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New England Wilderness Act Road Restoration Project – Non-motorized/mechanized Removal of Culverts

Decision Memo

**USDA Forest Service, Eastern Region
Green Mountain National Forest
Rochester Ranger District
Towns of Hancock & Rochester
Windsor County, Vermont**

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NEWA Road Restoration – Non-motorized/mechanized Removal of Culverts Project

USDA Forest Service, Eastern Region, Green Mountain National Forest
Rochester Ranger District
Windsor County, Vermont

I. SUMMARY

As Forest Supervisor for the Green Mountain National Forest (GMNF), I am authorizing the removal of road culverts on Forest Roads 39B, 39C and 61A located within the Breadloaf and Joseph Battell Wilderness Areas by non-motorized/mechanized methods. The project is located on National Forest System land in the Towns of Hancock & Rochester, Windsor County, VT on the Rochester Ranger District of the GMNF (see attached map).

II. DECISION TO BE IMPLEMENTED

A. Background and Project Area

The New England Wilderness Act (NEWA) was signed into law in December 2006 and designated approximately 42,000 acres of additional wilderness on the GMNF. Within those 42,000 acres there are sixteen road segments for an approximate total of 11 miles being considered for removal of non-conforming structures, primarily culverts. The existing roads within the newly created wilderness areas have been closed to public motorized use since the passage of the NEWA. This decision will include only those culverts (non-conforming structures) within Wilderness that can be removed by non-motorized/mechanized methods.

B. Purpose and Need

Wilderness areas are places where, by law, natural forest processes dominate and motorized uses are limited. The 1964 Wilderness Act (PL 88-577) specifically states:

“Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the areas for the purpose of the Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.”

The 2006 GMNF Land and Resource Management Plan (Forest Plan), Wilderness Management Area states:

“Roads shall be prohibited unless required by law to provide access to private land or easements.”

“Decommissioned roads shall be restored to landscape level or converted to trails.”

“Historically significant roads may be closed, rather than decommissioned, as determined through the State Historic Preservation Office. Actions for closing roads shall follow Forest Service transportation policy.”

The purpose of this project is to address non-conforming infrastructure, specifically roads, which are not consistent with the 1964 Wilderness Act or 2006 Forest Plan. The need to complete this project is to restore long-term natural processes that reduce erosion and sedimentation by removing and stabilizing road features such as culverts and ditches. Completing this project will improve natural conditions for fisheries and invertebrate habitat by restoring long-term natural surface water flows that affect streams, wetlands and riparian areas.

C. Alternative Actions Considered but Dismissed

A 'no action' alternative was considered when developing this proposed action. It was dismissed because there are long-term risks to natural processes if culverts are not removed from old roads located in wilderness. The long-term risks are associated with watershed health and natural processes that can be adversely impacted from erosion and sedimentation of road material into water bodies as a result of improperly functioning (or plugged) culverts.

These culverts were also considered to be removed by motorized equipment and mechanized transport. This alternative was dismissed because it was determined that the minimum tool required to remove these culverts were hand crews and draft animals (Forest Service Minimum Requirements Decision Guide, 2008). All culverts in the proposed action are less than 30-inches below the road surface and do not involve perennial streams.

D. Description of Decision

My decision is to remove non-conforming structures (road culverts) in newly created Wilderness on Forest Roads 39B, 39C and 61A in the Towns of Hancock and Rochester (see attached map). These culverts will be removed with a variety of non-motorized/mechanized methods to include hand crews and draft animals. Unearthing of culverts will occur between June 1 and October 15 for a period of approximately five years. Removal of culverts by draft animals will occur anytime during the year.

This decision includes implementation of mitigation measures identified in Appendix A of this Decision Memo.

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 file 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 categories of exclusion found at 36 CFR 220.6(d)(4) "Repair and maintenance of roads, trails and landline boundaries" and 36 CFR 220.6(e)(7): "Modification

or maintenance of stream or lake aquatic habitat improvemet 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 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 –

It was determined that this decision will have ‘no effect’ on listed species or their critical habitats. 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 (Biological Evaluation by Forest Wildlife Biologist, documented (8/22/08); Biological Evaluation by the Forest Botanist, documented, (8/18/08)).

2. Floodplains, Wetlands, or Municipal Watersheds –

The project is not located in or near floodplains, wetlands, or municipal watersheds. This has been validated by map and site-review. No significant impacts to floodplains, wetlands or municipal watersheds are expected to result from this project (communication with Forest Hydrologist (7/31/08)).

3. Congressionally Designated Areas –

Wilderness:

This decision includes activity within the Joseph Battell and Breadloaf Wilderness Areas (Forest Plan, p. 49). The portion of the decision within the Wilderness includes 0.75 miles of old roads where culverts will be removed. These activities will be conducted without the use of mechanical transport or motorized equipment within the Wilderness. Completing this project will benefit long-term natural ecological processes associated with watershed health. Similar past projects in this area such as routine trail maintenance and construction activities were determined to have no significant Wilderness-related impacts (i.e., impacts to wilderness characteristics or values). This decision will not result in significant Wilderness-related impacts (communication with Forest Recreation Planner (7/22/08)).

Wilderness Study Areas:

There are no congressionally designated Wilderness Study Areas in the decision area. This decision will not affect Wilderness Study Areas (communication with Forest Recreation Planner (7/22/08)).

National Recreation Areas:

The Green Mountain National Forest contains two National Recreation Areas: the *Moosalamoo National Recreation Area* and the *Robert T. Stafford White Rocks National Recreation Area*. The project is not located in or near these areas. This has been validated by map and site-review. This decision will not affect the National Recreation Areas (communication with Forest Recreation Planner (7/22/08)).

Wild and Scenic Rivers:

Although the GMNF does not contain any Congressionally designated Wild and Scenic Rivers, there are many river segments that are eligible to be further considered for addition to the National Wild and Scenic River System. These river segments and their associated corridors are within the Eligible Wild, Scenic, and Recreational Rivers Management Area (MA 9.4). The project is not located in or near these eligible river segments. This has been validated by map and site-review. This decision will not affect the outstandingly remarkable values identified for any eligible Wild, Scenic, and Recreational Rivers (communication with Forest Recreation Planner (7/22/08)).

4. Inventoried Roadless Areas –

There are no inventoried roadless areas (Roadless Area Conservation Rule or 2006 Inventoried Roadless Areas) in the decision area. This decision will not affect inventoried roadless areas (communication with Forest Planner (7/22/08)).

5. Existing and Candidate Research Natural Areas –

There are no Research Natural Areas in the decision area. The closest Research Natural Area, the Cape Research Natural Area, is 3.5 miles southwest of the project. The Mount Horrid Candidate Research Natural Area is 1.5 miles west of the project. This decision, with impacts limited to the immediate area of activity, will not affect Research Natural Areas (communication with Forest Ecologist (7/28/08)).

6. American Indian and Alaska Native Religious or Cultural Sites and 7. Archaeological Sites, or Historic Properties or Areas –

No tribal concerns were identified for this project. In addition, a 'no properties affected' determination was made for properties within the project area (concurrence from Forest Archaeologist 7/16/2008).

The Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes on 7/16/2008.

8. Other Resources –

In addition to resource conditions that could lead to extraordinary circumstances, I also have considered the direct, indirect, and cumulative effects to other resources such as soil/water, fisheries, visuals, recreation, and non-native invasive species. The project will not result in significant impacts to these resources, particularly because all applicable Forest Plan Standards and Guidelines will be implemented (personal communication with interdisciplinary team, 7/16/2008).

IV. PUBLIC INVOLVEMENT

This project was listed in the *Green Mountain National Forest Schedule of Proposed Actions* (SOPA) beginning 1/1/2008, and will remain in the SOPA until the project is authorized for implementation.

Public involvement included an initial scoping letter proposing the removal of all culverts within the newly created Wilderness areas Forest wide using a variety of mechanized and non-mechanized methods. The proposal also included the possibility of providing safe parking at intersections with open roads, restoring roads to landscape level, and converting the roads to non-motorized trails. This letter was sent out to 51 individuals, organizations and agencies on February 29, 2008.

- The following State and local governments were included in the initial scoping letter for their input: United States Congress (VT delegation), State of Vermont, Vermont State Representatives, Town of Granville, Town of Hancock, Town of Rochester, Town of Woodford, Town of Ripton, Town of Warren.
- The following agencies have were included in the initial scoping letter for their input: Vermont Agency of Forests, Parks and Recreation, Vermont Department of Fish and Wildlife, Vermont Department of Environmental Conservation.
- The following potentially interested groups were included in the initial scoping letter for their input: Center for Biological Diversity, The Wilderness Society, Conservation Law Foundation, Green Mountain Club, Vermont Natural Resources Council, Vermont Traditions Coalition, Vermont Association of Snow Travelers, Catamount Trail Association, Addison County Regional Planning Commission, Bennington County Regional Planning Commission, Central Vermont Regional Planning Commission.

Two public field trips associated with all proposed activities from the February scoping letter were offered on June 24 and 25, 2008. Several personal phone calls and email correspondence between interested individuals were also conducted. As a result of this public involvement effort, a total of ten comment responses were received from individuals related to this proposal. Comments from agencies and organizations included the Vermont Traditions Coalition and the Town of Woodford.

In general, the comments received were focused on the effects of the proposed action on soil erosion and effects to aquatic habitat as well as the use of motorized equipment in wilderness. The comments relating to using non-motorized/mechanized methods of removing culverts focused on the safety of crews doing the work. The minimal level of concern specific to the non-motorized/mechanized culvert removal portion of the proposal,

and the limited context and intensity of potential resource effects associated with this type of activity has resulted in the Non-motorized/mechanized Removal of Culverts Project. The issues associated with public comments during scoping were taken into consideration when determining which culverts would be removed by non-motorized/mechanized methods in this decision.

Issues associated with comments specific to the removal of culverts have been summarized and tracked in a separate document in the project planning record. These issues were considered when finalizing the activities included in this decision and when determining the scope and intensity of their environmental effects.

This project was also internally scoped with Forest Service staff through a formal interdisciplinary team. No internal issues were identified that can't be addressed through project design criteria.

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 NEWA Road Restoration – Non-motorized removal of Culverts Project implements the Forest Plan. 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 Management Area Standards and Guidelines.

This decision is consistent with Wilderness Management Area direction found in the 2006 Forest Plan. Specifically it addresses the restoration of roads to achieve long-term natural processes. The decision also addresses many Forest-wide Standards and Guidelines, and goals for long-term watershed health and improving aquatic habitat.

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 B1 of this document.

Sensitive Species (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. Potential effects of this decision on Regional Forester Sensitive Species (RFSS) have been analyzed and documented. The

documentation concludes that the proposed activities associated with this decision do not represent a threat to RFSS species and would have "No Impact" on any of the RFSS or their preferred habitats (concurrence from Forest Wildlife Biologist and Botanist, 7/22/08, 7/18/08). See Section III, Item B1 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.

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 B7 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 B7 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 B6 of this document.

Wild and Scenic Rivers Act - See Section III, Item B3 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); Executive Order (EO) 11312 requires all pertinent federal agencies (subject to budgetary appropriations) to prevent the introduction of NNIS. This project's 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 order requires consideration of

Appendix A: Design Criteria

- Careful attention shall be given to allow the culvert to function properly while excavation activities are occurring. Do not deposit excavated material in the ditch, intake and outlet of the culvert.
- Excavated material shall be placed downslope from the culvert being removed and not in the ditch line.
- Drain-dips shall be formed from area of excavated culvert to channel water off of road and ditch.
- Drain dips walls shall be at a 1:3 slope on the up and down-hill sides to reduce erosion and undercutting by water.
- Drain dip walls shall be matted with weed free mulch and seeded with native plants to promote regeneration and to reduce erosion.
- Sections of road greater than 10% grade with heavily disturbed soils from skidding culverts out of the Wilderness with draft animals shall be mulched (weed free) and seeded (with native plants) to reduce soil erosion.
- Drain dip intakes shall be armored with rock to reduce erosion and potential failure of the drain dip.
- Drain dip outlets shall be free of excavated material.
- Survey each road for NNIS prior to project implementation; if NNIS are found that could be spread during implementation, develop a plan for removing them (or making them less likely to spread) prior to the start of the project (e.g., hand-pull, dig, cut mow, remove fruits/seeds – method to be based on species found).
- If draft animals are used to remove culverts, clean their hooves prior to entry into the project area, and remove their manure from the project area.
- Monitor the site post-project implementation, and develop a plan for controlling any NNIS present.

