USDA

United States
Department of
Agriculture

Forest
Service

April 2003

RECORD OF DECISION

NORTHWEST HOWELL PROJECT

Eagle River-Florence Ranger District
Chequamegon-Nicolet National Forest
Forest and Florence Counties, WI

Legal description: T39N R14E Sections 2-4; T40N R12E, Sections 11-14, 23-24; T40N R13E Sections 1-26; T40N R14E Sections 1-35; T41N R13E Sections 14,15,21-29,32-36; and T41N R14E Sections 17-36 in Forest County. T40N R15E Section 6; and T41N R15E Sections 30-32 in Florence County.

For Information Contact: Shirley Frank, Integrated Resource Analyst
USDA Forest Service
HC1 Box 83 Florence, WI 54121
715-528-4464 ext.27

BACKGROUND

Why here, why now? Because of the size of the Eagle River-Florence landbase (314,000 acres), not every acre can be analyzed for potential management needs every year. The District is grouped into units called Opportunity Areas (OAs) based on similarities such as geographic location, vegetative types, history, desired use and condition of the area, and issues pertaining to the area. The District routinely uses OAs as the basis for analyzing where management actions are needed. Opportunity Areas are reviewed on a sequential basis (usually about every 10 years), where an analysis of existing conditions, desired future conditions, and potential management actions takes place.

The Northwest and Howell OAs were last analyzed in 1990-1. Following this analysis, an array of timber harvests and associated forest management activities were implemented. The main objectives of these activities were to reduce stand densities to desired levels and move the area's composition and age class distribution towards Forest Plan objectives. Since that time, the forests have continued to grow and many of the stands have once again become overstocked. Some of the stands have reached ages where they should be harvested in order to meet long-term objectives.

In 2001, Forest Service managers started review of the Northwest Howell Area. This review identified where existing conditions differ from the desired conditions. This project was developed to implement actions that respond to the area's identified needs. This project focused specifically on managing vegetative conditions and necessary connected actions such as road reconstruction. Some associated wildlife and fisheries habitat improvement actions were included in this project. Primarily, these associated projects involve vegetative manipulation such as removing encroaching vegetation from wildlife openings. Other needs were addressed in separate projects such as the Elvoy Brule Watershed Improvement Project or will continue to be addressed in projects not yet proposed at this time.

DECISION

Based upon my review of all alternatives, I have decided to implement Alternative 2. This alternative emphasizes moving the area towards Forest Plan Desired Forest Conditions as identified in the Purpose and Need for Action (DEIS pp 3-7).

My decision will use timber harvest on about 7,740 acres to move toward forest composition and age goals. This harvest will be composed of approximately*:

Clearcut	513 acres
Shelterwood	127 acres
Removal	365 acres
Selection Harvest	5941 acres
Thin	794 acres
Total Harvest Acres	7740 acres

**Please note: these acres are approximate, and would vary on any particular unit, but would not exceed the total.*

Where regeneration cutting will be conducted, reforestation activities will be composed of:

Prescribed burning for natural regeneration	47 acres
Underplanting	257 acres
Full Planting	68 acres
Site preparation for natural aspen regeneration	398 acres
Fencing to minimize browsing of planted trees	20 acres
Total Regeneration Acres	790 acres

To provide an efficient and effective transportation system in the area, my decision will include the following road management:

Road Construction	2 miles
Road Reconstruction	24 miles
Road Decommissioning	18 miles
Net Change in Road Miles	-16 miles

I have decided to include these additional habitat enhancement activities as they fit within the scope of the proposed action and benefit achievement of the desired condition:

Maintain and improve existing upland openings	375 acres
Lake Structure Improvements	100 tree drops 60 crib structures 30 half-log structures

Figure ROD-1 is a map that displays the location and relationship of the activities that will occur in my selected action.

PURPOSE AND NEED FOR THE ACTION

Existing conditions vary from the desired conditions described in the Forest Plan. The following areas describe where differences exist. The purpose of this project is to:

1. Manage forest growth and diversity to meet forest plan goals and objectives

- Approximately 14% (760 acres) of the red pine and white spruce stands within the project area have been determined to be in an overstocked condition. The Forest Plan states “pine thinnings will emphasize stocking control to maintain optimal growth rates on high quality trees (Forest Plan, p.21)".

- The Forest Plan calls for most hardwood stands on the Eagle River-Florence District to be in an uneven-aged condition (Forest Plan, p.89, 97 and 113). Currently 75% of the hardwoods in the project area are in an even-aged condition (see DEIS, Table 3.1.2-5). Because the majority of these hardwoods are second-growth stands that resulted from extensive cutting in the early 1900’s, they lack a

full range of size classes of trees to meet uneven-age characteristics (data collected during silvicultural exam, project file). Tree species diversity within many hardwood stands in the project area tends to be limited and dominated by sugar maple that can shade-out mid-tolerant trees and other flora (Forest Plan, p-A2).

- The age-class distribution of aspen and jack pine does not match the desired distribution as identified in the Forest Plan (Forest Plan, p. 27). The amount of aspen in the project area is below DFC for MA 1.1 by about 1037 acres (see DEIS, table 3.1.2-1). The amount of aspen in MAs 2.1 and 4.1 are very close to Forest Plan DFC (See DEIS, Tables 3.1.2-2 and 3.1.2-3). However, without disturbance, approximately 1115 acres of aspen (within all 3 MAs) are over 50 years old and at high risk of converting to other species (see DEIS, Table 3.1.2-5).

- Jack pine is below Forest Plan DFC for MAs 1.1, 2.1 and 4.1 in the project area (see DEIS, tables 3.1.2-1 through 3.1.2-3). Approximately 300 acres of jack pine stands are greater than 60 years old (see DEIS, Table 3.1.2-5), an age at which there is an increased susceptibility to jack pine budworm infestation and to structural damage from wind and ice.

2. To improve wildlife and fish habitat, and enhance recreational opportunities

- Recent fish surveys have identified that LWD (large-woody debris) is lacking in both Stevens and Quartz Lakes. Structure is lacking because currently most riparian areas around lakes have a relatively young forest comprised of smaller diameter trees and tree species that are shorter lived. Woody structure is an extremely important habitat component for a wide variety of aquatic organisms ranging from the bottom of the food chain (phytoplankton) to the top.

- About half of the wildlife openings in the project area (375 out of 813) are growing in with competing vegetation, primarily young trees, and brush. The Forest Plan identifies upland openings as important habitat to maintain for varied wildlife species (Forest Plan, pp. 64, 89, 105, 113). Without a treatment to remove the woody vegetation, the openings will become further grown in and be more difficult and expensive to return to their desired non-forested condition.
- On the ERFL District, the existing amount of upland wildlife openings is already below the Desired Future Condition in MAs 1.1, 2.1 and 4.1 (reference Tables 3.1.2-1 through 3.1.2-3).

- River corridor stands are lacking long-lived, large-diameter trees, especially immediately adjacent to the river where they would provide shade to the riparian zone and future coarse woody debris.

3. Provide wood products and economic benefits to local communities

- The Forest Plan objectives for annual timber harvest on the Eagle River-Florence District (ERFL) for the period of 1996-2005 to be 38.5 MMBF (Forest Plan, p.35). So far, the ERFL District has averaged an annual sale of 15.3 MMBF from 1996-2002 (district sale records data).

- The forest products industry plays a vital role to the economic well being of the local economy. National Forest timber harvests generate substantial economic benefits to the local economy. No specific figures are available at the local level, but in the northeast Wisconsin region, wood-based sectors account for about 21% of the total economic output. There is a need to generate income and employment in local communities through forest products based industry and related business.

4. Manage transportation system efficiently

- The timber harvest being proposed would require some road construction for access. Because the road system is mostly in place, the amount of road construction necessary for the proposal is limited to short extensions off of existing roads. Many of the existing roads that would have to be used for access are starting to brush in or have minor drainage problems

- There are unneeded roads in the project area, and there is a need to decommission some of them. Additionally, the location of some of the existing roads is not appropriate or not needed for management activities. The current road mileage in MAs 1.1, 2.1 and 4.1 within the project area is 4.3 mi/mi^2, which exceeds the density of roads called for in the Forest Plan of less than 4.0 mi/mi^2 (see section 3.7, DEIS, p.89-97). Some of these roads are currently non-drivable, but are on the current road inventory.

RATIONALE FOR THE DECISION

My decision is based upon three principal criteria:

1. How well an alternative achieves the purpose and need
2. How well an alternative addresses public issues
3. How well an alternative addresses public comments on the DEIS

Purpose and Need: The Purpose and Need for Action and desired conditions for Northwest Howell Project Area are based on Forest Plan goals, objectives, and standards. With the exception of Alternative 1 (No Action), all alternatives result in progress toward desired conditions described in the Forest Plan.

I have reviewed the selected action in terms of the direction, goals, objectives, standards and guidelines specified in the 1986 Nicolet National Forest LRMP. I find that the selected action is consistent with this Plan.

I have determined that the most important component of the purpose and need for this project is increasing structural and species diversity in the hardwood stands. I feel this is the most important because such a large portion of the project area is comprised in hardwoods (about 16,300 acres) and 75% of these acres don't meet the Forest Plan DFC of uneven-aged condition (DEIS, p.5). In addition, the DEIS identified 6000 acres within the Project Area are above recommended stocking levels for optimum growth as identified in the Forest Plan (DEIS, p.5).

The selected alternative best addresses these objectives by proposing the most acreage of selection harvest in hardwood stands. It includes 5941 acres of selection treatment to improve stocking levels and promote structural diversity in these stands. These treatments would improve growth rates, health and vigor of these stands. Implementing these treatments would create conditions that favor the establishment and development of multiple age classes and canopy levels of trees by installing canopy gaps. Canopy gaps also help facilitate conditions that favor mid-tolerant species. This would increase species diversity; enhance existing age class structure and future development of natural regeneration. Uneven-aged stands are more diverse in age-class, size and structure. A multi-layered vertical canopy favors a multitude of species thereby enhancing diversity (Scientific Roundtable, p.25).

All of the action alternatives would provide for a similar level of restoration for long-lived species to a portion of river corridor adjacent to the North Branch of the Pine River. The restoration of these species is key to maintaining the biological processes and interactions unique to this ecosystem. Therefore I find that the selected alternative is appropriate for this portion of the project. The majority of the treatments that occur will be selection harvests that will promote species diversity and large tree development. Other areas would be treated with removal harvests to favor long-lived species over short-lived species. However no harvesting would occur within 150 feet of the river in order to maintain the integrity of the shoreline vegetation and visuals (DEIS p.87). These selected areas will also be under-planted with long lived species that will foster shade and coarse woody debris (DEIS p.6 Sec.1.3.5. 2D).

I find that all the action alternatives respond equally to reducing crowding in pine and spruce plantations. Therefore the selected alternative is appropriate for this action. These pine and spruce thinnings "will emphasize stocking control to maintain optimal growth rates on high quality trees (Forest Plan p.21)". This even-aged thinning treatment would reduce the stocking to recommended levels and increase growth and vigor of the remaining trees. Larger diameter trees would develop quicker and understory vegetation would become established or further expand once more sunlight reaches the forest floor.

Addressing environmental issues and public comments: Individual members of the public and representatives of organizations submitted comments on issues associated with this project. As a result, I took a hard look at the environmental issues and how they were addressed by each alternative. In a number of cases, public and agency comments helped me identify a reasonable range of alternatives and necessary design criteria. A comparison for each of the alternatives is shown in table 2.

- The selected alternative will maintain or move closer to DFC of aspen acreage in M.A. 1.1, 2.1 and 4.1 (see DEIS Table 3.1.2-1 and p. 32). In order to help

maintain these levels, the selected alternative would harvest seventy-seven acres within this M.A 1.1, 186 acres within M.A. 2.1 and 131 acres within M.A. 4.1. However there are stands that contain aspen, where due to established regeneration of other species or various site specific conditions, I feel should continue with their successional development. I feel that alternative 4 does not respond as well to this condition as alternative 2. Therefore the selected alternative will convert these stands to species other than aspen (DEIS p. 32-33). This would involve removal and shelterwood harvests that would take 40 to 50% of the merchantable tree cover consisting mostly of aspen. The resultant stand would have residual trees providing the seed source for the next stand or having the established desired regeneration in the understory.

- I find that the selected alternative does respond to economic efficiency, though to a lesser degree than the other action alternatives. Table 3.8.3.2-1 (DEIS, p.100) outlines the various outputs for all of the alternatives. Alternative 4 creates the most jobs, payments to Counties and commodities; alternative 3 has the highest present net value and benefit-cost ratio. However, for reasons given in this rationale, I place more importance on how the selected alternative responds to the overall purpose and need than to economic efficiency. I find the selected action does this to a greater degree than alternative 3, and better meets the purpose and need than alternative 4.

- I find that the selected alternative meets the Purpose and Need (DEIS, Sec. 1.3) for maintaining a road system that best balances access for management of NFS lands and the public while meeting the density requirements of the Forest Plan (Forest Plan, p.93).

DESIGN FEATURES

Design features have been analyzed in the EIS that would protect soils, water, recreation, heritage resources and endangered/threatened/sensitive species. All of these features are included in my selected action. A description of required features, and where they will be applied, is attached to this Record of Decision.

The affected areas are managed according to standards and guidelines outlined in the Forest Plan Management (Forest Plan, pp. 36 through 81). All stands proposed for treatment will include the implementation of Forest Plan Standards and Guidelines, and applicable Wisconsin Best Management Practices ("Wisconsin's Forestry Best Management Practices for Water Quality," publication number FR093, Wisconsin Department of Natural Resources, 1995/pp. 18-19).

OTHER ALTERNATIVES AND REASONS NOT CHOSEN

Alternative 1: This alternative was developed in response to NEPA requirements for a no action alternative and serves as a baseline for comparison to the action alternatives. Current management plans would continue to guide management of the project area. Current activities, which are ongoing, would continue such as dispersed recreation use,

annual road maintenance, stream improvement activities, and some wildlife opening improvement.

The proposed action would not be implemented, although other actions independent of this proposal may continue to occur. This alternative allows the current process of succession to continue. Natural processes such as windthrow, wildfire, insect, and disease related mortality and natural succession would act to alter the current vegetative conditions, but disturbance from timber harvest and road building would decrease from previous levels. This would generally provide less disturbance more snags and coarse woody debris.

Growth rates and regeneration in the northern hardwood stands would decline and eventually stagnate until some kind of natural disturbance caused enough mortality to open up the forest canopy. Mid-tolerant species such as yellow birch and basswood would gradually disappear and be replaced by the more shade tolerant sugar maple. Also a diversity of age/size classes would take much longer to develop naturally. Canopy gaps, which can provide the opportunity for seedling establishment, would not be created through management but would only occur by natural causes of tree mortality such as windthrow or insect and disease which may take some time to occur. Mature aspen stands would not be regenerated back to aspen with management treatments. Jack pine plantations would continue to age and the risk of physical damage from wind, heavy snow, insect and disease attack would increase with time. Red pine and white spruce plantations would show increases in stocking levels until conditions would become so crowded that growth would slow, then stagnate except for those stands currently under a timber sale contract that would be thinned. Permanent upland openings would not be maintained and would continue to fill in with tree species from the adjacent stands.

I did not select Alternative 1 for implementation because it does not respond to the Purpose and Need for Action, would not progress toward Forest Plan desired conditions, and would not meet Management Area goals.

Alternative 3: This alternative was developed to emphasize late successional habitat and address the issue of protecting integrity of interior habitat patches and minimizing disturbance in these areas.

Purpose and need objectives of; decreasing overstocking in pine and hardwood stands, promoting larger diameter trees and uneven-aged condition in hardwoods; establishing long-lived, large diameter tree species in the river corridor; and reducing road density are emphasized. Decreasing road density and not maintaining wildlife openings would be used to reduce disturbance.

The amount of aspen habitat would be decreased (see table 2 for treatment acres). No regeneration of aspen is included in this alternative. Treatments would be implemented in some of the aspen stands to facilitate conversion of aspen to hardwood or conifer. Some under planting would be implemented to expedite this. Less aspen would be less favorable for deer and other early successional species.

Disturbance to existing patches of interior hardwood habitat would be minimized by only treating hardwood stands that have not been harvested in the last 20 years. In uneven-aged systems, typical hardwood management can include harvesting stands every 12 to

15 years depending on site productivity, stocking levels and understory conditions. Several hardwood stands were dropped from treatment because no road construction would take place and they would not be readily accessed.

I did not select alternative 3 because, while responding to issues concerning forest fragmentation and disturbance, it does not address the aspen issue and is less effective when considering increasing species and structural diversity in hardwood stands. Hence alternative 3 does not respond as well to the Purpose and Need for Action, would not progress toward Forest Plan desired conditions (aspen), and would not meet Management Area goals. Other areas of concern is alternative 3's lower economic output, lack of maintenance concerning wildlife openings and less reduction of crowding in pine and spruce stands, when compared to alternatives 2 and 4.

Alternative 4: This alternative was developed to address the issue that the amount of aspen habitat is deficient and declining for game species and a few Neotropical migrants and to keep roads open that are traditionally and currently being used by the public.

Purpose and need objectives emphasized under this alternative include: regenerating jack pine and aspen; decreasing overstocking in pine and hardwood stands, promoting larger diameter trees and uneven-aged condition in hardwoods, reducing the amount of encroaching woody vegetation within existing wildlife openings; providing wood products and fiber in accordance with Forest Plan goals; and maintaining and enhancing the transportation system for timber harvest activities and other needed access.

Additional clearcutting of aspen is included in this alternative, and conversion of poor quality hardwood to aspen is included. Management areas 1.1 and 4.1 are currently higher than DFC in hardwood and lower than DFC in aspen. Conversion will move these areas more towards DFC.

Several roads proposed for decommissioning under the Proposed Action would not be decommissioned under this alternative. Commenters specifically identified these roads indicating that they have traditionally been used and are currently being used for recreational purposes. Analysis confirmed this use (Roads Analysis Process, Project File).

Alternative 4 responds well to most goals and objectives of the Purpose and Need. However, this alternative would not promote structural and species diversity within hardwood stands as well as alternative 2. This is a result from less acres of selection harvest and converting, albeit poor quality, hardwood stands to aspen (table 2). Therefore, I did not select alternative 4 because it does not respond as well to increasing structural and species diversity within hardwood stands, which represents the majority of the stands treated.

Table 2 Activities by Alternative for Northwest Howell.

Activity	*Alternative 1*	*Alternative 2*	*Alternative 3*	*Alternative 4*
Timber Harvest (acres)	0	7740	5561	7979
New Road Constructed (mi)	0	2	0	2
Road Reconstructed (mi)	0	24	18	24
Road Decommissioned (mi)	0	18	47	16
Upland opening managed (acres)	0	375	0	375

PUBLIC INVOLVEMENT

Tribal Consultation: Proposal letters were sent to twenty-one tribal contacts on February 20, 2001. Contacts included Tribal Chairmen, foresters, and biologists, including Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and other representatives from Wisconsin, Minnesota and Michigan tribes. The tribes raised no concerns.

Initial Scoping: Initial scoping for the Northwest Howell Project included their listing in the Chequamegon/Nicolet Quarterly Schedule of Proposed Actions published in April 2001. The Notice of Intent (NOI) was published in the Federal Register on April 21, 2001. The NOI asked for public comment on the proposal from April 24-June 15, 2001. Legal notices inviting comment were published in The Forest Republican in Crandon on 5/16/01; The Vilas County News-Review in Eagle River on 5/16/01; The Florence Mining News in Florence, on 5/16/01 and The Rhinelander Daily News (newspaper of record) on 5/13/01.

On May 10, 2001, a scoping package including a proposed action with maps was sent to 514 groups and individuals including adjacent property owners, other government agencies, and anyone else who has requested notification (see Chapter 4, List of Agencies and People Consulted).

Almost ninety responses were received, using the comments from the public, other agencies, adjacent property owners, Tribes and organizations (see *Issues* section), the interdisciplinary team developed a list of issues to address.

Other Federal and State Agency Consultation: Other agencies were contacted during the initial scoping period including the US Department of the Interior, Fish and Wildlife Service, the Wisconsin Department of Natural Resources (several divisions and offices), and State Historic Preservation Office (SHPO). Copies of the responses to the DEIS is included as an attachment to the FEIS.

All necessary permits from the State of Wisconsin and the Corps of Engineers will be obtained prior to implementing this project.

Responses to Draft Environmental Statement: The DEIS was mailed to all those parties that responded to the NOI, scoping letter or legal notice was published in the paper of record, The Rhinelander Daily News, on November, 2001. Twenty-seven responses were received during the 45-day comment period. Summaries of these comments and responses to those comments are attached to this document.

A Biological Evaluation (BE) was completed in conjunction with the Northwest Howell EIS. This documents is located in the project file. The BE addresses Regional Forester's Sensitive Species (RFSS). A summary of findings and effects is included in Section 3.3.1.1 of the EIS.

A Biological Assessment on my selected action was prepared and sent to the USFWS as part of our consultation process. The USFWS has reviewed the EIS and concurs with determinations in the BA that there will be No Effect on Federally listed, threatened,

endangered or proposed species (USFWS, Dec. 26, 2002). A copy of the BA is located in the project file.

ENVIRONMENTALLY PREFERABLE ALTERNATIVES

Because the EIS identified no significant, adverse effects from any of the action alternatives, I find them all environmentally preferable. The main differences between the alternatives are not the environmental impacts, but differences in the values emphasized in attaining resource conditions. None of the action alternatives are environmentally preferable over another, and none result in any substantial adverse impact to the environment.

CONSISTENCY WITH THE FOREST PLAN

My selected action is consistent with Forest Plan direction and best suited to the multiple-use goals of the area (Forest Plan, pages 86-93 for MA 1.1, pages 94-101 for MA 2.1, pages 110-117 for MA4.1, and pages 152-155 for MA 9.2). Specifically, actions will:

- Improve tree vigor in pine and spruce plantations by reducing crowding and competition between trees in accordance with Forest Plan direction (Forest Plan, p.21).
- Improve structural diversity of tree, shrub and forb species in hardwood stands by converting them to uneven-aged stands (Forest Plan, p.89, 97,113).
- Maintain amount of aspen and improve age-class distribution of aspen and jack pine in all Management Areas (Forest Plan, p.27, 89, 97 and 113).
- Enhance deficient woody structure level in Quartz and Stevens Lakes (Forest Plan, p.68).
- Prevent decrease in amount of wildlife openings due to encroaching woody vegetation (Forest Plan, 64).
- Restore long-lived species and promote larger diameter tree growth in the North Branch of the Pine River Corridor (Forest Plan, p.152-155).
- Regenerate under-represented species in the river corridor. Promote future coarse woody debris recruitment and shade in riparian zone adjacent to the river.
- Ensure a sustainable supply of timber products as outlined in the Forest Plan p.19-35 while maintaining other features of the landscape. I find my selected action meets the direction in the 1986 [Nicolet or Chequamegon] Forest Plan, and is consistent with achieving planned output goals outlined for the second decade.
- Develop and maintain a safe, cost-effective transportation system for future forest management and recreational use while providing needed access for harvest proposed with minimal impacts to the environment (Forest Plan, p.20-56-57, 77).
- Reduce road density in all MAs by identifying roads for decommissioning that are no longer needed for resource management or access (Forest Plan, pages 93,101,117, and 152).

- About half of the wildlife openings in the project area (375 out of 813) are growing in with competing vegetation, primarily young trees, and brush. The Forest Plan identifies upland openings as important habitat to maintain for varied wildlife species (Forest Plan, pp. 64, 89, 105, 113).
- River corridor stands are lacking long-lived, large-diameter trees, especially immediately adjacent to the river where they would provide shade to the riparian zone and future coarse woody debris. Road decommissioning and closures will also add to the desired effects of reduced sedimentation.

COMPLIANCE WITH NFMA

"Suitability 36CFR 219.27(c)(1)

The treatment activities selected result in harvest on lands suitable for timber production (DEIS, section 3.1.3, page 29).

All sites proposed for timber harvesting have been identified in the Forest Plan as suited for timber production. All sites to be harvested have been inventoried on the ground. Based upon a review of the on-the-ground inventories by a certified silviculturist, all have been determined to meet suitability pursuant to 36 CFR 219.27(c)(1). Reference Appendix C for a list of each stand and site specific information for each stand including proposed harvest by alternative.

A certified silviculturist has reviewed all proposed timber harvest sites. Based upon this review, and the review of reforestation success on similar sites (Reference Table 3.1.3.3-3), it is safe to assume that the technology and knowledge exist to adequately restock the stands within five years after final harvest.

Vegetation Manipulation (36 CFR 219.27(b)

Vegetation manipulation treatments prescribed in all actions are consistent with management areas prescriptions described in the 1986 Nicolet National Forest Plan. The management area prescriptions in the Forest plan were found to be best suited for multiple use and diversity goals consistent with 36 CFR 219.27 in the 1986 ROD.

Even-aged management (36 CFR 219.27(d))

No timber harvest sites where even-aged management is prescribed will result in cut blocks exceeding 40 acres in size. I find timber harvest cut blocks have been designed consistent with 36 CFR 219.27 (d)."

Clearcutting is Optimum (36 CFR 219.27(b)1 and USC 1604(g)(3)

For each site where the clearcutting method is prescribed, it has been compared to other silvicultural options by a certified silviculturist and determined to be the best method to achieve resource objectives (DEIS, p.33 and Forest Plan, p. A-4 and A-6). This determination was not based solely on maximum economic return. I therefore find where prescribed, clearcutting is the optimum method, consistent with 16 USC 1604 (g)3(F)(i).

Assurance of Restocking (36 CFR 219.27©(3)

A certified silviculturist has reviewed all timber harvest sites that are cut to achieve timber management objectives. Based upon this review, and the review of reforestation

success on similar sites (DEIS Sec. 3.1.3), I have determined that the technology and knowledge exist to adequately restock the lands within five years after final harvest.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

Wild and Scenic Rivers Act

Actions proposed in the North Branch Pine River Corridor are in compliance with the Wisconsin Wild and Scenic Rivers Act. No actions are proposed within the Brule River, which is a candidate river under the Federal Wild and Scenic Rivers Act.

None of the proposed activities in the project would foreclose the scenic or recreational status of the North Branch of the Pine River (DEIS, p. 84). The future long-term effects from proposed actions would be the development of uneven-aged structural diversity, increased species diversity, large tree development, and increased growth rates within the hardwood stands (DEIS, p.84)." Reference discussion under section 3.6.3.

Findings from the EPA

The U.S. EPA reviewed the DEIS pursuant to the NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act (CAA). The EPA rated the Proposed Action (Alternative 2) LO-Lack of Objections. This rating indicates that the EPA's review did not identify any potential environmental impacts requiring substantive changed to the Proposed Action.

Clean Water Act

Actions proposed are in compliance with the Clean Water Act. See discussion under section 3.5.3 and 3.5.3.1 (DEIS, p.79-80). Any necessary permits would be obtained prior to implementing any stream work.

National Historic Preservation Act

All actions would be in compliance with the National Historic Preservation Act. See discussion under Section 3.9.2 (DEIS, p. 101).

Endangered Species Act

On December 26, 2002, we received a letter from the USFWS (Project File, comments received on DEIS) concurring with our determinations of "No Effect" to Federally threatened or endangered species, and concluding consultation.

Clean Air Act

All actions would be in compliance with the Clean Air Act. There are no class I airsheds within or adjacent to the Project Area.

APPEAL RIGHTS

This decision is subject to appeal pursuant to 36 CFR 215.7. A written notice of appeal must be submitted within 45 days after the date of this notice of this decision is published in the Rhinelander Daily News, Rhinelander, Wisconsin to:

USDA Forest Service, Eastern Region
ATTN: Appeals Deciding Officer, Regional Forester Robert Jacobs
310 West Wisconsin Avenue, Rm 500
Milwaukee, WI 53203

Appeals must meet the content requirements of 36 CFR 215.14. At a minimum, in compliance with section 215.14, your Notice of Appeal must include:

A statement that your document is an appeal filed according to 36 CFR part 215

- Your name, address, and if possible, telephone number
- The decision being appealed by title and subject
- Decision date and responsible official (below)

CONTACT PERSON

Appeals should meet content requirements of 36 CFR 215.14. The FEIS and supporting documents are available for public review at the Florence Office, HC1-Box 83 Florence, WI 54121. For further information on this decision, contact Shirley Frank at the Florence Office, phone (715) 528-4464, ext. 27(voice), (715) 528-5298 (TTY), or (715) 528-4497(fax).

IMPLEMENTATION OF THE DECISION

If no appeal is received, implementation of this decision may occur on, but not before five business days from the close of the appeal filing period. If an appeal is filed, implementation may not occur for 15 days following the date of a decision on the appeal

E.B. FITZPATRICK III **Date**
District Ranger
Eagle River-Florence Ranger District