



DECISION NOTICE

And

FINDING OF NO SIGNIFICANT IMPACT

**MONDAY CREEK OFF-ROAD VEHICLE TRAIL EXTENSION
ENVIRONMENTAL ANALYSIS**

**USDA Forest Service, Region 9
Wayne National Forest
Marietta Unit - Athens Ranger District**

**Green and Ward Townships, Hocking County, Ohio
T13N, R16 and 15W
Coal Township, Perry County
T14N, R15W**

January 31, 2003

This notice documents the agency's finding (40 CFR 1508.13) and project decision regarding the designation and re-construction of approximately four miles of lease (mineral access) roads and the construction of approximately two miles of high standard off-road vehicle (ORV) trail on the Wayne National Forest in the vicinity of State Highway 595.

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1. Introduction

The 1988 Wayne National Forest Land and Resource Management Plan (Forest Plan) designated two Management Areas (3.2 and 2.3) for off-road vehicle (ORV) use. In 1990 an environmental assessment (EA) was prepared for the designation of trail in seven units of the two management areas on the Athens Ranger District. Due to high public interest in ORV trails, it was decided in 1996 to do additional analysis for six miles of trail in Unit 2 which would provide additional riding opportunities and connect a private ORV campground to the designated trail.

Public scoping began in 1996 when over 200 comments were received in response to a scoping letter. An EA was offered for notice and comment in September 1999. No decision was issued at that time. Additional analysis began in 2000 to consider the project's impact on the Indiana bat, a federally endangered species found in most counties of the Wayne National Forest. Public notice and comment was solicited on the new environmental analysis in November of 2002. All comments since the commencement of this project in 1996 were considered in preparing the analysis.

2. Summary of Decision

An environmental assessment was completed on October 25, 2002. This EA analyzed and displayed the direct, indirect, and cumulative effects of the proposed action and four alternatives, including a no-action alternative. It is my decision to select Alternative D to build the connector trail, loop trail, the bridge across Monday Creek, to expand the New Straitsville parking lot and to close and rehabilitate user-developed trails in the project area. Re-construction of existing lease roads would require shaping, hardening, installation of culverts, and closure of non-designated trails. Illegal trails in the area that are not proposed for inclusion in the designated trail system would be closed by installing barricades of rock, dirt or fences and rehabilitated where necessary.

I will require one modification: the implementation of a monitoring plan for soil and water impacts. This plan will commence prior to construction and continue through the construction and use of the trail. I have reviewed the EA and find that this modification will improve our ability to respond to issues concerning soil and water within the project area. The Monitoring Plan is attached to the EA as Appendix C. Implementation of the construction and re-construction outlined under Alternative D will be contingent on funding for this project.

Mitigations

Various mitigation measures were prescribed during the analysis to reduce impacts to the environment. The EA explains that all mitigation measures would have applied to all action alternatives. The mitigation measures for soil and water issues are also construction standards as defined in the Forest Service Handbook on trail construction. All of the prescribed mitigations apply to my chosen alternative and are described here.

Resource Concern	Mitigation	Reference in EA
Protection of butternut trees	Do not cut any butternut trees during construction (none have been found in trail corridor).	Pg 18, 33
Protection of endangered	Cut trees between September 15 and	Pg 18, 24

<p>Indiana bat</p>	<p>April 15</p> <p>Avoid cutting live or dead trees that have split trunks, broken limbs, shredded and hanging bark, signs of cavities, or hollowed out trunks. Consult with biologist for removal of hazard trees.</p> <p>Use a bridge design that accommodates roosting and nesting habitat for bats and birds.</p>	
<p>Protection of ephemeral pools in bottomland along Monday Creek</p>	<p>Monitor trails closely; add signage, and/or fencing to keep riders on trail.</p>	<p>Pg 18, 25</p>
<p>Protect fence lizard habitat</p>	<p>Retain the pile of boulders located near the sweet smelling toilet at the New Straitsville parking area.</p>	<p>Pg 18, 24, 25</p>
<p>Protect amphibian habitat on loop trail</p>	<p>Protect waterhole on loop trail by building a causeway around it and barriers to prevent rider use in wet area.</p> <p>Install signage and barriers about the value of waterholes and vernal pools for amphibians.</p> <p>Replace road ruts with constructed water holes where necessary, then drain and fill ruts in trailway.</p>	<p>Pg 18, 24</p>
<p>Protect soil and water resources from further degradation in the project area.</p>	<p>Construct drainage facilities and stream crossings between summer and fall when soil conditions and stream flows are at their lowest level.</p> <p>Utilize culverts, bridges or hardening for ephemeral stream crossings.</p> <p>Use silt fence, straw bales, brush barriers, and lead-off ditches during construction close to streams.</p> <p>Limit tree and brush removal along trail.</p> <p>Install rolling dips and obstructions to prevent a smooth trail tread which would have more severe erosion problems.</p> <p>Divert water run-off by rolling the trail grade, out-sloping the tread, or constructing cross drains, water bars,</p>	<p>Pg 19, 24, 28</p>

rolling dips, etc.

Minimize the slope on the approaches to the intermittent stream crossings.

Minimize cutbanks. Avoid tight radius switchback turns.

Harden soft spots as they occur to prevent riders widening the trail.

Utilize a seasonal closure.

Re-vegetate disturbed soils adjacent to the trail tread as soon as possible after construction.

Implement a monitoring plan that will document pre-construction conditions, use of mitigation measures during construction, and trail use. Utilize monitoring to track effectiveness of mitigations.

3. Purpose and Need for the Proposed Action

The purpose of this project is to develop trail mileage in Unit 2 of the ORV Management Area and to address a need for safe and legal access to the designated trail from an existing private campground which provides a service to National Forest ORV riders. There is also a need for additional parking for vehicles and trailers at present levels of trail use and a need to eliminate resource damage caused by illegal ORV use by closing and rehabilitating illegal trails in the project area. The project area is located in Ward and Green Townships in Hocking County, Ohio, and in Coal Township about three miles south of New Straitsville in Perry County.

The 1988 Forest Plan allocated about 17,000 acres in two management areas for the development of ORV trail. There was already a history of use on the Forest, with no designated trail system. The remainder of the Wayne was closed to ORV use at the same time, per Closure Order 14-07. The Forest Plan projected annual construction of 25 miles of trail per year to achieve a potential total of 250 miles of trail in the first decade of Plan implementation. Fourteen years into Plan implementation, approximately 111 miles of trail have been developed on the Wayne, of which 74 miles is in the Monday Creek ORV Trail System on the Athens Ranger District.

ORV use continues to increase. In 2001 over 10,000 ORV permits were sold for use on trails on the Wayne. Forest Protection Officers report overflowing dispersed camping sites and parking lots during many weekends. The private facilities at Camp Ohio in Unit 2 continue to accommodate high numbers of trail users who have no access to the designated trail two miles to the east. There are inadequate parking facilities for campers to move their vehicles to the trailheads. Riders ride the shoulder of the state highway, use township roads (illegally) or non-designated trails through the Forest to reach the designated trail. This illegal use is unsafe and some riders have been ticketed while trying to access the trail.

Illegal use on non-designated trails and on township and county roads is addressed by cooperative law enforcement with local governments and agencies, and by the use of Forest Protection Officers in addition to Forest Law Enforcement Officers. Implementation of Alternative D will discourage illegal use and allow riders safe and legal access to the trail. Closing and rehabilitating illegal trails is a priority for the Athens Ranger District.

4. Rationale for the Decision

In making this decision, I considered the comments we received from the public throughout the planning process. Rider safety and the commitment made to Forest visitors during the Forest Planning process were important to me in making my decision. I believe Alternative D best addresses the purpose and need for this project and that the EA adequately addresses public comments. Alternative D provides safe and legal access to the designated trail from an established private business serving Forest users. It develops additional trail in Unit 2 of the Management Area, which has not been developed for ORV use. It changes the classification of nearly four miles of lease and unclassified roads to forest roads in the project area and will improve the maintenance and decrease resource problems from these roads. It builds a bridge across Monday Creek so that riders will not have to dismount and walk their vehicles across the township bridge. And, it builds a long-needed addition to the New Straitsville Parking Lot.

5. Alternatives Considered

The EA considered five alternatives in detail, including a No Action alternative. I did not select Alternative A because it would not have solved the rider safety issue in Unit 2 of the ORV management area. It would also not have accomplished the Plan objective to build 25 miles of trail per year over the 10-year Plan implementation period. I did not select Alternatives B or C because requiring riders to use the township bridge instead of a trail bridge becomes a safety issue. I did not select Alternatives C or E because this alternative only builds the connector trail and I felt we could develop additional trail mileage in Unit 2 with construction methods that would alleviate existing erosion problems.

6. Public Involvement

Letters requesting comments on the proposed action were sent to 48 groups and individuals on August 12, 1996. These individuals represented recreation user groups, congressional and other political representatives, and environmental groups. Responses were received from 213 people. An Environmental Assessment was issued in 1999 for a 30-day Notice and Comment period. Seven commenters responded. Responses were received as written letters, telephone calls, and personal contacts. No Decision Notice was issued at that time, but all comments were considered when the project was re-analyzed from 2000 through 2002. A new analysis was issued for Notice and Comment in November of 2002. Nineteen commenters responded. The proposed actions have remained the same throughout the analysis. Consideration of all previous comments can be found in the Project File in Sections 12 and 33.

Other scoping efforts included contacts with numerous Forest Service personnel on the Wayne, the Daniel Boone, the Siskiyou and the Allegheny National Forests, the Ohio Department of Natural Resources, Department of Transportation, US Fish and Wildlife Service, American Electric Power, and the oil companies doing business in the project area.

Finding of No Significant Impact

I have determined that implementation of Alternative D, with the associated mitigation measures and the monitoring plan, is not a major federal action either individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not necessary.

“Significance” as used in the National Environmental Policy Act (NEPA) requires consideration of both the context and intensity of the project. The context of this action was analyzed for the regional and local area’s population and the physical environment, and for the short and long-term effects. This determination is based upon the following “intensity factors (as described in 40 CFR 1508.27):

1. Both beneficial and adverse effects have been considered and this action will not have a significant effect on the quality of the human environment (See the EA, Chapter 3, Environmental Consequences, pages 22-40).
2. The proposed actions in the selected alternative will improve public health and safety because they provide an alternative to riding illegally on the state and local highways. (See the EA, Chapter 1 and Chapter 3, Environmental Consequences, pages 31-32).
3. The project will not adversely affect any unique characteristics of the geographic area, as it does not impact the Greendale Wetland (See the EA, Environmental Consequences, Chapter 3, page 23) or the Paine’s Crossing Special Area (pg 33).
4. Based on public involvement and the environmental analysis, the effect on the quality of the human environment are not likely to be highly controversial (See the EA, Chapter 1, Issues (pgs 9-13) and Chapter 3, Environmental Consequences).
5. The actions do not involve highly uncertain, unique, or unknown environmental risks to the human environment. (See the EA, Chapter 3, Environmental Consequences).
6. The actions in this decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. (See the EA, Chapter 1, pg 6).
7. The cumulative effects of the proposed actions have been analyzed with consideration for past and foreseeable future activities on adjacent public and private land (See the EA, Chapter 3, Environmental Consequences, pgs 26, 30, 31, 32, 34).
8. The actions will not affect any sites listed in or eligible for listing in the National Register of Historic Places, nor will they cause loss or destruction of significant scientific, cultural, or historic resources. This is based on site specific cultural resource surveys conducted on the analysis area (See the EA, Chapter 3, Environmental Consequences, pages 37-38, and Project File 23, 42 and 47).

9. The actions are not likely to adversely affect endangered, threatened, or sensitive plant or animal species, critical habitat, or unique natural plant communities (See the EA, Chapter 3, Environmental Consequences, pages 38 and 39, and Project File 18, 22, 30, 39, and 40).
10. None of the actions threaten to lead to violation of federal, state, or local laws imposed for the protection of the environment. This will be ensured by carrying out the proposed actions in a way that is consistent with the standards and guidelines, management requirements and mitigation measures established in the Forest Plan. This project will fully comply with the Forest Plan (See the EA, Chapter 1, pgs 6 and 8) and other laws and Executive Orders (See EA, Chapter 3, pgs 37 - 40).

Findings Required By Other Laws

As required by the Endangered Species Act, effects to federally listed species were addressed. Biological evaluations were completed by the Forest's botanist and fisheries biologist, and by the Athens Ranger District's wildlife biologist. Their findings were based on field reviews, the Ohio Division of Natural Areas and Preserves heritage database, and the Wayne's 2002 biological opinion. The U. S. Fish and Wildlife Service concurred with the findings of the biological evaluations (see Project File 30).

The Forest Archaeologist was involved in the review of the proposed action and alternatives per Section 106 of the National Historic Preservation Act, and provided information that protects heritage resources from adverse effects (see Project File 10).

Erosion control measures as described in EM-7720-102, Standard Specifications for Construction of Trails, have been included as mitigation measures to protect soil and water resources (see EA, Chapter 2, pg 19).

Project Implementation

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 appeal disposition (36 CFR 215.10).

Appeal Rights

This decision is subject to the USDA Forest Service process for administrative review. A person may request the decision be remanded or reversed (36 CFR 215.7). A written Notice of Appeal must be postmarked and submitted within 45 days after the date of the notice of this decision is published in the *Athens Messenger*, Athens, Ohio, to:

USDA Forest Service, Eastern Region (R9)
Attn: Appeals Deciding Officer (ADO)
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203

Appeals must meet content requirements of USDA Forest Service 36 CFR 215.14. Detailed records of Environmental Assessment are available for public review at USDA Forest Service, Wayne National Forest, 13700 US Highway 33, Nelsonville, OH 45764.

For more information, contact:

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Responsible Official

Myra L. Williamson, District Ranger
Wayne National Forest, Athens Ranger District

/s/Myra Williamson
MYRA L. WILLIAMSON
District Ranger

DATE *January 28, 2003*