Preliminary Project Proposal response to Chris Thornton. On file with Chris Thornton, Hoosier National Forest, Tell City Ranger District, 248 15th Street, Tell City, IN 47586

USDA Forest Service. 2006. Land and resource management plan. USDA Forest Service, Eastern Region, Hoosier National Forest. 85 p + appendices.

USDA Forest Service. 1995. Forest Service Manual 2670. Threatened, endangered, and sensitive plants and animals. WO Amendment 2600-95-7. 19 p.

USDA Forest Service. 2006. Programmatic biological assessment on implementation of the Forest Plan. Administrative Report. On file with: Forest Supervisor, Hoosier National Forest, 811 Constitution Ave., Bedford IN 47421. 60 p.

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