



United States
Department of
Agriculture

Forest Service



Mark Twain
National Forest,
Region 9



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DECISION MEMO

Lost Creek Riparian Restoration Project

Potosi-Fredericktown Ranger District
Mark Twain National Forest
Washington County, Missouri

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I. **DECISION**

A. **Description of Decision**

My decision is to approve the restoration of some of the hydrological features and forest composition that were part of the Lost Creek floodplain prior to European settlement.

The project area is located approximately 15 air miles west of Potosi, Missouri near Berryman. The legal description is: T37N, R1W, Sections 18 & 19. The project borders private property to the east and west (see attached map).

The action proposed is restoration of ephemeral wetlands in the bottomland to replace those that have been drained. This will be done 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 and annual mix to reduce erosion. As part of the wetland 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 tiles or drainage structures inadvertently discovered at the site would be removed.

B. **Purpose of the Decision**

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 (as stated in Goal 1.3) and activities that distribute natural communities similar to historic patterns. The Lost Creek 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”.

The purpose of this project is to restore some of the hydrological features and forest composition that were part of the Lost Creek floodplain prior to European settlement.

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 is 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 is 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 1 mile of low standard road construction. Examples include but are not limited to:

- (i) Girdling trees to create snags;

- (ii) Thinning or brush control to improve growth or to reduce fire hazard including the opening of an existing road to a dense timber stand;
- (iii) Prescribed burning to control understory hardwoods in stands of southern pine; and
- (iv) Prescribed burning to reduce natural fuel build-up and improve plant vigor.

B. Relationship to Extraordinary Circumstances

1. 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 review.

A Biological Opinion was prepared by the US Fish and Wildlife Service for this project. All Terms & Conditions of the BO are incorporated into this project.

2. 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 will be done by using heavy equipment to create small depressions in pockets of silt-clay-loam soils within the site. Following ground disturbance, exposed soils will be immediately seeded with a desirable native seed and annual mix to reduce erosion. As part of the wetland establishment process, any ditches or drains that show evidence of having been created or altered for historical draining of the land will be modified to allow the natural hydrology of the site to be restored. Any underground tiles or drainage structures inadvertently

discovered at the site will be removed. This activity will restore the function of the wetlands and should not result in significant wetlands-related impacts.

The appropriate permits 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.

3. Congressionally Designated Areas -

Wilderness:

This decision does not affect Wilderness. The project is not in or near Wilderness.

Wilderness Study Areas:

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

National Recreation Areas:

There are no National Recreation Areas on the Potosi/Fredericktown Ranger District. This decision will not affect National Recreation Areas.

4. 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.

5. Research Natural Areas -

There are no Research Natural Areas on the Potosi/Fredericktown Ranger District. This decision does not affect Research Natural Areas.

6. 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 in 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 9, 2009 from the State Historic Preservation Office with a 'no adverse effect' from 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 9/2005), USFWS Biological Opinion dated March 13, 2009 and State 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. Scoping letters were mailed to the Potosi/Fredericktown Ranger District mailing list, adjacent landowners and tribal contact mailing list. The Scoping period ended on February 27, 2009. Local government and other agencies were included on the mailing list and were provided the opportunity to comment on the proposed action.

Eight comments were received during the comment period, there were no negative comments.

A commenter asked to be removed from the district mailing list.

A commenter was supportive of the project but was concerned about the site location and questioned if this is the best use of our funds given the level of past disturbance to the site. These concerns were addressed and are included in the project record.

The Osage Nation requested a cultural survey be conducted for this site, and to be sent a copy of the survey. The request will be addressed by the Zone Archeologist. A cultural resource survey was planned for the project area prior to this request.

The Corps of Engineers requested a 404 permit be completed for this project and the appropriate permits will be acquired prior to project implementation.

In addition, internal scoping was conducted by the District Interdisciplinary Team 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 comment period were considered by 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. Activities proposed under the Lost Creek 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 Lost Creek 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 (Plans). The Mark Twain National Forest Plan was approved in September 2005, as required by the Act. The Act requires all projects and activities are consistent with the Plan. The Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the 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, 131 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. This project will not affect air quality.

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 for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to a administrative review or appeal pursuant to 36 CFR 215.12(f), and may be implemented immediately.

VI. CONTACT PERSON

Detailed records of the environmental analysis are for public review at the Potosi/Fredericktown Ranger District Office. For further information on the decision, contact:
Tom McGuire, ID Team Leader
Potosi-Fredericktown Ranger District
PO Box 188
Potosi, MO 63664
573-438-5427

VII. SIGNATURE AND DATE

/s/ Michael J. Weber

April 20, 2009

MICHAEL J. WEBER
District Ranger
Potosi-Fredericktown Ranger District

Date

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