

## **15. FINDINGS REQUIRED BY OTHER LAWS**

I have considered the numerous statutes governing management of Midewin National Tallgrass Prairie, and I believe this decision represents the best possible approach to implementing the statutory duties of the Forest Service at Midewin.

**15.1.** The Midewin Land and Resource Management Plan is in compliance with the Clean Water Act as stated in the conclusions documented in Chapter 3, Water Quality Section of the Final EIS (Final EIS 3-16).

**15.2.** The Midewin Prairie Plan is in compliance with the National Historic Preservation Act, Archaeological Resources Protection Act, Native American Graves Protection and Repatriation Act, Executive Order 11593 (Protection and Enhancement of the Cultural Environment), and Executive Order 13007 (Indian Sacred Sites), as stated in the conclusions presented in Chapter 3, Heritage Resources Section of the Final EIS (Final EIS 3-258).

**15.3.** The Midewin Prairie Plan is in compliance with the Endangered Species Act, as documented in the conclusions in Chapter 3, Threatened, Endangered, and Sensitive Species Section of the Final EIS (Final EIS 3-125, 3-137).

**15.4.** The Midewin Prairie Plan is in compliance with the Clean Air Standards as documented in conclusions presented in Chapter 3, Air Quality Section of the Final EIS (Final EIS 3-43).

**15.5.** Per Executive Order 12898, pertaining to Environmental Justice, the activities planned to implement the Prairie Plan are not foreseen to have disproportionately high or adverse human health and environmental effects on minority or low income populations (Final EIS 3-271).

**15.6.** The analysis of civil rights impacts does not foresee any adverse effects on the civil rights of any individual or group (Final EIS 3-270).

**15.7.** The Prairie Plan is in compliance with the Americans with Disabilities Act Accessibility Guidelines and Section 504 of the Rehabilitation Act (Prairie Plan 4-8).

## **16. IMPLEMENTATION, MONITORING, AND MITIGATION**

The Prairie Plan will be implemented no sooner than 30 days following publication of the legal notice of this decision in the *Federal Register* as required by 36 C.F.R. §219.10(c)(1).

Several projects were previously approved following environmental analysis under NEPA procedures. These projects were outlined in the June 1998 Notice of Intent to implement the ILCA. These existing projects, as well as current contractual obligations, will continue to completion as originally planned. During project implementation, subject to valid existing rights, the Prairie Supervisor will assure that:

- (1) Annual program proposals and projects are consistent with the Prairie Plan;
- (2) Program budget proposals and objectives are consistent with management direction specified in the Prairie Plan; and
- (3) Implementation is in compliance with National Forest Management Act regulations.

The Prairie Plan is implemented through various site-specific projects, such as building a visitor/learning center, restoring a portion of the prairie or wetland, or constructing a trail. If the budget is less than full in any given year, the projects scheduled to implement the Prairie Plan for that year may have to be rescheduled; however, the management area prescriptions and the areas to which they apply will not change unless the Prairie Plan is revised or amended. As a long-range strategy for Midewin, the Prairie Plan and the accompanying Final EIS are programmatic in nature. Site-specific analyses will be conducted when the various projects are proposed during Plan implementation. These analyses may result in environmental assessments, environmental impact statements, or categorical exclusions and, possibly, an amendment or revision of the Prairie Plan. Any resulting documents may be tiered to the Final EIS for the Prairie Plan.

Further proposals to use National Forest System lands at Midewin will be reviewed for consistency with the Prairie Plan. Management direction contained in Chapter 3 of the Prairie Plan will be used to analyze any proposal involving use of National Forest System lands at Midewin. All permits, contracts, and other instruments for occupancy and use of Midewin must be consistent with the Management Direction in Chapter 3 of the Prairie Plan. If the proposed use is not consistent, the proposal will be dropped or the plan will be amended to provide for needed consistency.

Any unavoidable adverse environmental effects, such as the disruptive effect of prescribed burns on air quality, will be temporary and will involve only a percentage of the prairie at any one time. Mitigation measures are included as standards and guidelines in Chapter 4 of the Prairie Plan. Through this decision these measures are adopted.

The monitoring and evaluation requirements established in the Prairie Plan, Chapter 6, are adopted through this decision. The implementation of

management practices will be documented and their effects recorded to measure progress toward attainment of the Prairie Plan goals and objectives and to ensure that anticipated results are actually achieved. Data gathered during monitoring will be evaluated and a determination made whether to modify implementation schedules, to improve mitigation measures, or to assess the need for amending or revising the Midewin Prairie Plan. A review and evaluation of monitoring results will be conducted annually and summarized in an annual report. The Prairie Supervisor will review conditions of the land during the 5<sup>th</sup> year of Plan implementation to determine whether conditions have significantly changed.

## **17. APPEAL OPPORTUNITIES**

This decision is subject to administrative review pursuant to 36 C.F.R. §217. A written appeal of this decision must be filed in duplicate within 90 calendar days of the published legal notice of this decision in the Milwaukee Journal/Sentinel newspaper of Milwaukee, Wisconsin. However, when the appeal filing period would expire on a Saturday, Sunday, or federal holiday, the filing time is extended to the end of the next Federal working day. Appeals must be filed with:

Chief, USDA Forest Service  
Attn: Barb Timberlake  
1400 Independence Ave. S.W.  
Stop 1104  
Washington, DC 20250

Any notice of appeal must be fully consistent with 36 C.F.R. §217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 C.F.R. §217.
- The name, address, and telephone number of the appellant.
- Identification of the decision to which the requester objects.
- Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the Deciding Officer.
- Identification of the specific portion of the decision or decision document to which the requester objects.

- The reasons for objecting, including issues of fact, law, regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy.
- Identification of the specific change(s) in the decision that the appellant seeks.

Requests to stay the approval of the Prairie Plan will not be granted [36 C.F.R. §217.10(b)].

Decisions on site-specific projects have not been made in this Midewin Land and Resource Management Plan. Final decisions on proposed projects will be made after site-specific analysis and documentation in compliance with NEPA.

For questions concerning the Midewin Land and Resource Management Plan, contact:

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Midewin National Tallgrass Prairie  
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Reviewers are encouraged to contact the Prairie Supervisor before submitting appeals to determine if misunderstandings or concerns can be clarified or resolved.

## 18. CONCLUSION

I am pleased to announce this decision and bring this phase of the Midewin Land and Resource Management Plan to completion. Working together we can meet the challenges, realize the opportunities, and achieve the goals and objectives of the Midewin Land and Resource Management Plan.

The Midewin Land and Resource Management Plan is our strategic plan for ensuring the long-term health of the land. We will use adaptive management strategies as we work to implement the Plan. We will carefully monitor our activities, conditions of the land, the goods and services produced, and the effectiveness of the resource protection measures included in the Midewin Land and Resource Management Plan to ensure a healthy prairie ecosystem for future generations.



DONALD L. MEYER  
Acting Regional Forester

Date: Feb 8, 2002