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Department of  
Agriculture

# Decision Notice and Finding of No Significant Impact

Forest Service

March  
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## Windy Project



**Tofte Ranger Districts, Superior National Forest  
Lake County, Minnesota**

Township 61 North Range 8, 7, & 6 West; Township 60 North,  
Ranges 8, 7 & 6 West

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Appendix A: Unit Treatment Table

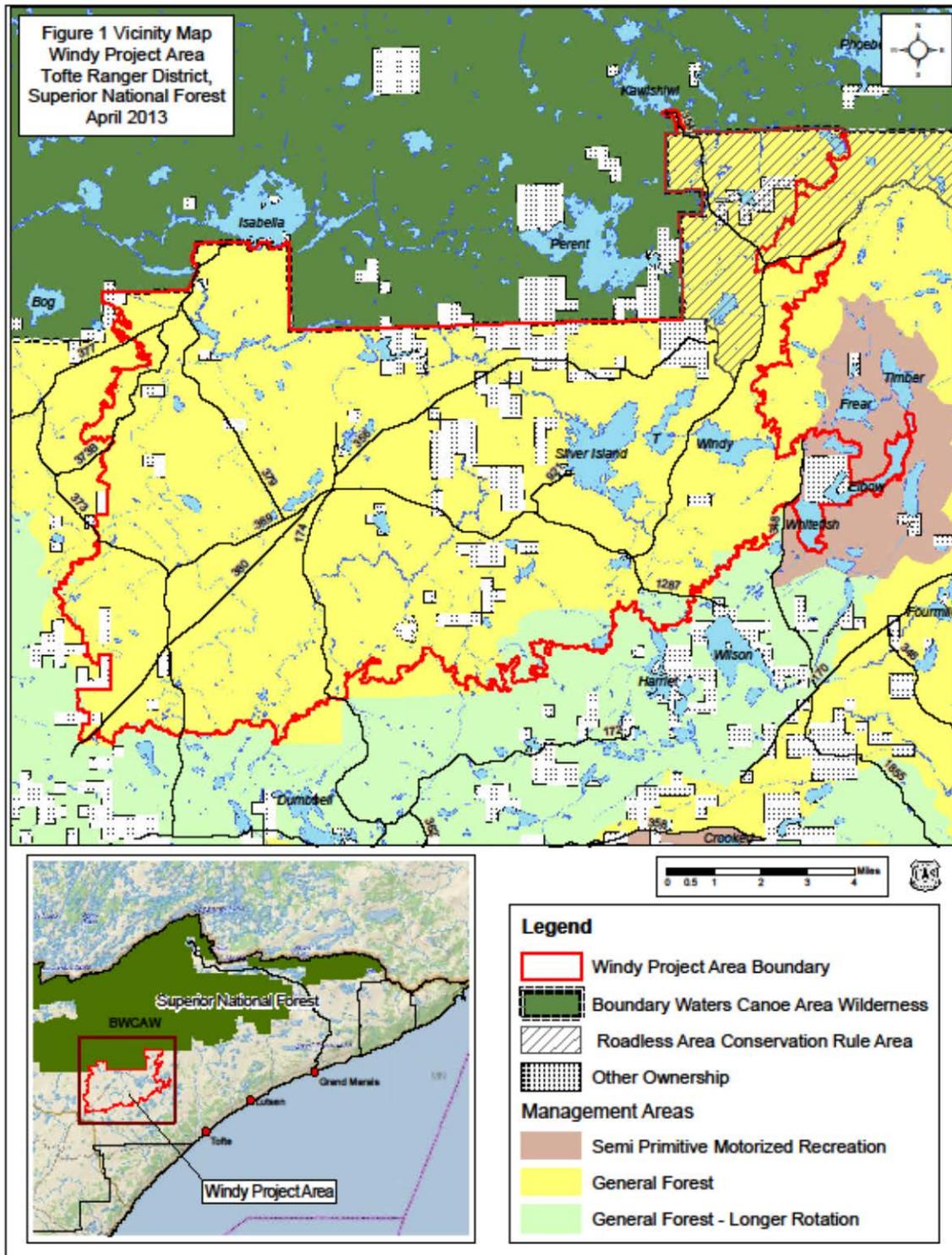
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Figure 1.1: Windy Project Area Vicinity Map.



## **INTRODUCTION**

This Decision Notice and Finding of No Significant Impact describes the selected vegetation management activities in the Windy Project Area for Alternative 3 with modifications described in this document. My rationale for selecting Alternative 3 and consideration of public input throughout the environmental analysis are also described in this document. Also described is the finding of no significant impact and how this project meets applicable laws, regulations and policies.

### **Project Area**

The Windy Project Area is located in Lake County, Minnesota. The Vicinity Map (Figure 1.1) shows the general location of the Windy Project Area. Townships included in the project area, from west to east, are: Township (T) 61 North (N) Range (R) 8 West (W), R7W, R6W; T60N, R8W, R7W, R6W. The Windy Project Area encompasses approximately 81,100 acres of which, about 70,600 acres are National Forest System land. Selected activities will occur only on National Forest System lands.

### **Purpose and Need**

The purpose of the Windy Project is to implement objectives in the Superior National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan promotes management of the Forest for multiple benefits by setting goals and objectives in numerous resource areas such as managing for wildlife and fisheries habitat, providing recreation opportunities, and promoting ecosystem health through vegetation management. The Forest Plan takes a strategic look at landscape ecosystems and describes desired resource conditions that will provide resilient ecosystems and ensure ecosystems are capable of providing a sustainable flow of beneficial goods and services to the public.

Each project on the National Forest begins with a review of the Forest Plan and an assessment of the existing condition of the resources within the project area. In 2011, an interdisciplinary team of natural resource specialists compared the existing resource conditions of the Windy Project Area with Forest Plan desired conditions and objectives. The resource specialists documented their comparisons in “mid- level assessments”. Where the resource specialists’ assessments found a difference between the existing and desired conditions, a purpose of and need for action was identified. The purpose and need selected for this project is described in more detail in Chapter 1 of the Windy Environmental Assessment and includes the following:

- A. Promote Diverse, Productive, Healthy, and Resilient Native Vegetation Communities by Moving Towards Landscape Ecosystem and Management Indicator Habitat Objectives
- B. Improve Moose Habitat
- C. Improve Riparian Area Function
- D. Reduce Hazardous Fuels
- E. Provide Sustainable Forest Products
- F. Improve Forest Health and Productivity

## **DECISION**

My decision and findings are based on my expertise and knowledge of the area, the Windy Project Environmental Assessment (EA), the Windy Biological Assessment (BA), the Windy Biological Evaluations (BE), the Windy Project Record, and the 2004 Superior National Forest Land and Resource Management Plan (Forest Plan).

After reviewing all of the alternatives, the environmental analysis, further field reconnaissance, and public input, I will be implementing Alternative 3 with the following changes:

- Roads in the Coffee Lake area are rocky, rough roads that would require substantial plowing for winter-only units. A portion of the units in this area that would be winter-only operations and low volume (C313-S18, 29, 47, 48) will not be treated (83 acres total).
- Changed prescription from harvesting to mechanical site preparation and planting for moose habitat in C86-S1 due to low timber volume and required temporary road building (148 acres).
- Added C86-S21 for riparian underplanting (5 acres) and changed planting in C219-S5 from underplanting the entire unit to underplanting in the riparian area only (31 acres).
- Changed treatment from thin to final harvest for C201-S25 (77 acres) because this unit requires crossing a trout stream and if the unit is kept on a thinning schedule, we would have to cross the stream every 10-15 years. A final harvest will reduce potential impacts of crossing the stream multiple times in the next 20-30 years. The prescription for this unit is now clearcut with reserves, mechanical site preparation, seed to red pine and jack pine.
- To reduce stream crossings, add the 11 acres of C201-S24 on the west side of Arrowhead Creek so part of unit on the west side of creek will be harvested with C201-S25. Treatment in the east side of S24 will remain thinning.
- Added mechanical site preparation to ensure conifer regeneration success in C204-S68 (13 acres).
- Added mechanical site preparation and artificial regeneration to ensure conifer regeneration in C217-S23, C219-S58, C239-S4, C219 and S88 (88 acres total).
- Added artificial regeneration to ensure regeneration success in C217-S17 and C218-S28 (173 acres total).
- Changed secondary treatment from broadcast burn to understory burn to better describe how that treatment will be implemented for C212-S34 (18 acres).
- C219-S27, C219-S83 and C234-S16 will not be treated because these units do not need fuel reduction treatment or resource impacts could not be mitigated (27 acres).
- Added slash disposal to C244-S11 to enhance hazardous fuels treatment in the Two Moose Trail area (15 acres).
- Changed the prescription from a standard thin to a variable density thin in C244-S41 to better describe how that area will be treated (24 acres).

These changes are reflected in Appendix A, Unit Treatment Table and are necessary based on additional field reconnaissance. The scope of the changes is small and the effects of Alternative 3 are within the effects analysis as presented in the Windy Environmental Assessment.

Tables 1 and 2 summarize the vegetation management actions and secondary treatments and reforestation under Alternative 3 with the modifications listed above. All acreages stated in this Decision Notice are best estimates and small differences are expected in actual on-the-ground treatment acreages.

Table 1: Summary of Acres by Primary Treatment Type for Alternative 3.

Primary Treatment Description	Unit Acres	Treatment Acres
<b>Creating young forest through even-aged treatments</b>		
Clearcut with Reserves	3,974	2,449
Patch Clearcut	28	5
<b>Improving stand conditions through intermediate harvest treatments</b>		
Thinning	407	245
<b>Restoring stands through a variety of non-harvest activities</b>		
Understory Fuels Reduction	366	186
Mechanical Site Preparation	510	232
Hand Scalp and Plant	83	8
Burn Inclusion	309	309
<b>Total of all Treatment Types</b>	<b>5,676</b>	<b>3,434</b>

Table 2: Summary of Secondary Treatment and Reforestation Activities for Alternative 3.

Treatment Description	Unit Acres <sup>1</sup>
<b>Secondary Treatment</b>	
Mechanical Site Preparation	482
Site Preparation Burn	674
Underburn	126
Pile Burn	82
Hand Scalp and Plant	28
Understory Fuel Reduction	7
<b>Harvest Regeneration Method</b>	
Natural Regeneration	3,339
Natural Regeneration with Interplanting	16
Planting	189
Seeding	458
<b>Non-Harvest Regeneration Method</b>	
Natural Regeneration	2
Natural Regeneration with Interplanting	436
Underplant	84

<sup>1</sup> Acres are for the total unit; treatment acres will be less.

Table 3 and 4 show the acres of different planting and seeding combinations. These include interplanting, underplanting, and seeding as the primary treatment (riparian underplant only) or after any primary or secondary treatment, which in some cases are in addition to natural regeneration.

Table 3: Acres of Tree Species Planting and Seeding Combinations for Alternative 3.

Tree Species	Unit Acres
Jack pine	229
Jack pine and black spruce	269
Jack pine and red pine	253
White pine and red pine	102
White pine, red pine, and jack pine	84
White spruce	228

Table 4: Acres of Tree Species Underplanting in Riparian areas for Alternative 3.

Tree Species	Treatment Acres
Black spruce and tamarack	1
Red pine	2
Tamarack	10
White pine	17

The following list of appendices describes where to find the site-specific treatment and mitigation measures. Please refer to these important details to get a complete picture of the decision.

- **Appendix A** lists the specific stands, treatments and mitigation measures that will be implemented with this decision.
- **Appendix B** gives a general definition for each of the treatment types and mitigation measures.
- **Appendix C** lists the Operational Standards and Guidelines that apply to all units. Operational standards and guidelines, based on the Forest Plan and Minnesota Forest Resource Council guidelines, are an integral part of the actions and are designed to minimize adverse effects.
- **Appendix D** is the Decision Map which displays the locations of the selected treatments.
- **Appendix E** provides responses to comments received on the Environmental Assessment.

As part of my decision, a portion of 35 units selected for site preparation (mechanical and prescribed burning) or fuels reduction (slash disposal) are on low nutrient soils where Forest Plan guidelines call for retaining slash and woody debris (G-WS-8, FP p. 2-16). A list of these units is in the Windy Project Record. In these units, I have determined that site preparation or fuel reduction is a higher priority than the nutrient status. The effects to the soils resource will be limited and not detrimental. Effects to soil nutrients are also lessened when the units are

regenerated to conifer species (19 units of the 35 units will be regenerated to conifer species). Therefore, this part of the soil guideline will not be followed in some units. These trade-offs are discussed in more depth later in this Decision Notice under Compliance with the National Forest Management Act. Chapter 3 of the Environmental Assessment describes the effects of removing slash on these sites.

Biomass removal could occur on harvest units with secondary treatments of slash disposal or site preparation and on non-harvest units with primary treatments of understory fuel reduction or site preparation. Biomass removal will not occur on units where soil mitigations call for retaining slash. Biomass removal will include tops and limbs (from harvest operations), brush and non-merchantable stems. It will not include stumps or existing coarse woody debris. Biomass removal will follow Operational Standards and Guidelines (Appendix C).

As part of my decision, temporary roads will be constructed to access units and decommissioned after use is complete. All temporary roads will be decommissioned following Operational Standard Guidelines G-TS-16 and LG-TS-1 (Appendix C). Any unnecessary existing system roads will be decommissioned. Also, a small section Forest Road 379 will be relocated to restore the ecological function of a wetland.

Table 5: Transportation Management Activities

<b>Transportation Activity</b>	<b>Miles</b>
Construction of temporary roads	9.0
Decommission of existing roads	2.1
Relocation of OML 2 road	0.25

## **REASONS FOR THE DECISION**

In this section, I provide my reasons for selecting Alternative 3, rather than other alternatives, by discussing how well each alternative addresses the purpose and need for the project, and how each alternative incorporates a landscape level approach.

The decision making process for land management is rarely straight forward and involves tradeoffs, such as balancing positive and negative effects with short-term and long-term outcomes. I would like to say there are seldom any negative consequences, but in reality, there are always consequences. Whether they are negative or not depends on the perspective of the individual in many cases.

I heard from various groups and individuals concerned about a broad range of activities that might affect environmental or economic resources. This includes such things as harvesting impacts, climate change effects, sensitive species concerns, and the need for more timber harvesting. There is a broad range of opinions on how the Forest should be managed, and I recognize this decision will not completely satisfy any one particular group or individual.

I am choosing to make a number of tradeoffs and these are discussed throughout this section and Decision Notice. However, I believe the benefits of my decision outweigh the impacts of

management activities in the Windy Project. Of the alternatives I considered in detail or briefly, I think Alternative 3 will best meet the Forest Plan objectives, best meet the purpose and need for action, provide the best balance between resource use and resource protection, and respond appropriately to issues raised by the public.

A key component of Alternative 3 will be the creation of a large young forest patch. Landscape scale spatial patterns and approaches to management are an important component in emulating large natural disturbance events. Historically, the size of disturbance openings varied greatly depending on the process involved such as fire, wind, insects and disease, or natural succession. A desired condition of the Forest Plan is to emulate/restore ecological processes at multiple landscape scales to represent the natural range of variation, including creating openings as large as 1,000 acres (FP D-VG-7 and 8). Alternative 3 will create a large young patch (up to 500 acres) through harvesting and burning to restore the ecological processes at a larger landscape scale. Although creating young openings at various spatial scales is a component of Alternative 2, no patches created would be greater than 200 acres. This large young patch in Alternative 3 will help us meet some of the desired conditions in the Jack Pine-Black Spruce LE and Forest Plan, as well as providing a future (60+years) large mature upland patch and minimizing forest fragmentation to benefit such species as the goshawk. The large young patch in Alternative 3 will also help reduce fuel loads north of private property in the Dumbbell and Tanner Lakes area (discussed in more detail below).

My rationale for selecting Alternative 3 is explained below with each of the elements of the purpose and need for the Windy Project.

**Promote Diverse, Productive, Healthy and Resilient Native Vegetation Communities by Moving Towards Landscape Ecosystems and Management Indicator Habitats**

Of all the alternatives, Alternative 3 will do the most to move the vegetation toward landscape ecosystem (LE) and management indicator habitat (MIH) objectives as listed in the Forest Plan. Alternative 3 will have an appropriate balance between creating young forest and maintaining mature forest patches in the project area, thereby sustaining a diverse mix of habitats for several wildlife species. Compared to Alternative 2, Alternative 3 will create nearly 4,000 acres of young age class while Alternative 2 would create about 3,200 acres. Alternative 3 will move the Jack Pine-Black Spruce Landscape Ecosystem, an ecosystem dominated by disturbance, closer to Forest Plan objectives. This is especially evident when considering the existing young age class, created by the Pagami fire, will likely be moving out of the young age class before all harvesting treatments can be completed. Young forests also provide valuable habitat for various species, such as moose and deer (browse habitat) or migratory birds (nesting and feeding habitat).

Both Alternative 2 and 3 would regenerate a broad diversity of species, including some that are decreasing across the landscape, such as jack pine (EA 1-8). Under each of the action alternatives, the level of young jack pine forest type will be maintained in the Jack Pine-Black Spruce LE. However, Alternative 3 will help to increase jack pine as a component of stands, increasing within-stand diversity, especially in the large young patch created, which would not occur under Alternative 2. Table 3 shows progress made towards this objective. Forests that have diverse species composition, age, and structure may improve resiliency. For example, forests that are less likely to be consumed by severe wildfire or an insect outbreak and contain

greater species diversity and may have greater resiliency in the face of climate change (USDA 2008a). Management actions in the Windy Project such as altering species composition through final harvest and planting/seeding could create these characteristics that increase resiliency in the face of climate change by creating species and age composition diversity.

If no action was taken in this project (Alternative 1 - No Action) stands of old jack pine, aspen, and paper birch would continue to decline in health. Jack pine, aspen, and paper birch, which need disturbance to regenerate, would succeed to balsam fir, which does not need disturbance to regenerate. Additionally, under Alternative 1, if there were no natural disturbances in the next 10 years there would be zero acres of the young age class in the next decade, which is crucial for some wildlife species.

### **Improve Moose Habitat**

The Windy Project Area includes a diverse mix of upland and lowland habitat, which is important for moose. Another important component of moose habitat, and perhaps more critical, is the availability of young forest for foraging. The existing young forest in the Windy Project Area is found southeast of Isabella Lake, which was created during the Pagami fire. Under both Alternative 2 and 3, there would be an increase in young age class located outside of the Pagami fire area, providing more suitable foraging habitat throughout the project area for moose. However, under the selected alternative (Alternative 3), there will be nearly 800 acres more of young forest created for foraging habitat as compared to Alternative 2.

Moose tend to favor early successional species for browse such as quaking aspen, paper birch, mountain ash, willow, red-osier dogwood, and beaked hazel, which will regenerate following harvest and/or burning. All currently available young forest for foraging, created by the Pagami fire, is projected to move out of the young age class before 2023 and likely becomes less nutritious for moose. Harvests within the selected alternative will result in almost 4,000 acres of young upland forest (less than ten years old) providing for additional years of suitable foraging habitat.

Alternative 1 (no action alternative) would result in an overall decrease in young upland forest (less than 10 years old), as areas begin to mature. Moose presence may continue in the project area under Alternative 1; however, the continued loss of available young and lack of spatially distributed young forest, for browse, would likely have a negative effect on moose numbers throughout the project area.

### **Improve Watershed Health**

Forest Plan management direction tells us to improve watershed health by actively managing vegetation to enhance or restore the functional linkage between aquatic and terrestrial ecosystems. It also says to favor long-lived desired trees species (such as white pine, red pine, black spruce, or tamarack) suitable for the site, and at stand densities suitable for the site (FP, p. 2-8).

Both Alternative 2 and 3 will increase the same amount of long-lived conifer in riparian areas. Approximately 30 acres will be underplanted with white pine, red pine, black spruce, or tamarack in the riparian area of the stand. The conifers will eventually grow into an overstory of

trees creating shade for aquatic and wetland ecosystems, thermal cover for wildlife and nest sites for riparian associated species such as eagles and osprey. Also, conifers will provide future inputs of coarse woody debris and fine litter to provide in-stream/lake structure and nutrient input to the aquatic system.

Under Alternative 1 – No Action, long-lived tree species would not be planted within the riparian areas. Without any disturbance balsam fir or shrubs would begin to dominate some of these areas, which can be currently observed in many riparian areas. Balsam fir is a short-lived species and would not contribute as much large woody debris to the riparian ecosystem over time when compared to longer-lived species.

Under Alternative 2 and 3, a section of Forest Road 379 that currently bisects a wetland, reducing the natural hydrologic flow, will be decommissioned. This section of road will be relocated to an upland location and be slightly shorter in length. Decommissioning this section of road will have resource benefits by: removing a failed culvert, thereby encouraging the natural hydrologic flow; removing the road bed and reducing the risk of non-native invasive plants which could encroach in the wetland; and allowing the wetland, bisected by the road, to be returned to a natural functioning status. Under Alternative 1 – No Action, the section of Forest Road 379 would not be relocated and the adverse impacts to the natural hydrologic flow and ecological integrity of the wetland would continue.

### **Fuel Reduction**

Past fires on the Superior National Forest, specifically fires on the Tofte and Gunflint Ranger District, have demonstrated the distance a wildfire can move. Also demonstrated from those fires is the value of fuel treatments that breakup the continuity of large areas filled with volatile fuels, such as balsam fir. Past fuel reduction treatments have successfully disrupted the energy of past wildfires and allowed for greater success for firefighters.

The 1,230 acres of fuel reduction treatments in Alternative 3 will increase defensible space compared to 762 acres of fuel reduction treatments in Alternative 2. Defensible space is the area between a fire and values at risk where firefighters are able to more safely conduct suppression actions. Additionally, removing hazardous fuels near high travel corridors will improve the safety of travel for forest visitors and local residents exiting the area during a wildfire. All fuel reduction treatments in Alternatives 2 and 3 would reduce hazardous fuels to a level where behavior from a wildfire will be decreased. Combining the increase in defensible space and decreasing fire behavior will likely allow fire suppression activities to minimize impacts to values at risk and improve public and firefighter safety during a wildfire event.

Treating the additional acres in Alternative 3 will reduce the fuel loads north of private property in the Dumbbell and Tanner Lakes area (EA p. 2-23) within the Isabella Wildland Urban Interface. By reducing fuels on a landscape scale in this area, a wildfire moving in the direction of private property will likely decrease in intensity and scale when it encounters the treated patch, allowing for safer and more effective suppression efforts. This is largely due to reducing ladder and crown fuels that allow fire to climb from the ground surface into the canopy of larger trees. Though wildfire may still burn through the treatment patch, it is expected to burn with a much lower intensity providing for a safer and more manageable suppression effort in areas

away from private lands. Through strategic placement of fuels treatment areas the Forest Service has been able to manage wildfire in a safer and more effective manner, particularly in the Wildland Urban Interface. Given past fuels treatments implemented near the Windy Project Area and those planned under Alternative 3, I believe there is a cumulative benefit in creating a large patch to reduce the chances of damage to private property and increasing defensible space in the event of a wildfire.

If fuels were not treated on National Forest System land, such as under Alternative 1 – No Action, fuel volumes would increase throughout most forested land within the project area. This is due to dead, dying, and/or wind thrown trees and successional trends toward spruce-fir forest types. The increased fuel loading can result in intense wildfires. Subsequently, values at risk, such as private property and recreation resources, could potentially be negatively impacted in the event of wildfire within the project area. Given climate change concerns, a potential increase in temperature and/or moisture decreases may alter fire regimes, making it important to consider wildland fire behavior in the future.

### **Provide Sustainable Timber Products**

Alternative 3 better meets this portion of the purpose and need because it will provide nearly 6 million board feet more of timber products in comparison to Alternative 2. Harvesting the units selected in Alternative 3 will provide approximately 34 million board feet, offering economic returns to federal and local governments, as well as the timber industry; Alternative 2 would provide 28 million board feet of timber. Alternative 3 will provide raw materials for local mills at a sustainable level. Additionally, Alternative 3 will likely produce greater potential future economic returns by increasing tree health and productivity in the area. Alternative 1 - No Action, would not provide any forest products to local economies or State and county governments.

### **Improve Forest Health and Productivity**

Alternative 2 and 3 will restore about 510 acres dominated by brush species to a mixture of white, red and jack pine, black spruce, and white spruce through mechanical site preparation, planting and seeding (see Table 3). Also, both Alternative 2 and 3 will include about 407 acres of red pine or white spruce thinning, increasing growth rate and the resiliency of the stands against insect and disease. In comparison, Alternative 1 – No Action would not restore or increase the vigor or resiliency of stands in the project area. Since both action alternatives will improve forest health and productivity, they each contribute to the project's purpose and need equally.

## **OTHER ALTERNATIVES CONSIDERED**

Seven alternatives were considered for the Windy Project to address issues such as the amount of young age class and the method used to accomplish fuel reduction. Of the seven alternatives, three were analyzed in detail and four were analyzed briefly in the Windy Project Environmental Assessment. I have determined this range of alternatives is adequate and follows Forest Service environmental analysis regulations at 36 CFR 220.7 for consideration of alternatives.

I have reviewed and reconsidered the alternatives that are addressed in Chapter 2, Section 2.4 of the Windy Project EA, Alternatives Analyzed Briefly to determine if any of them should be

analyzed in further detail. None of these alternatives meets the purpose and need for the project as well as the alternatives analyzed in detail. Therefore, I did not find rationale for analyzing any of these in further detail. (See Chapter 2, Section 2.4 of the EA for further discussion on reasons not to analyze these alternatives in further detail.)

### **Alternative 1 – No Action**

The Alternative 1 - No Action provides a baseline for comparison for the action alternatives. In this alternative, the action alternatives would not take place and there would be no new proposed vegetation management actions at this time. Existing management actions such as previously approved timber sales or road projects would be allowed to continue. Forest succession processes would transpire naturally. Existing road uses and recreational activities would also continue.

Alternative 1- No Action was not selected because it would not meet the purpose and need for the project. Alternative 1- No Action would have eliminated several opportunities to achieve Forest Plan objectives. There is a need to move towards Landscape Ecosystem and Management Indicator Habitat objectives in the Windy Project Area to improve the diversity and resiliency of the forest and to move closer to Forest Plan desired conditions on the landscape. Additional rationale for not selecting Alternative 1- No Action can be found under the section Rationale for Decision.

### **Alternative 4 – Proposed Action from Scoping Report**

In April 2013, a Scoping Report was distributed to the public informing them of the Windy Project. The Scoping Report included a “Proposed Action” which outlined the management activities the interdisciplinary team had determined at the time would best accomplish the Purpose and Need for Action as described in the report.

The Proposed Action outlined in scoping was not carried forward in its entirety for detailed analysis primarily because the interdisciplinary team conducted further field reconnaissance and analysis which allowed for modifications that would better meet project objectives (the purpose and need).

### **Alternative 5- No Hazardous Fuel Reduction**

Alternative 5 was developed to respond to comments concerning the effectiveness of reducing the risk of wildfire to Wildland Urban Interface (WUI) areas through commercial timber sales and other vegetation treatments within the Windy Project Area. Specifically, the commenter requested an alternative be analyzed in detail that implements Dr. Cohen’s fire risk reduction methods.

The interdisciplinary team developed an alternative based on these comments. In addition to the public education, the alternative would drop all fuel reduction treatments in the area along Lake County Road 7 and Two Moose Trail. This would remove over 500 acres of fuel reduction treatment within the project area focused directly adjacent to the Wildland Urban Interface. All other treatment units in the proposed action would remain, as they do not have a primary fuel reduction objective, however they all still have secondary fuels objectives.

I am not selecting Alternative 5 because it would not meet all components of the purpose and need for the Windy Project. Alternative 5 would not decrease hazardous fuels within and adjacent to the Wildland Urban Interface in the Windy Project Area, would not break up the continuity of hazardous fuels nor reduce concentrations of hazardous fuels, and would not create defensible space around private property or other values at risk in the event of a wildland fire.

### **Alternative 6- More Young Age Class**

Alternative 6 was developed to respond to comments concerning the amount of young age class that would be created through harvesting in the Proposed Action. Specifically, a commenter requested an alternative be analyzed that would create more young age class and improve the marketability of the timber sales that would be used to create the young age class.

The interdisciplinary team developed Alternative 6 based on these comments. The objective of this alternative was to create 14 percent young age class in 2023 in the Jack Pine Black Spruce Landscape Ecosystem in the Windy Project Area. Approximately 6,300 acres would need to be harvested to reach this percentage within the Jack Pine Black Spruce Landscape Ecosystem in the Windy Project Area which is 44,950 acres. Other treatments in the proposed action such as thinning and understory fuel reduction would also occur in this alternative.

I am not selecting Alternative 6 because while the alternative would address the proposal to create 14 percent in the young age class in 2023, it would not meet the other recommendations for the alternative. Many of the acres that would be included would have low volume, poor operability, and be further from mills. Alternatives 2 and 3 already proposed some of the more economical units for harvest. Twenty-two percent in the young age class (which would occur throughout most of the decade) is a substantially higher percentage than typically occurs in other project areas on the Tofte District and is considerably higher than the decade two objective of 14 percent. Alternative 3 creates more young age class in a larger, economical patch and therefore addresses some of the issues raised in Alternative 6.

### **Alternative 7- More Pine Thinning**

Alternative 7 was developed to respond to comments concerning the amount of thinning to improve forest productivity. Specifically, a commenter requested an alternative be analyzed that would thin more red pine.

I am not selecting Alternative 7 because the interdisciplinary team did not identify any additional opportunities for thinning red pine stands in the project area. The District Silviculturalist, Timber Management Assistant Ranger, and other interdisciplinary team members reviewed all red pine stands when they developed the proposed action to determine if stand conditions indicated a need for thinning (i.e. dense growing conditions). The team also accessed the operability of the stands relative to terrain and access. Red pine stands they deemed had sufficient stocking, where thinning would be beneficial and feasible to operate in, were included in the proposed action. No new information was presented during scoping that identified other opportunities for thinning.

## **TRIBAL CONSULTATION**

The District Ranger and interdisciplinary team consulted with tribal representatives from 1854 Treaty Authority, Grand Portage Band of Lake Superior Chippewa, Fond du Lac Band of Lake Superior Chippewa and Boise Forte Band of Chippewa at various stages throughout the development of the Windy Project. Contacts were made during data collection, pre-scoping (developing the purpose and need and proposed action), scoping and environmental analysis.

Under both Alternative 2 and 3, there would be an increase in the number of acres of young aspen, paper birch, and mixed deciduous and coniferous forests. However, Alternative 3 will provide nearly 400 acres more of those acres in comparison to Alternative 2. Young forest acres provide valuable forage for species of interest to the tribes, such as moose, deer, and grouse for hunting and gather purposes.

Also, under both action alternatives, there will be an increase in the number of young forest acres near existing roads for access to hunting. In comparison to Alternative 2, Alternative 3 will provide for greater opportunities to access land for hunting and gathering purposes.

Alternative 1-No Action would not be responsive to tribal interests of creating young aspen, paper birch, or mixed deciduous/coniferous forest, which provide foraging habitat for species of interest (See EA Section 3.3 Vegetation for more discussion on vegetation changes in the ecosystem.). Tribal interests also include having nearby access to young forest for exercising treaty rights. By not creating any new young forest, Alternative 1 would not provide additional opportunities for hunting and gathering purposes.

## **PUBLIC INVOLVEMENT**

The interdisciplinary team has worked with members of the public, community organizations and agency personnel throughout the development of the purpose and need, proposed action, issues and alternatives and environmental analysis for the Windy Project. This section describes all of the public involvement as well discuss some of the concerns heard and how those concerns were addressed.

When developing the proposed action, interdisciplinary team members consulted with biologists from 1854 Treaty Authority, Bois Forte Band, Fond du Lac Band, Grand Portage Band, and Minnesota Department of Natural Resources specialists. Biologists and specialists shared data on wildlife habitat, rare species in the area, and ecology of the area and forest management actions each agency was considering.

Also, the interdisciplinary team participated in a Wilson Lake homeowners group meeting (November 26, 2012) to provide an overview of the Proposed Action and how it relates to a Wildland Urban Interface. The purpose of the meeting was to inform homeowners about the risk of fire in a Wildland Urban Interface and discuss proposed units for fuels reduction treatments. Data gathered at the meeting was used to help identify stands to mitigate the potential impact of wildfire in the area. About 10 people attended the meeting.

Several methods were used to inform the public about the scoping comment period for the Windy Project. In April 2013, a scoping package requesting comments was mailed to almost 150 individuals, groups, and agencies who either own land within the project area or who have expressed an interest in these types of projects. The scoping package was also available online at [www.usda.fs.gov/goto/superior/projects](http://www.usda.fs.gov/goto/superior/projects). The Windy Project was listed in the Superior Quarterly (a Schedule of Proposed Actions for the Superior National Forest) starting in July 1, 2013.

There were seven written responses received from individuals, groups, and agencies, as well as having 37 people on the mailing list to receive additional information about the Windy project. Comments were received during the scoping period, the official 30 day comment period, or any time throughout the project. Responses ranged from simply wishing to remain on the project mailing list to detailed pages of comments about different aspects of the project.

The interdisciplinary team reviewed and analyzed comments submitted on the June 2014 Environmental Assessment and provided a written response to each person or group who provided a comment. The comments received did not raise any new issues that the interdisciplinary team had not addressed within the Windy Environmental Assessment. Response to all comments received is in Appendix E of this Decision Notice.

## **OBJECTION PROCESS**

This Decision has been prepared in accordance with 36 Code of Federal Regulations (CFR) 218. These regulations provide for public review as part of the pre-decisional, administrative review process for environmental assessments. This process became effective on March 27, 2013, as part of the Department of Agriculture's final rule for replacing the Forest Service's appeals process (36 CFR 215) with an objections process as outlined in 36 CFR 218. More information about this rule is available at the Federal Register website (<http://www.federalregister.gov>, March 27, 2013 edition, pp. 18481-18504).

One primary difference of the objections process, which replaced the Forest Service's appeals process, is that eligible parties are able to seek resolution of their unresolved concerns by filing an objection prior to a final Decision being made. Objections could be filed based on unresolved concerns for the actions outlined in the June, 2014 EA Comment Period. A legal notice was published in October, 2014 to announce the release of the Draft Decision and initiate a 45-day objection period.

The project's objection Reviewing Officer, Brenda Halter, the Superior's Forest Supervisor, received an objection to the October, 2014 Draft Decision Notice. In response to this objection, the Windy Project was subject to further evaluation by the Reviewing Officer and a review team. The Forest Supervisor and the District Ranger offered to meet with the objector to discuss objection points raised, in accordance with 36 CFR 218.11. The objector declined to meet and therefore no resolution of concerns could be discussed.

There were thirteen issues raised by the objector, and of those, eleven issues were addressed through the project's evaluation process. However, two instructions were identified by the Reviewing Officer: 1) review project maps and make necessary changes to the scale before

signing a Final Decision Notice and 2) clearly document that the opposing viewpoints brought forth by the objector were reviewed for this site specific analysis. The objector was sent a letter describing how the project file documentation assisted to clarify or address concerns raised, as well as the instructions the District Ranger was to address before signing the Final Decision.

The two instructions from the Forest Supervisor have been addressed by: 1) correcting the map scale label for the Final Decision Notice and 2) reviewing each of the opposing viewpoints attachments sent by the objector and documenting, in the project record, the applicability to the Windy Project and rationale for that decision. This Decision has been prepared pursuant to 36 CFR 218.12, which states that a decision can only be signed once the project's Reviewing Officer has responded in writing to all pending objections, and concerns and instruction's identified by the Reviewing Officer have been addressed. This process is now complete.

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

The decision complies with all applicable laws and regulations. Some of the more pertinent ones are summarized below.

### **Compliance with the National Forest Management Act**

The Forest Service is currently operating under the 2012 Planning Rule. As required by section 219.15(d) of the 2012 Planning Rule, this project is consistent with the direction found in the 2004 Forest Plan.

The best available science was used in making the selected 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. In addition, the Windy Project complies with the 2004 Superior National Forest Plan as required by the National Forest Management Act.

The Windy Project Area overlaps three Forest Plan management areas: General Forest, General Forest-Longer Rotation, and Semi-primitive Motorized Recreation (EA p.1-3). However, there are no acres selected for treatment in Alternatives 2 or 3 in the Semi-primitive Motorized Recreation management area (MA). The Forest Plan includes the desired conditions, objectives, standards, and guidelines for each MA. For more information on management areas located in the Windy Project area, please refer to the EA on pages 1-2 through 1-4.

All relevant standards and guidelines have been incorporated in Operational Standards and Guidelines listed in Appendix C; site specific mitigation measures are listed in Appendix A and Appendix B. Standards and guidelines will be met with this project except in a limited number of units. In specific units, where fuel hazard is a high concern or site preparation for restoration of conifer is critical (listed in the Windy Project Record), slash will not be retained on the site as recommended in guideline G-WS-8. Deviations from guidelines may occur (FP p. 1-8) and in this case it is believed, a deviation is needed to accomplish the fuel reduction or reforestation work. Aspects of the treatments that reduce effects to the soil resource include leaving a portion of biomass on site, retaining an overstory on some of these units, and managing for longer rotations between harvests. These factors will minimize effects to the soil resource and there

will not be irreversible damage to soil, slope or other watershed conditions. For further discussion on effects to soils and mitigation measures, see Section 3.6 of the EA.

Road management in Alternative 3 is consistent with the desired condition, objectives, standards and guidelines for Transportation Systems in the Forest Plan. These actions will result in the minimum amount of roads needed to accomplish forest management objectives.

### **Suitability for Timber Production**

Harvest of this timber will contribute toward an annual and sustainable timber program (FP p. 2-37, O-SE-2), as expected in the Forest Plan. All commercial timber removal will occur on forest land that is suitable for timber production. This conclusion is based upon on-the-ground examination of the stands selected for harvest by resource specialists, review of the maps and facts provided in the Windy Project EA, and information provided in the project record. Based on my experience and the knowledge and expertise of the interdisciplinary team, I find there is reasonable assurance that harvested lands will be adequately restocked within five years. None of these lands have been withdrawn from timber production by an Act of Congress, the Secretary of Agriculture, or the Chief of the Forest Service.

### **Optimality and Appropriateness of Harvest Methods**

The National Forest Management Act states, “When timber is to be harvested using an even-aged management system, a determination that the system is appropriate to meet the objectives and requirements of the Forest Plan must be made, and where clearcutting is to be used, it must be determined to be the optimum method.”

To determine the optimum harvest method for regenerating a unit, consideration was given to the objectives for the stand, silvicultural requirements of the vegetation species on the site, existing stand conditions, issues’ raised during the analysis, prior experiences in the area, and the Forest Plan direction. A silvicultural prescription describing the harvest method was written for each unit based on the biological requirements of the unit and project objectives. This prescription was reviewed and modified by the interdisciplinary team which consists of foresters, biologists, plant ecologists, recreation planners, soil specialists and fuel specialists, with special consideration given to the issues raised by the public. In all units, the harvest method is sufficient to ensure regeneration of the unit. The selected silvicultural methods for each unit, listed in Appendix A, will accomplish the purpose and need for this proposal.

Clearcutting is appropriate for each of the forest types where it has been prescribed in the Windy Project. The Forest Plan (FP pp. 2-20 to 2-21) states: “G-TM-2 – Clearcutting may be used to regenerate the following forest types: jack pine, red pine, spruce-fir, oak, aspen, aspen/spruce/fir, paper birch, and lowland conifers.” This is further documented in Table G-TM-7 “Type of Timber Management Practices by Forest Type Group.” The use of clearcutting is the optimum method for regenerating aspen, aspen/spruce/fir and paper birch as prescribed in the Windy Project because they are pioneer forest tree species and shade intolerant. Use of the clearcut method optimizes management objectives in the project while ensuring successful regeneration. Stocking and regeneration surveys show we have been successful in regenerating clearcut units. Regeneration harvest units meet the Forest Plan standard for culmination of mean annual increment and minimum rotation ages (S-TM-5, FP p.2-20). For further information,

please refer to the 2004 Forest Plan Environmental Impact Statement (FEIS). The Windy Project EA also provides a thorough analysis of effects from even-aged management. The analysis is documented in Chapter 3 of the Environmental Assessment.

### **Vegetation Manipulation**

All manipulation of vegetation complies with the seven requirements of the National Forest Management Act (NFMA) Regulations. This conclusion is based upon the following:

1. The actions in Alternative 3 fit the goals stated in the Forest Plan for the landscape ecosystem objectives and management area objectives.
2. The lands being treated can be adequately restocked within five years after final harvest as discussed under Suitability for Timber Production in the previous section.
3. These activities were not chosen primarily because they give the greatest dollar output or the greatest output of timber. Alternative 3 was selected because it best meets the goals and objectives in the Forest Plan for multiple resources.
4. These activities were chosen after considering potential effects on residual trees and adjacent stands. The effects are disclosed throughout the Windy Project EA and are within the effects analyzed in the Forest Plan Final Environmental Impact Statement. In all cases the effects are acceptable when considering the purpose and need of the Windy Project and the goals, objectives, and desired conditions in the Forest Plan.
5. The selected activities will avoid permanent impairment of site productivity and will ensure conservation of water resources (Sections 3.6 and 3.8 of the Windy Project EA). The prescriptions and mitigations will adequately protect these natural resources.
6. The selected activities will provide the desired effects on water quality, wildlife and fish habitat, regeneration of desired tree species, recreational uses, aesthetic values, and other resource needs. The effects of the actions are fully disclosed in the environmental assessment. The vegetation management prescriptions and, in particular, the Operational Standards and Guidelines and mitigations will adequately protect the other resources.
7. The selected activities are practical in terms of transportation and harvesting requirements, preparation costs, logging and administration, reforestation and release needs. This determination is based on the fact that the selected activities are similar to those which have been practiced on the Superior National Forest and the Tofte Ranger District in areas similar to the Windy Project Area.

### **Wilderness Act**

Based on professional views, the selected alternative complies with the Wilderness Act and the 1978 BWCA Act. The Windy Project EA (Section 3.9) describes the potential effects from selected activities to wilderness character. The selected decision will preserve wilderness character while at the same time meeting a variety of goals and objectives in the Forest Plan. Item three of the Finding of No Significant Impact contains further discussion on compliance with the Wilderness Act.

### **Clean Water Act**

Analysis in Sections 3.6 (Soil Productivity and Wetlands) and 3.8 (Water Quality) of the Environmental Assessment indicates that there will not be significant effects to water resources. Operational Standards and Guidelines listed in Appendix C of the Decision Notice will

adequately protect water resources. The selected decision complies with the State Water Quality Standards and the Clean Water Act.

### **Threatened and Endangered Species Act**

The selected decision complies with the Threatened and Endangered Species Act. The determination made is that the Windy Project “may affect but is not likely to adversely affect” Canada lynx or their critical habitat.

As of October 2013, the northern long-eared bat has been proposed for federal listing under the Endangered Species Act; no critical habitat has been proposed at this time. The Forest Service proactively consulted with the U.S. Fish and Wildlife Service on our effects determination, as well as partnering with the Minnesota Department of Natural Resources (DNR) to collect data about those species that may be susceptible to white-nosed syndrome. Since 2009, the Forest Service has conducted acoustic monitoring routes across the forest to obtain baseline information about bat populations. Also, over the past two years we have collected data about bat demographics and habitat use to assess the health of bats and better understand maternity roost sites. These efforts will provide valuable data to make good management decisions prior to seeing the effects from white-nosed syndrome on bat populations, and we will continue to partner with the DNR to collect additional demographic and habitat information.

The determination of effects made is that the Windy Project “may affect, but will not result in jeopardy” to the northern long-eared bat. The Forest Service has conferred with the U.S. Fish and Wildlife Service.

As of December 2014, the gray wolf was re-listed as a threatened species under the Endangered Species Act, resulting in the reinitiation of consultation with the U.S. Fish and Wildlife Service. A supplement to the Windy Biological Assessment for the wolf and designated critical habitat was sent to the U.S. Fish and Wildlife Service in January 2015. The determination made, based on the Biological Assessment – Gray Wolf Supplement, is that the Windy Project “may affect but is not likely to adversely affect” the wolf or their critical habitat.

Please refer to item 9 in the Finding of No Significant Impact below which provides additional information on compliance with the Endangered Species Act.

### **Clean Air Act**

In Minnesota, the Clean Air Act is addressed through the State Smoke Management Plan. Prescribed burning will be carried out in compliance with the State’s Smoke Management Plan, the Superior National Forest Fire Management Plan and the Forest Plan. These plans outline how prescribed burning will be carried out so that the resulting smoke minimally affects air quality.

Based on the burning done over large burn units and in heavy blowdown fuels during the fall of 2002 in the Boundary Waters Canoe Area Wilderness, the Forest has developed a good record for managing smoke impacts during large scale prescribed burns. The National Ambient Air Quality Standards have not been exceeded to date during large-scale prescribed burning on the Forest. Therefore, it is expected the small prescribed burn areas in the selected alternative will

not exceed air quality standards, and it is determined that the selected alternative will be in compliance with the Clean Air Act.

### **Migratory Bird Treaty Act**

The selected decision complies with the Migratory Bird Treaty Act and the 2008 Memorandum of Understanding on migratory birds between the Forest Service and the U.S. Fish and Wildlife Service. The Windy Project Environmental Assessment and Biological Evaluation disclose effects to birds, focusing on species of management concern, and on habitat used by birds. Effects of the project activities on forest wildlife species (including birds) is evaluated by looking at effects to Management Indicator Habitats (MIH). These type and age groupings represent the broad spectrum of habitat used by the forest bird community. The MIH analyses and the project effects are discussed in the Windy Biological Evaluation. There will be no significant effect to birds or other wildlife under Alternative 3.

### **Shipstead Newton Nolan Act**

The selected decision complies with the Shipstead Newton Nolan Act. No harvest of timber will occur within 400 feet of any lake or stream covered under the Act.

## **FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed both the context and intensity of the selected alternative and its environmental consequences, which are disclosed in the environmental assessment and project record. Based on past experience with similar projects and practices, it is concluded that the selection of Alternative 3 does not constitute a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment.

The level of analysis conducted for the Windy Project Environmental Assessment (EA) is adequate and documents no significant effects. Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

### **Context**

40 CFR 1508.27 states “The significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting. In the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.”

The Windy Project Environmental Assessment is tiered to the 2004 Forest Plan Environmental Impact Statement (FEIS) which analyzed effects of these types of actions at the Forest and regional scale. Where appropriate, the Windy Environmental Assessment has referenced analysis and conclusions from the Forest Plan FEIS.

The Windy Project is a site-specific action that does not have international, national, regional, or statewide importance. The physical and biological effects of the selected actions were analyzed at appropriate scales, such as within the project area, adjacent to the project area, or across a

larger landscape. The analysis area differs for each resource and rationale for each analysis area is provided in Chapter 3 of the Windy Environmental Assessment.

As discussed in more detail below for the factors of significance, the context of this proposal is limited to the location of the Windy Project Area. Even in a local context, this proposal will not pose significant short- or long-term effects. The proposal's relatively small scale limits its effects of the natural resource values and uses. Mitigations included in this project minimize and avoid adverse impacts to the extent that such impacts for some resources are not measurable, even at the local level.

### **Intensity (severity of impact)**

40 CFR 1508.27b lists ten factors to consider in evaluating intensity. I have considered them as follows:

**1. Impacts may be both beneficial and adverse. A significant effect may exist even if on balance, effects are believed to be beneficial.**

Both adverse and beneficial impacts of harvesting, fuel reduction, reforestation, road construction and other related actions were analyzed and disclosed in the Windy Project EA in Chapter 3, Appendices E and G, and in the Biological Assessment and Biological Evaluations. Some of these differing impacts were described earlier in the Decision Notice. In determining whether this project will have significant effects, the beneficial effects were not used to compensate for, or offset, adverse effects. Careful consideration has been given to both beneficial and adverse impacts and neither will be significant.

**2. The degree of effect on public health or safety.**

The safety of forest users (visitors and residents) will be protected under Alternative 3 by operational standards, guidelines and mitigation measures. Specific mitigations for treatments have been identified. For example, prescribed burning mitigation measures for safety have been identified, such as posting prescribed fire warning signs at appropriate recreational areas including roadways, and contacting nearby residents and businesses. In addition, it is expected the prescribed burns in the selected alternative will not exceed air quality standards. The National Ambient Air Quality Standards have not been exceeded to date during large-scale prescribed burning on the Forest and the Windy Project will use similar smoke management techniques to minimize effects to public health.

The fuel reduction treatments within Alternative 3 (including treating activity fuel) will be located primarily near forest boundaries with private land, near roadways, and near areas of high recreational use. By treating near these areas, defensible space will be increased. Defensible space is the area between a fire and values at risk where firefighters are able to take suppression actions. Additionally, removing hazardous fuels near high travel corridors will improve the safety of travel for forest visitors and local residents during a wildfire. All fuels reduction treatments within Alternative 3 will reduce hazardous fuels to a level in which fire behavior from a wildfire will be decreased. The combination of increasing defensible space and decreasing fire behavior will increase the likelihood that fire suppression activities can be conducted to minimize impacts to values at risk and provide for public safety.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

Unique characteristics of the area were considered and it is determined there will be no significant effects to these resources. There are no park lands or prime farmlands within, or adjacent to, the project area. Also, the project area does not include, nor is adjacent to any, Candidate Research Natural Areas as designated in the Forest Plan.

There is one Roadless Area Conservation Areas or Forest Plan inventoried roadless area, Kawishiwi Lake to Sawbill, within the Windy Project Area. However, there are no treatments planned under Alternative 2 or 3 in this roadless area, and therefore, there will be no effects to the roadless area. Potential effects to historic or cultural resources are described under item 8, below. Also, this project will not have significant impacts to wetland soils (EA p. 3-25).

How management activities might affect the character of the Boundary Waters Canoe Area Wilderness (BWCAW) was analyzed in Section 3.9 of the Environmental Assessment. The analysis disclosed the potential effects using four wilderness characteristics and is summarized here.

The existing untrammled and undeveloped characteristics of the Wilderness will be unchanged by the selected alternative since there are no activities proposed within the BWCAW. The selected alternative will not create opportunities for illegal motorized intrusions into the BWCAW because temporary roads will be effectively decommissioned and monitored. In addition, there are two roads planned for decommissioning within one half mile of the wilderness boundary, which will help to further reduce illegal motorized intrusions in the wilderness.

There are several elements to the natural characteristic of wilderness character that were analyzed in the Windy EA including landscape ecosystems/vegetation (Section 3.3), wildlife (Section 3.4 of the EA, Biological Evaluations, and Biological Assessment), water quality (Section 3.8) and non-native invasive plants (Section 3.7). These analyses found there will not be significant effects to these resources.

For example, the effects analysis for Non-Native Invasive Plants (NNIP) in Section 3.7 of the EA indicates there is a low risk of spreading non-native invasive plants (NNIP) from harvest units into the BWCAW. The greater risk of NNIP impacts to the BWCAW arises from the vegetation conditions in the Pagami Creek Fire burned area, which created 8,500 acres of early seral vegetative conditions in the Windy Project Area. However, NNIP treatments conducted since the fire have attempted to limit NNIP spread into the BWCAW. The selected alternative will not result in an increase in NNIP spread into the BWCAW beyond what has and will continue to occur in the area and represents a much smaller contribution than that of recreationists traveling into the Wilderness.

Section 3.9 of the EA includes a discussion of how the selected alternative will affect outstanding opportunities for solitude or a primitive and unconfined type of recreation from the sound of equipment during implementation. All units, except four, are located more than one mile from the Wilderness, where activities will not be heard above background sounds (EA pp.3-

51 to 3-55). Around these four units, sounds from motorized vehicles or equipment may be audible in the area of the BWCAW. Under the selected alternative, the duration of sound impacts from management activities will be short-term (less than 60 days), and most of the activity will likely occur in the low use season (winter, spring or fall). Due to the small area affected, the negligible to minor incremental change in sights and sounds that may be perceived from the Wilderness, the temporary and short term nature of the sounds, and the conducting of most activities in the low use season, there will be negligible impacts to the BWCAW character. The area BWCAW users will continue to find a level of solitude and quietness similar to what currently exists.

Conclusion: I have carefully considered all the possible effects to the Boundary Waters Canoe Area Wilderness from the selected actions, which are summarized here, in the Windy EA and in the project record. I determined that the actions will not have a significant effect on wilderness character. My decision is in compliance with Section 4(b) and the other provisions of the Wilderness Act.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The degree of controversy, with regard to effects on the quality of the human environment, is limited and considered not significant based on comments received during the scoping and the comment periods (EA Appendix A, DDN Appendix E). Differing opinions do not indicate that something is highly controversial. A range of comments were received on how National Forest System lands should be managed and what values are most important. The differences in comments reflect a range of opinions, and do not by themselves constitute controversy. Although it is anticipated that this decision will not be favorable to all, it has been determined that the effects, as displayed in the Windy Project Environmental Assessment and supporting documentation in the project record file, are not likely to be highly controversial.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The selected activities, including timber harvest, reforestation, fuel reduction and road construction, are similar to those that have occurred in the past in this area and similar areas across the Superior National Forest. The effects of the Windy Project are expected to be similar to the effects of these past actions. Based on knowledge of the effects of similar past actions and the effects analysis disclosed in the Windy Environmental Assessment, I have determined that the effects will not be highly uncertain or involve unique or unknown risks.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

Implementing the selected activities within this project area will not commit the Forest Service to actions on other lands either within or outside the project area. This action will not establish a precedent for future actions. All connected future actions have been included in this project and the effects disclosed in Chapter 3 of the Windy Environmental Assessment. The reasonably foreseeable future projects disclosed under various cumulative effects analysis are those that are in the development phase and are not connected to the Windy Project actions. Environmental analyses will be completed on these projects and site specific decisions will be made on whether

or not to implement other projects. The selected action is not likely to establish a precedent for future actions with significant effects, because timber harvest projects of this magnitude and complexity are commonly implemented.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.**

A cumulative effects analysis for each resource was conducted and documented in Chapter 3 of the Windy Project Environmental Assessment. For each resource, the cumulative effects analysis boundary was determined by the resource specialist using professional knowledge of the resource affected and how effects accumulate. Past, on-going, and reasonably foreseeable future actions that were relevant to the effect being analyzed and within the analysis boundary, were considered. Appendix F of the Windy Project Environmental Assessment describes potential cumulative actions. There are no known significant cumulative effects between this project and other projects that have occurred in the past, or are currently being implemented, or are planned for the future.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.**

The selected alternative (Alternative 3) will not result in impacts to any properties listed on or considered eligible for listing in, the National Register of Historic Places (Windy Project EA Section 3.10), nor will they cause any loss or destruction of any scientific, cultural, or historic places. Heritage Resource staff have completed a project specific inventory and they identified the known heritage sites within and adjacent to treatment sites. All sites will be avoided and protected following the standards set forth under the guidelines of the Memorandum of Agreement between the USDA Forest Service and the Minnesota State Historic Preservation Officer. My selected decision complies with the National Historic Preservation Act.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (ESA).**

The effects to threatened and endangered species are briefly summarized in the Windy Project EA in Section 3.4, pages 3-14 to 3-21. The Windy Project Biological Assessment contains the complete effects analysis and considered the existing condition information, including populations and trends and information on project area surveys, habitat needs and limiting factors; habitat trends, direct and indirect effects, cumulative effects, the determination, and mitigations. The determination made, based on the Biological Assessment, is that the Windy Project “may affect but is not likely to adversely affect” Canada lynx or their critical habitat. In accordance with requirements, the Forest Service consulted with the U.S. Fish and Wildlife Service who concurred with this determination on August 25, 2014.

As of October 2013, the northern long-eared bat has been proposed for federal listing under the Endangered Species Act; no critical habitat has been proposed at this time. The determination of effects made based on the best available science known at this time, which is described in the Biological Assessment, is that the Windy Project “may affect, but will not result in jeopardy” to the northern long-eared bat. The Forest Service has conferred with the U.S. Fish and Wildlife Service who concurred with this determination on August 25, 2014. The concurrence also states “ if implementation of the proposed project occurs after a northern long-eared bat final listing decision is made (expected April 2, 2015), consultation will likely be required under section 7 of the Act. If the northern long-eared bat is listed as federally threatened or endangered under the Act, and the proposed action “may affect” northern long-eared bat, consultation will be required under section 7 of the Act.” ( U.S.F.W.S. August 25, 2014, Project Record). A copy of the concurrence letter from the U.S. Fish and Wildlife Service is included in the project record.

As of December 2014, the gray wolf was re-listed as a threatened species under the Endangered Species Act, resulting in the reinitiation of consultation with the U.S. Fish and Wildlife Service. A supplement to the Windy Biological Assessment for the wolf and designated critical habitat was sent to the U.S. Fish and Wildlife Service in January 2015. The determination made, based on the Biological Assessment – Gray Wolf Supplement, is that the Windy Project “may affect but is not likely to adversely affect” the wolf or their critical habitat. In accordance with requirements, the Forest Service consulted with the U.S. Fish and Wildlife Service who concurred with this determination on February 27, 2015.

Based on the Windy Project EA, the Biological Assessment, the Biological Assessment – Gray Wolf Supplement and the Biological Evaluations, there will be no significant direct, indirect, or cumulative effects to any Federally Threatened or Endangered Species or their habitats from the selected alternative (Alternative 3).

**10. Whether the action threatens a violation of federal, State, or local law or requirements imposed for the protection of the environment.**

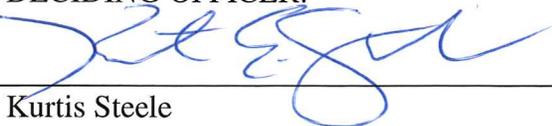
These actions will not violate any federal, State, or local law or requirement for the protection of the environment. The Windy Project will protect the environment to the extent practical and will enhance ecological conditions through vegetation management activities to meet Forest Plan desired conditions and objectives.

**Implementation Date**

This decision may be implemented any time after the date of signature.

For additional information concerning this decision, please contact Becky Bartol at the Tofte Ranger Station, 7355 W. Highway 61, Tofte MN 55615 or (218) 663-8600.

DECIDING OFFICER:



Kurtis Steele  
Tofte District Ranger

  
Date