

DECISION MEMO

Black River Riparian Restoration Project USDA Forest Service, Eastern Region, Mark Twain National Forest Poplar Bluff Ranger District

I. DECISION

My decision is to approve the restoration of some of the hydrological features and forest composition of two areas that were part of the Black River floodplain prior to European settlement. The two areas included in this project are located approximately 16 (Adam's Tract) and seven (Hockinberry Hollow) air miles from Poplar Bluff, Missouri near the towns of Williamsville and Hendrickson, Missouri. The legal descriptions are: T27N, R4E, Section 10 (Adams Tract), and T26, R6E, Section 18 (Hockinberry Hollow).

A. Project Objectives

The purpose of the project is to restore ephemeral wetlands in the two bottomland areas. This will be accomplished by using heavy equipment to create small depressions in pockets of silt-clay-loam soils within the site. Following ground disturbance, exposed soils would be immediately seeded with a desirable native seed mix and covered with weed-free straw to mitigate erosion concerns. As part of the wetland re-establishment process, any ditches or drains that show evidence of having been created or altered for historical draining of the land would be modified to allow the natural hydrology of the site to be restored. Any underground drainage tiles or structures inadvertently discovered at the site would be removed.

Next, a variety of native aquatic plants would be planted within and/or on the edges of the ephemeral ponds. A mix of hardwood trees native to riparian areas of the Missouri Ozarks may also be planted if these species do not naturally occupy the site. Examples of species to be planted include but are not limited to American sycamore, Eastern cottonwood, sweetgum, green ash, burr oak, pin oak, swamp white oak, shellbark hickory, and northern red oak.

A few scattered small diameter trees (approximately six inches in diameter and less) may be removed and placed adjacent to the newly created wetlands. This will serve to protect them from any illegal vehicle use, and provide cover and areas necessary for egg laying.

B. Forest Plan Direction

The 2005 Mark Twain National Forest Land and Resource Management Plan (Forest Plan) provides general guidance and direction for the Proposed Action. The Forest Plan supports wetland and bottomland hardwood preservation and restoration (Forest Plan, Goal 1.3, page 1-3) and activities that distribute natural communities similar to historic patterns. The Black River Riparian Restoration project area is located within Forest Plan Management Prescription (MP) 2.1 (forest Plan, pages 3-11 thru 3-12). The direction for MA 2.1 is to "manage terrestrial and aquatic natural communities to enhance and retain their characteristic ecological elements".

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it falls within one of the categories identified by the U. S. Department of Agriculture in 7 CFR part 1b, and there are no extraordinary circumstances related to the decision that may result in a significant environmental effect.

A. Category of Exclusion

The project category is within Forest Service Handbook 1909.15. Specifically, the project generally falls within Category 31.2 (6): *“Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than one mile of low standard road construction.”*

B. Relationship to Extraordinary Circumstances

1. Steep Slopes or Highly Erosive Soils

Rolling to flat terrain is conducive to the activities included in this decision. This is supported by topographic map review, field visits, and soil survey review. This decision should not result in significant soil-related impacts. Forest Plan Standards and Guidelines will be followed during project implementation to protect soil and water quality.

2. Threatened and Endangered Species or Their Critical Habitat

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7 (c) of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was requested from the U.S Fish and Wildlife Service. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a biological evaluation.

First a Biological Opinion was prepared by the US Fish and Wildlife Service in 2005 for the management of Mark Twain National Forest lands. All Terms & Conditions of the BO are incorporated into this site-specific project. Also, all applicable Terms and Conditions will be implemented for the Indiana bat.

The district biologist completed a biological evaluation (BE) for the project on May 10, 2010. She determined that because there are no Federal, Candidate, Regional Forester Sensitive Species, or State Endangered species documented within the proposed project area and there is limited suitable habitat for these species, there will be no effect to any of the species considered for the project. In the BE, she determined that since no cumulative effects will occur to Federal, Candidate, Regional Forester Sensitive Species, or State Endangered species, consultation with the U.S. Fish and Wildlife Service was not required. If there are changes to this project proposal or additional information arises, a new analysis will be conducted and documented in an addendum or new BE. Consultation with the U.S. Fish and Wildlife Service may occur at that time.

3. Floodplains, Wetlands, or Municipal Watersheds

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

This decision includes activities within floodplains. This has been validated by map and site-review. The only activities taking place in the floodplain is ephemeral wetland restoration which will not impair the function of the floodplain. This decision should not result in significant floodplain-related impacts.

Wetlands: Executive Order 11990 tells us to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . *areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would*

support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.”

This decision includes activities within wetlands. This has been validated by map and site-review. Ephemeral wetlands will be restored in the bottomland to replace those that have been drained. This activity will restore the function of the wetlands and should not result in significant wetland-related impacts.

If necessary, appropriate permits required by other Federal agencies will be obtained before implementation of this project.

Municipal Watersheds:

Municipal watersheds are designated by Congress, and managed under multiple use prescriptions in Forest Plans. There are no congressionally designated municipal watersheds on the Forest. This decision will not affect municipal watersheds.

4. Congressionally Designated Areas

Wilderness:

This decision does not affect Wilderness. There are no designated Wilderness areas on the Poplar Bluff Ranger District.

Wilderness Study Areas:

No Wilderness Study Areas are on the Forest. This decision will not affect Wilderness Study Areas.

National Recreation Areas:

There are no National Recreation Areas on the Poplar Bluff Ranger District. This decision will not affect National Recreation Areas.

5. Inventoried Roadless Areas

There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area. This decision will not affect inventoried roadless areas.

6. Research Natural Areas

There are no Research Natural Areas on the Poplar Bluff Ranger District. This decision does not affect Research Natural Areas.

7. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in, the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this project. A concurrence letter dated April 7, 2010 from the State Historic Preservation

Office that there would be no historic properties affected by implementation of the proposed wetland restoration project.

In determining that there are no extraordinary circumstances and the potential effects for this project are minor or non-existent, I reviewed the Mark Twain National Forest Land and Resource Management Plan, Mark Twain National Forest Land and Resource Management Plan Final Environment Impact Statement and Record of Decision (Mark Twain National Forest, September 005). I also reviewed the USFWS Biological Opinion dated March 13, 2009, and State of Missouri Historic Preservation Office concurrence letter.

III. PUBLIC INVOLVEMENT

Public involvement included listing in the Forest's *Schedule of Proposed Actions*, and posting the scoping and comment letter and map on the Mark Twain website (www.fs.fed.us/r9/marktwain). Scoping letters were mailed to the Poplar Bluff Ranger District mailing list on February 18, 2010. The Scoping period ended on March 24, 2010. Local government and other agencies were included on the mailing list and were provided the opportunity to comment on the proposed action.

One comment (Missouri Forest products Association [MFPA]) was received from the public during the comment period. MFPA expressed general support for the restoration project and its components.

In addition, internal scoping was conducted by the District Interdisciplinary Team (IDT) to determine site-specific issues and concerns relating to the proposed action. No significant issues or extraordinary circumstances were identified and comments received during the public comment period were considered by me as the responsible official.

IV. FINDINGS RELATED TO OTHER LAWS AND REGULATIONS

This decision will comply with all applicable laws and regulations. I have summarized some below:

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Forest Plans). This decision is consistent with the standards and guidelines contained in the 2005 Forest Plan. The actions in this project comply fully with the Chapter 3 management direction of the Forest Plan, including that contained in Management Prescription 2.1 and the forest wide standards and guidelines. This project is feasible and reasonable, and it results in the application of management practices in the Forest Plan that meet the overall direction of protecting the environment. All activities proposed under the Black River Riparian Restoration project are consistent with Forest Plan direction.

The Forest Plan supports wetland and bottomland hardwood preservation and restoration (as stated in Goal 1.3) and activities that distribute natural communities similar to historic patterns. The Black River Riparian Restoration project area is located within Forest Plan Management Area (MA) 2.1. The direction for MA 2.1 is to “*manage terrestrial and aquatic natural communities to enhance and retain their characteristic ecological elements*”.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans. The Forest Plan was approved in September 2005, as required by the Act. The Act requires all projects and activities are consistent with the Forest Plan. The Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Forest Plan, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the Plan.

Endangered Species Act – See Section II, Item B1 of this document.

Wetlands (Executive Order 11990) – See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) – See Section II, Item B2 of this document.

Clean Air Act – Under this Act, areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. Hercules Glade Wilderness, 142 air miles southwest of the project area, is the only Class I airshed on the Forest. The remainder of the Forest is classified as a Class II airshed. No areas on the Forest have been designated as Class III. There is a second wilderness area under the administration of the US Fish and Wildlife Service (Mingo Wilderness) approximately 24 air miles east of the Adams Tract and 20 miles east of the Hockinberry Hollow Tract. This project will not affect either Class I airshed.

Federal Cave Resources Protection Act –The intent of this Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. No known cave resources will be affected by this decision.

National Historic Preservation Act - See Section II, Item B6 of this document.

Archaeological Resources Protection Act - See Section II, Item B6 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B6 of this document.

American Indian Religious Freedom Act – This Act protects American Indians’ inherent right of the freedom to believe, express, and exercise their traditional religions. The federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. No tribal concerns were identified for this project.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation and district records for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to administrative review or appeal pursuant to 36 CFR 215.8(a)(4).

VI. IMPLEMENTATION DATE

This project may be implemented immediately.

VI. CONTACT PERSON

The project files for this categorical exclusion are available for public review at the Poplar Bluff Ranger District Office. For further information on the decision, contact:

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OR

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VII. SIGNATURE AND DATE

/s/ Douglas F. Oliver
DOUGLAS F. OLIVER
District Ranger
Poplar Bluff Ranger District

5/12/2010
Date

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