

DECISION MEMO

Tornado Restoration Project

USDA Forest Service, Eastern Region, Mark Twain National Forest
Potosi/Fredericktown Ranger District
Madison County and Bollinger County, Missouri
T 32 N, R 6 E, Sections 13-15 and 22-24; T 32 N, R 7 E, Sections 19-22 and 28-30;
T 32 N R 8 E Section 26

I. DECISION

A. Description of Decision

After reviewing the results of the analysis conducted for this proposal, and the project files, it is my decision to approve this project. The following discussion summarizes the proposal which involve actions on a tornado-impacted landscape.

The Tornado Restoration project would involve additional post-treatment rehabilitation and fuel reduction of tornado-affected areas beyond what occurred under CEQ Alternative Arrangements. A total of approximately 1,724 acres of National Forest and 40 acres of private land would be treated under this project. Approximately 762 of these acres have been previously treated under the CEQ Alternative Arrangements by implementing a commercial timber salvage operation that removed trees > 9" dbh that were already on the ground, as well as felling and removal of all merchantable trees that were leaning \geq 45 degrees beyond vertical. The remaining 1,002 acres to be treated as part of the Tornado Restoration project would be located outside of areas that were previously treated as part of the CEQ Alternative Arrangements.

The Tornado Restoration project would involve the following site preparation (aka, site prep) activities:

- ✓ Prescribed burning: Prescribed burning would occur on approximately 1,200 acres of National Forest and 40 acres of private land. Prescribed burning would be conducted any time of year except during the Indiana bat maternity season (May 15-August 15) and would most likely occur during the spring or fall seasons. Only minimal (approximately 0.38 miles of dozerline) new ground disturbance associated with fireline construction would occur under this project, since nearly all fuel breaks (a.k.a., firelines) were previously constructed during implementation of the CEQ Alternative Arrangements. Some hand tool or dozer work may be done within approximately 6 miles of previously constructed firelines to prepare them for prescribed burning.
- ✓ Tree Felling: Site prep activities would involve the felling and lopping of trees that have been damaged by the tornado but were not felled during the implementation of CEQ Alternative Arrangements. The trees to be felled for site prep activities would meet one or more of the following criteria:
 - Trees would be leaning > 45 degrees beyond vertical at some point along the bole; this includes trees that are rootsprung and leaning > 45 degrees beyond vertical as well as trees that are not rootsprung but may be leaning > 45 degrees beyond vertical at the tree-top (i.e., "springpoles"). See Photos 1 and 2.

- Trees would be < 9” dbh and suppressed. See Photo 3.

There are some exceptions to the above. A tree would not be felled unless it poses an immediate threat to human safety during implementation of site prep activities if it meets one or more of the following criteria:

- Is hollow, or has sloughing bark, or splits in the bole (see Photo4);
- Has a completely severed top;
- Is dead and > 20 inches dbh, or alive and > 26 “ dbh;
- Is within 100 feet of a fen, spring, seep, or permanent pond. Efforts would be made to avoid felling trees into glades, and tree tops and boles would be removed from glades if felling into glades is unavoidable.



Photos 1 & 2. Example of trees leaning > 45 degrees beyond vertical at the base or above the base. These trees would be felled under the Tornado Reforestation project.



Photo 3. Example of suppressed and unsuppressed trees. Suppressed trees would be felled under the Tornado Reforestation project.



Photo 4. Example of trees with splits in the bole. These trees would not be felled under the Tornado Reforestation project.

No heavy equipment would be used for tree felling or removal.

✓ Firewood Removal: Some areas proposed for tornado restoration activities would be opened for firewood removal following completion of the tree felling site prep activities. Firewood removal would only involve removal of trees that are already on the ground. No heavy equipment such as dozers and skidders would be allowed for firewood removal.

The locations and activities are displayed on the attached maps.

Specific proposed activities include the following treatments and approximate acres: prescribed burning on 1200 acres and site preparation on 920 acres. Site preparation activities include felling bent over trees, suppressed trees, and root sprung trees leaning beyond vertical.

B. Purpose of Decision

On Wednesday night, April 24, 2002, a tornado touched down on the Potosi/Fredericktown Ranger District for approximately 14 miles. The tornados had sustained winds of 207-260 mph. Lives, homes, businesses, and a wide variety of resources were damaged and disrupted. Many families in the community were impacted by the storm.

The Forest Service asked the Council of Environmental Quality (CEQ) for alternative arrangements for NEPA compliance for emergency treatment of the hazardous fuels and to reduce the potential for high intensity wildland fires occurring on National Forest lands from spreading onto the intermingled private ownerships. CEQ issued “Alternative Arrangements Work plan for Compliance with The National Environmental Policy Act” on July 12, 2002. The actions identified in the alternative arrangements have been implemented and the effects have been monitored and evaluated.

Approval of this project will allow for additional post-treatment rehabilitation. Actions were developed to restore severely affected areas, to ensure safety, and to enhance visual quality by (1) cutting of bent over trees, suppressed trees, and the felling of root sprung trees leaning beyond vertical, and (2) prescribed burning to reduce fuel loading and to prepare sites for natural regeneration in areas not

covered by CEQ alternative arrangements. The actions meet the principles developed for the 10-Year Comprehensive Strategy, “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment.” This strategy reflects the views of a broad cross-section of governmental and nongovernmental stakeholders and includes the guiding principle to reduce hazardous fuels. This project also meets the Forest-wide Fire Management Standards and Guidelines (5100 Fire Management LRMP, pages IV-74-IV-76).

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 Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

The project is within the category of exclusion 31.2.10: Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities: a. Shall be limited to areas; (1) In wildland-urban interface; and (2) Condition Class 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface; b. Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and Environment 10-Year Comprehensive Strategy Implementation Plan”; c. Shall be consistent with agency and Departmental procedures and applicable land and resource management plans; d. Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; e. Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction. All of the stands are in Fire Condition Class 2 which means one or more fire intervals have been missed and the understory vegetation has become denser.

The Mitigation Measures developed for the Council of Environmental Quality (CEQ) for alternative arrangements Environmental Analysis Document will be used during implementation of this project (Division D).

B. Relationship to Extraordinary Circumstances

1. Threatened and Endangered Species or Their Critical Habitat -

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. As required by this act, potential effects of this decision on listed species have been analyzed and documented in the Biological Evaluation for the project. The activities proposed will comply with reasonable and prudent measures (RPM’s) and terms and conditions (TC’s) of the June 23, 1999 Biological Opinion by the U.S. Fish and Wildlife Service (FWS). The proposed action will have no additional effects outside those evaluated in the programmatic Biological Assessment and Biological Opinion for Hine’s emerald dragonfly, running

buffalo clover, Mead's milkweed, and Curtis pearlymussel. This decision may adversely affect the Indiana bat, however I do not anticipate any effects beyond those evaluated in the programmatic BA/BO. The U.S. Fish and Wildlife Service has reviewed our findings, and issued written concurrence with them (Division D).

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is 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.”

The project is not located in or near floodplains. This decision will not affect floodplains.

Wetlands: Executive Order 11990 is 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. This decision will not affect wetlands.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in forest plans.

There are no municipal watersheds on the Forest. This decision will not affect municipal watersheds.

3. Congressionally Designated Areas -

Wilderness:

This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified on the Forest as Management Prescription 5.1 (Forest Plan, p. IV-139). The project is located in Management Prescription 4.1 (Forest Plan, p. IV-125). The closest Wilderness, Rock Pile Mountain Wilderness Area, is approximately 3 miles west of the project area. This decision, with impacts limited to the immediate area of activity, will not affect the Wilderness Area.

Wilderness Study Areas:

There are no Wilderness Study Areas on the Forest. This decision will not affect Wilderness Study Areas.

National Recreation Areas:

There are no National Recreation Areas on the Forest. This decision will not affect National Recreation Areas.

4. Inventoried Roadless Areas -

There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area. Anderson Mountain Roadless Area is approximately 16 miles northwest of the project area. This decision with impacts limited to the immediate area of activity, will not affect inventoried roadless areas.

5. Research Natural Areas -

There are no Research Natural Areas on the Forest. This decision does not affect National Recreation Areas.

6. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas -

Section 106 of the National Historic Preservation Act 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 National Historic Preservation Act 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 (Division D). A ‘no adverse effect’ determination was made. Consultation on this finding occurred with the State Historic Preservation Office (Division D).

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. No tribal concerns were identified for this project.

No other extraordinary circumstances related to the project were identified.

III. PUBLIC INVOLVEMENT

Public involvement included listing in the Forest's *Schedule of Proposed Actions* since October 2002 and a scoping letter was mailed on August 25, 2003 to solicit comments on the proposed action. Part of this public involvement included notice of a 30-day scoping period and solicitation of comments on the project. The Fredericktown Democrat-News also published the scoping letter on September 10, 2003. (Division A).

Two comment letters and two telephone calls were received on this project on or before the close of the comment period (Division A).

One comment letter requested we include their comments from the Tornado Project authorized by CEQ under alternative arrangements, that we provide a place where the Forest Service has not “messed” with the area, and that we post the scoping letter and maps on the Mark Twain National Forest web site. The second comment letter requested the logging and clean-up work be limited to what is necessary for safety and leave some of the areas untreated and compare recovery between treated and untreated areas after several years. One telephone caller requested additional information on the project and it was

provided and the second telephone caller is an adjacent landowner who requested his property be included in the prescribed burn.

In response to these comments, I have done the following:

- The comments provided for Tornado Restoration project authorized by CEQ under alternative arrangements were not relevant to this project; they were reviewed and are located in the project folder. (Division A).
- The scoping letter and maps were posted to the Mark Twain National Forest web site.
- An area affected by tornado damage will be left untreated and will be compared to treated areas.
- The property of the adjacent landowner will be included in the prescribed burn. (See revised project map 1 of 4 in Division C). Inclusion of this property will not require additional National Forest System land to be burned and will reduce the amount of fire break to be constructed.

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 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 Mark Twain Forest Plan was approved in 1986, as required by this Act. The amended plan provides for guidance for all natural resource management activities on the Forest. The Act requires all projects and activities are 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. 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 and is best suited to meet those goals.
- *Assure that technology and knowledge exists to adequately restock lands within five years after final harvest.*
The knowledge and technology currently exists to adequately restock the treated areas.
- *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 Best Management Practices 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; no new permanent or temporary roads are necessary to implement this decision.

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

Sensitive Species (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 is a concern. On February 29, 2000 the Regional Forester approved the sensitive species list, and on October 20, 2003 maintenance was performed on the list (Division D). Potential effects of this decision on sensitive species have been analyzed and documented in the Biological Evaluation Regional Forester Sensitive Species and Other Species of Concern and summarized in a table on page 18.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources (Division D).

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

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

Clean Air Act - Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. The Hercules Glades Wilderness is a Class I airshed. The remainder of the Forest is classified as Class II airsheds. A greater amount of additional human-caused air pollution may be added to these areas. No areas on the Forest have been designated as Class III at this time. Prescribed burning in this decision will be done only within the parameters of an approved burn plan.

Federal Cave Resources Protection Act - This Act is 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.

Subsequently identified caves will be protected.

National Historic Preservation Act - See Section II, Item B6 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 B3 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 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 215.11.

VI. IMPLEMENTATION DATE

This decision may be implemented immediately.

VII. CONTACT PERSON

Further information about this decision can be obtained from Tom McGuire at the Potosi/Fredericktown Ranger District (Address: P.O. Box 188, Potosi, MO 63664; Voice: (573) 438-5427; TTY/TDD: (573) 438-4411 (hearing impaired); Fax: (573) 438-2633, e-mail: tmcguire@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 as 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 Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the Planning Record.

Katherine W. Stuart

KATHERINE W. STUART
District Ranger

3-19-04
Date

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