

DECISION MEMO
Ransburg BSA Special Use Permit Trail

USDA Forest Service, Eastern Region, Hoosier National Forest
Brownstown Ranger District
Monroe County, Indiana
(T7N, R1E)

I. DECISION

A. Description of Decision

My decision is to grant a special use permit to the Boy Scouts of America, Crossroads of America Council, to complete a loop for a hiking trail located on the Ransburg Scout Reservation. The trail segment to be permitted is approximately .75 of a mile in length on National Forest System (NFS) land. The proposal is located in Management Area 2.4 in southeast Monroe County, Indiana, immediately southwest of the State Road 446 causeway over lake Monroe. The legal description is SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, T7N, R1E.

Approximately 0.6 of a mile of the route is on an old road, and the remaining .15 of a mile connects the old road to the Ransburg Scout Reservation through a wooded area. Some tread improvement is anticipated for the road portion of the route, and construction of a natural soil tread will occur on the portion through the woods. No cutting of trees is anticipated. Working under adult supervision, Boy Scouts from the camp will accomplish the work by hand and with the use of horses.

This decision will be implemented through issuance of a special use authorization that meets the requirements of the decision and USDA Forest Service regulations. USDA Forest Service regulations require the applicant to: submit (or resubmit) an operation and maintenance plan that complies with the decision requirements; pay any necessary fees; post any necessary bonds; and secure any state or federal permits or authorizations required by law.

It is also my decision that a special use fee will not be charged for this special use permit because the applicant qualifies for a fee waiver as a non-profit organization in accordance with the Code of Federal Regulations Title 36 part 251, section 57(b)(2) (CFR 251.57(b)(2)).

The location of my decision is displayed on the attached map.

B. Purpose of Decision

The purpose of this decision is to respond to a special use permit application from an

adjacent Boy Scout camp that desires to use NFS land to complete a loop for a hiking trail. The trail is to be used by Boy Scouts for educational and recreational purposes. The additional loop is needed by the Boy Scouts to provide a longer hiking experience that would not be possible if the entire trail were to be confined to the Ransburg Scout Reservation property.

The Hoosier National Forest Land and Resource Management Plan (Forest Plan) and 2002 Trail Program document provide guidance regarding special use permit trails. Forest Plan guidance states: “Qualification for a special use permit trail shall be established on a case by case evaluation of ability to meet Forest Service criteria established in the Trail Implementation Plan” (USDA Forest Service, 1991). The 2002 Forest Trail Program document is the implementation and management plan for the Hoosier National Forest, and contains criteria for special use permit trails (USDA Forest Service, 2002a). This project meets those criteria.

The Forest Plan allows the existence of trails in Management Area 2.4 and states that the maximum cumulative trail density shall be no more than 2 miles of trail per square mile of land. The current density is .0384 miles of trail per square mile; this decision raises the trail density to .0671, which is well within Forest Plan limits.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the USDA Forest Service in USDA Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the proposed action.

A. Category of Exclusion

The project is within the category of exclusion found in the Forest Service Handbook (FSH) 1909.15, Section 31.2(1), that includes, “construction and reconstruction of trails.”

B. Relationship to Extraordinary Circumstances

a. Threatened and Endangered Species or Their Critical Habitat, Proposed Species or Critical Habitat, Forest Service Sensitive Species -

The Endangered Species Act requires that Federal activities do not jeopardize the continued existence of any species Federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. Potential effects of this decision on listed species have been analyzed and documented in a biological evaluation (Larson 2003a and b, Reynolds 2003a, b, c, and d). It was determined that this decision will have ‘no effect’ on listed species or their critical habitats.

b. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 directs agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. As defined by this order, floodplains are, “the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.” The project is not located in or near floodplains and has been validated by map and site-review (Merchant 2003). It will not affect floodplains.

Wetlands: Executive Order 11990 directs agencies to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.” The project is not located in or near wetlands and has been validated by reviewing the site (Merchant 2003). This decision will not affect wetlands.

Municipal Watersheds: USDA Forest Service manages municipal watersheds under multiple-use prescriptions in forest plans. This project will occur in the Lake Monroe watershed, which is a municipal water supply. The implementation of standard engineering design and techniques will mitigate soil and water impacts, and will result in no adverse cumulative effects to soil and water resources (Merchant 2003). This decision will not affect municipal watersheds.

c. Congressionally Designated Areas -

Wilderness:

This decision does not affect wilderness. The project is not in wilderness. Wilderness is identified on the Hoosier NF as Management Area 5.1 (*Forest Plan*, p. 2-36). The project is located in Management Area 2.4 (*Forest Plan*, p. 2-28). The closest wilderness, the Charles Deam Wilderness, is approximately 1 mile east of the project, separated from the project by State Road 446 and private land. This decision, with impacts limited to the immediate area of activity, will not affect wilderness areas.

Wilderness Study Areas:

No wilderness study areas are on the forest. This decision will affect no wilderness study area.

National Recreation Areas:

There are no national recreation areas on the Hoosier NF. This decision will not affect national recreation areas.

d. Inventoried Roadless Areas -

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

e. Research Natural Areas -

There are no research natural areas in the decision area. This decision will not affect research natural areas.

f. American Indian and Alaska Native Religious or Cultural Sites,

g. Archaeological Sites, or Historic Properties or Areas -

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the NHPA also requires Federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in Federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in Federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (Krieger 2003). A ‘no properties affected’ determination was made. The forest consulted on this finding with the State Historic Preservation Office (Krieger 2003).

We have identified no other extraordinary circumstances related to the project.

III. PUBLIC INVOLVEMENT

To involve the public with this planning, we mailed a scoping letter to 174 individuals on January 27, 2003. The letter was sent to the Hoosier National Forest interested party mailing list, leaders of trail groups, and adjacent landowners. The project was also announced in the February and May 2003 issues of the *Hoosier Quarterly* and was posted on the Forest website.

No responses were received.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Federal Land Policy and Management Act - This act allows the granting of easements across National Forest System lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and USDA Forest Service policy and regulations. This decision is consistent with this act.

Forest Plan Consistency (National Forest Management Act) - This act requires the development of long-range land and resource management plans (forest plans). The Hoosier National Forest Land and Resource Management Plan (*Forest Plan*) was approved in 1985, as required by this act. It has since been amended six times. The amended plan provides for guidance for all natural resource management activities on the forest. The act requires all projects and activities be consistent with the *Forest Plan*. The *Forest Plan* has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document.

Vegetation Manipulation (National Forest Management Act) - This act and its implementing regulations require that vegetation manipulation of tree cover for any purpose must comply with seven requirements found at 36 CFR 219.27(b).

This proposal includes no vegetative manipulation of tree cover and therefore the requirements of 36 CFR 219.27(b) are not applicable.

Endangered Species Act - See Section II, Item B(a) of this document. In addition, the operating plan for the special use permit will be required to contain the following statements as advised by the USDI Fish and Wildlife Service, Bloomington Field Office (King 2003): No snags greater than 5 inches dbh will be cut along the special use permit trail during the period April 15th through September 15th without consultation with the USDA Forest Service, Hoosier National Forest. The permittee is strongly encouraged to remove any hazard trees between September 15th and April 15th when possible.

Sensitive Species (USDA Forest Service Manual 2670) - This manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability as a concern. On February 29, 2000, the Regional Forester approved the sensitive species list available online at http://fsweb/r9.fs.fed.us/tes_lists.htm. Potential effects of this decision on sensitive species have been analyzed and documented in a biological evaluation (Larson 2003a, Reynolds 2003c). This decision will have “no impact” on sensitive species.

Federal Cave Resources Protection Act - This act directs agencies to secure, protect, preserve, and maintain significant caves, to the extent practical. File reviews substantiate that no caves are in the decision area. (Reynolds 2003c). No known cave resources will be affected by this decision.

National Historic Preservation Act - See Section II, Item B(g) of this document.

Archaeological Resources Protection Act - See Section II, Item B(g) of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B(f) of this document.

Wild and Scenic Rivers Act –There are no wild or scenic rivers in the general area, and none will be affected by implementing this decision.

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

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

V. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.4. This decision is subject to appeal pursuant to 36 CFR 251 by those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands. An appeal for initial review may be filed by those who hold or, in certain instances, those who apply for written authorizations to occupy and use National Forest System lands. To appeal this decision under 36 CFR 251, a written Notice of Appeal must be postmarked or received within 45 calendar days after the date the notice for this decision is published in the Bloomington Herald Times newspaper of general circulation (Bloomington, Indiana). However, when the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, the filing time is extended to the end of the next Federal working day. The Notice of Appeal must be sent to: USDA, Forest Service, Hoosier National Forest, ATTN: Forest Supervisor, Kenneth Day; 811 Constitution Ave.; Bedford IN 47421. The Notice of Appeal may alternatively be faxed to: USDA, Forest Service, ATTN: Forest Supervisor, Kenneth Day (812 279-3423). A copy of the appeal must simultaneously be sent to the District Ranger, Tell City Ranger District, 248 15th Street, Tell City IN 47586.

VI. IMPLEMENTATION DATE

This decision may be implemented immediately.

VII. CONTACT PERSON

Further information about this decision can be obtained from

Les Wadzinski, Recreation Program Manager
Hoosier National Forest Supervisor's Office
811 Constitution Avenue
Bedford, IN 47421
Office 812 275-5987
FAX 812 279-3423

VIII. SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment because the proposal has not changed since scoping, it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in USDA Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no indications of effects on extraordinary circumstances that would warrant further analysis and documentation in an environmental assessment. My conclusion is based on information presented in this document and the entirety of the planning record.

/s/James E. Denoncour
JAMES E. DENONCOUR
District Ranger

June 18, 2003
Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's target center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD).

USDA is an equal opportunity provider and employer.

REFERENCES CITED

Krieger, Angie. 2002. Letter dated March 27 to John Gross, State Historic Preservation Officer, summarizing archeological findings for the Ransburg BSA special use permit trail. On file with: Forest Supervisor, Hoosier National Forest, 811 Constitution Avenue, Bedford, IN 47421. 1 p.

Merchant, Pat. 2003. Memorandum to Les Wadzinski dated March 19, 2003. Ransburg BSA special use trail permit. On file with: Forest Supervisor, Hoosier National Forest, 811 Constitution Avenue, Bedford, IN 47421. 4 p.

Indiana Department of Natural Resources. 2003. Letter dated April 10 to Angie Krieger concurring with archeological findings. On file with: Forest Supervisor, Hoosier National Forest, 811 Constitution Avenue, Bedford, IN 47421. 1 p.

King, Andy. 2003. Personal conversation between Andy King, USDI Fish and Wildlife Service, Bloomington Field Office, and Kelle Reynolds, Wildlife Biologist. On file with: Forest Supervisor, Hoosier National Forest, 811 Constitution Avenue, Bedford, IN 47421.

Larson, Kirk W. 2003a. Ransburg BSA special use permit trail biological evaluation Regional Forester's sensitive plant species. USDA Forest Service, Hoosier National Forest, Bedford, IN 10p.

Larson, Kirk W. 2003b. Ransburg BSA special use permit trail forest species of concern plant species. USDA Forest Service, Hoosier National Forest, Bedford, IN 6p.

Reynolds, Kelle. 2003a. Forest species of concern animals for Ransburg BSA trail special use permit. USDA Forest Service, Hoosier National Forest, Bedford, IN 3p.

Reynolds, Kelle. 2003b. Management indicator species evaluation for Ransburg BSA trail special use permit. USDA Forest Service, Hoosier National Forest, Bedford, IN 4p.

Reynolds, Kelle. 2003c. Regional Forester sensitive species- animal species biological evaluation for Ransburg BSA trail special use permit. USDA Forest Service, Hoosier National Forest, Bedford, IN 5p.

Reynolds, Kelle. 2003d. Threatened and endangered species biological evaluation for Ransburg BSA trail special use permit. USDA Forest Service, Hoosier National Forest, Bedford, IN 10p.

U.S. Department of Agriculture, Forest Service. 1991. Land and Resource Management Plan, Plan Amendment, Hoosier National Forest. 90 p.

U.S. Department of Agriculture, Forest Service. 1992. Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook.

U.S. Department of Agriculture, Forest Service. 2002a. Trail program Hoosier National Forest. USDA Forest Service, Hoosier National Forest, Bedford, IN 32p.

U.S. Department of Agriculture, Forest Service. 2002b. Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook, Interim directive 1909.15-2002-2.