

# **FINDING OF NO SIGNIFICANT IMPACT**

## **North Country National Scenic Trail Wisconsin/Michigan Border Amendment To 1982 Comprehensive Management Plan**

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) has prepared an Environmental Assessment (EA) to examine alternatives and potential environmental impacts of a proposal to amend to the 1982 Comprehensive Plan to the route for the North Country National Scenic Trail between the end of the existing developed trail at the Copper Peak Ski Area in Gogebic County, Michigan, and Copper Falls State Park in Ashland County, Wisconsin. The proposal is laid out in terms of a corridor plan 3-5 miles wide within which the trail could be built. The exact route on the ground for the trail within this corridor is not yet known, but finding the best location, negotiating with landowners and construction will take place over the next 10 years.

### **Purpose of this Decision**

The purpose of this Finding and Decision is to approve an amendment to the 1982 Comprehensive Plan to the route for the North Country Trail between the end of the existing developed trail at the Copper Peak Ski Area in Gogebic County, Michigan, and Copper Falls State Park in Ashland County, Wisconsin. Within this corridor, NCTA volunteers, state and local governments and community groups will work together to develop the trail on the ground to meet the intent of the National Trails System Act. The result will be a high quality continuous hiking experience throughout the planning area.

The National Trails System Act of 1968 and subsequent amendments created a general route for the North Country Trail, authorized the National Park Service to administer it, and provided authority to acquire land or land interests from willing sellers to provide a route for it. The Comprehensive Plan states that the North Country Trail should

- Provide for a diverse user experience by incorporating a variety of plant communities, terrain, open and enclosed spaces (ex. Forests, savannas, prairies).
- Provide vistas to broader landscapes for scenic and interpretive purposes.
- Link and protect significant geologic, biologic, and archeological sites.
- Connect or provide linkages to communities for user support purposes.
- Where possible, use publicly-owned land for trail development and support facilities.

### **Need for this Amendment**

The 1982 Comprehensive Plan identified a corridor through the planning area (“No Action Alternative” in this plan) as high potential from Copper Peak Ski jumping area through the communities of Ironwood, Michigan and Hurley, Wisconsin where it met with the Uller Ski Trail

which was recommended for immediate certification. From the end of the Uller ski trail the comprehensive plan identified a corridor extending to Copper Falls State Park as the general route of the trail.

Since the 1982 Comprehensive Plan was written, changes in land ownership and management have made the original route of the trail less feasible to develop. In general, private residential development on small tracts has made it a daunting task to complete this section of trail and provide a high quality trail experience. This plan is needed to show how the NPS, is amending the 1982 Comprehensive Plan to select a more feasible and scenic route for the North Country Trail that makes the best use of public lands.

There is a dedicated and enthusiastic group of volunteers who are focused on planning and building segments of the North Country Trail that could be established on public or private lands within the proposed corridor as well as maintaining existing sections of the trail. To complete the trail in this area, this plan is needed to provide guidance on where future segments should be established, given the changes in the planning area in the past 30 years. This plan will also help volunteers and other partners focus their efforts. This Finding of No Significant Impact and the Environmental Assessment constitute the record of environmental impact analysis and the decision-making process for the project.

## **Selection of the Preferred Alternative**

The EA includes an analysis of two alternatives: Alternative 1, The No Action Alternative and; Alternative 2, The Northern Corridor (preferred). Under alternative 2, a Corridor of Opportunity approximately three miles wide and 54.4 miles long (approximately 75,722 acres) would connect the existing North Country Trail terminus at Black River Road, near the Copper Peak Ski Flying area, to the existing section of the North Country Trail Constructed on Iron County Land near Casey Sag Road (See Map 2). It would also include a connector trail to be developed, if desired, to the Ironwood/Hurley area. It should be noted that the actual ground disturbance and grading due to construction of trail tread would be roughly 13.5 acres of the 75,722 acre total, and the vegetation brushing and pruning to maintain the trail would be about twice that, 27 acres.

From the east, the corridor would most likely make use of private commercial forest lands, heading west across the Maple Creek Drainage, then southwesterly, crossing Jarvi Road, Triplett Lane, and Lake Road (MI Hwy 505) heading towards Point Mountain (Elevation 1258 ft. above mean sea level, AMSL) onto Gogebic County Forestry Land. Near Point Mountain, the corridor has the opportunity to create a spur trail to Little Girls Point County Park, approximately 4 miles north of the center of the main northern corridor. This park is owned by Gogebic County on the shore of Lake Superior (approximate elevation 602 AMSL) and has camping available in a highly desirable location. From Point Mountain the main corridor would continue West towards Bald Mt. (elev. 1317), and continue to the Montreal River and the Michigan State border, at Superior Falls on the Montreal River.

The trail would most likely make use of the bridge on Lake Road, crossing into Wisconsin where the highway designation changes to N. State Highway 122. The corridor then would head north and the trail would most likely use the bridge on County Highway A, the access road into Saxon Harbor County Park, to make the crossing of Oronto Creek. The park is owned by the Iron County, WI Forestry and Parks Department, and provides 11 tent camping sites, bathrooms and showers. From the park heading south, the corridor would stay on Iron County Forest Lands as it runs along Oronto Creek, then to the west on Iron County parcels bordering the Bad River Reservation. Heading south, the corridor would cross US Highway 2, Old WI Highway 10, and State Highway 169, passing within a mile west of Gurney, WI (population 159 in 2010). Here, the corridor would join the Potato River Valley, near Potato River Falls, which would be one of the scenic highlights of the route. There are a series of three falls in this area, with a total drop of approximately 100 feet, and they are considered some of the most impressive in Wisconsin. The Iron County Forestry and Parks Department manages 5 primitive campsites (pit toilet, no drinking water) near the Falls, along with observation platforms, and trails. This site is accessed by heading west on Potato Falls Road from State Highway 169. The trail route itself would most likely be laid out on the right bank of the Potato River which flows SE to NW in this area. The corridor would take the trail up the Potato River drainage on Iron County forestry land heading east along the northern edge of Blueberry Marsh, then generally south following the Potato River to a point that is on the high ridge overlooking Upson Lake. It would then turn Southwest for about a mile, where it would join an existing, certified 3.4 mile long segment of the North Country Trail at Casey Sag Road about 4 miles north of Upson, WI. The route then follows this 3.4-mile certified segment to Wren Falls.

Near Wren Falls, a new bridge would be built to take the trail to the west side of the Tylers Fork River. The route would then angle Northwest and West utilizing additional Iron County Forest land until again approaching the Tylers Fork River. About ¼-mile south of the river the route would utilize permanent easements that have been secured by the Wisconsin Department of Natural Resources from several different private parties. Another large bridge would be required to cross the river but the alignment following public lands continues all the way to Copper Falls State Park.

Entering the park, the alignment angles generally west and then south across newly acquired Wisconsin State park lands and eventually joins the existing, certified segment of the North Country Trail.

A connector trail to the Ironwood/Hurley Area is part of this alternative. This would allow hikers from the communities of Hurley/Ironwood area to access the main North Country Trail, and the Copper Peak Area via a multiuse recreation trail. Bicyclists would be able to ride from these towns, then work a hike on the NCT into their trip. This trail would be developed by those communities, most likely within the North portion of the corridor identified in the No Action Alternative, and may make use of existing road and utility rights of way. Following North Country Trail marking standards, this trail would be a “white blazed trail,” as opposed to the blue blazes which mark certified North Country Trail segments. There is potential to make use of the corridor proposed in the No Action Alternative to complete a loop with the northern

alternative, however there would be significant hurdles to secure a trail across large areas of private land ownership in small parcels.

## **Mitigation Measures**

The following mitigation measures were developed to minimize the degree and/or severity of adverse effects and would be implemented during design and implementation of the Selected Alternative, as needed:

### **Invasive Species**

Install a wayside exhibit and boot brush, to inform hikers about the existence of invasive species, their effect on the native environment, appearance, and control measures. These interpretive materials include information about how the hiker can help to limit the spread of invasive species by staying on the trail and using the boot brushes.

### **Wood turtle protection**

This turtle can be found near sandy-bottomed streams and rivers, and in the summer may forage in woods and upland areas. The species is especially vulnerable to human contact, and there is a potential it may be encountered on the trail by hikers. Outreach measures such as interpretive signs and trail crew briefings would be employed to instruct trail users to not handle or otherwise disturb turtles or other wildlife on the trail.

### **Trail construction practices**

Appendix D contains the section of the North Country National Scenic Trail Handbook that specifies the most low impact trail design standards.

### **Cultural resources surveys**

As trail segments are laid out on the ground, the process identified in section 106 of the National Historic Preservation Act will be completed for each NPS undertaking which has the potential to impact cultural resources. Due to the flexible nature of trail design, the trail alignment will be rerouted if cultural resources are encountered. NPS will coordinate archaeological surveys according to Department of the Interior Standards.

### **Water quality permits**

Once the trail alignment is planned, the need for structures such as puncheons, boardwalks, and bridges will be determined and water quality permits will be obtained in cooperation with the appropriate landowners.

### **State listed Sensitive Species**

Once on the ground trail alignments are determined, the NPS will consult with State Heritage Program staff in both Michigan and Wisconsin to determine any possible effects of trail construction and use on these species.

## **Other Alternatives Analyzed in Environmental Assessment**

The other alternative analyzed in the Environmental Assessment is the No Action Alternative. Under this alternative, the corridor referenced in the National Trails System Act and the 1982 Comprehensive Plan would continue to be the basis for locating the trail. For comparative purposes, the width of this corridor was created at roughly 3 miles wide, and it covers 66,021 acres. Below is the 1982 description for the trail within the planning area:

*Existing and potential routes continue through the Ottawa National Forest to Ironwood, MI and the Wisconsin State line. As the NCT crosses into Wisconsin, it follows a high potential route and a portion of the Uller Trail developed by the Iron County Young Adult Conservation Corps and maintained by the Penokee Rangers, a private trail organization. A general route continues to Copper Falls State Park where the NCT would follow existing trails in the park.*

## **Alternatives Considered But Dismissed**

Several variations on the alternatives were evaluated but either dropped from consideration because they provided no substantial improvements over the proposed alternative, or features were incorporated into the Northern Alternative. One alternative corridor that headed directly south from Saxon Harbor Recreation Area to Saxon, and on south to Casey Sag Road would have meant crossing at least 50 small parcels of private land, and bypassing a very scenic portion of the Potato River. Another proposal was to develop a side trail to Spirit Lake at the northeastern side of the study area-this alternative was absorbed into the corridor for the Northern Corridor Alternative.

## **Environmentally Preferable Alternative**

The Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508) and the National Park Service Director's Order 12 require the NPS to identify the alternative that best promotes the goals of Section 101 of the National Environmental Protection Act. The environmentally preferred alternative is defined by the CEQ as: "...the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (CEQ 1981). The Environmental Assessment showed the impacts of the alternatives analyzed are so similar that either would be environmentally preferable.

## **The Selected Alternative and Significance Criteria**

As defined in 40 CFR §1508.27, significance is determined by examining the following ten criteria:

**1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial:**

No long-term major adverse or beneficial impacts were identified that require analysis in an environmental impact statement. The selected alternative will result in minor adverse impacts that would be short and long term to wetlands and water quality provided the trail tread is built to NPS standards and principles identified in the 1995 *North Country Trail Handbook for Construction and Maintenance*. The impacts to wildlife and wildlife habitat from the northern alternative would be less than 1% of the planning area, due to 13.5 acres of ground disturbance for trail tread construction, and 27 acres of understory vegetation cleared for the trail corridor. These impacts will be adverse, short and long term, and minor with implementation of the mitigation measures. Other impacts of trail development would be beneficial minor, and short to long term by providing health and wellness benefits, and potentially protecting lands in the trailway.

**2. The degree to which the proposed action affects public health or safety:**

There would be no safety impacts due to implementation of the northern alternative and minor health benefits as described above.

**3. 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:**

There are no impacts to any of these resources caused by the selected alternative.

**4. The degree to which the effects on the quality of the human environment is likely to be highly controversial:**

Implementation of the selected alternative will not result in controversial effects on the human environment.

**5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks:**

There were no highly uncertain, unique, or unknown risks identified either during the preparation of the environmental assessment or during the public review period.

**6. 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:**

The selected alternative neither establishes a National Park Service precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts:**

No other past, present, and reasonably foreseeable future management activities were identified in the planning area that could contribute to cumulatively significant impacts to resources of concern. Potential cumulative effects of multiuse trail development and

County Forest Management activities were evaluated in the Environmental Assessment to understand possible cumulative impacts, but the magnitude of the impacts of building the North Country Trail are minute in comparison.

**8. Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:**

This action will not adversely affect any resources listed on, or eligible for, the National Register of Historic Places, nor will it impact any other significant park resources. Cultural resource database surveys and literature reviews were carried out for the project area in both Wisconsin and Michigan to determine the distribution and nature of cultural resources. The results are provided at a general level, to the nearest 40 acre parcel in Wisconsin, and with general locations provided in Michigan. The NPS carried out consultations with the State Historic Preservation Officers in both states on a finding that the selection of the trail corridor would have “No Adverse Affect” on historical resources, and that site specific cultural resources surveys and consultations will be done once on-the-ground trail alignments are determined. Both State Historic Preservation Officers agreed with the determination of effect for the corridor selection (in letters dated May 1, 2013 from the Wisconsin State Historic Preservation Office, and May 15, 2013 from the Michigan State Historic Preservation Office) and agreed to continue consultation once the alignments are determined.

**9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:**

Federally Listed Threatened and Endangered Species/State Listed Sensitive Species: The US Fish and Wildlife Service (USFWS) lists Canada Lynx (*Lynx canadensis*), a species federally listed as threatened, as possibly occurring in Gogebic County, Michigan and Iron County, Wisconsin, and piping plover (*Charadrius melodus*) in Iron County. The National Park Service initiated informal consultations by letter on June 21, 2012 with USFWS field offices in East Lansing, Michigan and Green Bay, Wisconsin on possible impacts of the project. On July 18, 2012 the USFWS East Lansing office concurred that the project would not likely have adverse effects on Lynx or their habitat. The Green Bay office responded on September 4, 2012 with a concurrence that the project would not likely have adverse effects on piping plover or Canada lynx on the Wisconsin side of the border.

Database surveys were done of the Wisconsin and Michigan state heritage databases of sensitive animals and plants. The planning team felt that with the exception of the wood turtle, which could be disturbed during trail construction and use within any of the planning area, it would not be possible to assess effects of trail construction on other species, without having an actual alignment for the trail, so this topic was eliminated from further analysis.

**10. Whether the action threatens a violation of Federal, State, or local environmental protection law:**

The selected alternative will not violate any Federal, State, or local environmental protection laws. The Wisconsin Department of Natural Resources coordinated closely with the National Park Service on the route planning, and this document addresses not only Federal compliance requirements under the National Environmental Policy Act, but also State of Wisconsin Requirements under the Wisconsin Environmental Policy Act. In their final review of this document, the State of Wisconsin Department of Natural Resources Environmental Coordinator asked to clarify the jurisdiction of the Federal government on National Scenic Trails. Under the National Scenic Trail Act of 1968 as amended, the Secretary of Interior, through the National Park Service, is charged with selecting the route for the trail, and developing it with partners, but has no legal jurisdiction on other agency or private land other than the use of the official trail emblem to mark and promote the trail.

## **Public Involvement**

The NPS and planning team members made numerous informal contacts with the public, and state and local government, since the planning process began in 2007. A formal scoping meeting with state and local governments was held October 18, 2007 in Wakefield, MI and a public meeting was held on September 24, 2008 at Gogebic County Community College in Ironwood, MI.

A public open house meeting sponsored by the NPS and Wisconsin DNR was held on August 8, 2012 at the Iron County Courthouse in Hurley, Wisconsin from 4-8 pm. Eighteen members of the public and local agencies attended, and were invited to provide comments on the alternatives. Several comments were received by email and in writing. These comments favored the Northern Corridor Alternative (Alternative 2) as having the most scenery, and making the best use of existing public land.

The Environmental Assessment was posted on the National Park Service Planning, Environment, and Public Comment website for public comment briefly in August 2012, and from March 13 through April 19, 2013. Three comments were received, all favoring Alternative 2 and the Connector to the Ironwood-Hurley Area.

## **Coordination with Other Plans**

Local and state recreation plans for Iron County Wisconsin, and Gogebic County and Ironwood Township in Michigan and the State Comprehensive Outdoor Recreation Plans for both states were reviewed by the planning team to assure that this document does not conflict with other government land use or recreation plans for the area. The development of the North Country Trails supports many of the objectives of these other plans.



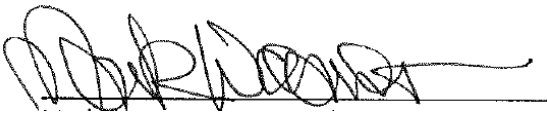
The State of Wisconsin Department of Natural Resources Issued a Decision on June 14, 2013 that this plan does not constitute an action which will need a State Environmental Impact Statement (see attachment 1).

## Conclusion

The selected alternative does not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment. Negative environment impacts that could occur are negligible to minor in intensity. There are no significant impacts on public health, public safety, threatened or endangered species, or other unique characteristics of the region. There are no unmitigated adverse impacts on sites or districts listed in or eligible for listing in the National Register of Historic Places. No uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any Federal, State, or local environmental protection law. No national park resources or values will be impaired as a result of this action, and the action does not violate the National Park Service Organic Act.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

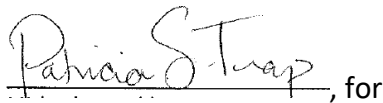
Recommended:

  
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Mark Weaver, Superintendent  
North Country National Scenic Trail  
Approved:

27 JUNE 2013

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Date

  
\_\_\_\_\_, for

Michael Reynolds, Director  
Midwest Region

7.19.13

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Date