

**DECISION MEMO**  
Narrows Riparian Restoration

USDA Forest Service, Eastern Region, Hoosier National Forest  
Brownstown Ranger District  
Martin County, Indiana  
(T 2 N, R 3 W)

**I. DECISION**

**A. Description of Decision**

My decision is to restore the features, functions, and hydrology of a 35-acre bottomland hardwood riparian ecosystem. This will include the removal of sections of field drainage tile and the filling of drainage ditches that were constructed to drain the fields, the repair of natural levees that were altered, the construction of low level dikes with water level control structures, and the planting of native tree and shrub species on the bottomlands. In the future it may be necessary to release (either mechanically or by hand) the seedlings from vegetative competition. The release would be aimed at improving the seedlings' survival. The adjacent 4-acre upland area will be allowed to reestablish by natural succession. The proposed action will result in diverse bottomland hardwood forests and palustrine wetland forests. My decision also includes the establishment of a parking area adjacent to Martin County road #41 and the reestablishment of a parking area for access to Paw Paw Marsh northwest of the project area. The Construction of the proposed parking area adjacent to Martin County road #41 would not require the removal of any trees greater than 3 inches in diameter. The reconstruction of the parking area for access to Paw Paw Marsh may require the clearing of some trees (mostly white pine) greater than 5 inches. These would be cut during the bats inactive period from September 15 to April 15.

Our primary responsibility is to provide healthy, sustainable ecosystems for Americans, present and future. While doing this, we sustain the vitality and diversity of the Hoosier National Forest (HNF) in perpetuity and provide many benefits.

This proposal implements the USDA Forest Service natural resource agenda and Forest Service mission of "Caring for the Land and Serving People." It addresses watershed health and restoration by restoring a forested riparian ecosystem along the Lost River where the majority of the forested ecosystems have been cleared for agriculture production. This restoration will contribute to watershed health by reducing floods, improving water quality, storing floodwaters, improving the aquatic ecosystem, as well as providing habitat for a variety of bottomland wildlife species including amphibians, migratory waterfowl, and numerous wading birds. This restoration will result in a more diverse bottomland hardwood forest ecosystem. This proposal also addresses recreation by enhancing opportunities for fishing, hunting, wildlife viewing, and conservation education (USDA FS 1998).

The project is located on the HNF in Martin County on the Lost River across from Narrows Marsh, west of French Lick and West Baden, and is displayed on the attached maps. The restoration will be accomplished in the next three to five years.

The project will be implemented on an area of land that occurs in the bottomland along the Lost River across from Narrows Marsh, west of French Lick and West Baden in Martin County, Township 2 North, Range 3 West, Section 27 and 28, on the Brownstown Ranger District of the HNF and it is displayed on the attached maps.

This project would be carried out in cooperation with the following partners: Indiana Department of Natural Resources, Division of Fish and Wildlife, and Ducks Unlimited, Incorporated. There is a possibility that additional partners may want to become involved in this project.

The following mitigation measures will be part of this project.

Construction is proposed during the driest times of the year to mitigate potential compaction to the soil.

To mitigate soil erosion, exposed mineral soil, will be seeded, mulched, and fertilized after we render the tile ineffective and construct low-level dikes.

If growing conditions do not permit adequate seed germination, the soil will be protected with mulch and seeding deferred until the recommended seeding season.

The existing grass and forb communities in the 25-foot area between the stream and construction areas will act as a filter strip that will mitigate any soil that may erode during construction.

Standard mitigation measures applicable to road construction as described in the Hoosier National Forest (HNF) *Forest Plan* Appendix K will be used to protect soil and water quality (USDA FS 1991).

Management of streamside management zones will occur in accordance with direction in the *Forest Plan* Appendix J (USDA FS 1991).

To avoid potential disturbance of the Indiana Bat trees will be removed during the winter. (September 15 to April 15)

## **B. Purpose of Decision**

The purpose of this proposal is to restore the features, functions, and hydrology of a 35-acre bottomland hardwoods riparian ecosystem. The proposed action includes planting and reestablishment of a 23-acre bottomland hardwood forest, and the restoration and enhancement of a 12-acre wetland along the Lost River.

The Federal Government acquired the property in 1997. In the early 1900's the riparian bottomland hardwood forests were cleared and converted to agricultural land. During the last 50 years the bottomland was drained for agriculture.

The project is located along the Lost River at the mouth of Buck Creek, where the majority of the riparian ecosystems on private land are used for agricultural purposes.

The conditions of the bottomland do not meet the condition desired for Management Area 2.4 in the *Forest Plan* (p. 2-28 to 2-30) (USDA FS 1991). The desired future condition for MA 2.4 is characterized by forested shorelines or corridors up to 1 mile or more in width, with an appearance of an unbroken canopy of large diameter trees of a variety of species. The restoration of the bottomland riparian ecosystem presents an opportunity to provide leadership in promoting and demonstrating the values of riparian area management to landowners throughout southern Indiana. This restoration will improve water quality, store floodwaters, and provide habitat for a variety of bottomland wildlife species including amphibians, migratory waterfowl, and numerous wading birds.

This project for restoring riparian ecosystems on the HNF is consistent with the National Forest Management Act. The *Forest Plan* established as one of its goals: "Protect and Manage Forest Ecosystems." Forest-wide guidance to protect and manage ecosystems provides that: "all aquatic and riparian ecosystems will be protected. . . . natural wetlands are restored whenever feasible. Management of these areas requires a total ecosystem approach, including waterfowl, other wildlife, and aquatic flora considerations."

The Management Area 2.4 guidance provides that: "Natural succession is featured in this Management Area" and "No vegetation management or removal will occur on banks or in associated riparian areas except as necessary to manage threatened and endangered species, restore natural wetlands, stabilize banks, develop and maintain access sites for recreation, or restore natural riparian vegetation."

## **II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when (1) 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 (USDA FS 1992) and (2) there are no extraordinary circumstances.

### **A. Category of Exclusion**

This project is within the category of exclusion FSH 1909.15-31.2(6) timber stand and/or wildlife habitat improvement activities which do not include the use of herbicide or do not require more than one mile of low standard road construction (Service level D, FSH 7709.56) (USDA FS 1994).

### **B. Relationship to Extraordinary Circumstances**

There are seven resource conditions that need to be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS as listed in FSH Interim Directive No.: 1909.15-2002- published August 23, 2002. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. The degree of the potential effect of a proposed action on these resource conditions determines whether extraordinary circumstances exist.

#### **1 Threatened and Endangered Species or Their Critical Habitat –**

The Endangered Species Act (ESA) requires that Federal activities 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. As required by ESA, the potential effects of this decision on listed species have been analyzed and documented in a biological evaluation (Larson 2002a). There are no threatened, endangered, or proposed species on the project sites. It was determined that this decision will have 'no effect' on listed species or their critical habitats.

#### **2. Floodplains, Wetlands, or Municipal Watersheds -**

a. Floodplains: Executive Order 11988 directs agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.

This decision includes activities within floodplains. The restoration work will be done with heavy equipment during August and September, which are the normally the driest months of the year, so as not to impair the function of the floodplain. Similar past projects in this area, within the floodplain of the Lost River, that were determined to have no significant floodplain-related impacts include Moffatt Wetland Restoration (USDA FS 1995) and Roland Riparian Restoration (USDA FS 1999). This decision should not result in significant floodplain-related impacts.

To further ensure that floodplains-related impacts are minimized, standard mitigations to protect soil and water resources and riparian area and filter strip guidance are incorporated, *Forest Plan* Appendix J and Appendix K, (USDA FS 1991).

b. 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."

This decision includes activities within wetlands. This has been validated by map and site-review. The activity will restore and enhance the wetlands. This type of activity will restore the function of the wetlands

c. Municipal Watersheds: USDA Forest Service manages municipal watersheds under multiple-use prescriptions in forest plans.

This decision will not affect municipal watersheds. There are two municipal watersheds on the HNF. One is Patoka Lake and the other is Monroe Lake. The project area is not in a municipal watershed. Personnel validated this by map review. This decision will not affect municipal watersheds and certainly should not result in significant municipal watershed-related impacts.

3 Congressionally designated areas, such as wilderness, wilderness study area, or national recreation areas.

a. *Wilderness*: This decision does not affect wilderness. The project is not in or near wilderness. Wilderness is identified on the HNF as Management Area 5.1 (*Forest Plan*, p.2-36). The project is located in Management Area 2.4 (*Forest Plan*, p. 2-31). The closest wilderness, the Charles Deam Wilderness, is 35 miles northeast of the project. This decision, with impacts limited to the immediate area of activity, will not affect the wilderness area.

b. *Wilderness Study Areas*: There are no wilderness study areas on the HNF. This decision will not affect wilderness study areas.

c. *National Recreation Areas*: There are no national recreation areas on the HNF. This decision will not affect national recreation areas.

d. *Wild and Scenic Rivers*: There are no Wild and Scenic rivers on the HNF. There will be no impact on wild and scenic rivers.

4 Inventoried Roadless Areas:

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

#### 5 Research Natural Areas:

There are no research natural areas in the decision area. The closest research natural area, Pioneer Mothers Memorial Forest, is about 15 miles east of the project. This decision, with impacts limited to the immediate area of activity, will not affect research natural areas.

#### 6 American Indian and Alaska Native Religious or Cultural Sites, 7 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.

The Indiana Department of Natural Resources, Division of Historic Preservation, and Archaeology (IDNR-DHPA) did not identify any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects (Goss 2002).

The IDNR-DHPA determined that the proposed wetland restoration project, given its poorly drained location, should have no effect on significant archaeological resources (Goss 2002). No survey was conducted in this lowland area.

An inventory level survey of the parking areas, however, was completed (Krieger 2002). No historic or prehistoric resources were located. No protection or mitigation measures are required.

Additionally, the Federal government has trust responsibilities to tribes under a government-to-government relationship that protects tribes’ reserved rights. Consultation with tribes helps ensure that these trust responsibilities are met. Although there are no Federally registered Tribes within the state of Indiana, the HNF remains open to input from or concerning American Indians. The ID team identified no tribal concerns for this project

My staff and I have identified no other extraordinary circumstances related to the project.

### **III. PUBLIC INVOLVEMENT**

Public comments were requested in the scoping letter sent February 15, 2002. These letters informed 164 individuals and organizations about the proposed action and requested their comments. Adjacent landowners were also notified. These letters contained a brief description of the proposed action and a map of the proposed project area. The notification included a 30-day comment period. The scoping

letter was also posted on the HNF website. Notice of the proposed project was published in the May and August issues of the Hoosier Quarterly.

Three comments were received. One recommends a study on reestablishment of reptilian populations compared to pre-existing populations. There are no plans to implement a study at this time. All three comments expressed support of the project and are part of the project file.

We also informed the USDI Fish and Wildlife Service, and the local office concurred with the findings concerning endangered and threatened species (Pruitt 2002).

#### **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.

Forest Plan Consistency (National Forest Management Act) - This act requires the development of long-range land and resource management plans (forest plans). The HNF *Forest Plan* was approved in 1991, as required by this act. Since then, it has been amended six times. The amended plan provides for guidance for all natural resource management activities on the HNF. The act mandates that all projects and activities must 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 *Forest Plan*, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the *Forest Plan*.

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 the following seven requirements found at 36 CFR 219.27(b).

- *Be best suited to the goals in the Forest Plan.* The applicable goals are stated in the Section I of this document. This decision is responsive to those goals (*Forest Plan* pp. 2-2 to 2-4) and is best suited to meet those goals.
- *Assure that technology and knowledge exists to adequately restock lands within five years after final harvest.* Restocking is not applicable; the area treated will remain fully stocked after treatment.
- *Not to be chosen primarily because they give the greatest dollar return or the greatest output of timber (although these factors shall be considered).* This decision was based on a variety of reasons. It was not primarily chosen for its expected dollar return. Economics was only one of the many factors considered.
- *Be chosen after considering potential effects on residual trees and adjacent stands.* The effects on residual trees and adjacent stands have been considered. The overall direction and Standards and Guidelines contained in the *Forest Plan* are designed to provide the desired effects of management practices on the resource values. This decision is consistent with the *Forest Plan* and provides the desired effect on residual trees and adjacent stands.
- *Be selected to avoid permanent impairment of site productivity and to ensure conservation of soil and water resources.* This decision avoids impairment of site productivity. The nature of the project and use of standard mitigation and protection measures will protect soil and water resources.

- *Be selected to provide the desired effects on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation users, aesthetic values, and other resource yields.* This decision provides the desired effect on the above resources. The overall direction and Standards and Guidelines contained in the *Forest Plan* are designed to provide the desired effects of management practices on the resource values. This decision is consistent with the *Forest Plan* and provides the desired effect on the above resources.

- *Be practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.* The project area is adequately roaded, and no new permanent or temporary roads are necessary to implement this decision. The treatment in this decision is appropriate to accomplish project objectives, and is economically practical.

Endangered Species Act - See Section II, Item B1 of this document.

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. The HNF analyzed the potential effects of this decision on sensitive species and documented them in a biological evaluation for this project (Larson 2002b). This decision will have no negative effects on sensitive species.

Clean Water Act - This act provides for the restoration and maintenance of the integrity of waters. The USDA Forest Service complies with this act through the use of best management practices. This decision incorporates standard mitigation measures to ensure protection of soil and water resources (*Forest Plan* Appendix K).

Wetlands (Executive Order 11990) - See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B2 of this document.

Federal Cave Resources Protection Act - This act directs agencies to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiate that no caves are in the decision area. No known cave resources will be affected by this decision. The HNF will protect any caves subsequently identified.

National Historic Preservation Act - See Section II, Item B7 of this document.

Archaeological Resources Protection Act - See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B7 of this document.

Wild and Scenic Rivers Act - See Section II, Item B3d of this document.

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

We received no negative comments or comments suggesting changes during the 30-day formal comment period. Three brief letters supporting the proposal. One of the three letters, recommending a study of reptilian populations, was received from Carroll Ritter. I interpret this lack of comments on this proposed action (Narrows Riparian Restoration) as meeting the requirement of 36 CFR 215.8 (3) for projects on which no expression of interest has been received during the comment period. Therefore, this project is not subject to appeal.

This decision is not subject to the USDA Forest Service process for administrative review. This project is not subject to appeal because it is an action for which notice and opportunity to comment have been published and on which no expression of interest has been received during the comment period (36 CFR 215.6), and because the Responsible Official's decision does not modify the proposed action (36 CFR 215.8(a)).

Responsible Official:

James E. Denoncour, District Raenger  
Tell City Ranger District  
248 15<sup>th</sup> Street  
Tell City, IN 47586

Questions regarding the Environmental Assessment for this decision should be directed to:

Patrick Merchant, Soil Scientist  
Hoosier National Forest  
811 Constitution Ave.  
811 Constitution Ave.  
Office 812-275-5987  
FAX/TTY: 812-279-3423

**VI. IMPLEMENTATION DATE**

Implementation of this decision may begin immediately upon signing by the responsible official.

**VII. CONTACT PERSON**

You can obtain further information about this decision from Pat Merchant at the Hoosier National Forest (Address: 811 Constitution Ave., Bedford, IN 47421; Voice: 812 277-3582; Fax: 812-279-3423; e-mail: pmerchant@fs.fed.us).

**VIII.SIGNATURE AND DATE**

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment. This is because 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 applies to it. The absence of extraordinary circumstances was also important to my conclusion (USDA FS 1992). I have made my decision based on information presented in this document and the entire planning record.

/s/James E. Denoncour

JAMES E. DENONCOUR  
District Ranger

02/07/03

Date

## **REFERENCES CITED**

Goss, J.R. 2002. Letter to James Denoncour from John R. Goss, State Historic Preservation Officer documenting a determination that the lowland portion of the Narrows Riparian Restoration project should have no effect on significant archaeological resources. April 2, 2002. [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421.] 1 p.

Krieger, A.R. 2002. Narrows Riparian Restoration Parking Lots. Cultural Resource Reconnaissance Report (CRRR) No. 09-12-02-0209. [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421.] 1 p.

Larson, Kirk W. 2002a. Narrows Riparian Restoration Project Biological Evaluation dated June 28, 2002. [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421.] 31 p.

Larson, Kirk W. 2002b. Narrows Riparian Project Forest Species of Concern – Management Indicator Species report. [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421.] 17 p.

Pruitt, Scott E. 2002. [Supervisor, USDI Fish and Wildlife Service, Field Office, Bloomington, IN]. Letter of concurrence that Narrows riparian restoration will have no effect on bald eagles, gray bats, or eastern fanshells and not likely to jeopardize the continued existence of the Indiana bat. [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421.] 21 p.

U.S. Department of Agriculture, Forest Service (USDA FS). 1990. Forest Service Manual 2672.4 Biological Evaluations. WO amendment 2600-90-1. 17 p.

U.S. Department of Agriculture, Forest Service (Forest Plan). 1991. Land and resource management plan, plan amendment, Hoosier National Forest. 90 p.

U.S. Department of Agriculture, Forest Service. (USDA FS). 1992. Environmental Policy and Procedures Handbook – 1909.15, Chapter 30, Washington DC: United States Department of Agriculture, Forest Service. 10p.

U.S. Department of Agriculture, Forest Service (USDA FS). 1994. Road Preconstruction Handbook. Forest Service Handbook – 7709.56, Chapter 4. Washington DC: United States Department of Agriculture, Forest Service. 85p.

U.S. Department of Agriculture, Forest Service (USDA FS). 1995. Decision memo for, Moffatt wetland restoration. Bruce Slover. March 10, 1995. 3p [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421]. 30 p.

U.S. Department of Agriculture, Forest Service (USDA FS). 1998. Charting our future...a nation's natural resource legacy. FS-630. 72 p.

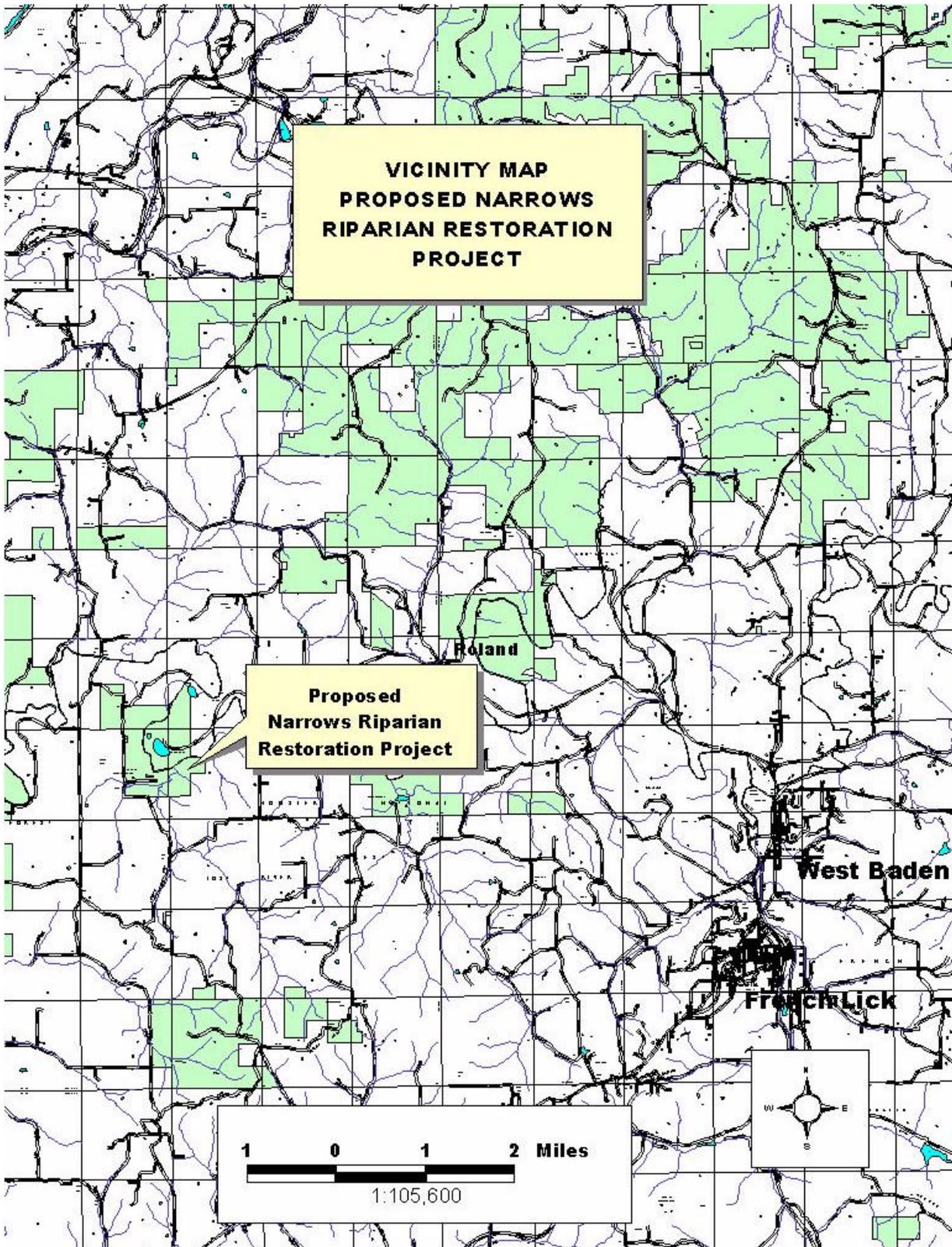
U.S. Department of Agriculture, Forest Service (USDA FS). 1999. Environmental assessment, Roland riparian restoration. [On file with: Hoosier National Forest, 811 Constitution Ave., Bedford, IN 47421]. 30 p.

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.

**FIGURE 1: VICINITY MAP**



**FIGURE 2: PROJECT MAP**

