



United States Department of Agriculture
Forest Service
September 8, 2016

ROY CREEK PROJECT
DECISION NOTICE AND
FINDING OF NO SIGNIFICANT IMPACT
HURON-MANISTEE NATIONAL FORESTS
HURON SHORES RANGER DISTRICT
ALCONA AND IOSCO COUNTIES, MICHIGAN

Township 25N, Range 6E, Sections 25, 26, 35 and 36;
Township 25N, Range 7E, Sections 23, 24, 25, 26, 31, 32, 33, 34, 35, and 36;
Township 24N, Range 6E, Sections 1, 2, 3, 10, 11, and 12;
Township 24N, Range 7E, Sections 3, 4, 5, 6, 7, 8, 9, 10, and 15

Decision and Reasons for the Decision

This notice documents my decision and finding of no significant impact (FONSI) for the Roy Creek Project located on the Huron Shores Ranger District of the Huron-Manistee National Forests.

I have reviewed the analysis presented in the Roy Creek Environmental Assessment (EA) and the supporting documentation. I am satisfied that the Interdisciplinary Team (IDT) conducted a thorough analysis of the two alternatives. In addition to applying standards and guidelines from the Huron-Manistee National Forests Land and Resource Management Plan as amended January 2012 (Forest Plan), the IDT carefully considered and applied site-specific project design features and Best Management Practices developed by the State of Michigan. The IDT has effectively involved the public and carefully considered and responded to their comments.

Purpose of Project

The Roy Creek Project is designed to move the area towards the desired future condition set forth in the Forest Plan by meeting the goals and objectives for specific Management Areas (MA) 4.2 and 4.2KW. Huron Shores District personnel determined the need to:

1. Produce a diverse mix of timber products, move the project area towards the desired future condition set forth in the Forest Plan, particularly in regards to vegetative composition, and contribute to the economic base of local community by providing a sustained yield of wood products (ref. (USDA Forest Service, 2006), p. II-4, p. III-4.2-2, Table II-3, p. II-7, and p. III-4.2-3).
2. Implement fuels reduction and fuelbreak projects where conditions warrant for the protection of life, property and safety and restore fire into fire-adapted ecosystems through prescribed burning. High-risk areas adjacent to private lands will receive treatment priority (ref. (USDA Forest Service, 2006), p. II-3, and p. II-4).
3. Maintain, restore and improve community diversity and forest health and to provide for wildlife and plant viability and identify and treat high priority NNIS infestations (ref. (USDA Forest Service, 2006) , p. II-4, p. II-5, p. III-4.2-3, and p. III-4.2-4).
4. Provide breeding and foraging habitat for the federally endangered Kirtland's warbler (ref. (USDA Forest Service, 2006), p. II-3, p. III-4.2-3, and p. III-4.2-4).
5. Rehabilitate user-created resource damage (ref. (USDA Forest Service, 2006) , p. II-5, and p. II-21).
6. Develop and operate the road system, including all bridges and culverts, maintained to the minimum standard needed to meet requirements of proposed actions, protect the environment, and provide for reasonable and safe forest access (ref. (USDA Forest Service, 2006), p. II-3, and p. II-5).
7. Inform and educate the public regarding forest management (USDA Forest Service, 2006), p. II-4).

Objectives (Need) for the Roy Creek Project

The objectives of the Roy Creek Project are to:

- Moderate to high volumes of softwood and low volumes of hardwood timber products are produced in Kirtland's warbler emphasis areas. (Objective 1)
- Implement fuels reduction and fuelbreak projects where conditions warrant for the protection of life, property and safety and restore fire into fire-adapted ecosystems through prescribed burning. High-risk areas adjacent to private lands will receive treatment priority (ref. (USDA Forest Service, 2006), p. II-3, and p. II-4). Implement fuels reduction and fuelbreak projects where conditions warrant for the protection of life, property and safety. Restore fire into fire-adapted ecosystems. (Objective 2)
- Maintain, restore and improve community diversity and forest health and to provide for wildlife and plant viability. Suppress, control or eradicate known and identified Non Native Invasive Species (NNIS) populations (Objective 3)
- Provide breeding and foraging habitat for the Federally-Endangered Kirtland's warbler (Objective 4)
- Rehabilitate user-created resource damage. (Objective 5)
- Develop and operate the road system, including all bridges and culverts, maintained to the minimum standard needed to protect the environment, provide for reasonable and safe forest access and resource management. (Objective 6)

- Inform and educate the public regarding forest management. (Objective 7)

Decision

Based on the EA and in accordance with the direction provided in the Forest Plan and the Final Environmental Impact Statement for the Forest Plan (2006), it is my decision to implement Alternative 2 as follows:

1. Thin approximately 1,626 acres of red pine and approximately 168 acres of white pine to improve growth of remaining trees, provide timber products, reduce hazardous fuels, and improve wildlife habitat by creating up to nine snags per acre.
2. Harvest approximately 16 acres of short-rotation oak by shelterwood cutting to release and protect the developing advanced oak regeneration, provide timber products, and provide early successional wildlife habitat. Once adequate regeneration is established the shelterwood trees would be removed.
3. Thin approximately 37 acres of long-rotation oak to promote growth of the residual stand. These treatments would also produce timber products and improve wildlife habitat.
4. Harvest approximately 10 acres of aspen by clearcutting to promote regeneration and provide early successional wildlife habitat.
5. Construct approximately 7.5 miles of temporary roads to facilitate removal of forest products. Temporary roads would follow old two-track roads or the footprint of previously-created temporary roads where possible and would be closed when management activities are completed.
6. Prescribe burn approximately 5,582 acres to reduce fuel loading to approximately 3 tons per acre of one and ten-hour fuels, restore fire into fire-adapted ecosystems, provide for firefighter safety, protect life and private property, and improve wildlife habitat. If prescribed burning activities do not initially meet the desired fuel reduction objectives they would be repeated as needed to achieve the desired fuel reduction objectives. Once the desired level is reached, subsequent prescribed burning activities would be implemented when one and ten-hour fuel levels exceed 6-8 tons per acre.
7. Create and subsequently maintain, approximately 172 acres of fuelbreaks through timber harvest, mechanical or manual cutting, and/or prescribed burning. The fuelbreaks would reduce fuel loading to protect life and private property, and provide for firefighter safety. Linear fuelbreaks would be approximately 300-350 feet wide. Maintenance would be done when ground vegetation reached a height of one foot or more or fuel loading exceeds 6 tons per acre of one and ten-hour fuels.
8. Thin approximately 80 acres of mixed jack pine, red pine, and hardwood to reduce hazardous fuels and improve wildlife habitat. Most of the jack pine would be cut and the hardwood thinned.

9. Create, and subsequently maintain, approximately 613 acres of early successional wildlife and plant habitat through timber harvesting, prescribed burning and/or mechanical or manual treatments to provide early-successional wildlife and plant habitat, provide for firefighter safety, reduce fuel loading, and protect life and private property. Maintenance would be done when ground vegetation reached a height of one foot or more or fuel loading exceeds 6 tons per acre of one and ten-hour fuels.
10. Create approximately 861 acres of Kirtland warbler habitat by clearcutting 740 acres of mixed jack pine, red pine, and oak, in two areas to create nesting and breeding habitat for the endangered Kirtland's warbler, provide early successional wildlife habitat, and provide timber products. Site preparation would be by mechanical means, hand, or by prescribed burning. Planting would be to KW stocking levels (approximately 1,452 jack pine trees per acre). Preferred method of treatment for non-merchantable portions (approximately 121 acres) within unit KW-1 (see Table 13 in EA) would be by prescribed burning to create natural regeneration. An alternative treatment would be to site prepare by mechanical means (hydroaxing, drum chopping, Bracke scarifer, etc.) and then plant. Fill-in planting may be necessary in areas where natural regeneration is below KW stocking levels (1,452 jack pine trees per acre).
11. Add approximately 200 acres to Kirtland's warbler essential habitat. Remove approximately 397 acres from Kirtland's warbler essential habitat.
12. Place approximately eight bluebird boxes and four bat boxes to provide habitat and structure within existing forest openings.
13. Create sunlit, open areas along Roy and MacDonald creek adjacent to and within riparian zones, as well as brush piles for the eastern massasauga rattlesnake. Approximately six to ten sites along each creek, totaling about 6 acres, would be created.
14. Suppress, control, or eradicate non-native invasive plant species (NNIS) on up to 200 acres annually, including 181 acres of known occurrences within the project area and within areas of proposed actions subsequent to implementation if NNIS become established. NNIS would be treated by hand spraying herbicides, introducing approved biological controls, hand pulling, cutting with a chainsaw, tilling, planting native vegetation, or using other mechanical and/or manual means as listed in Appendix C. No private property would be treated.
15. Rehabilitate user-created resource damage on approximately five acres. FR 3429 would be closed using berms and/or guardrail on the north end of the road at the top of the hill before the descent to the creek. On the south end of the road at the top of the hill near the campsite the road would be closed using berms and/or guardrail. An old culvert near the campsite would be removed. The creek crossing would be rehabilitated using erosion cloth or similar material. Native materials (rocks and logs) would be used to provide protection and rebuild the bank where it has washed into the creek. Rehabilitation efforts would also include closing damaged areas to motorized vehicles, mechanically recontouring and stabilizing the sites, and revegetating the areas by planting grasses and trees.

16. Install a new interpretive sign at the CCC pull off at the Chambers Road and King's Corner Road intersection. The existing sign would be replaced with a fiberglass weatherproof sign.
17. Replace KW interpretive signs with updated information and move to new locations within the project area.
18. Add approximately 0.03 miles of existing unclassified road to the Forest Service road system. The road would be classified as a Maintenance Level 2 roadway and open for public and administrative use. This road segment runs from Bissonette road to FR 2010.
19. Close approximate 4.2 miles of existing Maintenance Level 2 Forest Service System roads not currently needed for management purposes. Roadways would be closed in a variety of ways. The most common ways are with gates, guardrails, earthen berms, and barrier posts and mostly depends on the surrounding landscape and how effectively it would fit into that landscape. Level 1 status roads would still be open for foot travel. The list of roads to be closed is found in the Transportation section of Chapter 3.
20. Close and revegetate approximately 1.7 miles of existing Maintenance Level 2 Forest Service System roads not needed for management purposes. Roads would be closed using posts and guardrails, earthen berms, or other closure devices and planted with grasses and/or trees. The list of roads to be closed and revegetated is found in the Transportation section of Chapter 3.

Locations of project areas are displayed in Figures 5, 6, and 7 of the Roy Creek EA. The actions in this alternative would be implemented through a combination of timber sales, service contracts, and by agency personnel. Specific design criteria have been identified to address resource concerns.

Design Criteria

The following design criteria would be applied to Alternative 2:

Wildlife Protection Measures

General

Regional Forester's Sensitive Species would be protected within all project areas to the greatest extent possible.

- New sensitive species locations discovered within a project area may result in all actions being delayed or interrupted within the area. The appropriate district wildlife/fisheries biologist or botanist would be consulted to determine effects of the action on the species.

Kirtland's Warbler

- Where Kirtland's warblers are found to be actively nesting within ¼ mile of any stand proposed for timber harvest and/or prescribed burning, harvest and/or burning activities in that stand would only be permitted between August 16th and April 30th.

- Herbicide application in occupied habitat would only be permitted between August 16 and April 30.
- The utilization of heavy machinery for road closures within occupied Kirtland's warbler habitat would only be permitted between July 1st and May 19th.

Northern Long-eared Bat

- Where northern long-eared bat are determined to be utilizing any stand proposed for timber harvest (denning and/or roosting purposes), harvest activities in that stand would only be permitted from October 1st - March 30th.
- In suitable NLEB habitat, no burning would occur during the summer maternity season (June 15-August 1) to protect females and non-volant pups.

Northern Goshawk/Red-Shouldered Hawk

The following design criteria for northern goshawks apply to all actions (USDA Forest Service, 1993):

- Nest protection area (approximately 30 acres)—management actions, such as timber harvest or prescribed burning, would be prohibited within 660 feet of an active northern goshawk or red-shouldered hawk nest at all times.
- Crown closure would not be reduced below 60% (90 BA in either hardwood or conifer stands) within 300 feet of the nest-protection area.
- No management activities would occur from March 1st to July 31st in the nest protection area.
- Prescribed burning within the nest protection area would be of low intensity only.
- Timber harvest activities and large mechanical equipment would be prohibited within approximately 0.5 mile of the nest (a.k.a. post-fledging area) from March 1st through July 31st.
- Activities that involve minimal human presence, such as timber marking, would be permitted within the post-fledging area during this period.

Eastern Massasauga Rattlesnake

- Prescribed burning should be limited to periods when the snake is not present:
- In upland habitats, late autumn through early spring (October 15 - May 15). Site specific prescriptions may allow for flexibility to respond to each year's conditions.
- In lowland habitats, snakes are absent in mid-summer and are below ground in winter; summer fires may be difficult to manage and potentially should be avoided; winter burns may be accomplished through cutting, stacking, curing and final burning after the ground is frozen.

- If summer mowing is required, it would occur during midday (1100 h to 1500 h), when most snakes are under cover.
- In warmer weather, a visual search should be conducted before burning or mowing in areas known to be used by massasauga.
- Timber harvesting activities and soil manipulation in lowland areas should only be carried out when the substrate is frozen.

Plant Protection Measures

Regional Forester Sensitive Species (RFSS) Plant Protection Measures

- Known locations of Hill's thistle will be marked and protected from heavy equipment and ground-disturbing activities (temporary roads, landings, skid trails, furrowing, etc.).
- Heavy equipment and ground disturbing activities would be excluded from an area within ten feet of marked Hill's thistle (*Cirsium hillii*), and other RFSS plant locations, unless specified otherwise by district botanist.
- When working within or adjacent to streamside management zones the State of Michigan's Best Management Practices will be followed.
- Only trained personnel would utilize herbicide near known locations of RFSS.

Measures to Prevent the Spread of Non-Native Invasive Species (NNIS)

- Equipment taken off-road would first be cleaned of seeds, soil, vegetative matter and other debris that could hold NNIS seeds and/or propagules and inspected by a Forest Service representative to prevent NNIS introduction or spread.
- Skid trails and plow lines would be placed and rehabilitated in a way that limits the spread of existing NNIS from roads, trails, or powerline corridors, into stand interiors. Skid trails and plow lines would be rehabilitated (re-contoured, seeded, etc.) after they are no longer needed.

Cultural Resources Protection Measures

- All cultural resource sites and cultural reserve areas would be protected by avoiding ground disturbance treatments at the site(s) or protected area(s), either through sale design alteration, or through designation of a buffered protected area. For cultural resource sites, a buffered protected area would include at least a 30-meter (100 feet) buffer or other area determined by a Forest Service archaeologist which would be adequate in size to protect the site. For the list of site/area specific mitigation measures, refer to the Cultural Resource Finding Record (2015)
- Specific protection measures are as follows:
- Utilize a Forest Service Archeologist or Para-archeologist to identify cultural resource(s) for avoidance by establishing (flagging) a 30-meter Protected Area around features.

- Removal of NNIS from reserve area needs consultation with Forest Service archeologist prior to project implementation.
- In consultation with the Forest Archeologist, develop and implement a prescribed burn plan that minimizes effects to known cultural resources.
- Any cultural resource sites found during implementation of the project would be reported immediately to a Forest Service Archeologist and work would stop in the area. Project work would not be allowed to resume until the cultural resources have been documented and the sites are preserved from any potential impacts.

Vegetation Management

Aspen

- To maximize aspen sprouting, timber harvest activities would be conducted during dormant season from September 30th to May 1st.

Oak

- Timber harvest of oak would be prohibited from April 15 to July 15 to prevent oak wilt.

Logging Slash Measures

- Trees within harvested red pine and white pine stands proposed for prescribed burning would be whole-tree skidded to designated landings to facilitate prescribed burning and minimize damage to the residual stand. Unmerchantable portions of the trees on the log landing would be chipped and removed from the sale area or piled and burned.

Temporary Roads and Landings

- To the extent possible, old temporary roads and landings would be used to minimize the construction of new temporary roads and landings. Temporary roads and landings would be revegetated and waterbared as needed and closed when management activities are completed.

Healthy Forest Protection Measures

- Prescribed burning in red pine stands would be prohibited from May 1 to July 15 to reduce the stress on the red pine during the period of active bud growth and leader development. These dates may be slightly adjusted per direction from the zone silviculturist.
- Mortality, including post mortality resulting from prescribed burning in red and white pine plantations should not exceed 5%.

Motorized Routes/Resource Protection Measures

- Timber, fuels treatment, or prescribed burning operations using designated roads or recreational trails would post activity signs at either end of the effected section and at any intersection prior to that location.

- Timber, fuel, and fire operations that are not using a designated route for access, but are crossing the road or trail would post signs warning of localized area operation activity 350 feet on either side of the affected travel route.
- Roads and trails would be returned to standard, after timber, fuels, or prescribed burning operations are completed and prior to re-opening the designated travel route.
- Logging equipment crossing forest roads or trails must have the crossings spaced 660 feet apart and adequately signed to warn road or trail users.
- Trash dumped within the project area would be cleaned up when feasible.

Reasons for the Decision

My decision to implement Alternative 2 is based on its effectiveness in achieving the stated purpose and objectives for the project (EA, Chapters 1.4 and 1.5) and addressing public concerns identified in the scoping process. Alternative 2 represents a site-specific application of the goals of Management Areas (MA) 4.2 and 4.2KW as described in the Forest Plan (Chapter III-4.2).

In evaluating the effects of the alternatives as stated in Chapter 3 of the EA, it is my judgment that Alternative 2 is most effective in achieving the stated purpose and need for action for the following reasons:

- 1. Produce a diverse mix of timber products, move the project area towards the desired future condition set forth in the Forest Plan, particularly in regards to vegetative composition, and contribute to the economic base of local community by providing a sustained yield of wood products (ref. (USDA Forest Service, 2006), p. II-4, p. III-4.2-2, Table II-3, p. II-7, and p. III-4.2-3). (Objective 1):** Alternative 2 meets the management direction for MA 4.2 and 4.2 KW of providing high volumes of timber products (Forest Plan, page III-4.2-2). Alternative 2 would generate an estimated 34,497 CCF (hundred cubic feet) of timber with an estimated value of \$1,545,956; (EA, Table 56). Alternative 1 (No Action) would provide no timber products for the local economy.

As shown in Chapter 3.2 of the EA, Alternative 2 would move the project area towards the desired future condition in terms of vegetative composition. Alternative 2 is the most effective in meeting this objective. The NFMA requires the Forest Service to consider economic stability when making decisions to harvest timber. Both Alcona and Iosco Counties have high poverty rates and substantial portions of the local economy are dependent on the forest products industry. In addition, portions of timber sale receipts are returned to local counties for schools and roads funding. Alternative 2 best meets legislative direction, and Forest Plan direction to produce timber to manage natural resources and support local economic stability.

Alternative 1 would not produce timber products from an economic standpoint and would not address vegetation composition and age-class diversity needs within the

project area. Alternative 1 would not meet the intent and direction of the Forest plan and NFMA as well as Alternative 2.

- 2. Implement fuels reduction and fuelbreak projects where conditions warrant for the protection of life, property and safety and restore fire into fire-adapted ecosystems through prescribed burning. High-risk areas adjacent to private lands will receive treatment priority (ref. (USDA Forest Service, 2006), p. II-3, and p. II-4). (Objective 2):** The EA demonstrates the need for fuels management within the project area to protect life and property. The 2010 Meridian Boundary Fire, 2006 Hughes Lake Fire, and 2004 Kinsey Hunt Fire, gave us recent experience with the type of fire behavior that we can expect within the project area. These fires burned nearly 15,000 acres in total. Dense jack pine brush and red pine plantations with interlocked crowns create very high intensity fire behavior. We also learned how instrumental fuelbreaks are in bringing a crown fire to the ground and allowing crews to safely engage in suppression activities in a grass fuel type. A very recent example of this was the 2012 Little Mack Lake Fire. The fuelbreak around the Mack Lake subdivision protected it from this crown fire. Weather conditions and fuel type combine to create fire intensity. Changing the fuel type from timber or brush fuel type to grass dramatically lowers fire intensity and greatly increases the ability to protect lives and property.

In 2013, 19 members of the Granite Mountain Hotshots were killed fighting a wildfire threatening a town in Arizona. This tragedy highlights the need for defending both the people and places we care about, knowing they will be threatened by wildfire at some point in the future. Alternative 2 creates the needed defensible space (fuelbreaks) and fuels reduction (thinning and prescribed burning) to protect people, structures, and forest resources.

Alternative 1 (No Action), does not provide fuels reduction and does not meet the objective. Failure to act to manage these fuels is equivalent to transferring maximum risk to emergency responders and citizens from a safety and property loss standpoint. I consider Alternative 1 an unsafe and unacceptable alternative in the long term.

- 3. Maintain, restore and improve community diversity and forest health and to provide for wildlife and plant viability and identify and treat high priority NNIS infestations (ref. (USDA Forest Service, 2006) , p. II-4, p. II-5, p. III-4.2-3, and p. III-4.2-4). (Objective 4):** Alternative 2 provides improvements for wildlife habitat through the various vegetative treatments analyzed in the EA. This alternative is consistent with the forestwide goal of improving wildlife habitat, particularly in regards to maintaining and creating early-successional habitat. Thus, Alternative 2 has an overall positive benefit to wildlife, with some insignificant short-term negative effects to some wildlife species.

Alternative 1 does not provide any early-successional habitat in any Forest or vegetation type. This alternative does not meet the objective of improving wildlife habitat above current conditions and does not meet Forest Plan direction in regards to creating or

maintaining wildlife habitat within the project area. Mid-to late-successional habitat would continue to increase, further reducing habitat availability for species that are dependent on early-successional habitat.

Proper identification and treatment of NNIS is critical to maintaining overall ecological health within the project area.

4. **Provide breeding and foraging habitat for the federally endangered Kirtland's warbler in the Pine River management Area consistent with the Strategy for Kirtland's Warbler Habitat Management (ref. (USDA Forest Service, 2006), p. II-3, p. III-4.2-3, and p. III-4.2-4). (Objective 4):** Creation of breeding habitat through timber harvest and planting for the federally endangered Kirtland's warbler over the past 50+ years has been essential to the recovery of the Kirtland's warbler. The success of this program primarily on state and federal lands has resulted in meeting the recovery team population goals for over ten years. Alternative 1 does not meet this objective and could have a negative cumulative effect on the amount of habitat available for the Kirtland's warbler.

Use of prescribed fire to directly regenerate jack pine and create habitat has not been attempted in recent history on the Huron National Forest, primarily due to safety concerns with controlling the high intensity fire needed to regenerate jack pine. The successful implementation of the Maple Ridge prescribed fire on the Mio District recently demonstrated that this treatment can be safely implemented, even within the wildland urban interface. Maple Ridge was a high-intensity jack pine regeneration prescribed fire immediately adjacent to the Mack Lake subdivision with objectives to reduce crown fuel loading and create KW breeding habitat.

Jack pine has been shown to successfully regenerate after only 20 years of growth. Burning areas of jack pine on a 30+ year rotation will double the amount of habitat created per acre over time as compared to harvesting when timber stands are 60 years old. Use of prescribed fire in certain areas where the fire can be controlled will allow other jack pine stands, where timber harvest is the appropriate treatment, to mature and provide higher quality, merchantable timber. This will produce more revenue from stands that are harvested and reduce planting costs due to the natural regeneration from prescribed fires

The use of prescribed fire also eliminates almost all soil disturbance from site preparation for planting, retains most of the forest's biomass on site compared to extracting through harvest, and provides the early successional habitat that many species require. Timber harvest does not provide these ecological benefits to the extent a prescribed fire can.

Alternative 2 creates Kirtland's warbler habitat consistent with the Strategy for Kirtland's Warbler Habitat Management.

5. **Rehabilitate user-created resource damage (ref. (USDA Forest Service, 2006) , p. II-5, and p. II-21). (Objective 5):** Treatment of erosion is necessary to prevent degradation of water quality and reduce or eliminate sediment from washing into Roy Creek and eliminate adverse impacts to a wetland. Alternative 1 would have allowed resource damage to continue to occur along the wetland and former stream crossing area of a previously closed portion of Forest Road 3429.

6. **Develop and operate the road system, including all bridges and culverts, maintained to the minimum standard needed to meet requirements of proposed actions, protect the environment, and provide for reasonable and safe forest access (ref. (USDA Forest Service, 2006), p. II-3, and p. II-5). (Objective 6):** Alternative 2 was selected as it provides protection to a wetland area where road location (FR3429) is not suitable for the soil type. Closure of approximately 0.22 miles of FS 3429 which ends at a stream crossing is the best alternative. Alternative 1 would have allowed resource damage to continue to occur along the wetland area of this road. Alternative 2 closes approximately 5.9 miles of roads (see Tables 49 and 50 in the EA). These roads are either overgrown, terminate in critical endangered species habitat, have NNIS infestations along their roadways or have other roads within ½ mile of them. Recreational access is still available on 4.2 of the 5.9 miles of closed roads since they would only be closed with gates, berms or posts and guardrails. 1.7 miles of the closed roads would be revegetated and allowed to become part of the surrounding forest.

7. **Inform and educate the public regarding forest management. (USDA Forest Service, 2006), p. II-4). (Objective 7):** Alternative 2 was selected because this alternative results in signs that display information about management activities designed to aid in the recovery of the Kirtland's warbler being moved to locations where those activities are taking place. Visitors to the area would receive correct information about recovery activities. The sign at the old CCC camp would be replaced. Visitors to the area would receive information about the site and its significance in early management of the forest. Alternative 1 would result in the Kirtland's warbler signs continuing to be located in areas the bird has ceased to use due to the habitat no longer being suitable for nesting purposes and display information about activities that are no longer taking place in that location. The sign at the old CCC camp would not be replaced and would continue to deteriorate, eventually becoming unreadable.

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.

The management actions in Alternative 2 are routine and have been continuously analyzed and successfully implemented for many decades on the Huron National Forest. Numerous environmental assessments have been conducted for similar projects on the Forest. Examples specific to the Huron Shores District include the Tawas New Dawn, Jumpin Jackpine, Corsair-

Sand Lake, and Snowbird KW projects. Based on analysis of the current project and many previous projects it is my decision to implement Alternative 2 to achieve the stated objectives of the project.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative (Alternative 1).

Alternative 1: Deferred Harvest (Baseline Condition)

Vegetation and wildlife management would be deferred. No timber commodities would be produced. Routine use and maintenance of roads, trails, and other facilities in the project areas would continue. Current uses of the area would continue until such uses were prohibited by changes in environmental conditions.

Public Involvement

A thirty-day initial public scoping for the Roy Creek Project was initiated September 24, 2014. Notice was published in the September 24, 2014 edition of the Oscoda Press, posted on the Huron-Manistee National Forests website and on the Schedule of Proposed Actions (SOPA), and 101 letters were mailed to interested parties. Letters were mailed to the Forests' standard mailing list for parties interested in proposed project. In addition, a tax record search was conducted for property owners immediately adjacent or near the proposed projects. Scoping letters were mailed to those property owners.

Several informational inquiries were received throughout the scoping period. These included emails, telephone calls, and in person meetings to clarify the proposed activities and to ask about anticipated implementation timelines. Informational requests were responded to in the same form as they were received (i.e. email inquiry was addressed by email response). A complete discussion of the issues studied for this project can be found in Chapter 1.8 of the EA.

On September 16, 2015 the Roy Creek EA was made available for a 30-day comment period. Letters along with the EA were sent to 270 individuals and organizations on the District's and Forests' mailing list, NGOs, Tribes, and other parties known to have an interest in this project. The EA was also posted on the internet. Only 1 individual chose to comment during the 30-day comment period. The responses to the individuals' comments can be found in a separate document titled *Responses to 30 Day Comments*. All documentation related to the public involvement process can be found in the Roy Creek Project Planning Record upon request.

In making this decision, I have taken into account public concerns and comments about the proposed project. I have evaluated the adequacy of the issue resolution, in the EA, determining design criteria, and evaluating the effects of alternatives. I also took into consideration the disposition of issues raised during the scoping and comment periods, which is found in Chapter 1.8 of the EA and in the document titled *Responses to 30 Day Comments*.

Finding of No Significant Impact (FONSI)

I have reviewed the significance criteria of both context and intensity as defined by 40 CFR 1508.27. After considering the environmental effects described in the EA along with past experience with similar forest management activities, and in accordance with 40 CFR 1508.27, I have determined that implementation of Alternative 2 is not a major federal action and will not significantly affect the quality of the human environment considering the context and intensity of impacts.

My determination is based on a review of the project record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. Thus, an environmental impact statement will not be prepared. This determination was based on the following factors:

Context of Effects

This project, and the environmental assessment on which it is based, applies only to the area in which it is located. The context for this Decision Notice is only within the aforementioned project area within the Huron-Manistee National Forests. Neither the effects analysis nor this Decision Notice applies to decisions that may be made elsewhere, either Regionally or Nationally. After a thorough review of the effects analysis contained in the EA, I can find no basis for concluding that this project has significance (both short-term and long-term) beyond the bounds of the Huron-Manistee National Forests. The reasons for my conclusions are more specifically described in the paragraphs that follow.

Intensity of Effects

This refers to the severity of impact, as defined by the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27. The following ten factors are considered in evaluating intensity:

- 1. Both beneficial and adverse effects have been considered in the analysis.
The beneficial impacts will outweigh expected short term, adverse impacts.**

The selected alternative achieves the project need and objectives outlined in Chapters 1.4 and 1.5. Design criteria will be implemented to minimize or eliminate potential effects of proposed activities. Implementing Alternative 2 will not have a significant effect on the quality of the environment (EA, Chapter 3). My finding of no significant environmental effects is not biased by the beneficial effects of the action. The EA demonstrates that the effects of this alternative are relatively minor and impacts generated are not directly, indirectly or cumulatively significant.

- 2. Public health and safety are minimally affected by the proposed actions.**

The EA lists project design criteria for the proposed activities. Design criteria are intended to minimize or eliminate potential impacts from proposed

activities. Alternative 2 will not significantly impact public health and safety. Alternative 2 greatly reduces long-term safety risk to the public and emergency responders of high-intensity jack pine fires by constructing fuelbreaks, using prescribed fire, and clearcutting to manage fuel loading.

3. The project is not expected to impact any unique geographic area.

Although the project area is diverse, there are no unique geographic areas (wilderness, wild and scenic rivers, ecologically critical areas, or prime farmland) in proximity to the project. The old Glennie CCC Camp does lie within the Project Area. However, no management activities (other than the replacement of an existing interpretative sign) are planned within the site of the old camp, therefore it will remain unaffected. Erosion control activities within the wetland adjacent to Roy Creek will improve the quality of the wetland. (EA, Chapter 3.9) Design criteria will be implemented to minimize or eliminate potential effects of proposed activities. Alternative 2 will not affect any unique characteristics of the geographical area (EA, Chapter 3).

4. The effects on the quality of the human environment are not likely to be highly controversial.

The project treatments are standard management activities and are not considered scientifically controversial. Based on the level of response to the project and past experience with similar projects, I have determined that the effects on the quality of the human environment as a result this project is not highly controversial. The effects of the project are not likely to be a source of substantial controversial scientific disagreement. The analysis was based on the best available science. No other studies or data were presented by any of the commenters. This does not mean that implementation of the project will be acceptable to all people, because some people will neither agree nor be pleased with my decision. Issues that were identified through scoping are shown in the EA, Chapter 1.7 and in the project record. The proposed actions are normal and routine, being implemented regularly for the last 50 years, I have determined that the effects on the quality of the human environment from this project are not highly controversial.

5. There are no known effects that are highly uncertain or involve unique or unknown risks.

The Huron-Manistee National Forests and the Huron Shores District have considerable experience with the types of activities to be implemented in this project. The Huron Shores Ranger District has successfully carried out prescribed activities in many similar projects for decades. The treatments are routine and proven to be highly effective especially in regards to timber harvest, wildlife habitat improvement, KW clearcuts, prescribed burning, and

maintaining transportation systems. The District has been annually analyzing and successfully implementing these types of projects since the 1970's. The effects analysis of this project and nearly 50 years of previous projects shows the effects are not uncertain, and do not involve unique or unknown risks (EA, Chapter 3). Alternative 2 does not involve highly uncertain, unique, or unknown environmental risks

- 6. The action is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.**

This decision does not set a precedent for future actions with significant effects because it is similar to projects that have previously been implemented over the last half century and it is consistent with the direction put forward by the Forest Plan. This decision will not direct or limit future management actions.

- 7. The action does not cumulatively reach a level of significance, even when combined with past, present and reasonably foreseeable future actions on public and private lands in the area.**

The effects of other foreseeable future actions as well as past actions and ongoing actions were included in the analysis (EA, Chapter 3). There are no undisclosed or related actions that would produce cumulative significant effects on the physical or human environment.

- 8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural or historic resources.**

Analysis of the cultural resources of the project area has been completed (EA, Chapter 3) and a cultural resources report was completed for the Project. If during implementation historic properties are found, design criteria have been developed to help protect sites from potential adverse impacts. Management activities are excluded from historic sites through sale design or designation of a reserve area that includes a buffer area adequate in size to protect the known site. There are no sites within the project area that are listed on the National Register of Historic Places. The old Glennie CCC Camp lies within the Project Area. No management activities are planned within the site of the old camp, therefore it will remain unaffected. A determination of *No Historic Properties Affected* has been made for this project.

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical for these species under the Endangered Species Act of 1973.

The District found that Alternative 2 may affect but is not likely to adversely affect, Kirtland's warbler or northern long-eared bat

Alternative 2 is not likely to adversely affect pitcher's thistle or its critical habitat.

Alternative 2 may impact individuals of Hill's thistle, northern wild comfrey, false violet, and Canada yew but is not likely to cause a trend towards federal listing or a loss of viability.

Alternative 2 would have no impact on any other Regional Forester Sensitive Species.

Alternative 2 would also be beneficial to pollinators.

Alternative 2, may impact individual northern flying squirrel, little brown myotis, northern goshawk, red-shouldered hawk, red-headed woodpecker, eastern massasauga, wood turtle, channel darter, dusted skipper, frosted elfin, and southern grizzled skipper, but is not likely to cause a trend towards federal listing or a loss of viability. (See Biological Assessment for the Roy Creek Project and concurrence letter from the U.S. Fish and Wildlife Service dated September 22, 2014. Both are located in project file.). (see also EA, Chapter 3.4). Consultation with the U. S. Fish and Wildlife Service has occurred and concurrence received.

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

Applicable laws and regulations were incorporated into the Forest Plan Standards and Guidelines (Forest Plan, I-4 to I-6). None of the actions in Alternative 2 threaten to lead to violations of federal, state or local environmental laws, or requirements imposed for the protection of the environment (EA, Chapter 3). Additionally, the actions comply with the Forest Plan.

Findings under NFMA and Other Laws and Regulations

The management actions in this decision to implement Alternative 2 of the Roy Creek Project are appropriate to meet the Standards and Guidelines that apply to all Management Areas (MA) of the Forest Plan, (Forest Plan pages II-8 through II-40), as well as the Standards and Guidelines for MA 4.2 (Forest Plan pages III-4.2-1 through 15).

Other applicable regulatory requirements and laws are listed below.

- **National Forest Management Act**

The Roy Creek Project implements the Forest Plan. As required by NFMA Section 1604(i), this project is consistent with the Forest Plan. Additionally, I find that:

- All stands to be harvested under Alternative 2 are suitable for timber sales.
- Alternative 2 includes measures to avoid or mitigate adverse impacts (40 CFR 1505.2 (c)) (EA, Chapter 2.5 Design Criteria).
- The prescribed actions which alter vegetation comply with NFMA.
- The actions in Alternative 2 meet requirements to consider and support local economic conditions dependent upon timber production, especially in counties with high unemployment and poverty rates.
- Clearcutting has been determined as the optimum method for timber harvest to create KW habitat. (See Forest Plan – Appendix B-17) Creation of large young jack pine stands suitable for KW habitat needs to be created by timber harvest or high-intensity burning. Shelterwood or seed tree harvest methods would not adequately regenerate the dense jack pine needed. Remaining trees would be highly susceptible to windthrow due to sandy soils and shallow root systems, remaining trees would not release seeds due to serotinous cones, and any regeneration would be suppressed by partial shading. Jack pine is a shade-intolerant species. Clearcutting of the stand is necessary to provide full sunlight and allow mechanical site preparation for planting jack pine.
- Thinning of red pine stands is the appropriate harvest method for red pine plantations which are overstocked. (See Forest Plan – Appendix B-23, and EA, Chapter 2.4.2 and Chapter 3.2)
- Clearcutting has been determined as the optimum method for timber harvest to regenerate aspen. (See Forest Plan – Appendix B-10)
- The actions in Alternative 2 were not chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors were considered (EA, Chapter 3.10 Socio-Economic Assessment).
- The actions in Alternative 2 include design criteria to avoid impairment of site productivity and ensure conservation of soil and water resources (EA, Chapter 3.9 Water, Air, and Soil Resources).

- The actions in Alternative 2 are expected to achieve the desired effects on regeneration of desired species, wildlife and fish habitat, water quantity and quality, recreation, aesthetic values, and other resources (EA, Chapter 3).
 - Harvesting and transportation requirements as well as total estimated costs of preparation, logging, and administration are practical.
- **Endangered Species Act**
A Biological Evaluation (BE) and Biological Assessment (BA) were prepared for the Roy Creek Project (see Project Record). Findings from the BE/BA for this project are in number 9 above.

Migratory Bird Treaty Act

A memorandum of understanding between the USDA Forest Service and US Fish and Wildlife Service was created to promote the conservation of migratory birds. In the MOU, both Parties “mutually agree that it is important to: 1) focus on bird populations; 2) focus on habitat restoration and enhancement where actions can benefit specific ecosystems and migratory birds dependent upon them; 3) recognize that actions taken to benefit some migratory bird populations may adversely affect other migratory bird populations; and 4) recognize that actions that may provide long-term benefits to migratory birds may have short-term impacts on individual birds.” (FS Agreement # 08-MU-1113-2400-264)

Habitat for migratory birds would be altered by Roy Creek KW proposed actions. Some species would benefit from habitat alteration while others would be displaced. Specifically, prescribed burning would have short-term adverse effects on individuals but long-term beneficial effects on cavity nesting habitat as snags would be created by prescribed burning. Jack pine clearcutting creates open habitat for a variety of migratory bird species. In addition to the endangered Kirtland’s warbler, early successional habitat is required for species such as bluebird and upland sandpiper, two species regularly found in jack pine clearcut areas.

Migratory bird populations would be not adversely affected by the Roy Creek Project. Sensitive species have been identified and analyzed in the BA/BE. Individuals of globally secure, common migratory bird species may be unintentionally adversely affected, but the Roy Creek Project would have no effect on populations due to the limited scope of the project. Adverse effects on individuals would be insignificant relative to population sizes of migratory birds on the Huron-Manistee National Forests.

- **Clean Water Act**
This Act is designed to restore and maintain the integrity of water resources. Project activities comply with Forest Plan Standards and Guidelines for water resources and State of Michigan Best Management Practices (EA, Chapter 3). Any necessary federal, state and local permits would be obtained prior to implementation.

- **Clean Air Act**

The effects of the project activities on air quality are expected to be temporary, minor, and localized (refer to the Roy Creek Fire and Fuels Specialist Report and the Michigan Smoke Management Plan). Smoke, particulate and exhaust emissions, and some additional road dust from logging equipment and the controlled burn activity will negatively affect short-term air quality to residents and visitors immediately adjacent to harvest units, roads used by logging trucks, and controlled burn treatments units. A burn plan will be written for prescribed burn projects that detail the management objectives and the wind and temperature conditions that provide for public safety, private property protection, and maximize smoke dispersal. According to the State of Michigan Department of Environmental Quality, the Roy Creek project is not within a Class I airshed. Class I airsheds include national wilderness areas that greater than 5,000 acres and national parks that are greater than 6,000 acres in size. There are two Class I airsheds in Michigan; Isle Royale and Seney Wilderness. The Roy Creek project is also not within a non-attainment area for air quality. Areas that meet the national ambient air quality standard are considered to be in "attainment." Locations where air pollution levels persistently exceed ambient air quality standards may be designated nonattainment. There is one non-attainment area in Michigan in Wayne County (approximately 200 miles south of the project area).

- **National Historic Preservation Act, Archeological Resources Protection Act and Native American Graves Protection and Repatriation 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. The Archeological Resources Protection Act covers the discovery and protection of historic properties that are excavated or discovered on federal lands. Site specific surveys identified cultural and historic sites within the project area and specific mitigation measures have been identified for site protection (See above under Design Criteria or Chapter 2.5 of the EA). A determination of *No Historic Properties Affected* has been made for this project. (See Section 8 above.)

This project will also comply with the Native American Graves and Repatriation Act. If historic properties or artifacts are encountered during project implementation, work will stop and a Forest Service Archeologist will be notified immediately.

- **National Environmental Policy Act**

This Act requires public involvement and consideration of environmental effects. The Roy Creek Project Record in its entirety supports compliance with this Act.

Opportunity to Object

This decision was subject to objection pursuant to 36 CFR 218 Subparts A and B. The Objection Reviewing Officer for this Decision was Leslie Auriemmo, Forest Supervisor, Huron-Manistee National Forests.

No objections were received.

Project Implementation

Implementation of this decision may occur immediately.

Contact

For further information on this decision, please contact me at the Huron Shores Ranger Station, 5761 N. Skeel Rd., Oscoda, Michigan, 79750 or phone (989) 739-0728.

Responsible Official:

Anthony C. Martoglio

Anthony C. Martoglio
Huron Shores District Ranger
Huron-Manistee National Forests

September 8, 2016

Date

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