Decision and Reasons for the Decision

Background: The Town of Blackwell and interested individuals would like a non-motorized trail which would link the existing Nicolet State Trail (NST) to Bear Lake Campground. The Town of Blackwell has identified non-motorized trails in their Town of Blackwell Comprehensive Plan. Permanent and seasonal residents of the area have also expressed an interest in the trail. The Rat River Recreational Trail Environmental Assessment (EA) documents the analysis of one alternative that meets this need and the No Action Alternative.

Decision: Based upon my review of both alternatives, I have decided to implement Alternative 2 which will develop a trail would connect Nicolet State Trail to Bear Lake and would be designated for non-motorized recreation activities such as biking, hiking, cross-country skiing, etc.

When compared to the other alternatives, Alternative 2 will meet the purpose and need by building a non-motorized trail, as well as the 2004 Chequamegon-Nicolet National Forest Land and Resource Management Plan (forest plan) goal 2.1 (p. 1-4), and recreation guideline (p. 2-27). With the addition of the design features listed below there will be no negative impact to natural resources.

Design Features:

- Reduce sedimentation from erosion and grade with a crowned surface to eliminate standing water and future rutting.
- Restore cross drainage
- Follow Best Management Practices.
- Protect and avoid any heritage sites are in the area.
- Should any site features or artifacts be located during the project, contact the forest archaeologist immediately.
- Complete heritage surveys.
- The Biological Evaluation would be reviewed upon obtaining any new information or species location prior to completion of the project.
- Observations of any TES species in the project area prior to or during project implementation would postpone / halt the project, until a determination of the potential effects has been made and design features are identified.
- Use permissible mechanical, biological, and chemical controls to reduce the spread of non-native invasive species (forest plan p. 2-25).
- Plant native or desirable non-native species immediately after trail reconstruction, where natural re-vegetation is unlikely, or sedimentation and erosion are concerns (forest plan p. 2-35).
• Plant native or desirable non-native plant species where vegetative cover is needed to stabilize slopes or decommission a travel-way (forest plan p. 2-38).
• Insure, to the extent practicable, that trail fill and gravel sources do not contain non-native invasive plant species (forest plan p. 2-38).
• Clean off-road equipment used for trail maintenance prior to use on National Forest lands, unless evidence is provided the off-road equipment last operated in a NNIP-free area. Clean equipment used in sites already documented as NNIP-infested prior to leaving the contaminated sites, unless movement is into another work area already infested with the same NNIP. Such equipment should have all mud and plant parts removed. To best comply with this, begin operations in un-infested areas before operating in NNIP-infested areas.
• Previously unidentified NNIP infestations should be reported to the district plant ecologist.
• If NNIP-free fill and gravel sources are not available, scrape the top layer off the fill/gravel source and use the fill/gravel underneath. This will reduce the amount of NNIP plants and seed transported with the gravel.
• Continue the 150-200 dual sport motorcyclists’ events on FR 3220.
• Trail management and accessibility should be compatible with the area recreation opportunity spectrum class (forest plan p. 2-27).
• To ensure plants, specifically NNIP or aquatic invasive species are not allowed to take hold in this area. Bi-annual monitoring along the grade is recommended.

Other Alternatives Considered: In addition to the selected alternative, I considered one other alternative (shown below). A comparison of these alternatives can be found in the EA, Chapter 3.

Alternative 1 (No Action)
Under the No Action alternative, current management plans would continue to guide management of the project area.

Alternative 2 (Proposed Action)
Alternative 2 was designed to emphasize the purpose and need. The trail is located parallel to the Rat River and presents a good opportunity for a non-motorized trail. The project includes clearing segments of the grade, removing railroad ties, upgrades, and potentially closing existing open roads to highway legal vehicles. Parking areas may also be created/allowed at Bear Lake Campground, FR 3075 (inside the National Forest boundary-past private land), and/or at the end of FR 3220 (west side-depending on the legality). The project would:
1) Clear approximately 1.8 miles of abandoned railroad corridor, beginning at Blackwell Junction Road, which is currently overgrown and blocked with down trees.
2) Brush and remove small trees as needed along the edge of the remainder of the grade. This work will be fairly minimal since parts of the corridor are maintained as roads or snowmobile trail.
3) Remove railroad ties as needed along the grade where ties protrude above the grade. Removing the ties is necessary to develop an adequate sub-surface for the trail.
4) Improve cross-drainage.
5) A gravel surface will provide a uniform tread.
6) Install gates as needed to prevent unauthorized access.
7) Add signs along the corridor.
8) Place several picnic tables and benches at scenic locations along the Rat River.
9) Create parking areas.
10) Change the motor vehicle use designation of FRs 3075A, 3220, and 3770B from open to highway legal vehicles to closed to highway legal vehicles.

Public Involvement
As described in the background, the need for this action arose in 2011, and a proposal was developed. The Schedule of Proposed Actions listed the proposal on April 2011. I sent out a scoping/comment letter to the Tribes, adjacent landowners, and other interested parties on October 28, 2011. The Northwoods River News, Rhinelander, WI, published a legal notice regarding the scoping/comment period. The Forest Service received 23 comments from the scoping/comment period.

Using the comments from scoping, the interdisciplinary team identified several issues regarding the effects of the proposed action. The proposal, alternatives, issues, and important effects were developed and summarized. Main issue of concern included the effects to the area. To address this concern, the Forest Service analyzed the effects in Chapter 3, of the EA.

Finding of No Significant Impact
After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context: The context of this action is limited. The effects are confined to only a portion of a ranger district, and confined to small sites. They will not have widespread impacts at regional, state or national levels.

Intensity: The intensity of effects is minor. I have considered the following factors in evaluating the intensity of effects:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. I have considered and disclosed adverse impacts individually to determine significance and did not use beneficial impacts to “balance” out the significance of adverse impacts (Chapter 3 of the EA).
2. There will be no significant effects on public health and safety, because there will be no loss of recreational activities along the trail corridor (see EA, Recreation Report).
3. There will be no significant effects on unique characteristics of the area, because there are none present (see CE checklist in the project record).
4. The effects on the quality of the human environment are not likely to be highly controversial. There were many positive and one negative comment on the effects to the current users. They provided no scientific backup (see EA, Appendix B).

5. The Forest Service has considerable experience implementing these types of activities. This action has occurred in the past in this area, and the effects are well-known. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA, Chapter 3).

6. The action is not likely to establish a precedent for future actions with significant effects, because this action has been considered in the forest plan, has occurred frequently in the past. It is not a new or unique action. It is not an action that would lead to a future action without precedent (see EA, Chapter 3).

7. The cumulative impacts are not significant (see EA, Cumulative effect section of each report).

8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because of protection and avoidance (see CE Checklist in the project record). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Mendoza 2012).

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, a “no impact” call was made on all species (Anderson/Janke 2012) (see EA, BE).

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations considered are WI State Statute, WI Administrative code permits, Endangered Species Act, Executive Orders 11988, 11990, and 12898; National Historic Preservation Act, National Forest Management Act, and the Clean Water Act (see EA pages 29-31). The action is consistent with the Chequamegon-Nicolet Land and Resource Management Plan (See EA, page 29).

Findings Required by Other Laws and Regulations

This decision to build the non-motorized trail is consistent with the intent of the forest plan's long term goals and objectives listed on pages 1-4 and 2-27. The IDT designed this project in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for recreation.

This project complies with the Chapter 30 (Wisconsin State Statute) and Trans 20 (Wisconsin Administrative Code) Permits, Endangered Species Act, Clean Water Act, Executive Orders: 11988, 11990, 12898; National Historic Preservation Act, and National Forest Management Act (see EA pages 29-31).

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215.11a. To appeal this decision, a written notice meeting content requirements of 36 CFR 215.14 must be submitted within 45 days following legal notice of decision in the Northwoods River News, Rhinelander, WI to:
Pursuant to 36 CFR 215.15(a), this legal notice is the exclusive means for calculating time to file an appeal. Only individuals or organizations that submitted comments during the comment period (36 CFR 215.6) may appeal. Acceptable formats for electronic comments/appeals are text or html email, Adobe portable document format, and formats viewable in Microsoft Office applications. Business hours for hand-delivered appeals are M-F, 8:00 am – 4:30 pm local time.

**Implementation Date**

If no appeals are received, implementation may occur on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.15). If an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.2).

**Contact**

For additional information concerning this decision or the Forest Service appeal process, contact Darrell Richards, Project Leader, Lakewood-Laona Ranger District, phone (715) 674-4481, address: 4978 Hwy 8W, Laona, WI 54541.

/s/Jeff Seefeldt

Jeff Seefeldt

District Ranger

2/17/2012

Date

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