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# Dutton Brook Large Woody Debris Restoration Project

## Decision Memo

**USDA Forest Service, Eastern Region  
Green Mountain National Forest, Middlebury Ranger District  
Town of Leicester; Addison County, Vermont**

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## DECISION MEMO

### Dutton Brook Large Woody Debris Restoration Project

#### I. SUMMARY

This Decision Memo documents my decision to categorically exclude the placement of large woody debris (LWD) in Dutton Brook to restore stream functions and processes, and improve aquatic habitat from further analysis in an environmental assessment or environmental impact statement. This project will implement habitat restoration that will store, sort, and distribute sediment; create habitat features such as pools and riffles; add habitat diversity; provide cover; and, trap and retain organic matter that is consumed by aquatic organisms and add nutrients to the aquatic ecosystem. LWD will be placed in Dutton Brook upstream of Forest Trail (FT) 257 for approximately 1100 feet. The project is located on the Middlebury Ranger District, Green Mountain National Forest (GMNF) in the Town of Leicester, Addison County, Vermont.

#### II. DECISION TO BE IMPLEMENTED

In order to meet Forest Plan Goals and Objectives to “[m]aintain or enhance fish populations through habitat protection, enhancement, and restoration, and stocking programs” (2006 Forest Plan, P. 13); “[m]aintain or restore aquatic, fisheries, riparian, and wetland habitats” (2006 Forest Plan, P. 13); and, to [m]aintain or restore ecological processes and systems on the GMNF within desired ranges of variability, including a variety of native vegetation and stream channel types, and their patterns and structural components” (2006 Forest Plan, P. 14), I have decided to authorize the placement of LWD into approximately 1,100 feet of Dutton Brook.

In approximately 1,100 feet of Dutton Brook, an 8 foot-wide tracked excavator with hydraulic thumb will be used to place and anchor LWD. No LWD will be placed within 500 feet of the trail bridge on FT 257 (downstream end of the project).

To achieve the work, chainsaws will be used to fall approximately 33 trees, 8” DBH or greater, that are within or near the identified riparian zone (within 50 ft. of Dutton Brook) so stream processes and LWD function (i.e., creation of pools, cover, and spawning areas) can be restored. If possible, trees that are high risk or of less than perfect form will be felled instead of healthy vigorous trees. Both hardwood and softwood species will be used.

An additional 1,200 feet of treatment that was originally proposed upstream of the machine-placed LWD will not be implemented. The trees in this section were to be directionally felled but not anchored in the stream. Monitoring done on previous projects showed that unanchored LWD was very mobile in the 100-year flood of 2008. I have decided not to implement this portion of the project to avoid potential maintenance issues at the Sucker Brook Diversion Dam.

This project area is in close proximity to wild chervil, a non-native invasive species (NNIS), and a Regional Forester’s Sensitive Species (RFSS), Eastern small-footed bat (found 3 miles from project area). Also found within the project area is toothwort, which is the host plant to another RFSS, West Virginia white butterfly. My decision to authorize this restoration project includes mitigation measures, listed in Appendix A, to address these species of special concern.

### III. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or an environmental assessment when they are within one of the categories found at 36 CFR 220.6(d) and (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

#### A. Category of Exclusion

Based upon the environmental analysis contained in the project planning record and on experience with similar activities on the GMNF, I have concluded that this decision can be appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment. I have determined that the selected action is a routine activity within the following category of exclusion found at 36 CFR 220.6(e)(7): "Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices."

#### B. Relationship to Extraordinary Circumstances

The list of seven extraordinary circumstances that were examined for this analysis may be found at 36 CFR 220.6(b). The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effects of a proposed action on these resource conditions that determines whether extraordinary circumstances exist. I have concluded that 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 project planning record. A summary of the project's potential effects on each resource condition is as follows:

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. No significant impacts to federally listed plant or animal species, critical habitat, or Regional Forester's Sensitive Species are expected to result from this project. For the two RFSS associated with this project, the effects would be a slight improvement to Eastern small footed bat roosting habitat, and while the West Virginia white butterfly is at the northern edge of range in the GMNF, its host plant, toothwort, will not be disturbed (see project planning record for Biological Evaluations for plants and wildlife).
2. Floodplains, wetlands or municipal watersheds. No significant impacts to floodplains, wetlands or municipal watersheds are expected to result from this project (see project file for Soil Scientist's project review, April 24, 2007).
3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas. This project is within the *Moosalamoo National Recreation Area* (Moosalamoo Recreation and Management Area, MA 8.9). The fisheries restoration and habitat improvement activities will not diminish the character for which the area was designated (2006 Forest Plan, P. 101).

4. Inventoried roadless areas or potential wilderness areas. The project area is not within an inventoried roadless area (see project file for Recreation Planner's project review, April 24, 2007).
5. Existing and candidate research natural areas. The project area is not within any research natural area (see project file for Recreation Planner's project review, April 24, 2007).
6. American Indians and Alaska Native religious or cultural sites. See item number 7 below.
7. Archeological sites, or historic properties or areas. No significant impacts to American Indian or Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas are expected to result from this project (see project file for Archeologist's review, June 1, 2007).

#### **IV. PUBLIC INVOLVEMENT**

This project has been listed in the GMNF Schedule of Proposed Actions (SOPA) beginning in the first quarter of 2008 (October - December 2007 publication), and will remain in the SOPA until the project is authorized. Scoping of this project began on May 23, 2008.

Details of the proposal were sent to adjacent landowners, the town of Leicester, VT, the town of Goshen, VT, Addison County Regional Planning Commission, Moosalamoo Association, Trout Unlimited, US Army Corps of Engineers, VT Agency of Natural Resources and Central Vermont Public Service.

One issue was identified during public scoping. There was a concern that LWD in Dutton Brook could be transported by high flows and create maintenance concerns at the Sucker Brook Diversion Dam owned and operated by Central Vermont Public Service (CVPS). To address the issue a Forest Service Fisheries Biologist visited the site with CVPS staff (hydrologist and the diversion dam manager). After reviewing the impact of the 2008 flood on previous years LWD and the proposed project, CVPS staff agreed that if additional LWD was anchored in place and monitored, the project would have minor impact on the operation and maintenance of their facility.

This project was also internally scoped with Forest Service staff during Small Projects Day on April 24 and October 23, 2007. No internal issues were identified that have not already been addressed through required mitigation measures.

#### **V. 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.

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.

Forest Plan Consistency (National Forest Management Act) – The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans, and that all site-specific project activities be consistent with direction in the plans. The GMNF Land and Resource Management Plan (Forest Plan) was completed and approved in 2006 as required by NFMA. The Forest Plan provides direction for all management activities on the GMNF.

The Dutton Brook LWD Restoration project implements the Forest Plan. The project area is within the Moosalamoo Recreation and Education Management Area (MA 8.9). As required by NFMA Section 1604(i), I find this project to be consistent with the Forest Plan including goals, objectives, desired future conditions, and Forest-wide and MA Standards and Guidelines.

Endangered Species Act - The Endangered Species Act requires that federal activities do 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 report of the listed and proposed, threatened, or endangered species that may be present in the project area was reviewed. See Section III, Item B.1 of this document.

Clean Water Act – The intent of the Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through Forest Plan Standards and Guidelines, specific project design criteria, and mitigation measures to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - Executive Order 11990 directs the agency to avoid to the extent possible the adverse impacts associated with the destruction or modification of wetlands, and to avoid support of new construction in wetlands wherever there is a practical alternative. See Section III, Item B2 of this document.

Floodplains (Executive Order 11988) - Executive Order 11988 directs the agency to avoid to the extent possible the adverse impacts associated with the occupancy and modification of floodplains, and to avoid support of floodplain development wherever there is a practical alternative. See Section III, Item B2 of this document.

Native American Graves Protection and Repatriation Act - 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. See Section III, Item B.6 of this document.

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. It also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. See Section III, Item B.7 of this document.

Archaeological Resources Protection Act - The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. See Section III, Item B.7 of this document.

Federal Noxious Weed Act of 1974; and Executive Order 11312 (Non-native Invasive Species) - The Federal Noxious Weed Act requires cooperation with State, local, and other federal agencies in the management and control of non-native invasive species (NNIS); and Executive Order (EO)11312 requires all pertinent federal agencies (subject to budgetary appropriations) to prevent the introduction of NNIS. This project decision meets the intent of this law and EO by incorporating all pertinent Forest Plan Standards and Guidelines to ensure the management and control of NNIS.

Environmental Justice (Executive Order 12898)

This Executive Order (EO) requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this EO. Internal scoping did not identify any adversely impacted local minority or low-income population. This decision is not expected to adversely impact minority or low-income populations.

## **VI. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is not subject to an administrative review or appeal pursuant to 36 CFR 215 and the Earth Island Institute v. Ruthenbeck Ruling of October 19, 2005.

## **VII. IMPLEMENTATION DATE**

This decision may be implemented immediately.

## **VIII. CONTACT PERSON**

For additional information concerning this decision, contact Dan McKinley at the Green Mountain National Forest, Rochester Ranger Station, 99 Ranger Road, Rochester, VT 05767 (phone: 802-767-4261, ext 516), by e-mail at [dmckinley@fs.fed.us](mailto:dmckinley@fs.fed.us), or by FAX (802-767-4777). Detailed records of the environmental analysis (Project File) documenting this decision are available for public review by contacting Dan McKinley during normal business hours (M-F, 8:00 am - 4:30 pm).

## **IX. SIGNATURE AND DATE**

/Gregory D. Smith/

Date: 31 March 2009

**Gregory D. Smith**

District Ranger, Rochester and Middlebury Ranger Districts  
Responsible Official

## APPENDIX A – Mitigation Measures

All pertinent Forest-wide, and Management Area 8.9 Standards and Guidelines will be adhered to during project implementation. The following additional mitigation measures will also be adhered to during project implementation:

1. Wildlife:
  - To insure that no potential roosting trees for the Eastern small-footed bat will be removed, no hollow trees, snags, or large trees with exfoliating bark will be cut.
  - In order to protect potential West Virginia White butterfly habitat, patches of its host plant, toothwort, that are located along the banks of Dutton Brook, will be avoided. No mechanical equipment will be operated in these patches.
2. Plants/NNIS:
  - Due to the presence of wild chervil in the project area, the plants should be pulled and disposed of prior to them going to seed in late June.
3. Soil and Water:
  - Machine access should be restricted to dry soil conditions and stream crossings minimized to diminish steam and bank damage.
4. Private Infrastructure:
  - Monitor LWD jams from previous year's projects for signs of increase size, ponding, ice jamming or rapid breakup that would be of concern to the hydro facility.
  - Monitor LWD anchoring effectiveness.