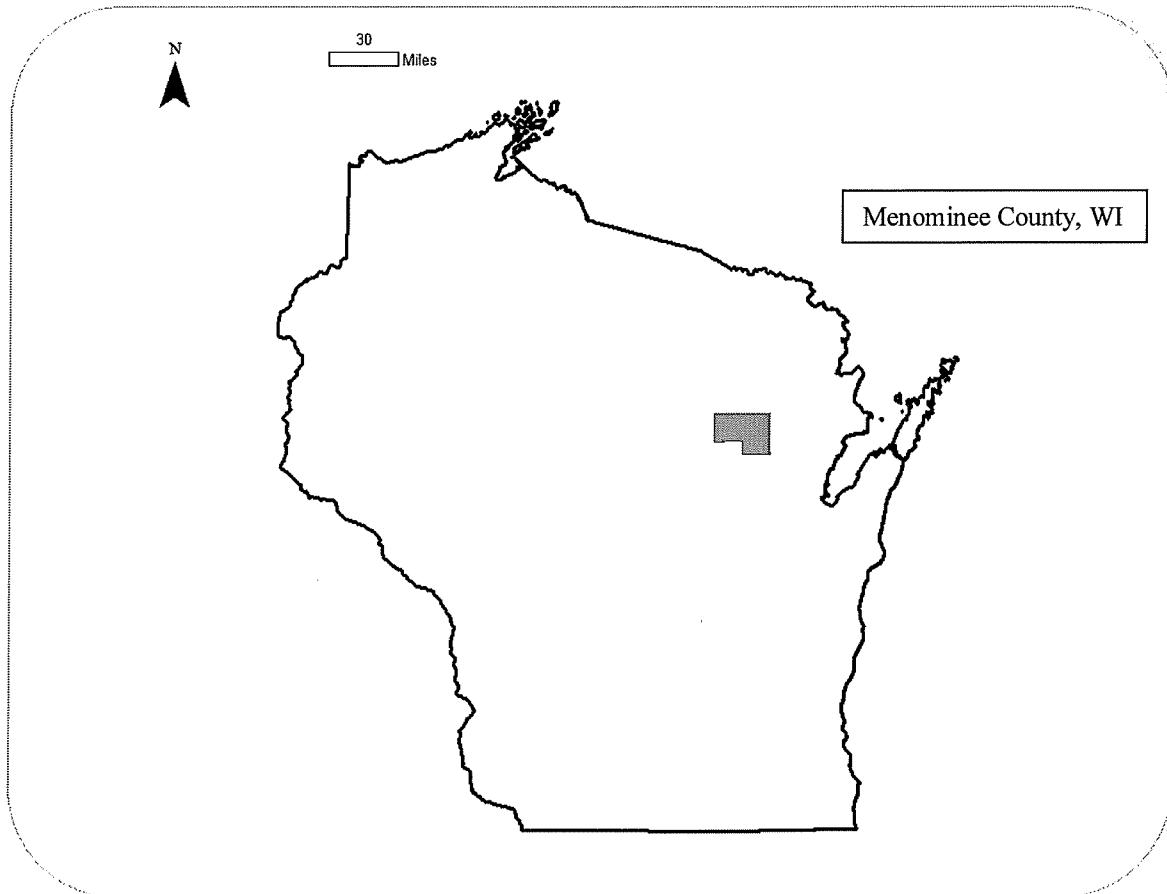


Spring/Summer 2020 Timber Management Environmental Assessment (EA)

Menominee Indian Tribe of Wisconsin forest lands
December 2019



Responsible Official:

Regional Director
Midwest Regional Office
Bureau of Indian Affairs
5600 West American Boulevard Suite 500
Bloomington, MN 55437

Prepared by:

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A. Purpose and Need

The purpose of this proposed timber harvest is to produce maximum quality and quantity of forest products grown under sustained-yield management principles, while maintaining the diversity of native species as stated under the Menominee Forest Management Plan. The need for this proposed action is to promote general forest health, produce revenue for Menominee Tribal Enterprises (MTE) and provide local employment.

Proposed Action and Alternatives

Proposed Action: Menominee Tribal Enterprises is proposing to conduct harvest on approximately 1,135 acres across the Menominee Indian Tribe of Wisconsin's forest lands, located in northeast Wisconsin (Figure 1). Table 1 has a summary of the proposed harvests and their location within the Menominee Compartment system. Table 2 indicates the amount of acres by treatment type and silvicultural system in descending order of acres to be treated.

Prescription Number	Compartment	Treatment Type	Acres
115-20-11-01	115	Pine Release	72
999-20-02-01	Various	Even-age BA Thinning (Red Pine Plantation)	345
999-20-03-01	Various	Crop Tree Release	312
999-20-09-01	Various	Clear Cut Natural Regeneration	189
999-20-10-01	Various	Clear Cut Conversion	53
999-20-15-01	Various	Maintenance Thin	50
999-20-21-01	Various	Row Thinning (Red Pine Plantation)	54
118-19-10-02 Modification	118	Clear Cut Conversion	10
118-20-20-02 Modification	118	Even-age Basal Area Thin	10
219-19-01-03 Modification	219	Single Tree Selection and/or Group Selection	21
219-19-15-01 Modification	219	Maintenance Thin	19
Total Acres			1,135

Treatment Type	Silvicultural System	Total
Even-age BA Thinning (Red Pine Plantation)	Even-Aged	345
Crop Tree Release	Even-Aged	312
Clear-cut Natural Regeneration	Even-Aged	189
Pine Release	Even-Aged	72
Maintenance Thin	Even-Aged	69
Clear Cut Conversion	Even-Aged	63
Row Thinning (Red Pine Plantation)	Even-Aged	54
Single Tree Selection and/or Group Selection	Uneven-Aged	21
Even-age Basal Area Thin	Even-Aged	10
Total Acres		1,135

A brief summary each of the nine treatments is below:

- Even-Age Basal Area (BA) Thinning (Red Pine Plantation): Harvesting enough undesirable trees from within rows to meet a retention basal area, while leaving the residual trees relatively evenly spaced.
- Crop Tree Release: Harvesting co-dominant and understory trees to release dominant, desired species trees, including pine, tolerant and mid-tolerant hardwoods.
- Clear Cut Natural Regeneration: Harvesting all trees within the treatment area boundary, unless marked as leave trees. Leave trees are sparse and often left for wildlife or to maintain stand diversity.
- Pine Release: Harvesting most hardwoods and leaving most pine trees to keep stand as a pine stand.
- Maintenance Thin: Harvesting high-risk conifers to maintain stand health and diversity.
- Clear Cut Conversion: Removing the existing, undesirable stand and converting it to a different feature type, usually by site preparation and planting. Wildlife openings are created by removing the existing stand to create a non-forested opening to maintain. Maintenance is usually performed by mowing the area to prevent trees from reclaiming the site.
- Row Thinning (Red Pine Plantation): Harvest every other row.
- Single Tree Selection and/or Group Selection: Harvesting sawtimber, maintain growth and vigor of released individuals, regenerating trees via canopy gaps.
- Even-age Basal Area Thin: Harvesting undesirable trees from a stand to meet a retention basal area, while leaving the residual trees relatively evenly spaced or releasing specific crop trees.

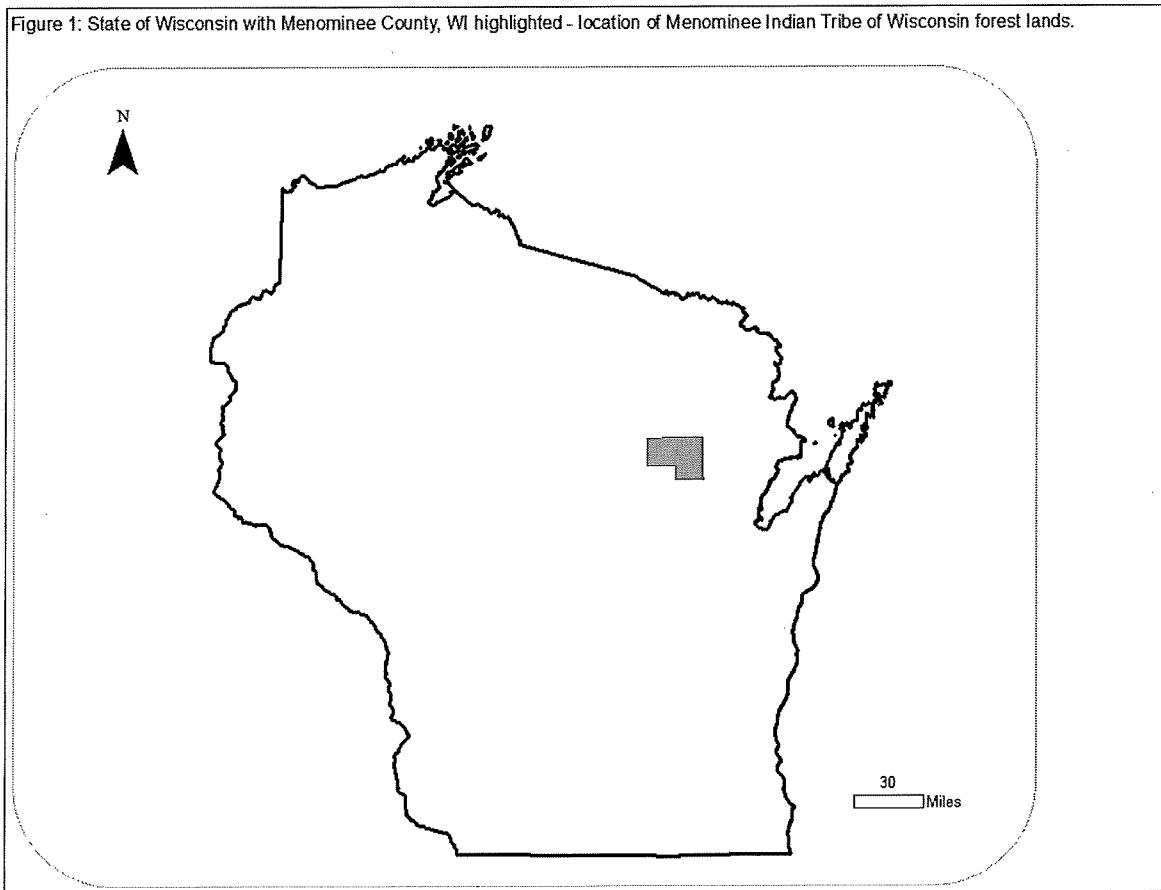
In all treatments that have the harvest of pine species as part of the prescription, fresh cut pine stumps are treated with Sporax or Cell-u-Treat during the non-winter months.

Future treatments that may occur for the Clear Cut prescriptions include:

- Site preparation: Site preparation treatments have two main objectives: remove competition and prepare the seedbed. The competition targeted for removal generally includes hardwood sprouts, shrubs, and grasses. Removing these from competition allows the objective species to become established and thrive above that competition for a few years. Preparation of a seedbed creates conditions that are conducive to the germination of the objective species' seeds. There are three site preparation treatments that may be used in some of these stands: prescribed fire, mechanical, and chemical.
- Planting: Planting is used in areas where natural regeneration may not have provided full regeneration across the stand or those in which natural regeneration for the objective species is unlikely.
- Release: Release is used to remove competition from established seedlings when competition prevents optimal growth of featured seedlings. Release may be accomplished with mechanical or chemical means.

Appendix A includes stand by stand specifics for each treatment, including the location of those stands.

No Action Alternative: No timber harvest or other management actions are proposed under the No Action alternative for this project. The proposed treatments will not take place, however other forms of forest management will continue, under other NEPA documentation.



B. Effects to the human environment

i. Water Resources:

Action Alternative:

Direct, Indirect and Cumulative Effects: Potential effects will be mitigated by the measures indicated in Appendix A for each prescription. Appendix A states that:

“All BMP’s and Tribal Ordinance (05-22) requirements are to be followed.”

And

“Stream crossings will only be allowed on existing roads with approved crossings.

Use Current State of Wisconsin BMPs for water quality as a guide. Follow Menominee Indian Tribe of Wisconsin E-code: Chapter 340-20 Limitations on tribal logging practices. Do not operate wheeled or tracked harvesting equipment within 50 feet of wetlands or waterways except on roads or at stream crossings, or if the ground is dry or frozen.

Avoid felling any timber into wetlands. If trees must be felled in such a manner, remove tops or slash from wetlands. Harvest equipment operating in areas of wetlands can occur where approved by the officer in charge if the area is dry or frozen.”

Chemical treatments following the manufacturers’ instructions on the label will have no significant effect on water resources.

Any prescribed fire will have a prescribed fire plan to set parameters for implementing the prescribed fire. These plans will include site specific information to prevent significant effects to water resources.

Mechanical site preparation (such as anchor chain or roller-chopper) cause minimal disturbance to the site by removing vegetation and exposing mineral soil. Negligible effects to water resources are anticipated as a result of the buffers as described in Appendix A.

No Action Alternative:

Direct, Indirect and Cumulative Effects: No effects are anticipated as a result of the No Action alternative.

ii. Living Resources:

Forest Ecosystem

Action Alternative:

Direct Effects: At the stand and compartment level the effects of timber harvest will be temporary and short-term. Only stands receiving a clear-cut prescription will undergo a change from overstory cover to one with no or little overstory. Most or all of the live trees will be harvested to provide an adequate habitat for the preferred species to regenerate within those stands. The other treatments will all temporarily reduce the overstory coverage, but the stands will generally remain the same, with similar tree ages and classes, as well as shrub and forb vegetation layers.

Chemical treatments following the manufacturers’ instructions on the label, prescribed fire, and mechanical site preparation will have a negligible, desired effect on the forest ecosystem. The treatments will remove less desirable and unwanted species from the forest while desirable species will be promoted.

Indirect and Cumulative Effects: The management of 1,135 acres of forested stands will have a negligible effect on the overall forest ecosystem due to the scale of the

Menomonie forestlands and the relative lack of harvest intensity across much of that landscape. This type of forest management is typical across the Lake States and this is not a disproportionate amount of area to treat on the Menominee Forest in a season.

No Action Alternative:

Direct, Indirect and Cumulative Effects: No effects are anticipated as a result of the No Action alternative.

Threatened and Endangered Species

Table 1: Threatened and Endangered Species in Menominee County, Wisconsin

Species	Status	Habitat
Gray wolf <i>Canis lupus</i>	Endangered	Northern forested areas
Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During summer, roosts and forages in upland forests.
Karner blue butterfly <i>Lycaeides melissa samuelis</i>	Endangered	Prairie, oak savanna, and jack pine areas with wild lupine

<http://www.fws.gov/midwest/endangered/lists/wisc-cty.html>

Action Alternative:

Direct, Indirect and Cumulative Effects:

Gray wolf: There are no known denning sites in the project area and this limited proposed harvest is expected to have negligible effect on gray wolves due to their broad range, and the negligible effect that this harvest would have on the forest ecosystem.

Northern long-eared bat: No direct, indirect, or cumulative effects to the northern long-eared bat population are anticipated as a result of the proposed harvest, as there are no known populations on Menominee Reservation forestlands. Additionally, there are no known hibernacula, no known roost trees on Menominee Reservation forestlands. This meets or exceeds the US Fish and Wildlife Service's mitigation measures for avoiding harvest activities within a 150 foot radius of known roost trees between June 1 and July 31 which is pup season; as well as avoiding year-round harvest activities within ¼ miles of known hibernacula.

Karner blue butterfly: No effects to Karner blue butterflies or their habitat are anticipated due to the habitat being prairie, oak savanna, or jack pine areas with wild lupine. This alternative does not propose harvest in those habitats.

No Action Alternative:

Direct, Indirect and Cumulative Effects: No effects to the listed species are anticipated as a result of the No Action alternative.

i. Cultural Resources:

Action:

Direct, Indirect and Cumulative Effects: No effects are anticipated. The Section 106 consultation process has been completed, and cultural resource sites will be avoided during the project. If any cultural resources sites are found during treatment preparation or harvest they will be protected under Menominee Indian Tribe of Wisconsin E-code: Chapter 340-20 Limitations on tribal logging practices and the National Historic Preservation Act and Archaeological Resources Protection Act. Please see appendix A for Section 106 documents.

No Action Alternative:

Direct, Indirect and Cumulative Effects: No effects will occur.

ii. Socioeconomic Conditions:

The socioeconomic status in Menominee County, Wisconsin is below average. The monthly, not seasonally adjusted unemployment rate as of June 2018 for Menominee County is 6.7%, which is almost double of the state of Wisconsin's rate of 3.4%, and the highest in the state by over 1%

(<https://research.stlouisfed.org/fred2/series/WIMENO8URN>, <https://research.stlouisfed.org/fred2/series/WIURN>). Per capita personal income in 2016 was just over half of the average in Wisconsin at \$27,907 compared to \$46,809

(<https://fred.stlouisfed.org/series/PCPI55078>, <https://fred.stlouisfed.org/series/WIPCPI>).

In 2016, 33.1 % of Menominee County residents were below poverty level compared to 11.8% state-wide (<https://fred.stlouisfed.org/series/S1701ACS055078>,

<https://www.census.gov/quickfacts/fact/table/wi/PST045217>).

Action Alternative:

Direct, Indirect, and Cumulative Effects: The proposed harvest will provide revenue for Menominee Tribal Enterprises and local employment during the harvesting and processing of the wood. The overall direct, indirect and cumulative effects as a result of the proposed harvest for socioeconomics are expected to be a minor positive benefit.

No Action Alternative:

Direct, Indirect, and Cumulative Effects: No additional harvest and wood processing revenue and employment would occur as a result of this alternative. No changes to direct, indirect, or cumulative effects are anticipated as a result of this alternative from the current condition.

iii. Other resources:

Action Alternative:

Mitigation measures identified in Appendix A minimize the potential adverse effects to land resources. Negligible direct, indirect, and cumulative effects to water resources are expected with mitigation measures in place.

No effects will occur to other resources are anticipated under the action alternative.

No action Alternative:

No effects to other resources are anticipated as a result of this alternative.

C. Mitigation Measures to Reduce Potential Adverse Effects:

See Appendix A for all mitigation measures required to implement this harvest.

D. Consultation and Coordination

Section 106 of the National Historic Preservation Act:

Consultation took place with Tribal Environmental Staff and BIA Midwest Region Staff. Consultation consistent with Section 106 of the National Historic Preservation Act has been completed and cultural resource sites will be avoided during the project. If any cultural resources sites are found during treatment preparation or harvest they will be protected under Menominee Indian Tribe of Wisconsin E-code: Chapter 340-20 Limitations on tribal logging practices and the National Historic Preservation Act and Archaeological Resources Protection Act. Please see appendix A for Section 106 documents.

Section 7 of the Endangered Species Act:

Consistent with Section 7 of the Endangered Species Act, given the no effects determination was made for all known or suspected Threatened and Endangered species as a result of the project and proposed mitigation measures, no consultation with the US Fish and Wildlife Service was necessary. Any additional information found during preparation or harvest, including confirmation of maternity roost trees or hibernaculum for Northern Long-eared bats will be used to re-evaluate the determination before proceeding.

Updates to the Threatened and Endangered species list for Menominee County can be found at: <http://www.fws.gov/midwest/endangered/lists/wisc-cty.html>

E. Contributors

Sean Maiers, Timber Sales Forester, BIA, Midwest Region

William Kurtz, Archaeologist and NEPA Coordinator, BIA, Midwest Region

Decision Notice and Finding of No Significant Impact

1.0 Name of Action: Spring/Summer 2020 Timber Management Environmental Assessment (EA)

2.0 Description of the Proposed Action and Alternatives:

An EA was prepared to evaluate the potential environmental effects of the spring/summer 2020 timber management across Menominee Indian Tribe of Wisconsin's forest lands.

Proposed Action: Menominee Tribal Enterprises is proposing to manage 1,135 acres across the Menominee Forest. The purpose of this harvest is to produce maximum quality and quantity of forest products grown under sustained-yield management principles, while maintaining the diversity of native species as stated under the Menominee Forest Management Plan. The need for this proposed action is to promote general forest health, produce revenue for Menominee Tribal Enterprises (MTE) and provide local employment.

No-Action Alternative: The no-action alternative is that this specific proposal of timber management would not occur. However, other forms of forest management will continue, under other NEPA documentation.

3.0 Decision and Rationale

After reviewing the EA, and considering public and agency comments, I have decided to implement the Proposed Action as the Selected Alternative. I have chosen this alternative because it best meets the purpose and need of the project, and the Tribal goals and objectives for the trust lands.

4.0 Mitigation

In order to meet the Tribal goals and objectives, and minimize the impacts to the land, I am including in my decision the following mitigation measures:

The design measures for the timber management included in Appendix A will be adopted.

5.0 Public and Agency Involvement

The issues, concerns, and opportunities were developed through multiple methods, including scoping of the tribal staff and of key staff at the BIA Midwest Regional Office.

- Prescription review.
- Review and incorporation of current tribal and BIA documents and data.

6.0 Conclusion

The Finding of No Significant Impact (FONSI) is prepared based off of the analysis provided in the EA. This FONSI presents the information that the actions will not have a significant effect on the human environment. The significance of environmental impacts must be considered in terms of context and intensity. Context refers to the affected environment where the actions

occur, and intensity considers the severity of the actions, based off of ten factors and their expected impacts (40 CFR 1508.27).

Impacts may be both beneficial and adverse

No significant beneficial or adverse effects would result from the Selected Alternative; see the "Effects to the human environment" section of the Environmental Assessment.

The degree to which the proposed action affects public health or safety

Implementation of the Selected Alternative would have no significant effects to public health and safety.

The unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

This project is not expected to affect historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas, due to and Section 106 consultation requirements with THPO/SHPO for this project.

The degree to which the effects on the quality of the human environment are likely to be highly controversial

There have been no highly controversial comments expressed with the actions and activities as proposed. None of the actions included in the Selected Alternative are outside the normal scope of forestry-related activities currently being implemented.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks

Implementation of the Selected Alternative would not have highly uncertain or unique environmental effects. The treatments proposed are small and the effects expected to be negligible, such that no highly uncertain or unique environmental effects are anticipated.

The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration

Implementation of the Selected Alternative is not expected to set a precedent for future actions with significant effects.

Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts

No significant cumulative effects are anticipated through the analysis for this project. The Selected Alternative represents no, negligible, or minor direct, indirect, and cumulative effects for each resource. No other past, present or reasonably foreseeable actions or possible connected actions are anticipated to have significant effects.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing, in the National Register of Historic Places or may cause a loss or destruction of significant scientific, cultural, or historical resources

There are no significant effects to listed, eligible for listing, or significant scientific, cultural, or historic Districts, sites, highways, objects or structures expected as a result of this action. The Section 106 consultation process has been completed, and cultural resource sites will be avoided during the project. If any cultural resources sites are found during treatment preparation or harvest they will be protected under Menominee Indian Tribe of Wisconsin E-code: Chapter 340-20 Limitations on tribal logging practices and the National Historic Preservation Act and Archaeological Resources Protection Act. Please see appendix C for Section 106 documents.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973

The Selected Alternative is not expected to have no effect to any Threatened or Endangered species.

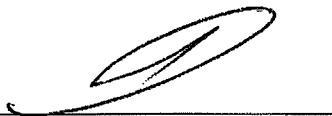
Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment

The actions associated with the Selected Alternative will not violate Federal, State, or local laws, or requirements for the protection of the environment. Applicable laws have been considered in the development of the Forest Management Plan, and in the Environmental Assessment.

Based on the findings of the Spring/Summer 2019 Timber Management EA, it has been determined that the proposed action will not have a significant impact on the quality of the human environment; therefore an environmental impact statement is not required.

Approved by:

ACTING



Date: 12/19/19

Tammie Poitra
Regional Director
Bureau of Indian Affairs
Midwest Regional Office