

**-Decision Memo-**  
**Skeeter Park / Worthen Bayou Wetland Habitat Improvement**

T9S R3W sec 17, 19, 20, & 29

**Categorical Exclusion**

USDA Forest Service  
Mississippi Bluffs Ranger District, Shawnee National Forest  
Jackson County, Illinois

**Proposed Action**

The Shawnee National Forest proposes to establish a series of shallow-water impoundments in a tract of bottomland hardwoods in the Big Muddy River Bottoms. The project is located in the Big Muddy River bottoms along Worthen Bayou approximately seven miles southwest of Murphysboro in Jackson County, Illinois. It is within the Mississippi Bluffs Ranger District of the Shawnee National Forest.

The project includes construction of 2 small earthen levees and water control structures in 2 existing drainage ditches to restore a more natural hydrologic condition on approximately 30 acres of bottomland forest. The construction of these shallow-water impoundments will require the use of earth moving equipment to create small burms to impound water in natural drainages, and installation of culverts and water control structures. Soil stabilization will also be a priority where there are currently, significant amounts of erosion at the main drainage outlets.

In order to adhere to the Forest-wide Standards and Guidelines, the following resource-protection measures would be incorporated in the project:

- Mitigation to protect Indiana bat habitat (roost trees)
- Soil stabilization and rehabilitation
- Protection of any sensitive plant species

Upon project completion, the following rehabilitation measures will be taken:

- Disturbed and bare areas will be seeded and mulched

**Decision**

It is my decision to implement this action as proposed. The current decision falls within the following categorical exclusions: FSH 1909.15 Chapter 31.2 (6) Timber Stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction.

**Public Involvement**

Public participation was integrated into the development phase of the Skeeter Park/Worthen Bayou Wetland Habitat Improvement Project. Scoping is required for proposed actions, including categorical exclusions (FSH 1909.15, 30.3(3)). A scoping notice was published in *The Shawnee Quarterly* on October 12, 2007. A comment period was provided October 12, 2007–March, 2009. No comments were received.

**Design Criteria or Mitigation**

The environmental effects of this project have been analyzed and documented in the case file. Based on field work and the best available science, the resource protection measures listed above have been developed to reduce and avoid environmental effects and are a summary of the measures included in the operating plan for the Skeeter Park/Worthen Bayou Wetland Habitat Improvement Project (Case File).

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

### **National Forest Management Act**

It is my finding that the action of this decision complies with the requirements of the National Forest Management Act of 1976 and the 2006 Forest Plan. I have reviewed the 2006 Forest Plan and determined that this decision is consistent with the Forest Plan's goals and objectives. The action in this project complies fully with the 2006 Forest Plan management direction for management prescriptions MO and CR and the Forest-wide standards and guidelines.

### **National Environmental Policy Act**

The Council on Environmental Quality NEPA regulations at 40 CFR 1507.3 provide that agencies may adopt categories of actions that typically do not have a significant effect on the human environment and, therefore, do not require preparation of an environmental assessment or an environmental impact statement. A categorical exclusion is not an exemption from NEPA, but rather a method of complying with NEPA that promotes efficiency in the review process by reducing excessive paperwork for those categories of actions that, based upon extensive practice and experience, have been determined not to have (individually or cumulatively) significant environmental effects. The current permit decision falls within the following categories (FSH 1909.15):

*Chapter 31.2 (6) Timber Stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction.*

In order for the use of the categorical exclusion to be appropriate, the analysis needs to examine the potential for a cause-and-effect relationship between the proposed action and resource conditions to ensure that the action does not result in extraordinary circumstances (FSH 1909.15 chapter 30.3). Potential extraordinary circumstances were considered for significant effect by resource specialists in the following seven resource condition areas:

1. ***Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Regional Forester sensitive species.***

Site-specific analysis supported by field review and monitoring has determined that this project is not likely to affect threatened or endangered species, designated critical habitat, species proposed for federal listing or proposed critical habitat, or Regional Forester sensitive species. These findings are documented in the Wildlife Resources working papers that include the biological evaluations for the proposed project (Case File).

2. ***Floodplains, wetlands, or municipal watersheds.***

Site-specific analysis supported by field review and monitoring has determined that this project is not likely to adversely affect floodplains, wetlands or municipal watersheds. These findings are documented in the Soil and Water Resource working papers for the proposed project (Case File).

3. ***Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.***

This project will not affect any of these areas.

**4. *Inventoried roadless areas.***

There are no inventoried roadless areas affected by this decision.

**5. *Research natural areas.***

There are no Research Natural Areas affected by this decision.

**6. *American Indian and Alaska Native religious or cultural sites.***

There are no American Indian or Alaska Native religious or cultural sites affected by this decision. This action does not alter the protection afforded these areas in the Forest Plan. These findings are documented in the Heritage Resources working paper (Case File).

**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. 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 in 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 cover 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. A cultural resource survey has been completed for this project. These findings are documented in the Heritage Resources working paper (Case File).

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 significant individual or cumulative effects on the quality of the human environment. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views and the acknowledgment of incomplete or unavailable information, scientific uncertainty and risk. My conclusion is based on information presented in this document and the entirety of the record.

**Administrative Appeal**

This decision is not subject to an administrative review or appeal pursuant to 36 CFR 215, as modified by court order in *Earth Island v. Ruthenbeck*.

**IMPLEMENTATION DATE**

This decision may be implemented immediately.

**Case File and Contact Person**

Records of the case file are available for public review at the Mississippi Bluffs Ranger Station. Further information about this decision can be obtained from Dan L. Lentz, District Ranger, Mississippi Bluffs Ranger District during normal office hours (weekdays 8:00 a.m. to 4:30 p.m.) at the Mississippi Bluffs Ranger Station (521 N. Main St., Jonesboro, IL 62952; Phone: 618-833-8576; Fax: 618-833-8576).

Additional information about this decision can be found on the internet at:

<http://www.fs.fed.us/r9/forests/shawnee/projects/projects/>

4/13/2009  
Date: \_\_\_\_\_

*/s/ Dan L. Lentz* \_\_\_\_\_  
Dan L. Lentz  
District Ranger  
Mississippi Bluffs Ranger District  
Shawnee National Forest