



United States  
Department of  
Agriculture

**Forest  
Service**

May 2005



# **Environmental Assessment**

## **Old Foley and North Bank Gates Project**

**McKenzie River Ranger District  
Willamette National Forest  
Lane County, Oregon**

**Legal Location: T.17 and 18S, R.4 and 5E. W.M.**

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# CHAPTER 1. PURPOSE AND NEED FOR ACTION

## Document Structure

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The Forest Service has prepared this Environmental Assessment in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This Environmental Assessment discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and the alternative. The document is organized into four parts:

- *Purpose and Need for Action:* The section includes information on the history of the project proposal, the purpose of and need for the project, and the agency's proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.
- *Comparison of Alternatives, including the Proposed Action:* This section provides a more detailed description of the agency's proposed action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public and other agencies. This discussion also includes design measures and mitigation measures. Finally, this section provides a summary table of the environmental consequences associated with each alternative.
- *Affected Environment and Environmental Consequences:* This section describes the environmental effects of implementing the proposed action and other alternatives. This analysis is organized by resource area. Within each section, the affected environment is described first, followed by the effects of the No Action Alternative that provides a baseline for evaluation and comparison of the other alternatives that follow.
- *Other Governments, Agencies, and Persons Consulted:* This section provides a list of agencies and other governments consulted during the development of the environmental assessment. It also includes mailing list for public scoping, and the list of document preparers.
- *Appendices:* The appendices provide more detailed information to support the analyses presented in the environmental assessment.

Additional documentation, including detailed analyses of project-area resources, may be found in the project planning record located at the McKenzie River Ranger District Office in McKenzie Bridge, Oregon.

## Introduction

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This project involves permanently changing public access to Old Foley and North Bank roads on the McKenzie River Ranger District. These forest roads are near the community of McKenzie Bridge and receive moderate use by the public for driving, hunting and walking.

Road 2638345 (Old Foley Road) leads east from road 2638 (Horse Creek Road) to National Forest System (NFS) land and private forest land on Foley Ridge. Over the last decade land exchanges have occurred between Giustina Resources and the United States that include parcels accessed by this road.

In January 1982 Giustina Bros. granted an easement to the United States for Old Foley Road. At some time after this easement was granted Giustina Bros. reorganized and the easement transferred to Giustina Resources (Giustina Bros. successor-in-interest). The easement granted to the United States includes rights for public access to NFS land and roads. Forest road 2638344 begins at milepost 1.0 on road 2638345, on private lands, enters NFS land in approximately 0.1 miles and continues 0.5 miles, ending near the ridge overlooking Horse Creek.

In February 2001 Giustina Resources personnel discussed the need for a temporary closure on 2638345 with Forest Service personnel to protect their private harvesting operations. The Forest Service agreed to a temporary closure and Giustina Resources installed a gate at milepost 0.1. Giustina Resources has since requested that the road remain closed to public access.

Road 2600280 (North Bank Road) leaves State Hwy 126 in the town of McKenzie Bridge and travels east along the north bank of the McKenzie River. Road 2600280 is a county road for the first 2.1 miles, passing through mainly residential and resort properties. Near the end of the paved portion, the road enters NFS land then alternates in and out of Giustina Resources forest land.

In October 1989 the Forest Service responded to an application for a grant of an easement from Giustina Bros. for access to their land in T.16 S., R.6 E. Section 9. The United States granted an easement to Giustina Bros. for road 2600280 beginning in Section 18, traversing Sections 17 and 8 and ending in Section 9. The Forest Service retained public use rights on this road. At some time after this easement was granted Giustina Bros. reorganized and the easement transferred to Giustina Resources (Giustina Bros. successor-in-interest).

**Legal description of the project:** T.16S., R.6E., Sec. 17, Willamette Meridian; Lane County, Oregon, and T.16S., R.5E., Sec. 23, Willamette Meridian; Lane County, Oregon.

## Proposed Action

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The District Ranger of the McKenzie River Ranger District proposes gating roads 2638345 and 2600280. Giustina Resources has requested this action, which would preclude motorized public access to 3.2 miles of road. Implementation would occur summer of 2005.

- The closure for road 2638345 would utilize an existing gate on Giustina Resources' lands, which was installed as a temporary closure device in late 2001 or early 2002.



- The proposed location for the gate on road 2600280 is on NFS land, near the private property line.

## **Purpose and Need for Action** \_\_\_\_\_

The request from Giustina Resources for closures states the need to minimize damage to their resources from human caused fires, public dumping of trash, theft and vandalism of contractors' equipment. Giustina Resources proposed that a gate on road 2638345 remain permanently closed to protect their private forestland. A subsequent request was received for a gate installation and permanent closure on road 2600280. Giustina Resources lands along this road have been recently harvested and they are concerned about human caused fire.

## **Decision Framework** \_\_\_\_\_

The Responsible Official for this proposal is the McKenzie River District Ranger. While considering the purpose and need to minimize damage to Giustina Resources' forest land from human caused fires, public dumping of trash, theft and vandalism of contractors' equipment, the responsible official shall review the proposed action and the other alternative actions, and may decide to:

- select the proposed action, or
- select another action alternative that has been considered in detail, or
- modify an action alternative, or
- select the no-action alternative.

The Responsible Official would also determine if the selected alternative is consistent with the Willamette Forest Plan or if the Forest Plan should be amended in this action.

## **Relationship to the Forest Plan** \_\_\_\_\_

In April 1994, the Willamette National Forest Land and Resource Management Plan, (Willamette Forest Plan, 1990, 1994, 2001, 2004) was amended by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Spotted Owl, April 1994 (USDA Forest Service. 1994). The Northwest Forest Plan modified the Willamette Forest Plan by overlaying management areas and their accompanying standards and guidelines.

The proposed action of closing forest road 2638345 with an existing gate would occur on Giustina Resources lands. The closure would prohibit motorized access year-around to National Forest System land beyond Giustina Resources land by way of forest road 2638344. NFS land accessed by Road 2638344 is in the Late Successional Reserve management allocation from the Northwest Forest Plan ROD (USDA, USDI Northwest Forest Plan ROD, 1994). The NFS land also has an underlying 1990 Willamette Forest Plan Management Area of MA-11c, Scenic – Partial Retention Middleground.

The proposed action of closing forest road 2600280 would occur on NFS land within the Central Cascades Adaptive Management Area (AMA). The gate installation would occur within an underlying 1990 Willamette Forest Plan Management Area of MA-5a, Special Interest Area. The closure would prohibit motorized access year-around to NFS land beyond Giustina Resources land that is in the AMA, and which has underlying 1990 Willamette Forest Plan Management Areas of MA-11c, Scenic – Partial Retention Middleground and MA-11e, Scenic – Middleground Retention.

## **Watershed Analysis**

The Aquatic Conservation Strategy in the Northwest Forest Plan amendments to the Willamette Forest Plan includes two designations for Key Watersheds: Tier 1 and Tier 2. This project is located within the Upper McKenzie Watershed, a Tier 1 Key Watershed, which has a conservation emphasis.

## **Issue Development**

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### **Scoping and Public Involvement**

Scoping is the process for determining issues relating to a proposed action and includes review of written comments, distribution of information about the project, interdisciplinary Team (IDT) meetings, and local news releases.

The Project was initiated in March 2005 and was listed in the spring 2005 issue of the Willamette Forest Focus--the quarterly schedule of proposed actions (SOPA) for the Willamette National Forest. Information on the project appeared in the local McKenzie River newspaper, The River Reflections, on May 12, 2005. A scoping letter was sent to 15 members of the local community. No comments were received as a result of the scoping letter.

## **Significant Issues**

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Forest Service regulations (1950, chapter 11(3)) require that issues that are not significant to the project or that have been covered by prior environmental review be identified and eliminated from detailed study. Discussion of these issues should be limited to a brief statement of why they will not have a significant effect on the human environment or a reference to their coverage elsewhere. The issues will be listed as “Significant Issues,” and “Other Issues”.

The public and ID team identified three issues. The ID team and responsible official considered these pertinent issues and have determined which are significant to the project. The following Significant Issue drove the development of an alternative. The Significant Issue is tracked through issue identification (in this chapter), alternative description in Chapter II, and environmental consequences in Chapter III.

### **Motorized Public Access**

The proposed action closes portions of forest roads 2638345 and 2600280 to motorized public access year-around with the use of gates. These gates would preclude motorized public use on 3.2 miles. Both roads provide access to NFS land beyond lands owned by Giustina Resources.

The existing use of these roads includes driving for recreation by the public. Local residents of McKenzie Bridge use forest roads for short drives to view vistas and wildlife, and for access to the National Forest

## **Other Issues:**

These *other issues* were addressed in project development. The issue statements below are followed by reasons why they were not considered significant to the development of alternatives and not fully analyzed.

## **Heritage Resources**

The proposed gate installations could potentially affect heritage resources in the immediate vicinity. Only the proposed gate on road 2600280 is subject to Section 106 documentation of effect for Heritage Resources due to the location on Forest Service land.

Surveys of the proposed project area have been completed. No historic properties were identified. The Zone Archaeologist would evaluate any properties discovered during the course of project implementation for significance.

## **Noxious Weeds**

Machinery used to install the gates could transport seeds to the site and contribute to the spread of noxious weeds to the project area. The installation would require pressure washing of off-road equipment prior to arriving on the project site for the purpose of controlling noxious weeds. The area would also be monitored for noxious weeds following implementation.



## **CHAPTER 2. ALTERNATIVES, INCLUDING THE PROPOSED ACTION**

This chapter describes and compares the alternatives considered for the Old Foley and North Bank Gates Project. This section also presents the alternatives in comparative form, sharply defining the differences between each alternative and providing a clear basis for choice among options by the decision maker and the public. This analysis considers the installation of the gates at the proposed locations or no action.

### **Alternatives considered but Eliminated from Detailed Study**

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). No other alternatives were considered in this analysis.

### **Alternatives**

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#### **Alternative 1 – the No Action Alternative**

Alternative 1 does not meet the purpose and need to minimize damage to Giustina Resources' forest land from human caused fires, public dumping of trash, theft and vandalism of contractors' equipment.

The no action alternative would leave the current gate on 2638345 in place, and it would be opened to motorized public access. The gate could be used to close the road in times of extreme fire danger. No gate would be installed on 2600280. Existing motorized public use would continue unchanged. There would be no convenient method to close the road in times of extreme fire danger.

Road maintenance, fire suppression and other administrative activity would continue unchanged.

#### **Alternative 2 - The Proposed Action**

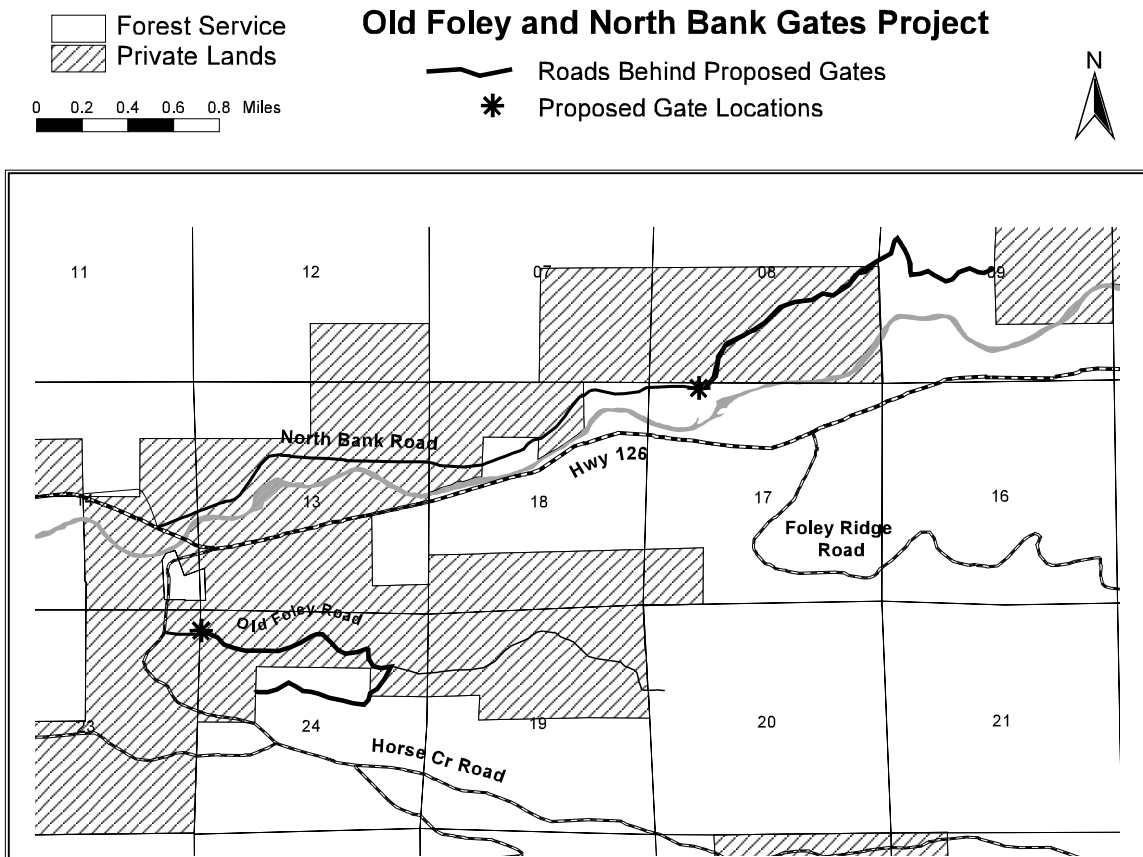
##### **Roads/Access**

Alternative 2 meets the purpose and need to minimize damage to Giustina Resources' forest land from human caused fires, public dumping of trash, theft and vandalism of contractors' equipment with year-around road closures on both forest roads 2638345 and 2600280.

The action alternative would change the temporary closure on 2638345 to a year-around closure to motorized public use. A second gate would be installed on 2600280 and also closed to motorized public use. There would be double locking mechanisms on the gates that allow standard road maintenance, fire suppression and other administrative activity.

The gates would be opened to motorized public use during fall big game hunting seasons when fire danger drops to an Industrial Fire Precaution Level (IFPL) 1. This mitigation responds to the desire for motorized public access to NFS land.

Figure 1: Map of the Proposed Action







## CHAPTER 3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section summarizes the physical, biological, social and economic environments of the affected project area and the potential changes to those environments due to implementation of the alternatives. It also presents the scientific and analytical basis for comparison of alternatives presented in Chapter 2.

### Affected Environment

#### Roads and Access

The scale of analysis for roads and access is based on public use patterns of the most common motorized user. The common user typically resides in and around the community of McKenzie Bridge, Oregon. Their use is characterized as being of short duration, with round trips in the order of half an hour. Driving for pleasure, seeking vistas, viewing wildlife and hunting are often reasons for a trip.

Approximately 1.5 miles of road 2638345 and 1.7 miles of road 2600280 are proposed for access restriction through installation of gates. Normal levels of public and administrative use on these roads are currently low. The roads are gravel surfaced and of a predominantly in-sloped design with vegetated ditch-lines. Both roads access NFS land and private forest land and are periodically used as timber haul routes with high volumes of truck traffic.

Both 2638345 and 2600280 are NFS roads that are not subject to the Highway Safety Act (FSM 7705). They are rough and opened for use by high clearance vehicles such as the standard pickup truck. These roads are assigned an Objective Maintenance Level of 2 as described in the Transportation System Maintenance Handbook (FSH 7709.58).

In the case of 2638345, current administrative use is estimated at 6 trips per month. Prior to the installation and closure of the gate in 2001 public use was estimated at 20 trips per month. All traffic consists of pick up truck type vehicles, and administrative traffic includes both Forest Service and private landowner use. In the case of 2600280, current administrative use is estimated at 3 trips per month, and current public use is estimated at 4 trips per month.

This section incorporates by reference the Willamette Roads Analysis, (USDA Forest Service 2003) which provides detailed information regarding the forest roads, describing maintenance levels, maintenance costs and management direction.

#### Water Quality/Aquatic Resources

The portion of 2638345 that will be affected by the project does not cross any streams. The portion of 2600280 that will be affected by the project crosses two perennial tributaries of the McKenzie River. One of these streams is Blue Canyon and the other stream is an un-named tributary.

An analysis of the existing condition and normal use levels of these roads at these two crossing locations was completed, using the FSWEPP: ROAD model (<http://forest.moscowfsl.wsu.edu/fswepp/>). Analysis results indicate that an estimated annual sediment yield of 84 pounds of sediment per year is being transported to each of the streams at these crossing locations under normal use. The model was also used to analyze high traffic conditions associated with timber hauling activities, with modeled results increasing to 248 pounds of annual sediment yield at each of the two crossings.

## Fisheries

The bull trout (*Salvelinus confluentus*) and the Upper Willamette spring chinook salmon (*Oncorhynchus tshawytscha*) are resident fish in the project area and McKenzie River sub-basin and tributaries. Both species listed as threatened under the Endangered Species Act. In addition to these listed species, native aquatic species are also located in the project area. Anadromous (sea-run fish) and resident fish considered Management Indicator Species (MIS) are those species commonly angled for, which includes spring chinook salmon, rainbow trout, and cutthroat trout for the project area.

## Proposed, Endangered, Threatened, Sensitive, (PETS) and other Species of Concern

The Botany and Wildlife Biological Evaluation has indicated that the proposed gate installation on road 2600280 would not be implemented in any habitat for any potential Proposed, Endangered, Threatened, Sensitive, (PETS) and other botanical or wildlife species, or Species of Concern.

## Heritage Resources

Although the McKenzie River corridor and main tributary valleys were likely travel routes and contained Native American campsites and work locations in prehistoric times, no such sites have been discovered in the vicinity of the proposed gate.

## Noxious Weeds

Noxious weeds on the McKenzie River Ranger District are predominately located along roads, power lines, and recreation sites. They are primarily introduced or spread by vehicle traffic, road maintenance, recreational users, and ground disturbing activities including timber harvest.

## Recreation

Driving for pleasure (sightseeing) is considered a major use in the area, on both aggregate surfaced and paved roads. The use of NFS roads varies from very light on short dead end roads to moderate on secondary and connector roads. NFS roads receive increased use during hunting seasons.

The Forest Service uses a land classification system to inventory and describe a range of recreation opportunities called the Recreational Opportunity Spectrum (ROS) (USDA Forest Service. 1990, 1994, 2001, 2004; page III-93). This system seeks to identify recreation settings

of varying characteristics that range from large, remote, undeveloped areas to small, easily accessed highly developed sites.

The proposed gate location on road 2638345 is on private land. The NFS land behind the gate is allocated as Late Successional Reserve, with an underlying 1990 Willamette Forest Plan Management Area of MA-11c, Scenic – Partial Retention Middleground.

The proposed gate location on road 2600280 is on NFS land near the property boundary with Giustina Resources and is managed as Adaptive Management Area (AMA), with an underlying 1990 Willamette Forest Plan Management Area of MA- 5a, Special Interest Area. Other parcels of NFS land within the AMA are intermingled with Giustina Resources land beyond the proposed gate location, with underlying Willamette Forest Plan Management Areas below the road of MA-11c, Scenic – Partial Retention Middleground and above the road of MA-11e, Scenic – Retention Middleground.

Recreation management standards and guidelines require that area management practices for MA-5a, MA-11c, and MA-11e should all result in a physical setting that meet or exceed the Roaded Natural ROS class (see Willamette Forest Plan Standards and Guidelines for these management areas).

## **Social and Economic Considerations**

The economy of the local communities from the Springfield urban-growth boundary to McKenzie Bridge depends on a mixture of tourism, recreation, timber industry, and Forest Service jobs for stability. Local businesses that rely on tourism and recreation include Hoodoo Ski Area, inns, lodges, restaurants, stores, gas stations, outfitters and guides. Timber industry jobs include a variety of woods and mill jobs. Forest Service jobs in the vicinity are located at McKenzie River Ranger Station. Tourism and recreational activities connected with NFS land have been on the increase in recent years for the upper McKenzie River. Employment in tourism and recreation-related services has also increased accordingly.

## **Environmental Consequences** \_\_\_\_\_

### **Motorized Public Access**

#### **Effects of Alternatives 1 – No Action**

The existing gate on 2638345, which was installed as a temporary closure, would be opened, allowing motorized public access to NFS land. Public use patterns would remain unchanged for 2600280.

#### **Effects of Alternatives 2 – Proposed Action**

##### *Direct and Indirect Effects*

The closures of 2638345 and 2600280 would have a direct effect of reducing motorized public access. People who historically drove the roads would have to walk, bike or otherwise use non-motorized means to access NFS land behind the gates.

### *Cumulative Effects*

The analysis area includes 59 miles of NFS roads that are within a half an hour round trip drive of McKenzie Bridge. Past actions and natural vegetation growth have closed 21 miles of roads within this analysis area. Gating 2638345 and 2600280 decreases open road motorized public access by a total of 3.2 miles. The gate closures would not change the access to NFS land beyond the closures by walking or bicycling. There are no foreseeable future management actions that would further limit motorized public access in the analysis area.

## **Water Quality**

### **Scope of Analysis**

The primary way that this project could affect water quality and watershed condition is by affecting the level of traffic use of affected roads, which could result in corresponding effects on sediment yielded to streams at road crossings. This analysis will focus on sediment input to stream crossings and will compare project related sediment inputs to background and other related management inputs within the stream drainages associated with crossings.

### **Effects of Alternative 1 - No Action**

If the No Action alternative is selected, un-regulated public use will continue at low levels as discussed in the Affected Environment discussion. Consequently, estimated annual sediment yields of 84 pounds during normal road use conditions, and 248 pounds during timber haul conditions, will continue to be transported to both Blue Canyon and the un-named tributary.

Based on professional experience, this un-regulated use creates a low level of risk that traffic may occur during inclement weather and road conditions. This could cause road damage, such as rutting, that defeats drainage structures. If this type of damage occurs, larger annual sediment yields similar those associated with timber haul could result until repairs could be completed.

### **Effects of Alternative 2 – Proposed Action**

If the Proposed Action is selected for implementation, the current levels of un-regulated public road use will be eliminated. However, the amount of use to be eliminated is so small, that it does not result in measurable differences in the estimated outputs of the quantitative sediment analysis. Consequently, estimated annual sediment yields of 84 pounds during normal road use conditions, and 248 pounds during timber haul conditions, will continue to be transported to both Blue Canyon and the un-named tributary.

If the proposed action is implemented, the risk that un-regulated public traffic could result in road damage during inclement weather conditions would be eliminated. Consequently, the risk of larger annual sediment yields, which could occur until repairs could be completed, would also be eliminated.

### **Cumulative Effects**

Road 2600280 and the Eugene Water and Electric Board power line are the only past and present management activities that occur within the drainages of Blue Canyon and the un-named tributary where these crossings occur. There are no known future management activities that have been proposed in these drainages.

These watersheds were characterized as they existed prior to management in the Disturbed WEPP module of FSWEPP, (<http://forest.moscowsl.wsu.edu/fswepp/>), to establish an environmental background level of sediment yield. The model results yielded an annual sediment yield of .03 tons/ac. This value is in line with the results that Swanson and Grant reported in 1982. (Swanson, F., Grant, G., Rates of Soil Erosion by Surface and Mass Erosion Processes in the Willamette National Forest, 1982)

Within the Blue Canyon drainage, approximately 8 acres of land are in an un-forested condition associated with the power line, and in the un-named tributary, approximately 6 acres are in an un-forested condition. These areas were also characterized in the Disturbed WEPP module of FSWEPP, and the model results yielded an annual sediment yield of .035 tons/ac. for these areas.

## **Aquatic and Riparian Habitat**

### **Effects of Alternatives 1 – No Action**

The rates of sediment delivery to streams, which originates from public motorized travel on forest roads 2638345 and 2600280, would remain unchanged. Sediment delivered to streams from normal road maintenance would remain unchanged for both roads, as would sediment levels from current uses by both Giustina Resources for management of their forest land, and by the Forest Service for normal administrative use.

### **Effects of Alternatives 2 – Proposed Action**

#### *Direct and Indirect Effects*

The ground disturbance activity involved with this project is the installation of a gate 360 feet from the McKenzie River on road 2600280. Fine sediment mobilization and transport to the McKenzie River would be negligible. The closure of road 2638345 would utilize an existing gate on Giustina Resources land within 1,400 feet of Horse Creek.

Reduced motorized traffic levels may be expected to reduce the rate of sediment originating from roads and ending up in stream channels with closure of 1.5 miles on road 2638345 and 1.7 miles for road 2600280. However, any reduction of sediment from reduced motorized travel would not be at a level that would be measurable. Road maintenance schedules will continue at the same rate, yielding similar rates of road origin sediment as on un-gated roads. No modification of fire suppression access will occur with the proposed closure, and no increased risk of fire disturbance to nearby aquatic habitat.

The proposed project and distance from listed species habitat is sufficient to protect listed species and their habitat. Given the low magnitude and intensity of project related environmental effects, the project is described as having “no effect” to listed fish species. This project will not adversely modify proposed critical habitat for chinook salmon in the McKenzie River or in Horse Creek.

### **Magnuson-Stevens Fishery Conservation Act**

Essential Fish Habitat (EFH) under the Magnuson-Stevens Act is designated in all areas except above impassible dams (Cougar Dam in the South Fork McKenzie River; and Blue River Dam). The project is located adjacent to EFH in the McKenzie River and Horse Creek. As described

above for proposed spring chinook critical habitat, the project effects are considered to have no adverse affect on EFH in the vicinity of the project.

### **Management Indicator Species**

Negligible effects to listed species and their habitat describes project effects to Management Indicator Species. This project is expected to maintain MIS habitat and species due to the minor amount of ground disturbing activity.

#### *Cumulative Effects*

Considering the effects of past actions on habitat for listed and resident fish in the Upper McKenzie Watershed, the minor ground disturbing activity of gate installation with the proposed action, along with the effects of reduced public traffic following the road closure, there would be no additional incremental cumulative effect from this action.

### **Noxious Weeds**

Neither alternative has any effect on the control or spread of noxious weeds.

### **Recreation**

#### **Effects of Alternatives 1 – No Action**

The existing gate on 2638345, which was installed as a temporary closure, would be opened, allowing motorized public access NFS land beyond Giustina Resources land for recreation. However, recreation use is currently low, and it is not likely that the current types of recreation use on the NFS land beyond Giustina Resources land would change. Current public usage trends of driving for sightseeing, wildlife viewing, and hunting on road could increase on road 2638345, but would continue unchanged on 2600280.

#### **Effects of Alternatives 2**

##### *Direct and Indirect Effects*

The gating of roads 2638345 and 2600280 at the proposed locations would preclude motorized public access to NFS land beyond Giustina Resources land but would not affect access by walking, bicycling, or horseback riding. The current daily use for the motorize public access to NFS lands beyond the Giustina Resources land is low. The ROS of “Roaded Natural” for the NFS land beyond Giustina Resources land is met for both areas of closure.

##### *Cumulative Effects*

The existing road system around the nearby community of McKenzie Bridge provides many opportunities for recreational motorized use and extensive access to the National Forest for McKenzie Bridge residents and for public at large. Because non-motorized access to NFS land beyond Giustina Resources land is still permissible, the proposed gate closures would have little to no additional cumulative effect on recreational opportunities currently available to the local resident or other members of the public. No additional road closures are proposed.

## Fire and Fuels

The installation and closure of gates on 2638345 and 2600280 would have no effect on fire suppression vehicle access and activities. Administrative access and road maintenance would remain unchanged, thereby allowing fire suppression vehicles to continue accessing lands and performing suppression duties, if needed. Public vehicle traffic would decrease due to the closures. This would reduce fire risk by decreasing the probability of human-caused fire ignitions along the roadway. Giustina Resources vehicle traffic is not expected to change. During the fall hunting season this gate may be opened to allow hunters access.

## Heritage Resources

There are no historic era properties that would be affected by gate installations.

## Compliance with Other Laws, Regulations and Policies

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This section describes how the action alternatives comply with applicable State and Federal laws, regulations and policies.

### Federal Laws:

*The Preservation of Antiquities Act, June 1906 and the National Historic Preservation Act, October 1966* – Before project implementation, State Historic Preservation Office consultation is completed under the Programmatic Agreement among the United States Department of Agriculture, Forest Service, Pacific Northwest Region (Region 6), the Advisory Council on Historic Preservation, and the Oregon State Historic Preservation Officer regarding Cultural Resource Management on National Forests in the State of Oregon, dated June 2004. Field surveys where ground-disturbing activities would occur in the project area have been completed. The surveys did not identify any sites. Should sites be found during ground disturbing activities, the McKenzie River District Archaeologist would be immediately notified. This project meets the criteria listed in Appendix B of the above-mentioned programmatic agreement, thus it is excluded from case by case review. Because heritage resources would not be affected by proposed activities under any action alternative, there would be no effect to any historic property listed in or eligible to the National Register of Historic Places.

*The Endangered Species Act (ESA), December 1973* – The ESA establishes a policy that all federal agencies would seek to conserve endangered and threatened species of fish, wildlife and plants. Biological Evaluations for plants and wildlife have been prepared, which describes possible effects of the proposed action on sensitive, and other species of concern that may be present in the project area. A Biological Assessment was prepared for both the northern spotted owl, and for the threatened bull trout and spring chinook salmon. No Formal or Informal Consultation was required. See “Consultation and Coordination – Coordination with Other Governments and Agencies”. Actions proposed in this project did not require formal consultation.

The Clean Water Act, 1987 – This act establishes a non-degradation policy for all federally proposed projects. Compliance with the Clean Water Act would be accomplished through planning, application and monitoring of Best Management Practices (BMPs) where needed.

There are no streams within the proposed disturbed area for the gate installation on road 26000280..

Magnuson-Stevens Fishery Conservation and Management Act, 1976 (MSA) – This project is in the middle of the McKenzie River sub-basin. The McKenzie River channel is listed as Essential Fish Habitat (EFH) for spring chinook salmon.

Inventoried Roadless Areas and Wilderness – There are no actions proposed within Inventoried Roadless Areas (IRAs) or Wilderness in the project.

Executive Order 13186: Neotropical Migratory Birds – There are 85 bird species recognized as neotropical migrants on the Willamette National Forest. Thirty-five of these species found on the Willamette have been identified as species of concern (Sharp 1992). A Memorandum of Understanding was signed between the USFS and USFWS to complement the January 2001 Executive Order.

The project does not include vegetation management activities. There are no effects on populations of migratory landbirds typical of the western Cascades (See Appendix B).

Executive Orders 11988 and 11990: Floodplains and Wetlands – Executive Order 11988 requires government agencies to take actions that reduce the risk of loss due to floods, to minimize the impact of floods on human health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. The proposed action would not occur within 100-year floodplains.

Executive Order 11990 requires government agencies to take actions that minimize the destruction, loss, or degradation of wetlands. Streamside riparian reserves, seeps, springs, and other wet habitats do not exist in the project area. As a result, the proposed action is consistent with Executive Orders 11988 and 11990.

Executive Order 12898: Environmental Justice – Executive Order 12898 requires that federal agencies adopt strategies to address environmental justice concerns within the context of agency operations. There would be no disproportionately high and adverse human health or environmental effects on minority or low-income populations with implementation of the proposed action. The proposed actions would occur in a remote area, and nearby communities would mainly be affected by economic impacts connected with a contractor implementing gate installation and closures. Racial and cultural minority groups could be included in the work forces that implement the gate installation and closure.

The National Environmental Policy Act (NEPA), 1969 – NEPA establishes the format and content requirements of environmental analysis and documentation. Preparation of the Old Foley and North Bank Gates Project EA was done in full compliance with these requirements.

The National Forest Management Act (NFMA), 1976 – The proposed action is consistent with the NFMA. No vegetation management would occur. This action would involve minor ground disturbing activities on National Forest System lands with installation of the gate on road 2638345. Mitigation measures would limit the spread of noxious weeds.



Forest Plan Consistency – The Willamette National Forest produced a Forest Plan in accordance with the National Forest Management Act of 1990, as amended. The Forest Plan provides guidelines for management of the transportation system on National Forest System lands. This action is in compliance with all natural resource management direction and established management standards and guidelines.

Other Jurisdictions – No other state or federal jurisdictions are included in the Old Foley and North Bank Gates project area. The project area includes lands owned by Giustina Resources Company.

Energy Requirements and Conservation Potential – Some form of energy would be necessary the gate installation, which requires the use of mechanized equipment.

Prime Farmland, Rangeland, and Forestland – The proposed action would limit motorized public access on roads 2638345 and 2600280 which pass through prime forestland owned by Giustina Resources. The proposal does not occur within or involve prime farmland or rangeland.

Unavoidable Adverse Effects – This action does not include any unavoidable adverse effects.

Irreversible and Irrecoverable Effects – “Irreversible” commitment of resources refers to a loss of future options with nonrenewable resources. An “Irrecoverable” commitment of resources refers to loss of opportunity due to a particular choice of resource uses. There would be no irreversible or irrecoverable commitment of resources with the implementation of this project.

## Monitoring Plan \_\_\_\_\_

### *Noxious Weeds*

As a mitigation measure to determine if pressure washing off-road equipment before gate installation was effective, District personnel will complete noxious weed surveys after implementation. Noxious weed treatments would occur if necessary.



## CONSULTATION AND COORDINATION

### Coordination with Other Governments and Agencies \_\_\_\_\_

Consultation with the State Historic Preservation Office (SHPO) for “No Effect” projects is facilitated by the June 2004 Programmatic Agreement among the Forest Service, the Advisory Council on Historic Preservation, and SHPO. Under the terms of that Agreement, concurrence authority for findings of No Effect has been delegated to the Forest Specialist. A concurrence of “No Historic Properties Effected” finding was received from Forest Archaeologist Cathy Lindberg (the designated Forest Specialist for the Willamette National Forest) on May 17, 2005. The concurrence form, documenting compliance with the National Historic Preservation Act, can be found in Appendix C.

Because of the lack of or minor effects of this project on habitat for any listed Threatened, Endangered, or Sensitive fish or wildlife species, no formal or informal consultation was required with the USDI Fish and Wildlife Service on the northern spotted owl and bull trout, and no formal consultation was required with NOAA Fisheries on spring chinook salmon. A Biological Evaluation and Assessment was prepared for fish and is included as Appendix A. A Biological Evaluation and Assessment was prepared for botanical and wildlife species and is included as Appendix B.

### Project Mailing List:

On May 9, 2005, project scoping letters were sent to the following Federal, State, and local agencies, elected officials, tribal organizations, and individuals known to have an interest in similar projects:

#### *Federal, State, and Local Agencies:*

Eugene Water and Electric Board

#### *Individuals and Organizations:*

Bill & Barbara Horton

William & Becky Andrews

Fred Sperry, Giustina Resources

Terry Damon, Rosboro Lumber Co.

Ken Engelman, River Reflections

Joan and Hector Leslie

Lester McClure

Belknap Hot Springs Lodge

Jim & Hillary Green

Anne Raftree

Tim & Gila Fox

Gene Skrine

Leslie Moehle

Herb & Brenda Anderson

Richard Bitgood

## References

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- Laflen, John 2005. Personal communication May 4, 2005.
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- Swanson, F., Grant, G., 1982. Rates of Soil Erosion by Surface and Mass Erosion Processes in the Willamette National Forest.
- USDA Forest Service. 1990, 1994, 2001, 2004 . Environmental Impact Statement, Land and Resource Management Plan, Willamette National Forest. Eugene, OR.
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- USDA Forest Service. 1995. Upper McKenzie Watershed Analysis. McKenzie Bridge, OR.
- USDA Forest Service. 2003. Willamette Roads Analysis, Willamette National Forest.
- USDA Forest Service. 2002. Regional Forester's Sensitive Species List.

## **APPENDICES**

**Appendix A – Fisheries Biological Assessment/Evaluation**

**Appendix B – Botany and Wildlife Biological Evaluation**

**Appendix C – SHPO Concurrence Documentation**



## **Appendix A – Fisheries Biological Assessment/Evaluation**







United States  
Department of  
Agriculture

Forest  
Service

Willamette National Forest  
McKenzie River  
Ranger District

57600 McKenzie Highway  
McKenzie Bridge, OR 97413  
Tel (541) 822-3381  
FAX (541) 822-7254\_

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File Code: 2670

Date: 12 May 2005

Route To: Files

Subject: Old Foley and North Bank Gates EA 2005

To: Dawn Pozzani – Team Leader

## Introduction

The purpose of this biological assessment/biological evaluation (BA/BE) is to document the potential effects of the proposed action on listed and native fish species. The two listed species that will be evaluated are bull trout (*Salvelinus confluentus*) and Upper Willamette spring chinook salmon (*Oncorhynchus tshawytscha*). Both of these species are listed as threatened under the Endangered Species Act. In addition to listed species inhabiting the project area, native aquatic species are located in the project area. A portion of these are considered **Management Indicator Species**. Anadromous (sea-run fish) and resident fish considered Management Indicator Species are those species commonly angled for. In the McKenzie River sub-basin and tributaries in the project area, the species commonly angled for are spring chinook salmon, rainbow trout, and cutthroat trout.

## Purpose and Need

The purpose of the Gates project is to control public motorized access to Giustina Resources forest land via Forest Roads 2638345 and 2600280.

## Proposed Action

Forest Road 2638345 (Old Foley Road) heads east from road 2638 (Horse Creek Road) to National Forest System lands and private forest lands on Foley Ridge. Over the last decade land exchanges have occurred between Giustina Resources and the US Forest Service that include parcels accessed by this road. This gate is located in the Horse Creek watershed in T. 16 S., R. 5 E., Section 24. The gate on Forest Road 2638345 currently exists and does not require installation.

Forest Road 2600280 leaves State Hwy 126 in the town of McKenzie Bridge and travels east along the north bank of the McKenzie River. Road 2600280 is a Lane County Road for the first 2.1 miles, passing through primarily residential and resort properties. Near the end of the paved portion, the road enters NFS land then alternates in and out of Giustina Resources forest lands. The project is located in the upper McKenzie watershed in T. 16 S., R. 6 E., Section 17. The gate along Forest Road 2600280 would be a new installation.

To protect resources on Giustina Resources land, two road closures to motorized traffic would be implemented at the gates described above. Forest Service easement and public non-motorized access would be maintained with the project. Seasonal opening of the gates to accommodate hunting seasons could occur if fire precaution levels do not elevate to a heightened level.

Fire suppression and road maintenance access and frequency will not be affected by the proposed gate



closures. Public motorized access will not be allowed during non-hunting seasons. Estimated vehicle use on 2600280 and 2683345 is 7 and 26 vehicle trips per month, respectively. Estimated vehicle use on 2600280 - Forest Service 1 pickup/month, Public 4 pickups/month, Giustina Resources 2 pickups/month. Estimated vehicle use on 2683345 - Forest Service 4 pickups/month, Public 20 pickups/month (before the temporary closure), Giustina Resources 2 pickups/month.

Project proximity to listed species habitat is about 1,400 feet from Horse Creek (Road 2638345) and 360 feet from the McKenzie River (Road 2600280). Both channels provide migration, spawning and rearing habitat for spring chinook salmon; and migration and foraging habitat for bull trout. MIS species rainbow trout and cutthroat trout utilize Horse Creek and the McKenzie River for all life history stages.

### **Effect Determination**

The ground disturbance activity involved with this project will install a gate 360 feet from the McKenzie River and will utilize an existing gate within 1,400 feet of Horse Creek. Fine sediment mobilization and transport to the McKenzie River will be negligible due to ground disturbance from gate installation. Reduced motorized traffic levels may be expected to reduce the rate of road origin sediment to stream channels, but not at a level that would be measurable. Road maintenance schedules will continue at the same rate, yielding similar rates of road origin sediment as maintained un-gated roads. No modification of fire suppression access will occur with the proposed closure, and no increased risk of fire disturbance to nearby aquatic habitat.

The proposed project and distance from listed species habitat is sufficient to protect listed species and their habitat. Given the low magnitude and intensity of project related environmental effects, the project is described as having “**no effect**” to listed fish species. This project will not adversely modify proposed critical habitat for chinook salmon in the McKenzie River or in Horse Creek.

### **Magnuson-Stevens Fishery Conservation Act**

Essential Fish Habitat (EFH) under the Magnuson-Stevens Act is designated in all areas except above impassible dams (Cougar Dam in the South Fork McKenzie River; and Blue River Dam). The project is located adjacent to EFH in the McKenzie River and Horse Creek. As described above for proposed spring chinook critical habitat, the project effects are considered to have **no adverse affect** on EFH in the vicinity of the project.

### **Management Indicator Species**

Project negligible effects to listed species and their habitat describes project effects to Management Indicator Species. This project is expected to maintain MIS habitat and species due to the minor extent of ground disturbing activity.

Dave Bickford

Assistant District Fisheries Biologist  
McKenzie River Ranger District

## **Appendix B – Botany and Wildlife Biological Evaluation**





United States  
Department of  
Agriculture

Forest  
Service

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McKenzie River  
Ranger District

57600 McKenzie Highway  
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FAX (541) 822-7254\_

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**File Code:** 2600

**Date:** 18 May 2005

**Route To:** Files

**Subject:** Old Foley and North Bank Gates EA 2005

**To:** Dawn Pozzani – Team Leader

### **Introduction**

The purpose of this biological assessment/biological evaluation (BA/BE) is to document the potential effects of the proposed action on threatened, endangered or sensitive (TES) wildlife and sensitive botanical species.

### **Purpose and Need**

The purpose of the Gates project is to control public motorized access to Giustina Resources forest land via Forest Roads 2638345 and 2600280.

### **Proposed Action**

Forest Road 2638345 (Old Foley Road) heads east from road 2638 (Horse Creek Road) to National Forest System lands and private forest lands on Foley Ridge. Over the last decade land exchanges have occurred between Giustina Resources and the US Forest Service that include parcels accessed by this road. This gate is located in the Horse Creek watershed in T. 16 S., R. 5 E., Section 24. The gate on Forest Road 2638345 currently exists and does not require installation.

Forest Road 2600280 leaves State Hwy 126 in the town of McKenzie Bridge and travels east along the north bank of the McKenzie River. Road 2600280 is a Lane County Road for the first 2.1 miles, passing through primarily residential and resort properties. Near the end of the paved portion, the road enters NFS land then alternates in and out of Giustina Resources forest lands. The project is located in the upper McKenzie watershed in T. 16 S., R. 6 E., Section 17. The gate along Forest Road 2600280 would be a new installation.

To protect resources on Giustina Resources land, two road closures to motorized traffic would be implemented at the gates described above. Forest Service easement and public non-motorized access would be maintained with the project. Seasonal opening of the gates to accommodate hunting seasons could occur if fire precaution levels do not elevate to a heightened level.

Fire suppression and road maintenance access and frequency will not be affected by the proposed gate closures. Public motorized access will not be allowed during non-hunting seasons. Estimated vehicle use on 2600280 and 2683345 is 7 and 26 vehicle trips per month, respectively. Estimated vehicle use on 2600280 - Forest Service 1 pickup/month, Public 4 pickups/month, Giustina Resources 2 pickups/month. Estimated vehicle use on 2683345 - Forest Service 4 pickups/month, Public 20 pickups/month (before the temporary closure), Giustina Resources 2 pickups/month.



## **Effect Determination**

This project will not effect TES, MIS or neotropical wildlife species.

This project will have no effect on sensitive botanical species because they are not present in the project area.

Off road equipment or ground disturbing equipment must be washed prior to entering NFS land. Equipment shall be free of soil, vegetative matter, or other debris that could contain or hold seeds of noxious weeds.

/s/Shane Kamrath 5/18/2005

Shane Kamrath

Wildlife Biologist

McKenzie River Ranger District

/s/Susan Fritts 5/18/2005

Susan Fritts

District Botanist

McKenzie River Ranger District

## **Appendix C – SHPO Concurrence Documentation**





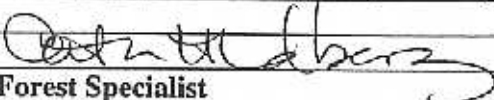
5/17/05

**Project Review for Heritage Resources under the Terms of the 2004  
Programmatic Agreement among the USFS R6, ACHP, and SHPO  
June 2004**

<b>Forest:</b>	Willamette
<b>Ranger District:</b>	McKenzie River
<b>County:</b>	Lane
<b>Undertaking/Project Name</b>	Giustina Gate Project
<b>USGS Quads:</b>	McKenzie Bridge, Oregon (1997)

By signing this document, the Forest Specialist certifies that for this project the Forest complies with Section 106 of the National Historic Preservation Act, under the terms of the 2004 Programmatic Agreement (PA) for the State of Oregon. This form shall be kept on file as supporting documentation

	<b>Stipulation III (A) 1</b>	Undertaking meets the criteria listed in Appendix A of the PA
	<b>Date:</b>	Inspection, monitoring, or other identification will be submitted to the Forest Specialist.
x	<b>Stipulation III(A)2 Appendix B 7) Designated closure..gates..</b>	Undertaking meets the criteria listed in Appendix B of the PA.
	<b>Date:</b>	Inspection, monitoring, or other identification will be submitted to the Forest Specialist.
	<b>Stipulation III(A)3</b>	Undertaking meets the criteria listed in Appendix C (Exempt/Non-undertaking).
	<b>Stipulation III (B)1</b>	Undertaking meets the criteria in the PA for a No Historic Properties Affected determination.
	<b>Stipulation III(B)2</b>	Undertaking meets the criteria in the PA for a Historic Properties Avoided determination.
	<b>Stipulation III(B)3</b>	The Forest has notified interested Tribes and persons, as appropriate, of the findings and made the findings available to the public.
	<b>Stipulation III(B)5</b>	No Adverse Effect (No Historic Properties Affected). The Forest finds that there are historic properties but the undertaking will have no effect on them as defined by 36 CFR 800.16(i). SHPO review period (30-day) required.
	<b>Stipulation III(B)6</b>	Historic Properties Affected: The Forest Service shall consult according to 36 CFR 800.5.
	<b>Date:</b>	

	<b>Date</b> 5/17/05
<b>Forest Specialist</b>	

**For SHPO USE:** For Historic Properties Adversely Affected, please indicate your opinion of our determination by marking the appropriate box below, sign and return this form to the Forest.

<input type="checkbox"/>	I concur with No Historic Properties Affected	
<input type="checkbox"/>	I do not concur, because in my opinion	
<input type="checkbox"/>	Date Received	
<input type="checkbox"/>	SHPO Bibliographic Number:	