



United States  
Department of  
Agriculture  
Forest Service  
Region 9  
Mark Twain National Forest



***Decision Notice  
and  
Finding of No Significant Impact  
for the  
Northeast Lake Project (#29409)***

**Poplar Bluff Ranger District  
Wayne County, Missouri**

**March 6, 2013**

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## INTRODUCTION

The Forest Service's proposed Northeast Lake Project seeks to move the forest toward historic landscape patterns and amounts of disturbed forest and meet purposes and needs for the management of vegetation, wildlife, and transportation systems. The project is needed to address oak decline, forest health, and move the project area toward compliance with the Mark Twain National Forest 2005 Land and Resource Management Plan (2005 Forest Plan).

Vegetation management methods such as timber harvest would be used to mimic historic *natural* disturbance regimes. Small stands of trees (15 acres or less in size) would be harvested to create new early seral forest (up to 10 years in age). Vegetative treatments would provide habitat diversity for wildlife and move the landscape toward the appropriate historical natural community type(s).

The project would conduct maintenance and reconstruction on many small wildlife ponds in the project area to improve pond and dam integrity to provide water sources for wildlife. Many ponds would also be treated for watershed to remove invasive vegetation and make pond surfaces available as water sources for wildlife species such as bats.

The Northeast Lake Project would conduct maintenance and or reconstruction on designated National Forest System roads to provide access for Forest Service administrative use and public use. Temporary roads would be created for forest management purposes to implement the Northeast Lake Project, and once project activities are complete the temporary road would be closed and decommissioned. Illegal user-created roads, trails, and or abandoned travel ways would be closed and decommissioned to reduce resource damage, erosion, illegal behavior, and negative impacts to wildlife, public safety, and the recreation experience of other visitors. The project would also remove and clean-up illegal trash dumps along roads.

The Northeast Lake Project area is designated within Management Prescription 6.2 by the Mark Twain National Forest 2005 Land and Resource Management Plan (2005 Forest Plan). Management Prescription goals include managing for natural vegetative communities, providing wildlife habitat diversity and dispersed recreation emphasizing semi-primitive recreation, and low to moderate production of resources (Adapted from 2005 Forest Plan, p. 3-37). The Purpose and Need for this project is to move existing conditions in the project area toward compliance with the 2005 Forest Plan.

The Forest Service analyzed the effects of the proposed Northeast Lake Project in the *Environmental Assessment for the Northeast Lake Project (#29409)* in compliance with the National Environmental Policy Act and other relevant federal and state and laws and regulations. The *Environmental Assessment*, prepared by an Interdisciplinary Team (IDT) of resource specialists, discusses reasons for the taking the proposed actions. The *Environmental Assessment* also discusses the environmental effects of the Proposed Action and No Action alternatives considered. The *Environmental Assessment* is available for review on request.

The Northeast Lake Project area is located on the Poplar Bluff Ranger District of the Mark Twain National Forest. The general project area is located east of U.S. Highway 67, and east of the St. Francis River and Lake Wappapello. The nearest rural community is Greenville, Missouri, approximately two miles east of the project area. Project activities would occur in Wayne County, Missouri. Project locations include: Township 28 North, Range 6 East, sections 1-6, 8-12, 14-17, 20-28, and 33-36; and Township 27 North, Range 6 East, sections 1-3, and 11-13.

## DECISION

The purpose of a Decision Notice in the National Environmental Policy Act process is to identify a selected alternative and provide reasons why a particular alternative was selected over others considered in the *Environmental Assessment*. The Northeast Lake Project *Environmental Assessment* analyzed two alternatives (the Proposed Action and No Action alternative). In my opinion, the

*Environmental Assessment* for the Northeast Lake Project provides the science-based information that I need to make a reasoned and informed decision about management of this National Forest System area for generally the next fifteen years in a way that complies with the intent of the 2005 Forest Plan.

Based on the needs identified in the project proposal, comments received as a result of scoping and public involvement, review by the U.S. Fish & Wildlife Service and Missouri State Historic Preservation Office (SHPO), and interdisciplinary analyses documented in the *Environmental Assessment for the Northeast Lake Project*, I have decided to implement the resource management activities described in **Alternative 2 (Proposed Action)**. I base this decision on my careful review of the project record in its entirety.

My decision will serve to address MP 6.2 resource management goals and objectives as specified in the 2005 Forest Plan for the Northeast Lake Project area, generally for the next fifteen years. This decision best meets the purpose and need for the project as described in Chapter 1 of the *Environmental Assessment*. The maps included in Appendix A of the *Environmental Assessment* and separate project maps provide the general location of the project and project maps for the proposed activities and are made a part of this decision document by reference.

### **Vegetation and Wildlife Habitat Management**

Vegetation and wildlife management activities will include the following resource management actions and approximate acres and other actions: Old Growth designation - 1,512 acres; Salvage and Sanitation Harvest – 4,166 acres; Timber Stand Improvement – 873 acres; Commercial Thinning - 697 acres; Control of Understory Vegetation – 184 acres; Seedtree Harvest with Reserves - 555 acres; Clearcut Harvest with Reserves 488 acres; Shelterwood Establishment Harvest - 36 acres; Shelterwood Removal Harvest with Reserves – 13 acres; Group Selection Harvest – 94 acres; Site Preparation Treatments – 4,506 acres; Pond dam maintenance – 30 ponds; Treat Watershield on ponds – 15 ponds. Firewood Collection and Woody Biomass Collection may also be allowed based on demand.

These actions serve in meeting the purpose and need and are consistent with numerous goals within the 2005 Forest Plan as noted in the *Scoping Report, 30-Day Comment Report, and Environmental Assessment Appendix B*. Some examples of compatible 2005 Forest Plan goals for project activities include:

- Goal 1.1: Maintain, enhance, or restore site-appropriate natural communities, including the full range of vegetation composition and structural conditions (Adapted from 2005 Forest Plan, p. 1-2)
- Goal 1.3: Maintain healthy, sustainable, and diverse natural communities (Adapted from 2005 Forest Plan, p. 1-3).
- Goal 1.4: Provide the range of natural habitats necessary to support populations of existing native plant and animal species. Provide specialized habitat components . . . across the landscape in amounts and types commensurate with the natural communities in which they occur (Adapted from 2005 Forest Plan, pp. 1-3 through 1-4).
- Goal 2: . . . offer multiple benefits that contribute to the social and economic well-being of local and regional communities by providing a variety of uses, values, products, and services in a cost effective manner for present and future generations (Adapted from 2005 Forest Plan, p. 1-4).
- Goal 2.4: Use timber management, where appropriate, to restore or enhance degraded natural communities, sustain healthy and productive forests, and reduce hazardous fuels to reach the desired condition of the forest. Respond to disturbance events (storms, wildfires, disease, or insect attacks, etc.) in a timely manner. Salvage damaged forest resources when compatible

with management prescriptions. Provide timber and wood products to help support sustainable local industry and economic interests. (Adapted from 2005 Forest Plan, pp. 1-5 through 1-6)

## **Transportation System**

Approximately 6.6 of National Forest System Roads will be re-constructed. Approximately 8.0 miles of National Forest System Roads FS System Roads will receive maintenance work. Approximately 22.2 miles of temporary roads will be created for forest management purposes to implement the Northeast Lake Project. Once project activities are complete within an area, the respective temporary road(s) will be closed and decommissioned. An estimated 27.0 miles of illegal, unauthorized, user-created roads and trails, or abandoned travelways will be closed and decommissioned. Illegal trash dumps along System and Non-System roads and trails will be removed and cleaned-up as needed.

These actions serve in meeting the purpose and need and are consistent with numerous goals within the 2005 Forest Plan as noted in the *Scoping Report, 30-Day Comment Report, and Environmental Assessment Appendix B*. Some examples of compatible 2005 Forest Plan goals for project activities include:

- Goal 2.3: Develop and maintain a transportation system which provides the minimum permanent road access needed to meet resource management objectives. Provide temporary road access that complements the permanent road system for effective resource management. Decommission unneeded roads. (Adapted from 2005 Forest Plan, p. 1-5)

The *30-Day Comment Package and Report* provided specific details by compartment, stand, and acres associated with these activities, and specific details of road reconstruction, maintenance, relocation and decommissioning of roads by road number and mileage. Details of forest management activities considered in the *Environmental Assessment* and the *Decision* are shown in separate maps and tables. The various separate documents to which this *Decision* applies and which will be implemented during the Northeast Lake Project are detailed in the following paragraphs.

Vegetative treatments for specific compartments, stands and treatments considered in the *Environmental Assessment* and *Decision* are detailed in a separate file entitled "Forest MGT Treatment Table by Compartment and Stand." The associated project maps are contained within the following files: "Northeast Lake Project Vicinity Map," "Northeast Lake Project Area - Index Map for Maps 1-6," "Northeast Lake Project Area - Map 1 of 6," "Northeast Lake Project Area - Map 2 of 6," "Northeast Lake Project Area - Map 3 of 6," "Northeast Lake Project Area - Map 4 of 6," "Northeast Lake Project Area - Map 5 of 6," and "Northeast Lake Project Area - Map 6 of 6." Details on the locations of the ponds that will be maintained and or receive treatment for watershed are contained within a separate file entitled "Northeast Lake Pond Activities Map."

The locations of System and non-System roads considered in the *Environmental Assessment* and *Decision* identified for action are detailed in a file entitled "Northeast Lake Project Road Activities wo PII.xls." The specific roads are shown on the map entitled "Northeast Lake Project Road Activities Map."

## **REASONS FOR THE DECISION**

This project is planned under 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, acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

My decision is not one of land allocation. Also, the analysis that was conducted was not intended to look at every possible combination of activities. The scope of my decision was confined to a reasonable range of alternatives and activities that would meet the project's purpose and need and as driven by input during public involvement.

I have chosen **Alternative 2 (Proposed Action)** over **Alternative 1 (No Action)** due to its approach in addressing existing conditions within the project landscape as described in the *30-Day Comment Report* and *Environmental Assessment for the Northeast Lake Project*. I feel that Alternative 2, the Proposed Action, directly addresses the project's purpose and need to move the forest toward historic landscape patterns and amounts of disturbed forest. The proposed action will promote landscape and habitat diversity to promote ecosystem health and benefit wildlife. Actions such as the designation of old growth, maintenance of ponds, and treatment of watershed will enhance wildlife habitat and benefit a variety of species. Reconstructing and maintaining System roads will provide an appropriate transportation system for public use and Forest Service management purposes.

This project and final decision was developed using an issue-driven approach that starts by identifying ecosystem needs and developing proposals to meet those needs. It incorporates issues and concerns identified by the public and by agency personnel regarding the needs of the project area. In my judgment, Alternative 2, the Proposed Action, provides the best mix of activities to move the forest toward historic landscape patterns and amounts of disturbed forest and bring the project area into closer compliance with the 2005 Forest Plan. It will improve forest ecosystem health, provide a diversity of habitat, benefit wildlife, and provide a steady flow of amenities and products to meet human and social needs as analyzed and described in the *Environmental Assessment*.

In my judgment, Alternative 2 would improve forest health in the analysis area through prescriptive vegetative treatments. These treatments are site-specific applications to address existing stand conditions through prescriptions developed by a certified silviculturalist. The treatments provide for a variety of stand sizes, shapes, crown closures and age structures in patterns that will move toward the historic variation of natural communities in this management area.

This variety includes designating old growth, creating openings, addressing oak decline and mortality, reducing basal area, increasing vegetative and habitat diversity for vegetative and wildlife purposes as described in the *30-Day Comment Report*, and *Chapters 1 and 2* of the *Environmental Assessment*.

This decision includes additional actions for managing the transportation system and protecting soil and water resources. This decision provides for maintaining and improving designated System roads. This decision also involves closing and decommissioning non-System roads and trails to protect the soil and water resources. I recognize that some disagreement on road decommissioning of non-System roads may exist and was taken into consideration as part of the decision making process. In my judgment, this decision provides a safe and efficient transportation network while eliminating non-System roads that impact other resource values as addressed in *Chapter 3, Transportation Resources* section, of the *Environmental Assessment*.

Alternative 2 (Proposed Action) is the product of sound public involvement. I was satisfied with the range of alternatives developed by the interdisciplinary team. There was a good faith effort made to develop alternatives that were responsive to the issues and concerns identified during scoping and public involvement. In my opinion, Alternative 2 best reconciles public issues with management concerns of the Forest Service Interdisciplinary Team in addressing the needs of the Northeast Lake Project area. The *Public Involvement* section of *Chapter 1* of the *Environmental Assessment* overviews issues identified during Scoping and the 30-Day Comment Period. Details are contained within project files on the Review of 30-Day Comments.

In summary, I have selected Alternative 2 (Proposed Action) because it does the best job of achieving a balance between public issues and concerns, and management objectives identified for the project area. In my judgment, my decision represents a good mixture of treatments and activities to address the existing conditions, resource management needs, and ecosystem management objectives for the Northeast Lake Project as generally described in the 2005 Forest Plan.

## **ALTERNATIVES CONSIDERED THAT WERE NOT SELECTED**

In making this decision I considered public issues and management concerns. After considering these, the Interdisciplinary Team and I developed two reasonable alternatives that were fully evaluated in the *Environmental Assessment*. The alternative I did not select was **Alternative 1 (No Action)**. This is a viable alternative and responds to the concerns of those who want no vegetation management activities (e.g., “No logging”). It also provides a baseline or reference point against which to describe and compare environmental effects of all action alternatives. The option for future resource management in this area would not be foreclosed if this alternative were selected.

Having identified the Purpose and Need for resource management activities in the Northeast Lake Project area, I would be remiss in my responsibility to manage the project area if I selected this alternative (Alternative 1). Alternative 1 would result in continued degradation of vegetative communities and habitat, negative environmental and social impacts resulting from lack of road maintenance, and expanding environmental impacts from illegal, unauthorized, user-created roads and trails and illegal trash dumping.

## **SUMMARY OF ENVIRONMENTAL ISSUES AND CONCERNS**

Using comments from the public, other agencies and organizations, the Interdisciplinary Team developed a list of issues to address as described in the *Issues* section of *Chapter 1* of the *Environmental Assessment*. Based on the evaluation of comments, the Interdisciplinary Team and Responsible Official mutually agreed on the issues to be addressed in this analysis, mitigation measures, or alternative design and/or development and are listed as:

**Issue 1: Indiana bat**

**Issue 2: Bald Eagle**

Specific project actions and mitigation measures were developed to benefit these species as discussed in the *Issues* section and the *Wildlife Resources* section of the *Environmental Assessment*.

## **ROLE OF THE INTERDISCIPLINARY TEAM AND PUBLIC INVOLVEMENT**

The Northeast Lake Project was proposed in May, 2012, and the public invited to comment. Scoping and public involvement was conducted to inform the public of the proposed project and request any comments or concerns that the public may have.

The project was entered into the Forest Service Planning, Appeals, and Litigation System (PALS). The project was originally posted on the Mark Twain National Forest’s Schedule of Proposed Action’s (SOPA) on April 1, 2010, and updated on April 1, 2012.

A Scoping Package consisting of a Scoping Letter, Scoping Report, public comment forms, project maps and tables were available to the public on the Mark Twain National Forest website. Full Scoping Packages were also maintained at the Popular Bluff Ranger District Office and available to parties who requested that they be mailed all project materials.

A Scoping Letter was mailed to interested and affected stakeholders beginning on May 25, 2012 (Oliver, 2012). The Scoping Letter invited public comment and directed interested parties to the full Scoping Package posted on the Mark Twain National Forest website

(<http://www.fs.usda.gov/projects/mtnf/landmanagement/projects>). The letter also listed whom they may contact for further information or to request hard copies of materials.

Scoping letters were mailed (or e-mailed) to approximately 30 individuals and nearby landowners, 23 people affiliated with an organization or business, 17 governmental or elected officials, and 54 tribal representatives listed on the Mark Twain National Forest list of Tribal Chiefs and Heritage Resources Staff (Project Record, Northeast Lake Project Mailing Lists, Correspondence).

Public Service Announcements (PSA) about the Northeast Lake Project were mailed to local newspapers in the vicinity of the project area. The *Daily American Republic* published a PSA entitled “Comments sought on Wayne Co. forest project” (Project Record, *Daily American Republic*, May 31, 2012).

All comments received during Scoping were reviewed and considered by the Interdisciplinary Team during a meeting on July 12, 2012 (Project Record, Northeast Lake Project Scoping Results, Public Comments and Response to Comments).

Forest Service staff conducted field site visits with a stakeholder (on August 15, 2012) who had questions and concerns about project activities. Several specific issues were discussed during the field visit and both parties gained a greater understanding of how the other views the highest priorities for management activities.

Some respondent comments stated that timber harvest, pond maintenance, and road maintenance should be conducted for various environmental reasons. One property owner adjacent to a project area expressed concern about potential runoff into their pond. Other respondent comments included questions about specific forest roads needed to access private property and whether the roads would be decommissioned.

A few commenters requested hard copies of all Scoping Package materials. One respondent expressed concern that copies of all materials are no longer being mailed out to all potential stakeholders.

Several Tribes and other groups commented that they had no concerns with the proposed project. Some Tribes requested to be contacted if human remains or cultural artifacts are discovered during project implementation.

Minor adjustments were made to the proposed action based on comments received during public involvement. Proposed treatment on approximately 14.1 acres in Compartment 17 Stand 27 was changed from clearcut harvest with reserves to managing this area as old growth. This change in prescription also resulted in approximately 14.1 acres less site preparation. This change was made due to public comments about managing for visual quality in this area.

The prescribed treatment in Compartment 17 Stand 25 of clearcut harvest with reserves was reduced from 15 acres to approximately 11 acres. Site preparation acres remain the same. This reduction in treatment acres reflected concerns from a private landowner that their pond may be impacted from runoff.

Notice of the 30-Day Comment Period appeared in the Forest Service Planning, Appeals, and Litigation System (PALS). The 30-Day Comment Package materials were posted through PALS to the Mark Twain National Forest’s external website and published on the Schedule of Proposed Action’s (SOPA).

A 30-Day Comment Package consisting of a letter, 30-Day Comment Report, public comment forms, project maps and tables were available to the public on the Mark Twain National Forest website. Full

Scoping Packages were also maintained at the Popular Bluff Ranger District Office and available to parties who requested that they be mailed all project materials.

Letters and e-mails were sent to interested and affected stakeholders beginning on August 30, 2012 (Oliver, 2012). The letter invited public comment during the 30-Day Comment Period and directed interested parties to the full 30-Day Comment Package posted on the Mark Twain National Forest website (<http://www.fs.usda.gov/projects/mtnf/landmanagement/projects>). The letter also listed whom interested parties may contact for further information or to request hard copies of materials.

Letters for the 30-Day Comment Period were mailed (or e-mailed) to approximately 30 individuals and nearby landowners, 23 people affiliated with an organization or business, 17 governmental or elected officials, and 54 tribal representatives listed on the Mark Twain National Forest list of Tribal Chiefs and Heritage Resources Staff (Project Record, Northeast Lake Project Mailing Lists, Correspondence).

Legal Notice of the 30-Day Comment Period was published in *the Daily American Republic*, the official Newspaper of Record, on August 30, 2012 (USDA Forest Service, Mark Twain National Forest). To ensure that citizens in Wayne County were notified, the legal notice also appeared in the *Wayne County Journal-Banner* on August 30, 2012 (USDA Forest Service, Mark Twain National Forest).

One respondent sent comments asserting that timber harvest, roads, and all actions cause negative effects and provided references to support that position. Another commenter expressed concerns that previous clearcutting has altered water flows in creeks on their property and that the proposed project would increase runoff onto a road at their property. The commenter also stated that the Forest Service has not maintained the road to their property and requested a contact person for road maintenance.

Several Tribes commented that they had no concerns or comments about the proposed project. Some Tribes requested to be contacted if human remains or cultural artifacts are discovered during project implementation. One Tribe requested copies of the 30-Day Comment Report, Archeologist's and State Historic Preservation report, and the *Environmental Assessment* when it becomes available.

All comments submitted during the 30-Day Comment Period were reviewed and considered and responses developed for each comment (Project Record, 30-Day Comments and Response to Comments). Requests for information and reports were promptly issued to the requesters. Comments related to timber harvest and roads were reviewed by respective specialists and the Interdisciplinary Team. The comments were found to be broad in nature and did not address site-specific locations and activities that were the focus of the Northeast Lake Project.

Comments from the individual that asserted that previous clearcutting has altered water flows in creeks on their property and that the proposed project would increase runoff onto an unmaintained road at their property were investigated by the Popular Bluff District Silviculturist. It was found that decades old harvests in the area were not the cause of the erosion. The non-System road is improperly located next to a stream course. Planned harvest units would not contribute to flooding near the private property.

Importantly, it was found that the commenter was illegally using a creek as a travel route which is not designated as a National Forest System road and is not maintained by the Forest Service. A letter was sent to the commenter detailing how to obtain a special use permit and access routes to travel to the property legally.

The *Public Involvement* section of *Chapter 1* of the *Environmental Assessment* overviews issues identified during Scoping and the 30-Day Comment Period. Details are contained within project files on the Review of 30-Day Comments.

## ENVIRONMENTAL JUSTICE

I have determined that this project is being conducted in a manner that does not exclude persons from participation in public involvement, deny the benefits of project benefits, or subject people to discrimination because of their racial, ethnic, or economic status. The activities carried out by this decision will not have disproportionately high and adverse health and environmental effects on minority or low-income populations.

Wayne County, Missouri, within which the Northeast Lake Project area, and several nearby counties are considered to be areas of “persistent poverty”. Of the alternatives evaluated for the Northeast Lake Project, only **Alternative 1 (No Action)** would pose potential adverse impacts on the economic or social character of residents in the area. By selecting Alternative 1, commodity products would be limited to existing revenue sources.

The Proposed Action will generate forest products and economic activity that will likely generate economic benefits to local area and region as described in the *Economics* and *Environmental Justice* sections of the *Environmental Assessment*.

## FINDING OF NO SIGNIFICANT IMPACT

After a review of the available data, research, and specialist input provided in the *Environmental Assessment*, as well as past experience with similar activities, I have determined that these actions are not a major federal action, individually or cumulatively, and will not significantly affect the quality of the environment. No additional analysis or studies need to be conducted for me to make this determination. Significance is defined in terms of "context" and "intensity" (40 CFR 1508.27). Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

1. There will be no significant effects, beneficial or adverse, resulting from implementation of this project. The *Environmental Assessment* discusses the environmental effects of implementing either alternative, including the selected alternative in Chapter 3, *Environmental Consequences*.
2. The beneficial effects of **Alternative 2 (Proposed Action)** do not bias my finding of no significant environmental effects.
3. Public health and safety are not significantly affected by the implementation of either action alternative. Public and employee safety will be slightly improved by measures to maintain or reconstruct roads needed for resource management activities and public access. The *Environmental Assessment* discusses the effects of road construction, re-reconstruction and maintenance in the *Transportation Resources* section of *Chapter 3*.
4. There will be no significant adverse effects on prime farmlands, park lands, floodplains, wetlands, historic or cultural resources, scenic rivers, ecologically critical areas, civil rights, women or minority groups. The *Environmental Assessment's Chapter 3 Environmental Consequences* section describes the anticipated effects of implementing these resource management activities.
5. Based on public participation and the involvement of resource specialists, I do not expect the effects on the quality of the human environment to be highly controversial. This does not mean that the decision to proceed will be acceptable to all people, as some people may find that their needs and interests are not served by the selected alternative. The *Public Involvement* section of *Chapter 1* of the *Environmental Assessment* overviews the public's issues. Details are contained within project files on the Review of 30-Day Comments.

6. The selected alternative and its associated resource management activities are similar to other resource management activities that have been implemented on national forest lands in this vicinity previously and the anticipated effects are reasonably predictable. Therefore, these effects are not considered to be highly controversial or uncertain. It is my professional judgment that biological, social, and economic issues have been addressed well enough in the *Environmental Assessment Chapter 3 Environmental Consequences* for this project to avoid major scientific controversy over environmental effects.
7. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. The *Environmental Assessment Chapter 3 Environmental Consequences* adequately evaluates the anticipated effects of this project. The activities approved in this decision are similar to other resource management activities that have been implemented on national forest lands in this vicinity previously. The effects of these activities are not uncertain or unique.
8. These resource management activities are similar to other resource management activities previously implemented on the Mark Twain National Forest in general, and on the Poplar Bluff Ranger District in particular. They do not set a precedent for other projects that may be proposed to meet the goals and objectives of the 2005 Forest Plan. It initiates some management activities in the area while allowing future consideration of this type of change in response to public concerns. See *Environmental Assessment Chapter 2 Alternatives*.
9. There are no known significant cumulative effects from this project and other projects implemented or planned in the area or region beyond those I have assessed. All known connected actions associated with the selected activities which are likely to occur in the reasonably foreseeable future have been identified in the *Environmental Assessment Chapter 3 Environmental Consequences* and the direct, indirect, and cumulative effects adequately disclosed.
10. I can state that this action will not adversely affect sites or structures eligible for the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural, or historic resources.

To date, 40 archaeological sites have been identified within the area of potential effect for the Northeast Lake Project. Of these 40 sites, 6 contain evidence of prehistoric activities and 34 contain evidence of historic period activities. All 40 sites are in the Area of Potential Effect identified for this project.

Investigations to date at 8 of the 40 archaeological sites are insufficient to fully evaluate them against the National Register of Historic Places significance criteria as found in 36 CFR 60. These archaeological sites are being managed as unevaluated properties that appear to meet one or both of two National Register of Historic Places significance criteria as found in 36 CR 60.6:

Criterion A: “. . . That are associated with events that have made a significant contribution to the broad pattern of our history . . .”; and

Criterion D: “. . . That have yielded, or may be likely to yield, information important in prehistory or history.”

The unevaluated sites are afforded protection from project activities that may harm the sites in the same manner as sites that are considered eligible for the National Register.

Thirty-one of the 40 archaeological sites in the project area do not meet National Register significance criteria as found in 36 CFR 60.6. Because they are not considered to be historic, or eligible, properties, these sites do not require protection during project implementation.

One of the 40 archaeological sites, the Old Military Road/Natchitoches Trace (23BU1466), meets National Register Criterion A and has been determined eligible for the National Register of Historic Places. This site would be protected from any adverse effects during project implementation through the use of mitigation measures designed specifically for this site.

Regulatory consultation with the Missouri State Historic Preservation Officer (SHPO) has been carried out for the activities proposed in the Northeast Lake Project. Consultation is required under the National Historic Preservation Act, as Amended, and the accompanying regulations found at 36 CFR 800.

A letter of concurrence was received from the Missouri State Historic Preservation Officer dated August 17, 2012. The State Historic Preservation Officer concurred with the site eligibility determinations and recommendation that there would be “no adverse effect,” with regard to project effects on historic properties if 2005 Forest Plan standards and guidelines and other mitigation measures as described in the Determination of Eligibility and Effect report are implemented (Project Record, Letter of Concurrence from Mark Miles, State Historic Preservation Officer RE: Northeast Lake Project (USDA/FS) Wayne County, Missouri). A list of mitigation measures are provided in *Chapter 2* of the *Environmental Assessment*. During implementation, applicable 2005 Forest Plan standards and guidelines would be followed to protect sites.

The necessary consultation with the Missouri State Historic Preservation Officer (SHPO) as outlined in the National Historic Preservation Act (as amended, 2000), and the accompanying regulations found at 36 CFR 800, will be carried out with respect to all Areas of Potential Effect and historic and unevaluated properties prior to project implementation. Such consultation will offer the Missouri State Historic Preservation Officer the opportunity to comment on the forest's efforts to identify historic properties, the determination of National Register eligibility of the archaeological sites in the Northeast Lake Project area and on the forest's determination of effect for the project actions with respect to the eligible and unevaluated sites.

Gibson (2012) provided documentation to the Missouri State Historic Preservation Officer to date as the basis for the regulatory consultation. The letter of concurrence from the Missouri State Historic Preservation Officer is contained within the project record (Project Record, Letter of Concurrence from Mark Miles, State Historic Preservation Officer RE: Northeast Lake Project (USDA/FS) Wayne County, Missouri, August 17, 2012). As noted previously, regulatory consultation will be carried out as required for the remaining project areas as surveys of those areas are completed.

Irretrievable and irreversible effects from the Northeast Lake Project are unlikely as long as locations of activities are surveyed, Section 106 consultation occurs, and 2005 Forest Plan standards and guidelines and specified cultural mitigation measures are applied. Failure to provide for adequate cultural surveys and resource protection could result in irretrievable and irreversible historic and prehistoric sites that may have met National Register of Historic Places significance criteria.

11. The selected alternative and its associated resource management activities will comply with the 2005 Forest Plan and the Programmatic Biological Opinion for the Mark Twain National Forest 2005 Forest Plan (U.S. Fish and Wildlife Service, Department of the Interior, Columbia, Missouri Ecological Services Field Office, 2005). Standards and guidelines in the 2005 Forest Plan and Reasonable and Prudent Measures and Terms and Conditions listed in the Programmatic Biological Opinion are implemented with each project to protect individuals and special habitats such as those required by the Indiana bat.

The consultation requirements for this action have been met. The Forest Service conducted informal consultation with the U.S. Fish and Wildlife Service early as the proposed action was being developed and adapted proposed activities to accommodate U.S. Fish and Wildlife Service requests.

Effects determinations as discussed in the Northeast Lake Project Federal Biological Evaluation for Federally-Listed and Candidate Species (August 24, 2012) were submitted to the U.S. Fish and Wildlife Service. It was determined that this project **may affect - is likely to adversely affect the Indiana bat**. Consultation with the U.S. Fish and Wildlife Service would be re-initiated if caves or occupied roost trees are discovered in the project area.

It was determined that implementation of this project **may affect but is not likely to adversely affect** the gray bat due to: 1) an expected change in travel corridors to and from drinking and foraging areas, and 2) possible beneficial effects as a result of the management of long-term water sources and easier flight maneuverability through the forest during feeding and migration. The U.S. Fish and Wildlife Service concurred with this determination, and consultation with this agency would be re-initiated if an occupied gray bat cave is discovered in or directly adjacent to the project area (Project Record, U.S. Fish and Wildlife Service, Letter of Concurrence, October 5, 2012).

It is understood that, should the proposed project be modified or if the level of take identified in the project is exceeded, it is required as outlined in 50 CFR 402.16 that consultation be reinitiated (Project Record, U.S. Fish and Wildlife Service, Letter of Concurrence, October 5, 2012).

12. The actions do not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment (See entire *Environmental Assessment*).
13. The Northeast Lake Project implements the Mark Twain National Forest, 2005 Land and Resource Management Plan (2005 Forest Plan). As required by the National Forest Management Act Section 1604(i), I find this project to be consistent with the 2005 Forest Plan.
14. The Environmental Assessment displays compliance with the intent of the 2005 Forest Plan, as well as the Environmental Protection Agency, and Missouri Department of Natural Resources, Missouri Historic Preservation Office, and other applicable laws established for the protection of the environment.

## **CONSISTENCY WITH LAWS, REGULATIONS, AND PREVIOUS NEPA DECISIONS**

It is my finding that the actions described in this decision comply with the requirements of the National Forest Management Act of 1976; National Forest Management Act implementing regulations, in 36 CFR §219; and Mark Twain National Forest 2005 Land and Resource Management Plan (2005 Forest Plan). I have reviewed the 2005 Forest Plan and determined that this decision is consistent with the 2005 Forest Plan goals and objectives.

### **HARVESTING ON SUITABLE LANDS**

I have determined that the land on which harvesting has been proposed is suitable for timber production as described in 16 U.S.C. 1604(k) and 36 CFR §219.14 and 36 CFR §219.27 (c) (1):

1. The land is forest land (as defined in 36 CFR §219.3) which is at least 10% occupied by trees of any size. This has been verified through on-the-ground examination of the stands proposed for harvest treatments. Documentation of these examinations is contained within the Project File.

2. The land is capable of producing crops of industrial wood (2005 Forest Plan, Management Prescription 6.2, pp. 3-37 through 3-38).
3. Technology and mitigation measures are available to ensure timber production from the land without irreversible resource damage to soil productivity or watershed conditions. This is documented in the *Environmental Assessment, Chapter 3 Vegetation Resources* section.
4. The lands can be adequately restocked within five years of the final harvest. The on-the-ground examinations of the stands proposed for harvest, and other treatments has confirmed that conditions are sufficiently similar to previously treated stands in the area that it is likely that the results will be similar. In the past, stands like these have become adequately restocked with acceptable species within five years. The silvicultural files maintained at the District Office contain records of previously treated stands.
5. The lands proposed for timber harvest have not been withdrawn from timber production by an Act of Congress, the Secretary of Agriculture, or the Chief of the Forest Service (2005 Forest Plan, Management Prescription 6.2, pp. 3-37 through 3-38).
6. The land has not been deemed inappropriate for timber production due to assignment to other resource uses or considerations of cost efficiency (2005 Forest Plan, Management Prescription 6.2, pp. 3-37 through 3-38).

#### **NATIONAL FOREST MANAGEMENT ACT REQUIREMENTS**

All proposals involving the manipulation of tree cover for any purpose comply with the seven requirements found in 36 CFR §219.27(b). Through conformance with the 2005 Forest Plan standards and guidelines, this decision is consistent with National Forest Management Act requirements for timber harvest, at 16 U.S.C. 1604 (g)(3)(E&F). My reasons for making this determination follow:

1. The actions are best suited to meet the goals stated in the 2005 Forest Plan Management Prescription 6.2 (pp. 3-37 through 3-38) as discussed in *Chapters 1 and 2* and the *Vegetation Resources* section of the *Environmental Assessment*.
2. The technology and knowledge exists to adequately restock lands within five years after final harvest (2005 Forest Plan, Management Prescription 6.2, pp. 3-37 through 3-38).
3. These activities were not chosen primarily because they will give the greatest dollar return or the greatest output of timber. I describe in the Reasons for the Decision section of this Decision Notice the combination of factors I considered in selecting **Alternative 2 (Proposed Action)**. The choice of management practices was determined by a combination of factors including improving forest health, providing a diversity of habitat types, protection of other resource values, meeting commodity output needs, and concerns of the public and members of the Interdisciplinary Team as described in the entirety of the *Environmental Assessment*.
4. These activities were chosen after considering potential effects on residual trees and adjacent stands. Effects on residual trees were considered during prescription and alternative development (Project File and the *Vegetation Resources* section of the *Environmental Assessment*).
5. The selected activities will avoid permanent impairment of site productivity and will insure conservation of water resources. Site productivity considerations are addressed in the *Soil, Water, and Riparian Resources* and *Vegetation Resources* sections of the *Environmental Assessment*.

6. The selected activities will provide the desired effects on forest health, water quality, wildlife habitat, regeneration of desired tree species, and other resource yields as described in the *Environmental Assessment, Chapter 3 Environmental Consequences*.
7. The selected activities are practical in terms of transportation and harvesting requirements. Transportation is addressed in *Transportation Resources* section of the *Environmental Assessment* and project financial analysis are considered in the *Economics* section.
8. I base this determination on the fact that the selected activities are similar to those which have been practiced, and that are currently being practiced, on the Mark Twain National Forest and the Poplar Bluff Ranger District in areas similar to those found within the Northeast Lake Project area.

I find that the actions of this decision comply with the requirements of the National Forest Management Act of 1976 and the 2005 Forest Plan. This decision is consistent with the 2005 Forest Plan's goals and objectives, the management direction for Management Prescription 6.2, and 2005 Forest Plan forest-wide standards and guidelines. I have also reviewed Chapter 3: Affected Environment and Environmental Effects of the Final Environmental Impact Statement for the 2005 Forest Plan, and have concluded that the environmental effects associated with the project are consistent with those described in the Final Environmental Impact Statement. This decision is subject to implementation in accordance with Forest Service Manuals (FSM) 1920 and 1922.

In addition, I have determined that the site-specific silvicultural prescriptions contained in the Project File (Silvicultural Prescription Sheets) are consistent with 2005 Forest Plan direction found on pages 2-27 through 2-31; and 3-31 through 3-39, as well as the Forest Plan Final Environmental Impact Statement, Appendix D. This determination is in accordance with the requirements of 12 U.S.C. 1604 (g)(3)(f)(i) and (ii).

#### Optimality of Clear Cutting

I have determined that the use of clearcutting on 488 acres prescribed for clearcutting represents the optimum treatment to achieve management objectives for these areas. Chapters 1 and 2 of the *Environmental Assessment* describe the stand conditions to be treated by clearcut harvest. The Project File and silviculturist's files contain additional documentation of stand conditions. Clearcutting will contribute to providing approximately 14.4% of the regeneration openings from even aged management. The advanced regeneration and expected stump sprouting (coppice) can be manipulated to produce species representative of the desired natural community type(s).

#### **Forest Plan Consistency**

The National Forest Management Act requires that all site-specific project activities be consistent with the direction in the applicable Land and Resource Management Plan (Forest Plan). The Northeast Lake Project implements the Mark Twain National Forest 2005 Land and Resource Management Plan (2005 Forest Plan). The actions to be implemented are consistent with the Mark Twain National Forest 2005 Land and Resource Management Plan (2005 Forest Plan), 2005 Forest Plan goals and objectives, and Management Prescription 6.2. As required by the National Forest Management Act §1605(i), I find this project to be consistent with the 2005 Forest Plan including goals, objectives, desired conditions, and forest-wide and management area standards and guidelines.

#### **National Environmental Policy Act**

This Act requires public involvement, and consideration and disclosure of potential environmental effects. Scoping and public involvement efforts sought to identify interested parties, involve the public and consult with them on the proposed action, identify public issues and concerns, and use that

information to develop proposed alternatives, improve effects analysis, and make a well-reasoned decision.

*The Environmental Assessment for the Northeast Lake Project* was conducted following procedures and requirements contained in this Act. An interdisciplinary team of resource specialists fully evaluated and disclosed the environmental effects of the proposed project based upon field study, resource inventory and survey, project area data, best available science, and their professional expertise. The entirety of documentation for this decision demonstrates compliance with this Act.

### **Endangered Species Act**

The Endangered Species Act requires that federal activities 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. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment (Northeast Lake Project Federal Biological Evaluation for Federally-Listed and Candidate Species, August 24, 2012). Development of the proposed action involved informal consultation with the U.S. Fish and Wildlife Service and specific proposed treatments that would benefit the Bald Eagle and Indiana bat (Project Record, U.S. Fish and Wildlife Service, Letter of Concurrence, October 5, 2012).

### **Clean Water Act**

The beneficial uses of water in streams draining the project area would be maintained during and following project implementation. As the *Soil, Water, and Riparian Resources* and *Vegetation Resources* sections of the *Environmental Assessment* makes clear, application of 2005 Forest Plan standards and guidelines, best management practices, and mitigation measures will ensure protection of water resources.

### **Executive Orders 11990 (Wetlands) and 11988 (Floodplains)**

The Forest Soil Scientist and District Silviculturist conducted site visits of areas that may present concerns related to slopes, riparian areas, and wet soils (Project File, W. Dillon Monitoring Item #3 – Soil Quality Field Inspection Form, Mark Twain National Forest, September 26, 2012). Stands within the project area that generated potential concerns were dropped from the project (M. Stevens, personal communication, September 26, 2012). The *Soils, Water, and Riparian Areas* section of *Chapter 3* of the *Environmental Assessment* includes an analysis of the effects of the Northeast Lake Project. The Northeast Lake Project will follow 2005 Forest Plan standards and guidelines and implement Best Management Practices. Soils, slope or other watershed conditions will not be irreversibly damaged. The project will have no significant impacts on wetlands or floodplains.

## **ADMINISTRATIVE REVIEW OR APPEAL**

This decision is subject to appeal pursuant to 36 CFR §215.11 (as published in the Federal Register, June 4, 2003). A legal notice of decision on this project will be published in the *Daily American Republic*, the district's "Newspaper of Record". Following publication of the legal notice of decision, those individuals and organizations that submitted comments during the 30-Day Comment Period will have standing to appeal per 36 CFR §215.13.

Appeals must be filed with the Appeal Deciding Officer within 45 days following the date of publication of the legal notice as described in 36 CFR §215.15. The publication date of the legal notice of decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal should not rely upon dates of timeframe information provided by any other source. A Notice of Appeal must be filed in writing and include the specified content described in 36 CFR §215.14.

Appeals must be sent to:

By Mail:

USDA Forest Service, Eastern Region  
ATTN: Appeals Deciding Officer, Bill Nightingale  
626 E. Wisconsin Ave,  
Gaslight Building, Suite 700  
Milwaukee, WI 53202-4616

Electronically:

E-mail to: [appeals-eastern-regional-office@fs.fed.us](mailto:appeals-eastern-regional-office@fs.fed.us)  
Or Fax: 414-944-3963  
Subject: Northeast Lake Project (#29409)  
ATTN: Appeal Deciding Officer, USDA Forest Service, Eastern Region

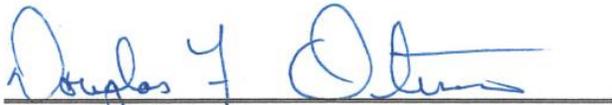
Normal business hours (for hand-delivered appeals at the Wisconsin office) are 7:30 am – 4:00 pm, Mon-Fri. Electronic appeals should be in TXT, RTF, DOC, PDF, or other Microsoft Office-compatible formats.

This decision and the *Environmental Assessment for the Northeast Lake Project (#29409)* that provides the basis for my decision is available for public review at the Poplar Bluff Ranger District office, 1420 Maud Street, Poplar Bluff, Missouri. These and other project documents are also available on the Mark Twain National Forest website at: [www.fs.usda.gov/goto/mtnf/projects](http://www.fs.usda.gov/goto/mtnf/projects) You may also contact Paul Whitworth, Ph.D., NEPA Planner, to obtain copies of documents or other information on this project and or decision. Contact: Paul Whitworth, Ph.D., NEPA Planner, USDA Forest Service, P.O. Box 988, Poplar Bluff, Missouri 63901; telephone and TTY (573) 785-1475; Fax: (573) 785-0267; or e-mail: [comments-eastern-mark-twain-poplar-bluff@fs.fed.us](mailto:comments-eastern-mark-twain-poplar-bluff@fs.fed.us)

## IMPLEMENTATION DATE

If no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal filing (36 CFR §215.9). If an appeal is filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of appeal disposition (36 CFR §215.9).

## SIGNATURE AND DATE



Douglas F. Oliver  
District Ranger  
Poplar Bluff Ranger District

March 6, 2013  
DATE