

DECISION MEMO

Hidden Lakes Trail Footbridge

USDA FOREST SERVICE
Chequamegon-Nicolet National Forest
Eagle River-Florence Ranger District
Forest County, Wisconsin

DECISION

I have decided to install a footbridge on the Hidden Lakes Trail over the North Branch of the Pine River. Actions will include repair and stabilization of the stream banks where trail users have walked down the stream banks to cross this small stream.

The bridge will span the river with wood beams or log stringers with decking to accommodate hikers and mountain bikes. This is a non-motorized trail.

Prior to implementation, the Forest Service will apply for a Wisconsin DNR water regulatory permit and provide a bridge plan with the application. Implementation of this decision is contingent on receipt of a permit from the WDNR.

REASONS FOR THE DECISION

Background The 13-mile Hidden Lakes Trail was constructed in 1993. The trail begins at the Franklin Lake Campground and encircles Butternut Lake passing by small lakes, remote campsites and the Luna-White Deer Campground.

This project is located in Township 40 North, Range 12 East, Section 27 at the outlet of Butternut Lake and is identified on the Vicinity Map (Appendix A) and Project Map (Appendix B).

The trail crosses the North Branch of the Pine River at the outlet of Butternut Lake. This segment of the river, from the lake outlet to about 3-400 feet downstream of the lakeshore is not the natural stream channel. This segment of the river channel is a dredged channel having been dug in the early twentieth century to better control downstream water flows for pine log transport. The natural river channel is located within 200 feet of the bridge project and is unaffected by this project.

No footbridge was installed when the trail was constructed in 1993. The absence of a bridge

requires hikers and bicyclists to traverse down and up the stream banks and across the stream. The riparian area and stream banks have become increasingly eroded because of pedestrian and mountain bike traffic.

Some trail users place logs and rocks in the stream to make a dry crossing. The stream is shallow and the embankment relatively low but steep.

Resource damage includes the erosion of an archaeological deposit. Specifically, at the point where the erosion is occurring, a large refuse midden, over 500 years in age, is threatened. This deposit is part of an archaeological site referred to as the Butternut Lake Site (47 Fr-122), a National Register of Historic Places (NRHP) eligible property.

The Forest Service and users alike recognize that this wet crossing is creating resource damage to soils and negatively affecting a heritage resource immediately adjacent to the trail. Public safety will be improved by avoiding the need to walk down and up steep stream banks, wade across the stream and walk on rocks or logs thrown into the stream.

Action is needed at this site in order to protect stream bank stability, heritage resources, water quality and user safety.

Purpose and Need The purpose of the project is to protect the stream riparian area from continued deterioration and erosion due to foot and mountain bike traffic down and up the stream banks, to protect the known archaeological deposit site from further impact, and to provide a safe and dry crossing of the river for the public.

There is a need to prevent, stabilize and reverse the erosive effects of foot and bike traffic on the stream banks and riparian area.

There is a need to protect the archaeological site from further damage.

There is a need to prevent the placement of logs, rock and other debris in the stream by that public who seek to create a dry crossing of the stream.

These needs are based upon NFMA requirements to protect soil and water quality, Clean Water Act requirements for non-degradation of beneficial use, and the 1986 Nicolet Forest Plan Guideline at page 40 that states recreation area rehabilitation should be undertaken “with priority given to correcting health and safety problems, protecting the environment” and changing camp unit design for efficient administration and refurbish worn facilities.

Rationale My decision to install a footbridge at this site is a common and routine practice for non-motorized trail crossings of small streams. On-forest experience with this practice has shown it to provide the desired results. This is the only trail crossing of a stream on the Eagle River-Florence Ranger District that does not have a footbridge. My action will reduce and reverse negative environmental impacts to water, soil and cultural resources and meet the goals and objectives of the land management plan as stated in the prior “Purpose and Need”.

Benefits from this project are numerous. Installation of this footbridge will divert damaging foot and bike traffic from the stream banks, protect water and soil resources from further damage, protect the heritage resource site from further damage, improve public safety, and continue to provide for an enjoyable non-motorized recreation experience. Scars on the stream banks will be repaired and healed and debris (placed by trail users) removed from the stream channel thus improving the visual character of this site.

Failure to act on the part of the Forest Service would allow erosion caused by foot and bike traffic to continue, and even accelerate, thus negatively affecting soil, water, archaeological and visual resources and public safety.

REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Category of Exclusion I have determined this action falls under the following category of action that is normally excluded from documentation in an Environmental Assessment or Environmental Impact

Statement pursuant to FSH 1909.15: “31.2 1 *Construction and reconstruction of trails.*”

The site lies within the National Forest. These actions will not result in a change in the use of the affected trail. This action is routine and consists of practices commonly employed on the Forest.

REVIEW FOR EXTRAORDINARY CIRCUMSTANCES

I have considered conclusions by resource specialist reviews of conditions at the project site (Appendix C). Some Extraordinary Circumstances described in FSH 1909.15, Chapter 30, section 30.3. 2 a thru g are present in the affected area. These are the presence of the North Branch of the Pine River (wetland/riparian #2 below) and the presence of a cultural resource site (#7 below). However the proposed action will have no significant and adverse effects on these circumstances. This project will mitigate and reverse current erosion of soil at this site. I find there are no extraordinary circumstances that may result in a significant and adverse, individual or cumulative environmental effects on the following:

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Regional Forester Sensitive Species. The project site has been evaluated for Federally listed, proposed or sensitive species, or their critical habitat (Appendix D - Biological Evaluation). No TES species, RFFS or critical habitat are found on the affected sites.

2. Floodplains, wetlands or municipal watersheds. My decision is to repair and stabilize the stream banks and increase protection to the streambed and riparian area, floodplains and wetlands. Floodplains, wetlands or municipal watersheds will not be adversely affected. No municipal watersheds are affected by my action.

3. Congressionally designated areas. All actions will occur on an existing trail location. These actions will not occur in a wilderness or other congressionally designated areas.

4. Inventoried roadless areas. The affected sites do not lie within an inventoried roadless area.

5. Research Natural Areas. The affected area does not lie in or near a Research Natural Area.

6. American Indian and Alaska Native religious or cultural sites. Local and affected American Indian tribal representatives were contacted concerning this action. No effects to religious or cultural sites were identified.

7. Archeological sites, or historic properties or areas. A cultural resource inventory was completed and reviewed by the Forest Archeologist and SHPO. One cultural site is located at the project site. SHPO agrees that the footbridge project is considered a “no adverse effect” if the Forest Service conducts archaeological excavation and data recovery within the area of potential effect and develops a long range mitigation plan (Appendix E).

TRIBAL NOTIFICATION AND CONSULTATION

In September of 2003, a letter (Appendix F) informing tribes of the proposal and inviting tribal comments was sent to the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), the Forest County Potawatomi Community, the Oneida Tribe, the Sokoagon Chippewa Community, the Lac Vieux Desert Band, the Lac du Flambeau Band, the Lac Courte Oreilles Band, the Red Cliffs Band and 13 other tribal governments. No replies were received as a result of that mailing.

Tribal consultation will be initiated in conjunction with site data recovery and mitigation discussed in “Archeological sites, or historic properties or areas” above.

CONSULTATION WITH OTHER AGENCIES

State Historic Preservation Officer

The State Historic Preservation Officer has been consulted. The result of the consultation (Appendix E and G) is that the Forest Service will perform, prior to bridge installation, archaeological data recovery (such as excavation, removal, detailed recording, and curation of recovered material and related documents). This action is needed when cultural resources are threatened with deterioration, and where protection by physical or administrative protective measures, such as closure, is not appropriate or effective. To do so, the Forest Service is directed to make data recovery decisions in consultation with the State Historic Preservation Officer (SHPO),

according to 36 CFR 800, Protection of Historic and Cultural Properties

United States Fish and Wildlife Service

The USFWS was involved and informed during the project analysis. The USFWS provided a written review stating that there are no federally listed threatened or endangered species or critical habitat present at the project site (Appendix H).

Wisconsin Department Of Natural Resources

The Wisconsin Department of Natural Resources was consulted during the planning for this footbridge project. Appendix I is documentation of a telephone consultation.

Additionally, a review was conducted of the Wisconsin Department of Natural Resources Register of Regulations Chapter NR 302. Management of Wisconsin's Wild Rivers. NR 302.03 (5) addresses preparation of a memorandum of understanding (MOU) between the WDNR and the Forest Service regarding Forest Service “management of lands and waters in the wild rivers area”. A copy of that MOU and NR 302 is included in the project file.

This MOU between the DNR and the FS was signed on December 31, 1970. Attached to this MOU is the Nicolet National Forest Wild Rivers Plan for the Pine River dated 1969. The Wild Rivers Plan states: “*The policies and decisions contained in this plan apply to the water influence zone of the main stem of the Pine River and its North Branch up to the Pine River Campground [closed and obliterated in early 1980s; is now in the Headwaters Wilderness] and Windsor Dam Campground within the boundaries of the Nicolet National Forest...*” “*The National Forest land in the remainder of the Pine River's watershed and its tributaries is adequately protected by existing Multiple Use policies.*” The Hidden Lakes Footbridge project lies approximately 9 miles upstream of Windsor Dam Campground.

PUBLIC INVOLVEMENT

In September of 2003, a public scoping letter was sent to the persons on the District NEPA scoping list for recreation projects in Forest County. Refer to Appendix J.

The public was informed of the proposed action through the Forest's January–March 2004 Schedule of Proposed Actions (SOPA).

A newspaper article outlining the purpose and need for the proposal appeared in the October

1, 2003 edition of the Vilas County News Review. A copy of this newspaper article is included in the project file.

The Forest Service received eight unsolicited letters of support and one letter of opposition prior to the official public scoping (September of 2003) including one petition with 174 names favoring the project. In 2002, one of the proponents of the project posted a notice at the stream crossing (without FS approval) encouraging users to support the footbridge project and contact the Forest Service.

Articles about the footbridge proposal have appeared periodically in the Butternut-Franklin Lakes Foundation Newsletter. The Butternut-Franklin Lakes Foundation is a strong proponent of the project. A major donation was given to the Foundation for this footbridge several years ago and the Foundation and the donor are anxious to complete the project.

Fifteen public comments were received as a result of the September 2003 scoping letter. One letter stated opposition to the project because the writer enjoys walking across the stream and feels that the wild river status should preclude footbridge installation.

Public comments and Forest Service responses are shown on Appendix K. Based upon public and agency scoping, two extraordinary circumstances have been identified as being present. Refer to Page 2; Review for Extraordinary Circumstances.

CONSISTENCY WITH THE 1986 NICOLET LAND AND RESOURCE MANAGEMENT PLAN

The footbridge project is located in Management Area 9.2, which is the river corridor of the North Branch of the Pine River (1986 Nicolet Land Management Plan, page 152). The North Branch of the Pine River is a candidate federal scenic river. Management Area 9.2 emphasizes the protection of qualities of the Pine, Popple, Peshtigo and Brule Rivers that make them eligible for consideration as additions to the National Wild, Scenic or Recreation River System. Plan direction for MA 9.2 provides for a roaded natural recreation setting (page 152). The plan also allows that new remote developed recreation areas [facilities] may be constructed "to prevent site degradation and provide for existing use" (page 154 of the 1986 Nicolet Forest Plan).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I have considered relevant laws, regulations and agency direction. I find my decision complies with the National Forest Management Act, National Environmental Policy Act, Endangered Species Act and the Clean Water Act. I have considered direction in the FSM 1950 and FSH 1909.15 and find the analysis and my decision consistent with that direction.

I have reviewed this action in accordance with Executive Order 12898 (consideration of environmental justice). I find scoping was adequate to inform low income and minority populations that may be affected by this action. No concerns of disproportionate health or environmental effects surfaced. Adverse effects of this action will be very minor or not apparent. Therefore, I find my decision will not disproportionately create high and adverse health or environmental effects to low income or minority populations.

CONTACT PERSON

For further information regarding this project and decision contact:

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ADMINISTRATIVE REVIEW AND IMPLEMENTATION DATE

My decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.12(f). This decision may be implemented immediately.

SIGNATURE AND DATE

Debra P. Kidd 4/15/04

DEBRA P. KIDD
District Ranger

Date

Attachments:

Appendix A Vicinity Map
Appendix B Project Map