

## DECISION MEMO

### **Newaygo County Sports Park Connector Trail to the North Country National Scenic Hiking Trail Project USDA – Forest Service, Eastern Region, Huron-Manistee National Forests Baldwin/White Cloud Ranger District Newaygo County, Michigan**

#### **I. DECISION**

##### **A. Description of Decision**

My decision is to implement the following project on National Forest lands on the Baldwin/White Cloud Ranger District of the Huron-Manistee National Forests: (see attached maps):

Newaygo County Sports Park Connector Trail to the North Country National Scenic Hiking Trail (NCNST): Located in section 38, T13N R12W, Everett Township, Newaygo County, Michigan. The proposed route will utilize National Forest land. The following project is included:

- New trail would be constructed through National Forest land for .24 miles. Forest Service standards for non-motorized trails would be adhered to when constructing new trail.

##### **B. Purpose of Decision**

The proposed connector trail would allow hikers to utilize the Newaygo County Sports Park and Visitor Center from the trail, as well as allowing visitors to the Sports Park the opportunity to access the NCNST. The new trail spur would increase user safety, provide a more aesthetic and visually appealing hiking experience, and better protect natural resources, while enhancing some of the values associated with the North Country National Scenic Hiking Trail.

The proposal is consistent with the approved Forests' Land and Resource Management Plan, Management Area (MA) 4.4 direction, and standards and guidelines.

#### **II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in significant individual or cumulative environmental effect.

## **A. Category of Exclusion**

This project is within category 31.2(1) that includes "Construction and reconstruction of trails."

## **B. Relationship to Extraordinary Circumstances**

**Steep Slopes or Highly Erosive Soils** - Rolling to flat, the terrain is conducive to the activities included in the decision. The proposed project is partially located along an old, grown-over existing trail tread. The new trail will be designed and constructed in locations that minimize erosion. This is supported by topographical map review and field visits. The project will be designed so it will have no significant soil-related impacts. All construction would be done in accordance with Forest Service standards for non-motorized trails, the National Park Service Handbook for Trail Design, Construction, and Maintenance, and the North Country Trail Association's Trail Building and Maintenance Manual.

**Threatened and Endangered Species or Their Critical Habitat** – 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

A review of the District's ETS database and the Michigan Natural Features Inventory occurrence records was completed. The effected areas have been surveyed for threatened, endangered and sensitive species. The biological evaluation for this project concluded that there were no federally listed or proposed threatened or endangered species currently in the effected areas, and there would be "no effect" on listed species or their critical habitats. The District Biologist and Botanist have prepared a BE as a part of this project determination.

### **Floodplains, Wetlands or Municipal Watersheds –**

Floodplains – Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any one year".

The National Forest System land is not located in or near floodplains. This has been validated by map and site-review. (U.S. Fish and Wildlife Service, 200605, NWIDBA.CONUS\_wet\_poly: Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31., U.S. Fish and Wildlife Service, Branch of Habitat Assessment, Washington, D.C.).

Wetlands – Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as,

“...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.”

The project area is not located in a wetland area. The National Forest System land, which will be used by the permittee, does not contain any wetlands. This has been validated by map and site-review. (U.S. Fish and Wildlife Service, 200605, NWIDBA.CONUS\_wet\_poly: Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31., U.S. Fish and Wildlife Service, Branch of Habitat Assessment, Washington, D.C.).

Only hand tools will be used in the construction of the pathway. No trail will be constructed in or near wet areas. No construction will occur which may impact wetland resources. All required surveys and permits have been completed and/or acquired. A determination that the project will not affect these resources has been made by the Wildlife Biologist, Archeologist and Botanist.

Municipal Watersheds – Municipal watersheds are designated by Congress and managed under multiple use prescriptions in forest plans. There are no municipal watersheds within the Forest boundary.

#### **Congressionally Designated Area –**

Wilderness – The National Forest System land is not in or near Wilderness. The only Wilderness Area within the Huron-Manistee National Forests is Nordhouse Dunes and it is located greater than 50 miles from the project. This decision does not affect Wilderness.

Wilderness Study Areas – There are no Wilderness Study Areas on the Forests, therefore, this decision will not affect Wilderness Study Areas.

National Recreation Areas – There are no National Recreation Areas on the Forests, therefore, this decision will not affect National Recreation Areas.

Inventoried Roadless Areas – The National Forest System land is not in or near the “Bear Swamp” Roadless Area. This decision will not affect inventoried roadless areas.

Research Natural Areas – There are no Research Natural Areas (RNA) in the decision area. The closest RNA, Newaygo Prairies, is 50 miles from the project. This decision will not affect RNA's.

Native American Religious or Cultural Site, Archeological 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 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. This decision complies with the cited Acts. Surveys were conducted in July 2008 by the District Archeologist for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A 'no properties affected' determination was made.

Additionally, 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. The intent of this consultation has been to remain informed about Tribal concerns. No tribal concerns were identified for this project.

If any unknown cultural resources are discovered during project implementation, then the project work must stop and a professional Cultural Resource Specialist must be contacted. Project work will not be allowed to resume until the cultural resources are documented and the site is reserved from any potential impacts.

No other extraordinary circumstances related to this project were identified.

### **III. PUBLIC INVOLVEMENT**

Scoping on the proposal was conducted internally and externally. It included 85 letters mailed to individuals and posting an advertisement in the Lake County Star. Notification of the proposed action was also posted on the Forest's website "Schedule of Proposed Actions". Three comments were received. Two were in support of the project proposal, and one was outside the scope of the project proposal. The scoping contacts and responses to comments are listed in the Project File.

### **IV. 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 laws below:

Environmental Justice (EO12898) – This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This

decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in the decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

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.

Organic Administration Act of June 4, 1897 – This Act authorizes the Secretary of Agriculture to issue rules and regulations for the occupancy and use of the National Forests. This is the basic authority for authorizing use of National Forest System lands for other than rights-of-way. This decision is consistent with this Act.

## **V. ADMINISTRATIVE REVIEW AND APPEAL**

This Decision Memo is not subject to the appeal procedures for National Forest System projects and activities pursuant to 36 CFR 215.12(f), Decisions and Action's Not Subject to Appeal.

## **VI. IMPLEMENTATION DATE**

This decision may be implemented immediately.

## **VII. CONTACT PERSON**

Further information about this decision can be obtained from Kathy Bietau at the Baldwin District Office, Baldwin, Michigan; Telephone (231)745-4631; TTY/TDD: (231)745-8297; FAX: (231)745-2345; email: kbietau at fs.fed.us.

## **VII. SIGNATURE AND DATE**

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U. S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15, sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. In addition, I have concluded there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

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.

My conclusions are based on information presented in this document and the entirety of the Project Record.

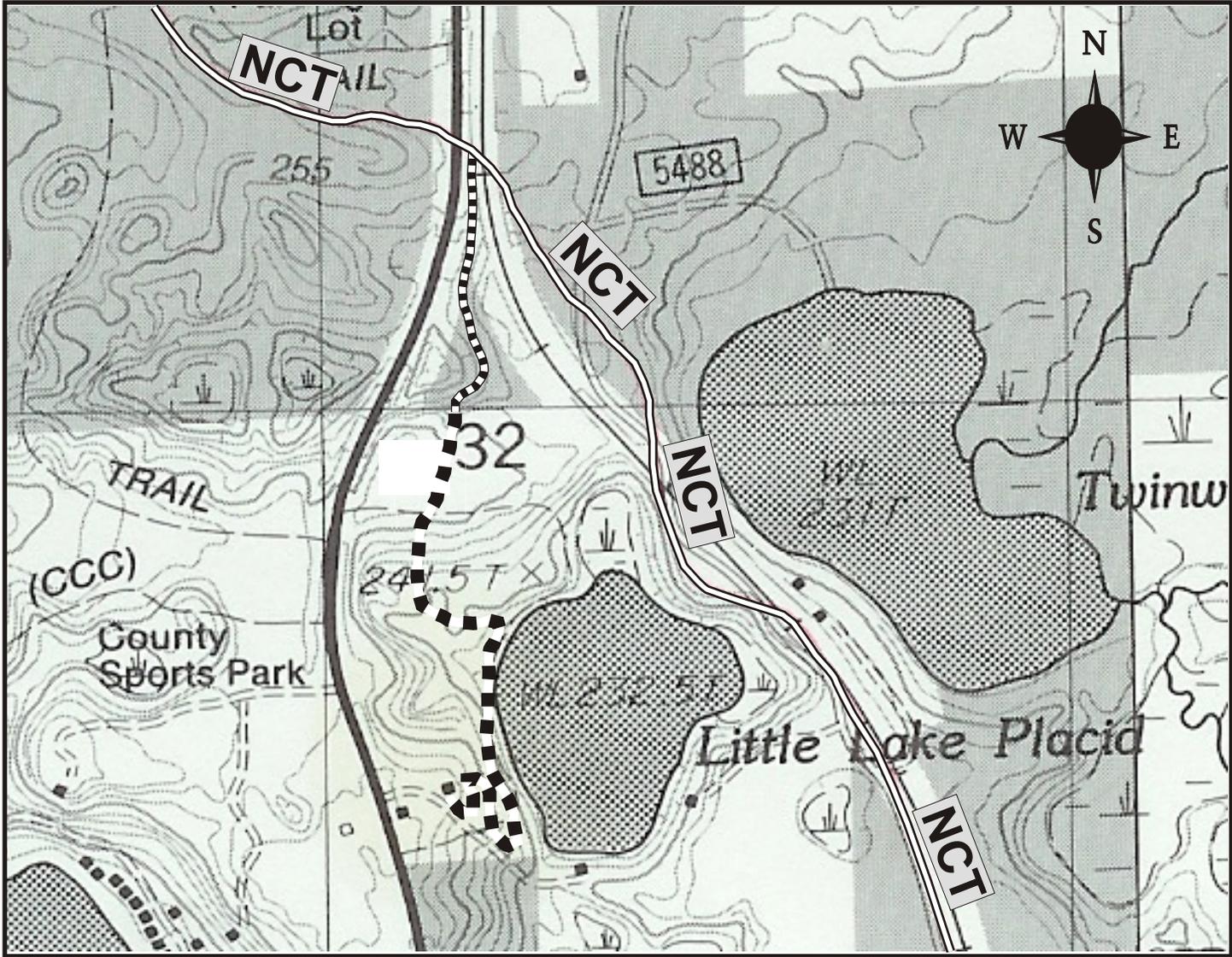
  
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**LESLIE E. RUSSELL, District Ranger**

Dated: 9-12-08

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**Newaygo County Sports Park Spur Trail to the  
North Country National Scenic Hiking Trail (NCT)  
White Cloud Ranger District  
Everett Township T13N R12W Section 32  
Newaygo County, Michigan.**



**Map Scale**



- Proposed Connector Trail to Newaygo County Sports Park Trail**
- Existing North Country Trail**
- Newaygo County Sports Park Trail**
- National Forest Land**
- Private Land**