

**DECISION MEMO**  
**SPECIAL USE AUTHORIZATION FOR A RECREATION EVENT**  
**THE HUNGERFORD GAMES – MARATHON EVENT**

**USDA – Forest Service, Eastern Region, Huron-Manistee National Forests**  
**Baldwin/White Cloud Ranger District**  
**Newaygo County, Michigan**

**I. DECISION**

**A. Background**

Mr. Talsma has proposed a competitive running event on county and National Forest System lands which includes three races. The events are a 13.1 mile, 26.2 mile, and a 50-mile Ultra marathon. Mr. Talsma has not held a special use recreation permit in the past. He has obtained permission from the Newaygo County Road Commission to hold those portions of the events located on county roads. The event will stage on private land, in Big Rapids, Michigan.

**B. Description of Decision**

My decision is to issue a special use permit to Ben Talsma, of the Crossroads Charter Academy of Big Rapids, Michigan, for a one-time competitive running event. The permit will allow Mr. Talsma to hold three events on existing National Forest System roads and a portion of the Hungerford Horse Trail System in Norwich and Barton Townships, Newaygo County, Michigan (see attached map). The event will take place on September 28, 2013 from 7:30 a.m. to 7:30 p.m. The total number of participants will not exceed 550. Spectators will be allowed along the course and will be shuttled from the staging area in Big Rapids, Michigan to the identified spectator areas. See attached maps. Event parking and staging will take place on private land in Big Rapids, Michigan.

The Special Use Permit will include the following:

- Signs will be allowed to be posted on National Forest system land. No trees will be painted. Trail route signing will be removed within 7 days after the event.
- Mr. Talsma will maintain a permit with the Newaygo County Road Commission that allows him to use county roads for this event.
- As designated by the Forest Service, safety road guards will be required of the permittee at designated locations along the route to establish a “safety lane” for the participants. In addition, a “running lane” will be established on busy forest roads for participant safety.
- A Safety and Operating Plan will be in place.
- The permittee is responsible to post a notice with event details at the visitor use areas in the Hungerford Recreation Area, one week prior to the event.
- Dogs are not allowed in the events.

This decision will be implemented through issuance of a special use authorization that meets the requirements of the decision and Forest Service regulations. 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.

## **C. Reasons for My Decision**

- It is responsive to a request for a special use application for a recreation event, which will take place on National Forest System land, on existing forest roads and portions of the Hungerford Horse Trail.
- The proposal is consistent with the 2006 Huron-Manistee Land and Resource Management Plan as Amended and Management Area (MA) standards and guidelines for M.A. 4.2 – Roaded Natural Sandy Plains and Hills (Forests Plan, pgs. III-4.2-1 to III-4.2-15).
- Forest Service personnel will closely monitor the event for compliance with the terms of the permit.

## **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 significant individual or cumulative environmental effect.

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

This project is within category 36 CFR 220.6(d)(8) that includes “Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands.”

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

**Steep Slopes or Highly Erosive Soils** - Rolling to flat, the terrain is conducive to the activities included in the decision. The event will take place on county roads, National Forest roads, and the Hungerford Horse Trail which have been designed and constructed in locations that minimize erosion. This is supported by topographical map review and field visits. Similar past events in this area were determined to have no significant soil-related impacts.

**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. In accordance with Section 7 of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was compiled.

The District Biologist and District Botanist have prepared a BE/BA. Because event will occur on existing roads and trails and there won't be changes to habitat, plant and animal surveys were not conducted. The findings are as follows: There is no documented use by Karner blue butterflies (KBB) within the Project Area (Michigan Natural Features Inventory (MNF)). The roads and trails currently exist and no additional habitat manipulation of any kind will occur. The Project Area is outside the Tippy Management Zone (swarming habitat) for the Indiana bat and would not impact

swarming habitat (Biological Opinion (BO) dated June 12, 2003). The Project Area is outside the potential breeding range of the Indiana bat (BO), therefore, there would be no impacts to Indiana bats or their habitat. No effects are expected upon species on the Regional Forester's Sensitive Species (RFSS) Animal or plant list.

Based on the analysis of effects on proposed, endangered, threatened, and Regional Forester's Sensitive Species and critical habitat listed under the ESA, it is determined that this project will have "no effect" on the Indiana bat or KBB. No threatened or endangered plants occur within the Project Area. There would be no impacts to plants or animals on the RFSS list.

### **Floodplains, Wetlands or Municipal Watersheds –**

The National Forest System land is not located in or near wetlands or floodplains. This has been validated by map and site-review. (U.S. Fish and Wildlife Service, 200605, NWIDBA.CONUS\_wet\_poly: Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31., U.S. Fish and Wildlife Service, Branch of Habitat Assessment, Washington, D.C.).

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 or greater chance of flooding in any one year."

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."

The National Forest System land, which will be used by the permittee, does contain some wetlands or water crossings, however they will all be crossed on roads that have bridges. This has been validated by map and site-review.

Municipal Watersheds – Municipal watersheds are designated by Congress and managed under multiple use prescriptions in forest plans.

The National Forest System land is not located within a municipal watershed.

### **Congressionally Designated Area –**

Wilderness – The National Forest System land is not in or near Wilderness. The only Wilderness Area within the Huron-Manistee National Forests is Nordhouse Dunes and it is located 80 miles from the project. This decision does not affect Wilderness.

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

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

Wild & Scenic Rivers – There are no Wild and Scenic Rivers within the project area. This decision will not affect Wild and Scenic Rivers.

Inventoried Roadless Areas – The National Forest System land is not in or near the “Bear Swamp” Roadless Area. This decision will not affect inventoried roadless areas.

Research Natural Areas – There are no Research Natural Areas (RNA) in the decision area. The closest RNA, Newaygo Prairies, is 38 miles from the project. This decision will not affect RNA’s.

Native American Religious or Cultural Site, Archeological 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.

The Hungerford Games Marathon Event has been reviewed for Cultural Resources compliance with Section 106 of the National Historic Preservation Act (NHPA). The Area of Potential Effects (APE) is defined as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties (36 CFR 800.16(d)). Large portions of the APE have been surveyed for previous projects. Because there will be no ground disturbance and participants will be utilizing existing road and trail segments, the Forest Archaeologist has decided that no new survey is required for the Recreation Special Use Permit.

Based on previous surveys, projects record search, and the nature of the special use permit, a determination under 36 CFR 800.4(d)(1) of **No Historic Properties Affected** has been made for this permit. If any unknown cultural resources are discovered during event activities or there is a change in location of the APE, then a professional Cultural Resources Specialist must be contacted.

### III. PUBLIC INVOLVEMENT

Scoping was conducted on the proposal. It included letters mailed to 80 individuals and organizations detailing the projects and requesting comment. Notification of the proposed action was posted in the Lake County Star, on the Forest’s Schedule of Proposed Actions, and on the Forest website. A Notice for a 30-day comment period was also published in the Lake County Star on March 28, 2013. One response was received, from the Little Traverse Bay Band of Odawa Indians. They found there to be no potential impacts to cultural resources associated with the Little Traverse Bay Band of Odawa Indians from this event. A copy of the scoping letter, comments, and how they were addressed can be found in the Project File.

#### **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 laws below:

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.

Land and Water Conservation Fund Act of September 3, 1964 – Section 4c of this Act authorizes permits for recreation, such as events, group activities, and outfitter/guide. This decision is consistent with this Act.

I have summarized the pertinent regulations below:

Title 36, Code of Federal Regulations, Part 251, Subpart B – This subpart provides direction for special uses management on National Forest System lands, including guidance pertaining to the special-use process; terms and conditions of use; rental fees; fee waivers; termination, revocation, suspension, and modification of existing authorizations; and permit administration.

#### **V. ADMINISTRATIVE REVIEW AND APPEAL**

A recent court ruling (Sequoia Forestkeeper v. Tidwell) requires that actions that can be categorically excluded using categories found at 36 C.F.R. 220.6(e) be subject to public notice, comment, and opportunity for administrative appeal. This decision is not subject to appeal in accordance with 36 CFR 215 as only supportive comments were received on the proposed action during the comment period.

#### **VI. IMPLEMENTATION DATE**

This decision may be implemented immediately.

#### **VII. CONTACT PERSON**

Further information about this decision can be obtained from Kathy Bietau at the Baldwin District Office, Baldwin, Michigan; Telephone (231)745-4631; TTY/TDD: (231)745-8297; FAX: (231)745-2345; email: [kbietau@fs.fed.us](mailto:kbietau@fs.fed.us).

## VII. 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.

  
District Ranger

Dated: \_\_\_\_\_

6/20/13

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