



File Code: 1950

Date: March 7, 2008

Dear Friends and Partners of Midewin:

Enclosed is the Decision Memo for the proposed Prairie-wide Habitat Maintenance Project.

Based upon my review of the environmental effects analysis, comments received, and the biological assessment, I have decided to implement the Prairie-wide Habitat Maintenance Project. Implementing this decision will allow Midewin to effectively control the spread of noxious weeds and other undesirable species and to respond promptly to any new infestations. Smaller populations of invasive species are more cost effective to control and eradicate. The fewer the number and amounts of invasive species, the easier it is to achieve the restoration of the tallgrass prairie ecosystem as outlined in the Prairie Plan. I believe this decision is in the best public interest.

For more information please read the enclosed document. The Environmental Analysis is posted on our website at www.fs.fed.us/mntp/nepa/status.htm

Thank you for your interest in Midewin

Sincerely,

LOGAN LEE
Prairie Supervisor, Midewin
National Tallgrass Prairie

enclosure



Decision Notice
& Finding of No Significant Impact
Prairie-wide Habitat Maintenance Project

**USDA Forest Service
Midewin National Tallgrass Prairie
Will County, Illinois**

Decision and Reasons for the Decision

Background

Midewin is currently comprised of 18,225 acres, including the initial transfer of 15,080 acres, other transfers and land acquisitions complete the total acres. Over the next several years 1,445 acres will be transferred from DoD. The prairie-wide habitat maintenance project will be implemented on these lands when transferred for a total of 19,670 acres.

As you may know, Midewin is a prairie under construction. In the past, we have completed environmental assessments on specific lands to graze, hay, burn, apply herbicides, and restore prairie habitats. We have done so many treatment specific analyses that our “heads are spinning.” In spite of that, invasive species continue to gain ground at Midewin and move to new sites. With this EA and decision, I hope to be able to employ the right tool, on the right acre, at the right time to prevent further spread. By covering the entire prairie, we will be able to respond to changing infestations promptly when it is most cost-effective. If we fail to effectively control invasive species we will not achieve a primary purpose of our establishment; to “...conserve and enhance native populations and habitats of fish, wildlife, and plants.” (Illinois Land Conservation Act, PL 104-106) I believe that the EA, and our historical practices, demonstrate that we have the protections and controls in place to effectively apply the tools we discuss prairie-wide. Mitigation measures are included as an appendix to this decision document.

Decision

After consideration of the environmental effects displayed in the Environmental Assessment of the Prairie-wide Habitat Maintenance project, I have decided to implement Alternative 1, the proposed action. Invasive species treatments would be applied to National Forest System lands across the prairie and would also be applied to lands after they are transferred from the Army, or other entities, in the future.

Examples of areas proposed for routine maintenance activities include; but are not limited to; native vegetation remnants, roadsides, non-wooded areas, farmsteads and fields, restored wetland and upland prairies, areas with existing or future grazing and agricultural permits, and abandoned Army infrastructure sites. All of these maintenance activities are currently being implemented at Midewin under previous environmental assessments, decisions and appropriate monitoring.

The mitigation measures (see [Appendix A](#)), developed through public and internal review, will ensure protection of sensitive resources. Additionally, in existing and potential Leafy Prairie

Clover habitat and potential Eastern Prairie Fringed Orchid habitat; we will apply the conservation recommendations outlined in the US Fish and Wildlife Service Biological Opinion based on pretreatment surveys overseen by our Horticulturist or Ecologist.

Specifically, I am authorizing the following treatments to manage native vegetation remnants, wildlife habitat, and to protect tallgrass prairie restoration investments:

Entire Tract Mowing will be used to manage grass heights for grassland bird species, duff and grass litter removal, and cut down small woody sprouts and seedlings when infestations are predominant on a tract of land. Entire tract moving will be done between August 15th and April 15th to avoid harming ground-nesting wildlife. Mowing may take place only under dry soil conditions or on frozen ground. Entire tract mowing is usually done once every two or three years; however, if infestations become more severe, annual mowing may be done. Up to 6,000 acres would be “entirely mowed” on an annual basis.

Spot-Mowing will be used to control invasive plant species in small isolated areas, of no more than a few acres. Spot-mowing is used to cut the flowering heads of weeds before they set seeds or to reduce the height of tall plants before treatment with herbicides, to reduce the amount of herbicide used. Spot-mowing may take place under dry soil conditions or on frozen ground. Spot mowing that needs to occur during nesting period of ground nesting wildlife will be mitigated by surveying the project area and avoiding any occupied nests. This kind of mowing may be done yearly or when a problem with invasive species is discovered. No more than 500 acres would be spot mowed annually at Midewin.

Brush-Mowing will be used to control invasive woody vegetation (trees and shrubs) that are less than six inch dbh (diameter at breast height) and requires heavier equipment than tract or spot mowing. Brush-mowing will be conducted on large areas of grassland and some prairie remnants that are severely invaded by non-native shrubs. Brush-mowing will be done between August 15th and April 15th to avoid harming nesting wildlife. Brush-mowing may take place under dry soil conditions or frozen ground. Approximately 2,000 acres per year will require this specialized treatment.

Individual Tree Removal will be used to remove larger invasive trees greater than six inches in diameter at breast height (dbh) within the 833 acres identified as native vegetation remnants (see [EA Appendix 4, Figures 2 and 3](#)). These native vegetation tracts include remnant prairies, savannahs, and woodlands. The few true remnants of savannah and woodlands are found on 227 acres along segments of Prairie and Jackson Creeks. The native trees are being crowded out by invasives and will be at risk if these areas are left untreated. Our Prairie Creek Woods project, and associated research, demonstrated how much the invasives changed the natural water cycle. I will protect these valuable native habitats by removing the invasive species over 6 inches in diameter.

There is no tree removal approved by this decision where woody vegetation has developed without impacting the native vegetation remnants. Approximately 3,200 acres of woody vegetation would not be treated by individual tree removal.

Tree removal will be done between August 15th and April 15th to avoid harming nesting wildlife. Tree removal will also take place under dry soil conditions or on frozen ground.

Trees individually identified for removal in areas with less sensitive soils and plants species, may be removed by a feller/buncher machine and the woody material chipped.

Tree stumps will be ground down up to six inches below the soil surface, depending on the sensitivity of the area. Where soil disturbance is an issue, trees will be cut flush with the ground and the exposed surface treated with herbicide. In more sensitive areas where equipment access is difficult, trees may be girdled and the cut surface treated with an herbicide. In woodlands and savanna native vegetation areas, only selected invasive trees would be removed to allow for the regeneration of more desirable tree species. Tree removal activities on the 833 acres of native vegetation remnants would happen gradually over several years.

Mechanical and Hand Removal will be used to control invasive plant species in all vegetation types by pulling or cutting stems or flower heads by hand, or with the aid of a tool or machine. Some small trees and shrubs will be removed by a skidsteer type machine with a jaw-type device. Mechanical removal is typically used in conjunction with other treatment methods and by large groups of volunteers in easily accessible areas. Small trees and shrubs may also be removed by hand using chainsaw, handheld brush cutter or handsaw on vegetation less than six inches dbh. Approximately 200 acres each year would be treated with this method.

Prescribed fire will be used to control invasive trees, shrubs, and herbaceous plants; reduce hazardous fuels; and stimulate native herbaceous vegetation. Stimulating native vegetation creates a competitive edge for native vegetation over invasive non-native vegetation. Typically prescribed fire will be used during the dormant plant season (October through April) to avoid harm to wildlife and plants during the growing season. Occasionally areas may need to be burned during growing seasons to control some invasives and stimulate some native vegetation. Growing season prescribed burns will be on small tracts, typically not over 200 acres. Approximately 1,500 acres are currently burned each year at Midewin and this acreage is expected to increase to up to 4,000 acres per year as we control invasives enough to use the more cost effective prescribed burning for maintenance purposes.

Grazing will be used to manage grass height in pastures to provide the preferred habitat for grassland wildlife. Different wildlife have different needs and we will provide a mosaic of grass heights by varying grazing intensity. Grazing is also an effective means of controlling some invasive plant species. Currently, approximately 4,525 acres are under authorized grazing permits. Additional acres may be available for grazing rotation as additional lands are acquired from the Army. The location of grazing pastures will shift in the future primarily towards the east side of Midewin, to the areas identified in the Prairie Plan for grassland bird habitat. No more than 6,000 acres would be grazed yearly.

Row Crop Production will be used to control the spread of invasive species. The Illinois Land Conservation Act, Midewin's enabling legislation, directs that row crops are to be phased out and the land restored to native vegetation or agricultural uses must serve resource management purposes to continue over time. It will take many years before the Forest Service has the capacity to restore all the fields now under row crops.

Crops at Midewin are usually limited to a wheat and soybean rotation, but oats may be substituted for wheat. Glyphosate-resistant soybeans would be planted with one or two applications of glyphosate herbicide during the growing season to control weeds. The number of acres in row crop production will gradually decrease.

Row crop production is currently at 3,724 acres. This number will continue to decrease as 100-200 acres of crop land are converted to pasture or prairie each year. Row crop production will be used on lands yet to be acquired from the Army as well as on former crop fields dominated by invasive species to control the spread of invasive species. Row crop production would not increase over 4,000 acres and continue to decrease over time.

Herbicide Application: Foliar and cut surface treatment may be used in all vegetation types based on the species treated. Most areas needing herbicide application will receive spot treatment, by applying herbicide to individual plants or small groups of plants. Spot treatment areas will generally be less than one acre in size. Occasionally an entire field may need to be treated; applications to a large field will only occur on rare occasions to prepare sites for planting of native prairie and would not exceed 300 acres in size at any one time. Larger patches would be treated with a ground-based sprayer mounted on an ATV, utility vehicle or other equipment.

Potentially, up to 4,000 acres (not including the fields in row crops) at Midewin would need some form of isolated spot herbicide treatment on an annual basis to keep invasive plant species under control. The actual acreage receiving herbicide is a small fraction of the total acres indicated, since most areas only have localized infestations at this time. Frequently a treatment area will receive more than one treatment in a year. Follow-up treatments may be necessary to target plants missed during the initial, or subsequent, treatments.

Integrated Invasive Plan Management: The Forest Service at Midewin will control most invasive plant species through a combination of the authorized techniques described above. These complementary habitat management tools are all necessary to reach the ecosystem goals of the Prairie Plan. No one habitat management tool alone will provide the means to reach the desired future condition of a restored prairie ecosystem and grassland bird habitat. The staff at Midewin needs to be flexible in the use of these management tools to respond quickly to new or increasing infestations of native and non-native invasive species.

As we control existing infestations of invasives species, we expect new species to arrive on site. If these tools provide effective treatment we will apply them using the identified mitigation measures. If we need to exceed the annual acreage limits set in this decision for each treatment or if new treatments are needed, such as additional herbicides or biological control agents, we would have to amend this decision appropriately.

Decision Rational

On December 22nd, 2004 the Under Secretary of Agriculture approved regulations for National Forest System land management planning (36 CFR 219, published in the Federal Register on January 5, 2005). These regulations became known as the 2005 Planning Rule. On March 30, 2007 the court in *Citizens for Better Forestry v. USDA* Civ. No. 05-1144 and *Defenders of Wildlife v. Johanns* Civ. No. 04-4512, in the Northern District of California, enjoined the Forest Service from implementation and utilization of the 2005 Planning Rule. On July 3, 2007 the

same court refused to amend its prior judgment and affirmed that the March 30, 2007 order applied nationwide. The result of these two rulings is that the entire Forest Service is currently operating under the prior planning rule, adopted in November 2000 at 36CFR 219 and subsequently interpreted in an Interpretative Rule at 69 Fed. Reg. 58055 (September 29, 2004).

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.

This project also meets the goals and objective outlined in the 2002 Prairie Plan.

Other Alternatives Considered

In addition to the selected alternative, I considered the “No Action” alternative. A comparison of these alternatives can be found in the EA on pages 16-17.

Alternative 2 – No Action

Under the No Action alternative, many of the proposed actions would continue only on lands covered under existing decisions. Some would not occur at all, resulting in increases of invasive species populations. Such a failure to act would significantly increase the long term costs of restoration and limit the Forest Service achieving restoration goals directed by the enabling legislation, the Illinois Land Conservation Act, and the Prairie Plan.

Public Involvement

A proposal for the Prairie-Wide Habitat Maintenance project was distributed to the public and other agencies for comment during scoping beginning October 4, 2006. The Forest Service received four supportive comments ([Appendix B, Response to Comments](#)) during the scoping period. However, an earlier tree and shrub removal project was proposed in 2002. Several issues were raised during the scoping period for that project. The tree and shrub removal project was much more extensive and elicited many comments. The issues derived from this earlier project included: impacts on wildlife with the removal of woody vegetation, and impacts to hunting. The interdisciplinary team (IDT) determined that these two issues are still relevant to the decisions that must be made for this project.

I am aware that many individuals remain concerned that we will change the nature of woody vegetation on Midwin. This decision limits the removal of trees greater than 6 inches dbh to the 833 acres of identified native vegetation remnants, (see [EA Figures 2 and 3, Appendix 4](#)) of which approximately 27% are savannahs or woodlands. 3,200 acres of existing woody vegetation will not have any tree removal but we will, treat invasive ground vegetation in order to prevent the spread of species such as garlic mustard and honeysuckle.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the

context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Some of actions in this decision have already been analyzed under previous environmental assessments and approved under existing decision documents, although in limited areas (EA, page 4). No adverse effects have resulted from activities authorized under those previous decisions, and none are expected by approving these actions prairie-wide for an integrated invasive plant management program. All previously applied mitigation measures have proven to be effective. Specifically, I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety because adherence to the mitigation measures and application of the Environmental Management System (EMS)(EA pages 17-21) will ensure no adverse effects. Additionally, analysis of air and water quality (EA pages 41-45) determined no effects from the proposed actions on these resources.
3. There will be no significant effects on unique characteristics of the area, because the actions proposed will aid in managing native vegetation remnants and wildlife habitat, while enhance maintenance activities on already restored areas. (EA pages 26-29).
4. The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of the project (see EA pages 25-54).
5. We have considerable experience with the types of activities to be implemented. Most of the activities approved with this decision have been used on Midewin in the past in limited areas with known results. The effects analysis shows that by approving these activites for use prairie-wide the effects are not uncertain, and do not involve unique or unknown risk (see EA pages 25-54).
6. The action is not likely to establish a precedent for future actions with significant effects, because these activities have been used in the past. Additionally, this decision sets maximum acreages for approved activities and limits individual tree removal of trees greater than 6 inches dbh (diameter breast height) to 833 acres of identified native vegetation remnants, of which 227 are woodland or savannah. (see EA page 15).
7. The cumulative impacts are not significant (see EA pages 25-54). Midewin is located in close proximity to major population centers and many industrial uses. Pages 25 and 26 of the EA describes in detail adjoining lands and the activities on those lands that were considered in the cumulative impacts analysis for each resource.
8. 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; nor cause loss or destruction of significant scientific, cultural, or historical resources because any activity that have the potential to disturb the ground would be scheduled when the

ground is completely dry or frozen (see EA pages 53-54). Additionally, any areas that have never been plowed (and are in the greatest need for conservation and enhancement) will receive special attention during habitat maintenance activities. This project has received concurrence from the Illinois State Historical Preservation Office (SHPO).

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. Midewin provides habitat for forty-nine (49) species of threatened, endangered, sensitive and rare (TES) species of plants and animals. The analysis in the [EA \(page 35-39\)](#), [EA Appendix 1](#), and US FWS Biological Opinion supports the habitat maintenance program and the conclusion that TES species will not be adversely affected.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see [EA pages 9-10](#)). The action is consistent with the Midewin Land and Resource Management Plan (See [EA pages 5-7](#)).

Findings Required by Other Laws and Regulations

This decision to implement a prairie-wide habitat maintenance program is consistent with the intent of the prairie plan's long term goals and objectives listed on pages 5-7. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines. Other specific mitigation measures and EMS policies are also included ([EA pages 17-21](#)).

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

Kent Connaughton, Appeal Deciding Officer
Attn: Appeals & Litigation
USDA-Forest Service, Eastern Region
626 East Wisconsin Ave
Milwaukee, WI 53202

Fax: (414) 944-3963

The office business hours for those submitting hand-delivered appeals are 7:30 a.m. – 4:00 p.m., Monday through Friday, excluding holidays. Electronic appeals must be submitted to [appeals-](#)

eastern-regional-office@fs.fed.us. Electronic appeals should be in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc), Adobe (.pdf) or other Microsoft Office-compatible formats. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Joliet Herald, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Joliet Herald, newspaper of record, 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. Individuals or organizations who submitted substantive comments during the comment period specified at 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Mary Honer by phone at 815-423-6370, by e-mail at mhoner@fs.fed.us, or by mail at 30239 South State Route 53, Wilmington, IL 60481.

Logan Lee
Prairie Supervisor

Date

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Appendix A -- Mitigation Measures

Mitigation measures were developed in response to public comments on the proposal and internal review. Besides the mitigation measures listed below, numerous standards and guidelines identified in the Prairie Plan also protect sensitive resources.

- 1) Survey sites for nesting birds or RFSS before spot-mowing from April 15th to August 15th, or mow at a high enough height to avoid ground nesting wildlife.
- 2) Survey sites for nesting short-eared owls or northern harriers before entire tract mowing or prescribed burning in grasslands from April 15th to August 15th. If nesting is found, then management activities should be reconsidered to avoid disturbing the nests of these species.
- 3) Conduct individual tree removal between October 15th and April 1st in riparian areas and August 15th and April 1st in other areas to avoid impacts to nesting birds, bats, other wildlife, and sensitive plants.
- 4) Minimize equipment and vehicles in stream channels and wetlands. Use Best Management Practices (BMPs) where access is needed.
- 5) No row crop agriculture in native vegetation remnants or other TES plant and insect habitats.
- 6) In areas sensitive to rutting, conduct management activities requiring heavy equipment and vehicles only when the ground is frozen or dry.
- 7) Halt vegetation management activities if whooping cranes appear in the area. Do not resume activities in the area until the cranes continue on migration.
- 8) Limit use of fire plows for creating firebreaks to areas outside of native vegetation remnants, restored native vegetation, and areas that have never been plowed or surveyed for heritage resources.
- 9) Establish appropriate buffer zones to protect native vegetation remnants from herbicide drift associated with row crop production.
- 10) Repair significant soil disturbance caused by tree or shrub removal, and if needed, seed or plant with appropriate plant species.
- 11) Leave certain non-native plant species (cool-season grasses, Osage-orange, etc.) on appropriate sites where they are necessary to provide habitat for grassland and shrubland birds.
- 12) Remove hay and straw bales and farm implements in areas visible to the public within timeframe specified in permit.
- 13) Locate livestock watering areas away from high visibility areas, where practical.
- 14) Provide natural or man-made screening to livestock watering tanks in high visibility areas where practical.
- 15) Make efforts to diminish the visual effects of woody vegetation waste in high visibility areas.
- 16) Educate permittees and recreation users of other uses on Midewin and reasons for management activities.
- 17) Require permittees and contractors to use the most direct route to access work areas, where practical.
- 18) Notify recreational visitors appropriately of management activities and potential hazards.
- 19) Temporarily close areas to public where management activities may create safety hazards.
- 20) Perform management activities during periods of lowest potential visitor use where practical.
- 21) Adjacent to trails, use a mower configuration that is less likely to spread/throw debris on trail and mow parallel to trail instead of across the trail if possible.

- 22) Consider other types of cattle operations different from cow/calf operations where cattle/visitor interactions may occur.
- 23) Minimize girdling of trees that may create a safety hazard to visitors. Provide adequate information on hazards to visitors.
- 24) Ground disturbing activities may not penetrate below the plow zone in areas that have never been surveyed for heritage resources but have been plowed in the past.
- 25) Ground disturbing activities will only be conducted during winter months when the ground is completely frozen in areas that have never been surveyed for heritage resources, have never been plowed, or are NRHP-eligible.
- 26) Clean all equipment used in mowing in the area mowed, prior to moving to a new mowing area. Clean all mowers with compressed air upon return to the Supervisor's office.

Environmental Management System Midewin National Tallgrass Prairie has an approved Environmental Management System (EMS) in place. An EMS is a system to continually improve management and implementation of projects at Midewin. Within the EMS are implementation requirements that will take place during work at Midewin. These implementation requirements are similar to mitigation measures and will be implemented and will negate or minimize some possible impacts from the action alternative. Listed below are the relevant implementation requirements.

- 1) Rutting and compaction of soils is to be avoided. Unless otherwise designated, soil ruts deeper than 2 inches or covering more than 10% of the designated work area must be avoided in sensitive areas identified by Midewin specialists.
- 2) All chip piles and green waste must be removed from the Prairie by April 15th to minimize disturbance to habitat unless otherwise approved by the Contracting Officer's Representative (COR) or Project Manager (PM).
- 3) All contract heavy equipment and off-road equipment will be washed down by the contractor prior to entering Midewin National Tallgrass Prairie to ensure that all possible invasive plant species are removed from the equipment. With the approval of the COR, cleaning with compressed air may be an adequate cleaning method.
- 4) The COR or PM will consult with the Midewin Archaeologist during project design and prior to the start of work concerning exact locations of on-the-ground work, and potential access routes, to determine the potential for impacting heritage resources. The Midewin Archaeologist will determine what mitigation actions as identified in the Project NEPA are necessary for protection of heritage resources. The Archaeologist will determine whether construction or snow fencing will be required for potentially eligible heritage sites. Some brush and woody vegetation removal can be conducted at certain times of the year through consultation with the Midewin Archaeologist. If heritage resources are uncovered during project implementation, all work will temporarily cease in the immediate area pending an assessment by the Midewin Archaeologist.
- 5) The COR or PM will consult with the Midewin Horticulturalist or Ecologist during project design and prior to the start of work concerning exact locations of on-the-ground work, and potential access routes, to determine the potential for impacting native vegetation resources. The Horticulturalist or Ecologist will determine what mitigation actions as identified in the Project

NEPA are necessary for protection of native vegetation resources. The Horticulturalist or Ecologist will determine whether construction or snow fencing will be required for identified (Threatened and Endangered) T&E and Regional Forester Sensitive Species (RFSS) areas. Some brush and woody vegetation removal can be conducted at certain times of the year through consultation with the Horticulturalist or Ecologist. If native vegetation areas are discovered during project implementation, all work will temporarily cease in the immediate area pending an assessment by the Midewin Horticulturalist or Ecologist.

6) The COR or PM will consult with the Midewin Hydrologist during project design and prior to the start of work concerning exact locations of on-the-ground work, and potential access routes, to determine the potential for impacting hydrological resources. The Midewin Hydrologist will determine what mitigation actions as identified in the Project NEPA are necessary for protection of hydrological resources. The Hydrologist will determine whether construction or snow fencing will be required for potentially eligible wetlands. Some brush and woody vegetation removal can be conducted at certain times of the year through consultation with the Midewin Hydrologist. If wetlands are uncovered during project implementation, all work will temporarily cease in the immediate area pending an assessment by the Midewin Hydrologist.

7) Midewin personnel will mark all herbicide areas with pin flags, or flagging as needed on the ground or supply a map of application area as needed. *Woody Control*: The contractor will ensure that at least 95% all target woody plants in designated herbicide application areas are killed through herbicide applications. Applicator will use appropriate timing and application methods for maximum effectiveness and will retreat as necessary within growing season. Visual inspection will be used to confirm kill rate. To settle disputes about kill rate; inspection will consist of one-one hundredth (1/100) hectare plots unless there are 10 or less shrubs or small trees in the 1/100 hectare area, then the inspection area would be based on a 1/10 hectare area. Inspection plots within the designated area will be representative of the density of the woody vegetation within the whole of the designated area. *Herbaceous Control*: Through Midewin inspections, herbicide applications will ensure that survival rate of targeted herbaceous species is less than 10% (measured as having live shoots) within same growing season. General: Under no conditions will contractor allow over-spray of herbicides to drift into more than 10% of the area within 1 yard of the target plant, and no herbicide damage can occur beyond 3 feet of the target infestation. There must be no damage to TE species and no damage greater than 2% to RFSS as a result of application of herbicides. Contractors will be required to use a dye with herbicide application.

8) Where appropriate, interpretive material may be developed to educate the visiting public about the association of project impacts and long term goals.

9) In the event of a spill of hazardous substances or petroleum, the user of the material shall immediately report the spill to the Midewin Safety Officer, COR or PM who will assure the proper notification reporting is performed by the user. The 24-hour phone numbers for the Illinois Emergency Management Agency are 1-800-782-7860 or 1-217-782-7860. CERCLA Reportable Quantities (RQs) are found in 40 CFR 302.4, petroleum spill reporting requirements are found in Section 311 of the Clean Water Act. The Midewin Safety Officer, COR or PM will consult with Midewin Engineering concerning each reported spill incident. Midewin Engineering will investigate each incident as requested and will determine appropriate action.

10) The COR or PM will ensure spill cleanup materials will be available on each project at all times on the Prairie. Any spill greater than one (1) pint must be immediately reported to the COR or PM. Contractor personnel must have training to ensure they are qualified to identify such releases and are competent to provide proper cleanup and reporting. All spilled materials and impacted soils will be removed and properly disposed as necessary.

11) All contract equipment will be washed down by contractor prior to entering Midewin National Tallgrass Prairie to ensure that all possible invasive plant species are removed from the equipment. With the approval of the COR, cleaning with compressed air may be an adequate equipment cleaning method. The COR or designated Inspectors will randomly inspect contractor vehicles to ensure invasive plant control measures are being fully implemented.

12) No mowing is permitted between April 15th and August 15th, unless otherwise authorized by the CO or COR. All areas to be mowed will be marked by Midewin personnel using blue paint or blue flags.

13) No tree and shrub removal will be accomplished between April 15th and August 15th unless otherwise authorized by the CO or COR. Midewin personnel will mark all TE species and RFSS with orange construction fencing where necessary. Midewin personnel will mark all desirable trees and shrubs with blue paint to indicate they are not to be removed. Contractor will only use hand tools within 25 feet of designated TE species and RFSS areas designated with orange construction fencing. Contractor to replace all desirable trees and shrubs damaged or destroyed by contractor's work with the same species.

Appendix B – Response to Comments

Steve Lazzara-Will Co Land Use Dept

“...the Land Use Department supports any maintenance efforts your office has the technical ability to conduct. However, we would ask that local fire prevention authorities, and all adjacent road authorities are notified during any prescribed burnings, and that all adjacent road authorities are notified of any mowing activity taking place on or near any road right-of-way.”

Forest Service Response: As part of the burn plan for any prescribed burn conducted on USDA Forest Service land (Midewin), local fire departments and other authorities (as needed) are notified of dates, times, and areas of prescribed burns. Additionally, adjacent road authorities will be contacted (as needed) of mowing activities.

Susanne Masi-Chicago Botanical Gardens

“The program described ...is thoroughly thought out and proposes to be implemented in reasonable increments through the site and with attention to specific needs for specific habitats and areas.”

Forest Service Response: Thank you for your comment.

Michael Rzepka

“...I fully support the prairie-wide habitat maintenance program and understand its benefits. The program is much needed and should be implemented immediately.”

Forest Service Response: Thank you for your comment.

Robert Jankowski-USDA Natural Resource Conservation Service (NRCS)

“...NRCS is available to develop conservation plans with you on your grazing lands that will include managing these areas along with other information that address the resource base.”

Forest Service Response: Thank you for your comment. Midewin has and will continue to utilize resources available from NRCS in developing conservation plans for grazing lands.

Comments from the tree and shrub removal (2002) project

Comments received for the Prairie-wide Habitat Maintenance proposal were all supportive and as a result, no issues were identified. However, an earlier (2002) tree and shrub removal proposal received several comments. The original tree and shrub removal proposal was withdrawn, prior to analysis and implementation. The comments and the issues that emerged, however, were used extensively for the Prairie-wide Habitat Maintenance project. In essence, the entire Prairie-wide Habitat Maintenance project was developed in response to those comments received from the earlier tree and shrub removal proposal.

Comment letters received from the tree and shrub removal proposal, as well as other related information are included in the administrative record (project file) for the Prairie-wide Habitat Maintenance project.