



United States
Department of
Agriculture

RECORD OF DECISION

CAYUGA PROJECT

Forest

Service

May 2003

**Great Divide Ranger District
Chequamegon-Nicolet National Forest
Ashland County, Wisconsin**



Legal description: T43N, R2W, Sections 6-7, 16-20, and 29; T43N, R3W, Sections 1-18, and 23-24; T43N, R4W, Sections 1-3, 10-23, and 27-33; T43N, R5W, Section 24; T44N, R3W, Sections 19-23 and 26-35 and T44N, R4W, Sections 23-27 and 34-36, Ashland County, Wisconsin.

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DECISION

Based on the analysis in the Final Environmental Impact Statement (FEIS) and the associated planning record for the Cayuga Project, it is my decision to implement Alternative 5. Alternative 5 is a modification of Alternative 2 (identified as the agency Preferred Alternative in the Draft EIS). This modification was made to respond to public comment on the Draft EIS (see “Rationale” section, below). The modifications include:

- Addition of 13 aspen stands (totaling 273 acres). These stands will be clearcut and regenerated to aspen. All were analyzed in Alternative 3 of the Draft Environmental Impact Statement (DEIS).
- Deferring the conversion of two aspen stands to other species (totaling 62 acres).
- Changing the harvest of 13 hardwood stands from even to uneven-aged management. Both options were analyzed in Alternatives 3 and 4 of the DEIS.
- Removing a road/stream crossing rather than repairing and replacing it. This option was analyzed in Alternatives 3 and 4 of the DEIS.

This Record of Decision documents the specific components of my decision and the rationale for my decision. A map and detailed description of the selected Cayuga Project activities, design features, and mitigation measures are attached to this Decision. All elements of my decision have been analyzed in the Cayuga FEIS, Appendices, and supporting Project File Record. The following actions and elements are included in my decision, and the attached map displays their locations:

Actions

- Harvest timber on approximately 5,610 acres yielding about 25 million board feet (MMBF) of timber volume
- Build about 14 miles of temporary roads to allow harvest and removal of timber. All will be decommissioned after use.
- Decommission approximately 11.4 miles of existing system and non-system roads that are no longer needed.
- Restore approximately 85 acres of upland openings
- Construct and place brush bundles along 1000 feet of McCarthy Creek
- Improve six culvert crossings to reduce stream sedimentation and restore fish passage
- Removal of one culvert crossing and restoration of the associated stream channel and floodplain
- Construct a one-acre (approximately) parking lot off of FR 1296 for snowmobile trail users
- Relocate approximately 0.4 miles of snowmobile trail 8

Elements of the Decision

My decision consists of a number of separate actions designed to meet the Purpose and Need for this project. Specifically, these actions include the following:

Timber Harvest and Silvicultural Treatments: Approximately 5,610 acres of timber harvest (includes all harvest activities described below), yielding an estimated 25.0 million board feet (MMBF) of timber volume.

1. Approximately **1,359** acres of even-aged thinnings, including:
 - 722 acres of mixed northern hardwoods to promote the development and growth of mid-tolerant species like basswood and ash
 - 383 acres of conifers to promote the health and vigor of these stands and to address recreation concerns
 - 247 acres of aspen, and 7 acres of paper birch, to encourage conversion of these stands to longer-lived hardwoods or conifers
2. Approximately **2,448** acres of uneven-aged hardwood management through selection harvesting to develop multi-aged stands and favor shade-tolerant species like sugar maple.
3. Regeneration of approximately **490** acres using the shelterwood system by:
 - Conducting shelterwood seed cutting on about 437 acres to provide conditions favorable for natural or artificial regeneration. Under planting of conifers would follow on some of these sites, while natural seeding of hardwoods or conifers would be encouraged on other sites. The residual trees would provide shade needed for the establishment of the new stand.
 - On two sites, totaling about 53 acres, the overstory trees remaining from a previous shelterwood seed cut would be removed to provide optimal growing conditions for the recently established saplings.
4. Clearcut and regenerate to aspen approximately **1,010** acres of mature and over-mature aspen stands, relying on root-sprouting to quickly re-capture these sites.
5. Conduct post harvest treatments on approximately **147** acres. Treatments include mechanical site preparation for regeneration, hand planting, and plantation seedling release and protection.

Road Management:

1. Construction of approximately **14.0** miles of new temporary roads for the harvest and removal of timber.
 - Native soils will be used for the driving surface
 - Minor drainage improvements will be made where needed

- All temporary roads constructed will be decommissioned following timber harvesting to limit motorized access
2. Performance of road maintenance work on approximately 23 miles of existing roads needed to access timber sale areas.
 - In many cases only portions of these roads may need actual maintenance work, such as minor surface blading or spot gravelling in low spots of the roadbed.
 - In some cases the road maintenance will include the entire length of road needed to access the timber harvest area.
 3. Decommissioning of approximately 11.4 miles of existing system and non-system roads within the project area
 4. Closure of a short spur off FR 1333 to protect the unique values and resources within the McCarthy Lake and Cedars Research Natural Area (RNA)

Recreation Site Management in the Day Lake Campground:

(These stands are included in the total acres of conifer thinnings identified earlier)

1. Thinning of approximately **25** acres of jack pine and red pine on the Jack Pine and Heron Circle Loops to address safety concerns
2. Thinning of approximately **88** acres of red pine in the Paper Birch, Red Pine, Blueberry, and Musky Bay Loops to improve air movement and screening between campsites.
3. Harvest activities would be restricted to winter only.

Visual Quality Management: (These stands are included in the total acres of timber harvest identified earlier)

1. Begin conversion of approximately **297** acres of mature and declining aspen stands along County GG to longer lived northern hardwood or conifer, including:
 - 220 acres of shelterwood cuts
 - 77 acres of thinnings
2. Improvement of the aesthetics along the shorelines of Day Lake, East Twin Lake, and Spillerberg Lake, by converting some declining aspen and birch stands to white pine by various methods:
3. Conduct a shelterwood seed cut on about **14** acres of aspen on the west shore of Day Lake to stimulate existing white pine seedlings.
4. Conduct a shelterwood cut on a **15** acre aspen stand at East Twin Lake, followed by under planting of white pine.
5. Underplanting white pine, without disturbing the existing overstory, in three shoreline stands at Day Lake and Spillerberg Lake, totaling about **53** acres.

Where the shelterwood system is prescribed to move a mixed aspen stand toward its hardwood or conifer component, the following modifications apply:

- The seed cut will retain as much overstory basal area as is normally kept in a hardwood thinning, 75 to 85 square feet per acre (Tubbs, 1977). This is to limit the quantity and vigor of aspen root sprout regeneration, and provide conditions where the more shade-tolerant species have the competitive advantage.
- The removal cut will be deferred, that is, the overstory will be left as a component of the new stand.

An aspen shelterwood cut will appear similar to a hardwood thinning, with a fully stocked residual stand. It is termed a “shelterwood” cut because the intent is to provide understory conditions favorable to the desired regeneration.

Where a thinning is prescribed to convert a mixed aspen stand, it is similar to the modified shelterwood just described, except that the residual basal area will be higher, 85 to 95 square feet per acre, and no scarification will follow. The denser canopy will more effectively control aspen root sprouting in stands heavily dominated by aspen.

An improvement cut, when used to move a mixed aspen stand toward its hardwood or conifer component, is similar to a thinning, but with a greater emphasis on creating small canopy gaps (25 to 40 feet wide) located to take advantage of existing northern hardwood seed sources or pockets of advance regeneration. These gaps result from the removal of individual mature trees or small groups of immature diseased or poor-quality trees. The long-range intent is to move the stand toward uneven-aged northern hardwood management.

Control of Noxious weeds: A biological control (flea beetle) (*Aphthona* species) will be released to control three small patches of Leafy Spurge (*Euphorbia esula*) that together total less than 1 acre.

Fisheries and Wildlife Habitat Maintenance and Improvement:

1. Conversion of approximately **35** acres of aspen to conifers within 300 feet of Brush and McCarthy Creeks. The conversion from aspen to species less palatable to beaver would be achieved through a combination of partial cutting to remove the aspen and under planting of white pine or white spruce. (These stands are included in the total acres of aspen thinnings identified earlier)
2. Construction and placement of brush bundles along approximately 1,000 feet of McCarthy Creek to help narrow and deepen the stream channel and reduce the impacts of sediment.
3. Removal of fine debris and tag alder by hand cutting along approximately 1.5 miles of McCarthy Creek to improve the flow of the stream, reduce accumulated sediment deposits, promote grass cover, and stabilize the streambanks.
4. Restoration of approximately **85** acres of upland openings to a grass/forbs/shrub condition through hand cutting, mowing, or burning of encroaching woody vegetation

depending on the characteristics of each site. Periodic maintenance and monitoring of each opening will occur.

Watershed Restoration: Appropriate Federal and State Water Regulatory and Army Corps permits and Trans 207 Agreements will be obtained prior to implementation of the following projects.

1. Existing culverts at **6** sites will be replaced with culverts of larger diameter and greater length. These culverts would be installed at or slightly below streambed elevation to improve water quality and fish passage. These sites include:

- unnamed tributary of Clam Lake at FR 195
- unnamed tributary to East Twin Lake at FR 195
- unnamed tributary to Brush Creek at FR 183
- unnamed tributary to Squaw Creek at FR 354
- Brush Creek at FR 354
- unnamed tributary on County GG

a. Each site will be designed with a 2:1 embankment ratio and rock armoring at each end of the culverts for erosion control.

b. Additional erosion control measures include re-vegetation of the sites with native or non-invasive seed, along with the application of weed-free mulch or straw matting and installation of silt fences that will be removed once re-vegetation occurs.

c. In-stream work within Brush Creek and its tributaries will be completed before September 15th or after April 15th to protect trout spawning areas.

2. An unnamed tributary to the Bad River at FR 355 and **1** acre of floodplain will also be restored. This will involve:

- removal of the twin corrugated metal culverts
- removal of approximately 100 feet of FR 355 on either side of the stream
- removal of the road fill down to floodplain elevation for the approximate width of the floodplain
- restoration of the stream channel bed and banks to a natural state
- transplanting of trees next to the stream where possible
- scarification of the road sub-grade for re-vegetation
- blending of prominent road features into the surrounding terrain
- blocking access to the river with boulders, berms, and/or slash

Erosion control measures for the activities will include:

- seeding with non-invasive species of grasses
- applying weed-free straw mulch

- installing erosion control mat adjacent to the stream banks
- installing silt fence that will be removed once the project area is stabilized and re-vegetated.

Trail Management:

1. A 1-acre (approximately) parking lot for snowmobile trail users will be constructed on the south side of FR 1296.
2. Approximately 0.4 miles of Snowmobile Trail 8 along a segment of County Highway GG (north) and FR 1296 will be relocated to address safety concerns due to increased traffic.

Design Features and Mitigation measures

Project design features and mitigation measures have been analyzed in the EIS that provide protection of soils, water, recreation, heritage resources, and threatened, endangered, and sensitive species. All of these features and mitigations are included in my selected action. A description of required features and where they will be applied is located in Appendix C of the FEIS.

The affected areas are managed according to standards and guidelines outlined in the 1986 Chequamegon Forest Plan (Forest Plan, pp. IV-1 through IV-126) as identified throughout the Cayuga FEIS. 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).

Monitoring

Monitoring will be conducted as identified in the Forest Plan, pp. V-1 through V-17 and as indicated throughout the Cayuga FEIS for each issue analyzed. A monitoring plan is attached to this document.

RATIONALE FOR THE DECISION

Key criteria I based my decision on were how well an alternative achieved the purpose and need (identified as objectives in the subheadings below), and how well an alternative addressed public issues.

I selected Alternative 5 because it best meets the most important objectives of my decision in concert with public and agency comments. The most important objectives were:

- aspen age class distribution and percentage of the aspen component on the landscape in Goal Area 1
- management of northern hardwoods in an uneven-aged condition in Goal Area 2
- addressing safety concerns related to mature jack pine in the Day Lake Campground

- snowmobile trail parking near the community of Clam Lake
- the number of sites treated to control leafy spurge,
- the amount of instream habitat improvement,
- the amount of watershed improvement relative to road crossings,
- decommissioning of roads no longer needed on the landscape
- economics.

The following rationale describes the objectives, issues and factors I considered in making my decision.

Aspen age class distribution and Aspen Component

Many of the responses I received on the Draft Environmental Impact Statement addressed the aspen resource on the landscape. Some respondents indicated they don't believe there should be any emphasis on aspen management, while other respondents detailed their interest in higher levels of aspen on National Forest System lands. I worked very closely with the interdisciplinary team in addressing this issue and in the development of Alternative 5 based on those responses.

The Desired Future Condition for aspen in the 1-20 year age class in Goal Area 1 as described in the Forest Plan is 30% across the planning area (Chequamegon National Forest). By selecting Alternative 5, I have decided to regenerate mature or over-mature aspen across 1010 acres within the Cayuga project area. Following implementation, 27% of the aspen in the project area will be in the 1-20 year old age class. This contrasts with 15% under the no action alternative as those aspen stands currently in the 15-20 year age class grow out of that cohort over the next 5 years. Alternative 3 provides a slightly higher percentage of aspen in the 1-20 year age class, but I found the trade-offs associated with impacts to other resources undesirable. I find that Alternative 5 does a better job of: 1. Providing breeding, foraging areas and dispersal habitat for the pine marten by managing for a contiguous block of northern hardwoods across the northern portion of the project area; 2. Resulting in a lower level of fragmentation that would reduce the potential for predation on forest interior migratory birds; and 3. Protecting lowland areas from potential impacts of clearcutting and temporary road construction. Providing 1010 acres of early successional habitat will provide habitat for those species closely associated with regenerating aspen stands including ruffed grouse, woodcock and elk.

Although aspen was important in my decision, the selected action does include changing some existing aspen to other types. In certain areas, this conversion was essential to meet the full variety of management objectives. These objectives include enhancing important views, (such as areas adjacent to lakeshores and County Highway GG north) reducing fragmentation, management for long-lived species along trout streams, and the restoration of transition areas between uplands and lowlands. Seventy two percent (373 acres) of the conversions will occur in Goal Area 2. Following implementation of the project, 18% of the Goal Area 2 landscape will be in an aspen component. The Forest Plan Goal Area 2 Desired Future Condition (DFC) range for the planning area as a whole is 10-20%. The

remaining 28% (146 acres) of the conversions will occur in Goal Area 1. Aspen stands will represent 37% of Goal Area 1 within the project area following implementation of Alternative 5, a level within the Forest Plan DFC of 35-65% described for the planning area as a whole (Chequamegon National Forest).

Uneven-aged Northern Hardwoods

Currently 18% of the northern hardwood stands in Goal Area 2 in the project area are in an uneven-aged condition. The Chequamegon Forest Plan desired future condition for northern hardwoods in an uneven-aged condition in Goal Area 2 is 30-65%. By selecting Alternative 5, I have decided to manage 42% of the northern hardwood stands in an uneven-aged condition. Although Alternatives 3 and 4 provide higher levels of uneven-aged hardwood management, I based my decision on the Ecological Land Type Phase and associated Vegetative Habitat Type (Kotar et. al 2002) to determine which stands were best suited for uneven-aged management (FEIS p. 62 and Appendix J). My decision to implement those treatments will create conditions that favor the establishment and development of multiple age classes and canopy levels by including canopy gaps in the prescription for these stands. Some comments suggested management of hardwoods in the northern portion of the project area (generally north of Forest Road 184) based on the Alternative Management Area (AMA) concept. As proposed in Alternatives 2, 4 and 5, I've decided to manage those hardwood stands with AMA prescriptions, which will maintain a continuous canopy of interior forest. Uneven-aged management in that area is consistent with the Forest Plan and the AMA prescriptions are consistent with the findings of the Scientific Roundtable on Biological Diversity. None of the comments I received debated the value of applying those prescriptions to that portion of the project area.

Safety Concerns in the Day Lake Campground and Community of Clam Lake

Jack pine is a relatively short-lived species. As jack pines mature, they begin to deteriorate and fall down. In a developed recreation setting like the Day Lake Campground, this results in safety concerns for campers and others who are enjoying the facility. It is my responsibility to ensure that conditions are safe for recreationists. I received no comments opposed to this activity. My decision will address concerns relative to aging jack pine in the campground while providing a high quality setting for the enjoyment of those who choose to recreate in developed settings

The Clam Lake area is a popular area for those who enjoy snowmobiling on area trails. Due to the limited parking available in the community, recreationists have been known to park in inappropriate places including in front of the building where emergency response vehicles are located. A safe and effective parking area that provides access to area trails is needed to help respond to community needs. Alternative 5 and action alternatives 2-4 include the parking area development on approximately 1 acre on the south side of Forest Road 1296. The limited responses from the public supported the establishment of the parking area. All action alternatives address this objective by providing a parking area adjacent to Forest Road 1296, therefore I find the elected alternative is appropriate for this portion of the project.

Control of Noxious Weeds

Leafy spurge is a species listed by the Chequamegon-Nicolet National Forest, Regional Forester and State of Wisconsin as a noxious weed or non-native invasive species (NNIS). Three patches that cumulatively total less than 1 acre have been found in the Cayuga Project Area. I am very concerned with the increase in non-native invasive species and the effects they have on species native to the area. I have decided to address this concern through the release of a biological control called a flea beetle. One respondent questioned whether or not the introduction of the flea beetle would itself have an effect on the environment. The flea beetle proposed for use within the project area to control leafy spurge has been shown to be host-specific with no documented evidence indicating an effect on any other species. Other commenters supported the approach to address the presence of leafy spurge. With the exception of hand pulling of weed species, we currently have a limited number of tools available to address noxious weeds. Given that, the biological control is an appropriate measure to take to address the concern associated with the presence of this species.

Instream habitat improvement and watershed restoration

The quality of trout habitat in McCarthy Creek and Brush Creek (both Class II trout streams) has declined over time as a result of beaver activity. I have decided to address that concern by reducing the abundance of aspen on 35 acres along those streams to protect water quality and coldwater fisheries habitat. I have also decided to conduct instream restoration projects to reverse the impact of the past beaver activity. Some commenters who responded with an interest in this aspect of the project support trout stream habitat improvement. Other respondents were concerned with a long-term decline in the amount of aspen on the landscape, some of which relates to this component of the Cayuga project. The analysis determined that 37% of Goal Area 1 and 18% of Goal Area 2 in the project area would be in a aspen component following implementation of Alternative 5. Both are within the range of the desired future condition as described in the Forest Plan. The long-term sustainability of cold-water resources is important to me. I recognize the differences of opinion and values associated with a goal of moving toward long-lived species in these environments. However, it is my belief that converting 35 acres of aspen to long-lived species will protect and enhance cold-water habitats over the long term. Converting 35 acres will not measurably affect the level of aspen, but will have a measurable beneficial affect on trout.

Watershed Restoration

Restoring and protecting the quality of our watersheds is one of my highest priorities. Given the support of respondents relative to watershed restoration proposals included in the Cayuga project alternatives, it seems apparent that others share that interest. There are seven sites in the Cayuga Project Area where erosion and sedimentation are a concern. These concerns are associated with deteriorated or undersized culverts at road crossings. I have included corrective action at all seven sites through the selection of Alternative 5. The sediment delivery at six of those sites will be addressed through the replacement of culverts and associated roadwork at the crossing. There will be complete restoration at the remaining site through the removal of the stream crossing and rehabilitation of the stream.

Forest Roads

A roads analysis was conducted for the project area. As a result of that analysis, 11 miles of road were identified that are no longer needed on the landscape for long-term management of National Forest System lands. I have decided to decommission these roads to avoid future, unneeded investment in their maintenance, to provide additional seclusion for those species which benefit from areas with less motorized access and to provide opportunities for those individuals who prefer to recreate in areas where motorized access is more limited. Few respondents expressed interest in the discussion. Some expressed concern that decommissioning roads would decrease access for recreational pursuits or the gathering of forest products. There are currently about 141 miles of open and closed, system and non-system roads in the project area. I find that the roads analysis process adequately determined that the roads I will decommission, provide no benefit to access. Therefore, the cost associated with keeping them on the system provides no balancing benefit.

Economics

The selected action will generate approximately \$277,661 (Project Record, Economics Section) of receipts to the Federal Government and approximately \$239,732 to counties (FEIS, p. 141). Approximately 25.0 Million Board Feet (MMBF) of volume will be generated as a result of the implementation of Alternative 5. Economics was not a purpose and need for action, nor a key factor in my decision. However, comments on the DEIS expressed concerns to jobs and local economies. My decision addresses these concerns by providing a positive benefit to jobs and the local economy.

PUBLIC INVOLVEMENT

Public involvement has been extensive throughout the planning and analysis process leading to this FEIS. Key public comment and participation was obtained on numerous occasions. I feel confident that all interested publics have had opportunities to participate and share their concerns regarding these actions. The following outlines the major steps in the public involvement effort.

Tribal Consultation:

A letter was sent to twenty-five tribal contacts on **October 23, 2000**. 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. This letter identified a potential area that the District was considering conducting an analysis on, listed a number of purpose and need statements, and asked for comments, concerns, and suggestions for analysis of the area.

The District spoke to GLIFWC about the proposed project on **October 27, 2000**

Project Proposal letters were sent to the same tribal contacts identified above, as well as to the public on **April 19, 2001**.

A meeting was held between the GLIFWC and several District employees on April 21, 2001 to discuss the proposal and their comments.

The Draft EIS and request for comment was sent to the tribes on **November 19, 2002**.

Phone conversations took place between the District and Tribal Archaeologist and GLIFWC in December 2002.

Additional information was exchanged between the District and GLIFWC and the LCO Tribal Archaeologist in December 2002.

A meeting was scheduled between the Forest Service and LCO Tribal Historic Preservation Officer and Archaeologist in January 2003.

Comments on the Draft EIS were received from GLIFWC and LCO Tribal Archaeologist in January 2003.

The Forest Service spoke on the phone with various GLIFWC representatives several times between January and May 2003 to discuss how to incorporate their comments into project design, mitigations, and analysis. A meeting was also set for May 7, 2003 to discuss the Decision and Final Analysis.

Initial Scoping:

On April 19, 2001, 465 project information packages were sent to interested individuals, local, state, and county agencies, tribal governments, Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and landowners within and adjacent to the project area.

The Cayuga Project was also initially listed in the January 2001 publication of the Chequamegon/Nicolet Quarterly Schedule of Proposed Actions.

The Notice of Intent (NOI) for the Draft EIS was published in the Federal Register on April 23, 2001. The NOI asked for public comment on the proposal from April 23, 2001 until June 4, 2001.

Legal Notices inviting comment on the initial proposal were published in the Glidden Enterprise and Sawyer County Record in April 2001.

107 comments were received on the initial proposal. Using the comments from the public, other agencies, adjacent property owners, Tribes and organizations (see Issues section of Project Record), 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 U.S. Department of the Interior, U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Wisconsin Department of Natural Resources (several divisions and offices), and the State Historic Preservation Office (SHPO).

The Notice of Availability (NOA) of the Draft Environmental Impact Statement was published in the Federal Register on December 6, 2002, as well as in the Ashland Daily Press, Sawyer County Record, and Glidden Enterprise. In addition, the Cayuga ID team sent out approximately 100 copies of the Draft EIS and 25 copies of the Summary of the Draft EIS to those individuals who had commented on the original proposal, to other interested individuals, to federal, local, state, and county agencies, tribal governments, Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and landowners within and adjacent to the project area. The comment period for the Draft EIS extended from December 7, 2002 until January 22, 2003.

Comments were received from 23 individuals or organizations. Copies of the responses to the comments on the DEIS are included in Appendix B of the FEIS.

Additional public input was received through telephone calls and meetings with concerned individuals and groups since the project analysis began. Public comment and agency concerns throughout the scoping process have been considered.

OTHER ALTERNATIVES CONSIDERED

Based on the scope of issues and public involvement, four reasonable alternatives in addition to Alternative 5, were developed for the Cayuga Project, and analyzed in detail in the FEIS. They are described briefly below. A more complete discussion of alternative development and a more detailed comparison of these alternatives can be found in Chapters 2 and 4 of the FEIS.

Alternative 1 – No Action

This alternative addresses the option of not implementing the project area activities at this time. The No Action Alternative is required by the National Environmental Policy Act and also serves as a baseline for comparing other alternatives. Current management plans would continue to guide management of the project area. There are ongoing permitted and approved uses on National Forest lands that would continue within the project area. These include, but are not limited to firewood cutting, use of trails, fire suppression, use of recreation facilities, normal road system maintenance, and use of a gravel pit as a parking area under special use permit (FEIS, Section 2.3.2). I did not select this alternative because it achieved none of the objectives identified in the Purpose and Need (see FEIS Table 2.5a).

Alternative 2 was the original Proposed Action and agency preferred alternative in the DEIS. It was designed to best meet the widest range of Forest Plan direction, while incorporating findings and new information such as the “Scientific Roundtable on Biological Diversity” and the Forest Plan Revision process. Of four the action alternatives, it ranked second lowest in timber volume (23 MMBF), harvest acres (5,414), and miles of road decommissioning (6.5 miles). It provided the highest level of visual quality management and ranked second in terms of interior forest management. It resulted in the greatest conversion of aspen to other species. I did not select this alternative, as its broader emphasis did not focus as well on addressing issues of maintaining aspen (especially distribution of age structures) and it did less to develop uneven-aged structure in hardwood stands. My selected action was developed from this alternative. It borrowed some of the benefits of the aspen and uneven-aged hardwood focus from Alternative 3, the level of road decommissioning from alternative 4, and added them to the broad resource emphasis of Alternative 2.

Alternative 3 emphasized the management of early successional species and uneven-aged northern hardwood forests. It generated the greatest timber volume (28 MMBF) and harvested the most acres (6,178). It provided the least conversion of aspen to other species, but resulted in the greatest level of fragmentation. It resulted in the lowest level of road decommissioning (5.7 miles). I did not select this alternative because of the potential impacts of higher levels of fragmentation on other resources. Alternative 3 incorporated new information and science to a lesser degree than the other alternatives.

Alternative 4 was designed in response to the issues of fragmentation, the amount of timber harvest along County Hwy GG, and harvest activities near the McCarthy Lake and Cedars Research Natural Area (RNA). It emphasized larger blocks of contiguous hardwood management. Of the action alternatives, it ranked lowest in timber volume (20 MMBF) and least in harvest acres (4,880). It also decommissioned the most miles of unneeded road (11.4 miles). Although it caused less fragmentation than the other alternatives, it also achieved less of the purpose and need. For example, less was done to manage aspen age structure, quality recreation experiences, and visual quality (see FEIS Tables 2.5a and 2.5b). Therefore, it did not meet the purpose and need, nor address the issues, as well as my selected action.

FINDINGS REQUIRED BY OTHER LAWS

Consistency with the Forest Plan

I find my selected action meets the direction in the 1986 Chequamegon Forest Plan, and is consistent with achieving planned output goals outlined for the second decade. Specifically, actions will:

- Move the project area closer to the Forest Plan management prescription of 30% of aspen in the 0-20 age class within Goal Area 1 (Forest Plan IV-114)
- Improve wildlife and fish habitat (Forest Plan IV-78-80)
- Provide safe, high-quality recreational facilities and trails (Forest Plan IV-26-27)
- Improve timber growth on lands suitable and available for timber production while managing for multiple resources (e.g., visual quality, wildlife habitat, etc.) (Forest Plan IV-39-40)
- Protect the unique values and resources of the McCarthy Lakes and Cedar Research Natural Area (Forest Plan IV-92-93)
- Restore lakes and streams that have been disturbed by sedimentation (Forest Plan IV-69)
- Minimize and mitigate sedimentation to protect water quality (Forest Plan IV-69)
- Minimize and mitigate soil erosion and compaction that could decrease soil productivity (IV-69-75)
- Protect wetlands and riparian areas (Forest Plan IV-67-68)
- Emphasize optimum timber production with respect to site potential, cost efficiency, multiple use, and non-declining even-flow (Forest Plan IV-3)

Consistency with Existing Laws

My decision is consistent with Federal, State and local laws or requirements imposed for the protection of the environment. Specifically:

National Forest Management Act (NFMA)

I find my selected action complies with the Vegetation Management Requirements at 36 CFR 219.27:

Suitability (36 CFR 219.27(c)(1)): The treatment activities selected result in harvest on lands suitable for timber production (EIS, Section 1.6.1). 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 on-the-ground inventories by a certified silviculturist, all have been determined to meet suitability pursuant to 36 CFR 219.27(c)(1). See Appendix J of the FEIS for a list of each stand and site specific information for each stand including proposed harvest by alternative.

Adequately restocked within 5 years (36 CFR 219.27(c)(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, I have determined that the technology and knowledge exist to adequately restock the lands within five years after final harvest.

Vegetation Manipulation (36 CFR 219.27(b)): Vegetation manipulation treatments prescribed in all actions are consistent with management area prescriptions described in the 1986 Chequamegon 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)): Timber harvest sites where even-aged management is prescribed generally result in cut blocks less than 40 acres in size. Some timber harvest sites result in cut blocks greater than 40 acres in size. Where even-aged openings larger than 40 acres are created, it is for the purpose to best achieve site-specific, multiple resource objectives of managing large contiguous blocks of habitat and reducing the amount of edge (FEIS Section 4.2.4, p. 106 and Section 4.5, p.153). A sixty-day public notice and Regional Forester review has been conducted on even-aged openings larger than 40 acres. I find that the even-aged management prescribed in my decision is consistent with 36 CFR 219.27(b) (Project Record, Forty Acre Review).

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 (FEIS, Section 4.5 and Project Record, "Silvicultural Diagnosis Matrix"). 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 (k).

Endangered Species Act

This Act provides direction to the Forest Service to establish objectives for habitat management and recovery through the Forest Plan for the conservation and protection of endangered and threatened species. This project is consistent with these guidelines as explained below:

- The project area has been reviewed to identify, manage, and protect essential habitats to meet legal requirements and recovery objectives for Federally listed species.
- A Biological Assessment (BA) on the Selected Alternative was prepared and sent to the USFWS as part of our consultation process. The USFWS has reviewed the proposal and determined that there will be No Effect on Federally listed,

threatened, endangered or proposed species. A copy of the BA is located in Appendix E of the FEIS.

- The project analysis has identified and prescribed mitigation measures to prevent adverse modification or destruction of essential habitats (FEIS, Appendix E, Biological Assessment).
- We received letters from the USFWS on June 5, 2001 and January 21, 2003 (Project Record, Consultation with other Government Agencies) indicating "No Effect" to Federally threatened or endangered species, and concluding consultation.

Executive Order (EO) 12898 (Environmental Justice)

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Departmental Regulation 5600-2 direct federal agencies to integrate environmental justice considerations into federal programs and activities. Environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to comment before decisions are rendered on, are allowed to share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment. My decision is consistent with this Order. My decision sought and incorporated public involvement, will not have a discernible effect on minorities, American Indians, or women, or the civil rights of any United States citizen; nor will it have a disproportionate adverse impact on minorities or low-income individuals (See Cayuga Project Record Environmental Justice section for a disclosure of EO 12898 considerations).

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 changes to the Proposed Action (Project Record, Comments received on DEIS, letter number 20).

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.

Section 404 of the Clean Water Act (CWA):

All actions will be in compliance with the Clean Water Act. See the discussion in Section 1.6.5 of the FEIS. Appropriate Federal and State Water Regulatory and Army Corps permits, and Trans 207 Agreements will be obtained prior to implementation of projects involving navigable waters, floodplains, or wetlands.

Chapter 30 (Wisconsin state statute) Permit:

According to Wisconsin statute, a permit is required for the construction of a ford or installation of a culvert or bridge across a navigable perennial or intermittent stream. A permit for replacement of culverts will be obtained before implementing any in stream work.

National Historic Preservation Act

All actions would be in compliance with the National Historic Preservation Act. See discussion under Section 1.6.4 of the FEIS.

ENVIRONMENTALLY PREFERABLE ALTERNATIVES

The EPA, in its review of the EIS, preferred Alternative 4 “because of its emphasis on long-term ecosystem health over the desires of forest resource consumers”. My review of the EIS does not find this difference in long-term ecosystem health effects identified. I find that Alternative 4 does not provide for the diversity of habitats outlined in the Forest Plan as well as Alternatives 2 and 5, and the EPA’s preference appears to a judgment of values rather than environmental impacts.

The EIS identified no significant, adverse effects from any of the action alternatives. Therefore I find all action alternatives 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 therefore environmentally preferable over another, and none result in any substantial adverse impact to the environment.

APPEAL RIGHTS

This decision is subject to appeal pursuant to 36 CFR 215.7. Appeals shall meet content requirements of 36 CFR 215.14. A written notice of appeal must be submitted within 45 days after the date the notice of this decision is published in the Ashland Daily Press, Ashland, Wisconsin (expected to be May 9th, 2003) to:

ATTN: Appeals Deciding Officer, Regional Forester Randy Moore
310 West Wisconsin Avenue, Rm. 500
Milwaukee, WI 53203

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

CONTACT PERSON

The FEIS and supporting documents are available for public review at the Great Divide Ranger District, P.O. Box 896, 10650 Nyman Avenue, Hayward, WI 54843. For further information on this decision, contact Debra Sigmund at the Hayward Office, phone (715) 634-4821, fax (715) 634-3769, or email dsigmund@fs.fed.us

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

/s/Barry Paulson

May 7, 2003

BARRY PAULSON
District Ranger
Great Divide Ranger District

Date