

**Decision Notice
and
Finding of No Significant Impact
for
Hunters Creek Road Right-of-Way Conveyance**

**USDA Forest Service
HOOSIER NATIONAL FOREST
Brownstown Ranger District
Lawrence and Monroe Counties, Indiana**

Introduction

This Decision Notice (DN) and Finding of No Significant Impact (FONSI) document describes the decision I have made for the Hunters Creek Road Right-of-Way Conveyance, which the interdisciplinary (ID) team analyzed in the Hunters Creek Road Right-of-Way Conveyance Environmental Assessment (EA). The EA presents a site-specific analysis of the potential effects of implementing the Proposed Action or the No Action alternative to it.

The ID team prepared the EA. It used public scoping, field review, environmental studies, and the Hoosier National Forest Land and Resource Management Plan (*Forest Plan*) as guidance. The EA is available for public review from the Hoosier National Forest at the Forest Supervisor's office in Bedford, Indiana. Copies of the EA are available upon request and on the Hoosier National Forest website at: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=44672.

Hunters Creek Road is located on the Brownstown Ranger District of the Hoosier National Forest in Lawrence and Monroe Counties, Indiana. The legal description includes T7N, R2E, Sections 20, 29, 31, 32; T7N, R1E, Section 36 (Monroe County); and T6N, R1E, Section 1 (Lawrence County). For maps of the project area, see Appendix A of the EA.

As the lead for the Hunters Creek Road project, Monroe County contracted American Structurepoint, Inc. to analyze the overall effects of the road construction project, which included both private and National Forest System (NFS) lands. The Forest Service proposal is to convey right-of-way easements to facilitate the reconstruction project on those portions of the road which cross NFS land.

Decision

Based on my review of the EA and the project record, I have decided to approve and implement Alternative A, the Proposed Action as described in section 1.4 of the EA.

The existing county-owned Hunters Creek Road is very narrow and contains numerous hazardous curves. In its current state, Hunters Creek Road fails to meet Indiana Department of Transportation standards. My decision will convey right-of-way easements to Lawrence and Monroe Counties on the approximately 2.9 miles of Hunters Creek Road that are located on NFS land to authorize reconstruction to widen and realign those portions of the road on NFS land. The additional 1.4 miles of the road are located entirely on private land and are outside of Forest Service authority.

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My decision includes the design measures listed in Appendix C of the EA.

Rationale for the Decision

Lawrence and Monroe Counties have jurisdiction for the entirety of Hunters Creek Road and requested right-of-way easements from the Hoosier National Forest to accommodate the redesign and realignment of Hunters Creek Road. Both county highway departments (Lawrence and Monroe) and the Hoosier recognize the safety issues associated with the road due to its current alignment and width. The proposed road improvements require the conveyance of a right-of-way easement from the Forest Service to proceed on the sections of road located on or adjacent to NFS land.

I received comments from residents living near Hunters Creek Road who are concerned about the realignment project and the effects to their private property. Although the Hoosier's proposal only pertains to National Forest System land, it would be difficult for Monroe County to proceed with the project without obtaining right-of-way easements from the Forest Service. While I understand their concerns, Hunters Creek Road, in its current state, does not meet Indiana Department of Transportation standards and must be reconstructed. The decision to improve the road to meet those standards was made by Monroe and Lawrence Counties, who have jurisdiction over the road and its maintenance. My decision will facilitate this process by conveying a right-of-way for the counties to make those improvements on NFS lands.

Other Alternatives Considered

Consideration of Alternative B (No Action) and reasons for not selecting it

The No Action alternative provides a baseline for estimating the effects of the Proposed Action. Under the No Action alternative, no conveyance of right-of-way easements to Lawrence and Monroe Counties would occur. Although difficult, Monroe and Lawrence Counties could still consider whether to implement all or part of the roadway improvements that are not on NFS land and those that fall within the existing road prism on National Forest.

I did not select Alternative B because it does not meet the purpose and need of the proposal. Safety issues associated with Hunters Creek Road would continue to exist.

Design Measures

To ensure protection of various resources, the Hoosier included design measures to the project, shown in Appendix C of the EA.

Public Involvement

The proposal was listed in the Schedule of Proposed Actions (SOPA) for the Hoosier National Forest beginning in July 2014 and has continued to be listed in the quarterly SOPA, up to the most recent in April 2015. The proposal was provided to the public for comment during the initial scoping period, which began on July 10, 2014.

The interdisciplinary (ID) team reviewed each response for issues and concerns related to the proposed project. The ID team identified one key issue: the potential for spread of nonnative invasive plant species. The issue was addressed and analyzed in the Environmental Effects section of EA.

The Hoosier sent the EA for 30-day Notice and Comment to the seven individuals that commented during initial scoping. We also posted the document on the Hoosier's website. On

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January 11, 2015, publication of a legal notice in *The Hoosier Times* initiated the 30-day formal comment period.

The Hoosier received one response during the 30-day comment period. The comments received did not raise any new issues that the ID team had not addressed in the EA.

Appendix B of the EA lists the names of the scoping respondents, their comments, and our responses to them. This information is also in the project record for this project, which is on file at the Hoosier National Forest Supervisor's Office in Bedford, Indiana 47421.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that implementing the Hunters Creek Road Right-of-Way Conveyance will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. "Significance" as used in the NEPA, 42 U.S.C. 4321 *et seq.*, requires consideration of both the context (here a local context) and intensity (severity of the impact) of the Federal action.

Context

Alternative A is consistent with *Forest Plan* guidance and the direction for Management Areas 5.1 and 6.4 (EA p. 6). The context of the action is local and specific to the general area surrounding Hunters Creek Road. No effects will extend beyond that area.

Intensity

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. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

Implementing Alternative A will not have a significant effect on the quality of the environment. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Chapter 3 of the EA discusses the environmental effects of implementing the selected alternative.

- 2. The degree to which the proposed action affects public health or safety.**

Based on the EA, there will not be any negative impacts to public health or safety. As stated in the EA (Section 1.3 – Purpose and Need), the right-of-way conveyance and subsequent road realignment would correct the safety issues associated with Hunters Creek Road.

- 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.**

There will be no significant effects on unique characteristics of the area, because there are no parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas affected by the Hunters Creek Road Right-of-Way Conveyance. Any historical or cultural

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sites in the project area will be protected by applying avoidance methods (EA p. 10). The project will not negatively affect cave and karst features (EA p. 22). One wetland was identified but no impacts are anticipated to occur to this wetland because it is outside of the construction limits of the project (EA p. 17).

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

Based on public participation and the involvement of resource specialists, I do not expect the effect on the quality of the human environment to be highly controversial. This does not mean that my decision will be acceptable to all people, as some will neither agree nor be pleased with the decision. However, the anticipated effects of the project are reasonably predictable and therefore the effects are not highly controversial.

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

I do not know of any effects on the human environment from this project that are highly uncertain or involve unique or unknown risks. The EA (pages 10 to 28) adequately evaluates the effects of this project.

- 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.**

The actions are not likely to establish a precedent for future actions. I base my decision to proceed on the results of a site-specific environmental analysis conducted in accordance with the National Environmental Policy Act. I will make decisions regarding any future action in a similar manner, based on its own site-specific analysis.

- 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.**

The EA considered cumulative effects and concludes there is no reason to expect any significant cumulative effects between this project and other projects currently implemented, ongoing, or planned (see individual cumulative effects analyses in the EA).

- 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 historical resources.**

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (EA page 10). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because project implementation will follow all standards and guidelines in the *Forest Plan*. Forest personnel have completed surveys for the presence of heritage resources on all treatment areas. Protection of all sites that are

eligible, or have not been formally evaluated, for listing to the National Register of Historic Places occurs by avoiding these areas (EA pages 10).

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.

The November 3, 2014 Hunters Creek Road Right-of-Way Conveyance Biological Evaluation for Federally Threatened and Endangered Species addressed the potential effects of this project on all federally endangered, threatened, or proposed species. The biologist for the project determined, and the USDI Fish and Wildlife Service concurred, that the project is not likely to adversely affect the Indiana bat or northern long-eared bat and will have no effect on fanshell, rough pigtoe, or gray bat. *Forest Plan* standards and guidelines and design criteria implemented in the project will provide protection for these species. Specific design criteria include tree clearing will not occur from April 1 through September 30 to protect potentially present bat species. Detailed analysis can be found in the Hunters Creek Road Right-of-Way Conveyance Biological Evaluation for Federally Threatened and Endangered Species and in the EA pages 20 to 22. The December 18, 2014 correspondence from USDI Fish and Wildlife Service can be found in the project record on file at the Hoosier National Forest Supervisor's Office.

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

The actions are consistent with and do not violate Federal, State, and local environment protection laws.

Consistency with Laws and Regulations

The Proposed Action will not have significant impacts on air and water quality, wetlands, soil resources, threatened and endangered species, cultural resources, or wilderness. Therefore, this decision is in compliance with the Clean Air Act, the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act, or the Wilderness Act. It is consistent with the Executive Orders for Wetlands (11990), Floodplains (11988), Migratory Birds (13186), and Environmental Justice (12898) (EA, Chapter 3; Project Record).

National Forest Management Act

This proposal is in compliance with direction and guidance contained in the Forest Plan. The Forest Plan was adopted to meet the requirements of the National Forest Management Act of 1976 (as amended).

Programmatic Documents Tiered to this Analysis

The decision to implement the Proposed Action is consistent with the programmatic documents listed below. These documents are hereby incorporated as part of this decision and analysis.

- Final Environmental Impact Statement for the Land and Resource Management Plan (January 2006)
- Programmatic Biological Assessment of the Hoosier National Forest Land and Resource Management Plan (June 2005), which addresses issues with protection of Federally threatened and endangered species and their associated habitat
- Biological Opinion of the Land and Resource Management Plan, Hoosier National Forest (January 2006), which addresses protection of Federally threatened and endangered

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species and the formal consultation process and findings with the USDI Fish and Wildlife Service

- Nonnative Invasive Species Plant Control Program Analysis (September 2009)

Administrative Review and Objections Process

This project was subject to the objection process pursuant to 36 CFR 218 Subparts A & B. The objection period ended on April 29, 2015 and no objections were filed.

Project Implementation

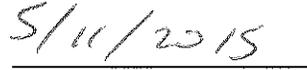
Since no objection was received during the 45-day objection period, this action may be implemented immediately.

Contact

Questions regarding the environmental assessment for this decision should be directed to: Kevin Amick, Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421 (812) 275-5987.



MICHAEL CHAVEAS
Forest Supervisor



Date

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