

DECISION MEMO

DESCHUTES COUNTY ROAD DEPARTMENT SAND SHED PROJECT

USDA Forest Service
Bend/Fort Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon
Township 20 South, Range 10 East, Section 11, (Willamette Meridian)

I. DECISION TO BE MADE

A. Decision

I have decided to issue a special use permit to allow the Deschutes County Road Department to construct, operate and maintain a road sanding material storage site on National Forest System lands.

B. Location of the Project

The project area is located west of the town of Sunriver and south of Forest Road 40 adjacent to Little Ann's cinder pit. The legal description is Township 20 South, Range 10 East, Section 11, and Willamette Meridian. The project area includes the following Deschutes National Forest Land and Resource Management Plan (Forest Plan) management areas (MA) - General Forest Management (MA-8) and Scenic Views (MA-9). The goal of the 'General Forest' management area is "To emphasize timber production while providing forage production, visual quality, wildlife habitat and recreational opportunities for public use and enjoyment". The goal of the 'Scenic Views' management area is "To provide Forest visitors with high quality scenery that represents the natural character of Central Oregon". No activities will be within Old Growth Management Areas. No permanent lakes or streams are located within the project area. Activities will not occur within Inventoried Roadless Areas.

II. PURPOSE AND NEED FOR ACTIVITIES

A. Purpose and Need

The Federal Highway Administration began reconstruction of Road 45 in early summer of 2006. When the reconstruction has been completed, the Deschutes County Road Department will be taking over the maintenance and snow plowing responsibilities for this road. In order to provide for public safety, Deschutes County will construct a site where traction cinders and equipment can be stored near Road 45. The traction cinders will be used on the road during adverse driving conditions. The Sunriver Resort Limited Partnership currently maintains and plows the road

B. Description of Project Activities

The project will consist of building two structures – a 60'x110' sand storage shed and a 50'x 80' equipment storage building. An area of approximately 3.5 acres in size will be needed to allow for construction of the buildings and to provide an area for storage of cinders, driveways, and for equipment to maneuver. The area proposed for use was cleared of most vegetation when the 'Locust' vegetation management project took place in 1997. It may be necessary to remove up to 20 trees approximately 15"-18' in diameter from project area, particularly near the southern boundary. The sanding cinders will not be excavated from Little Ann's pit. The cinders will likely come from the Sand Shed cinder pit located near the Road 46 (Cascade Lakes Highway)/Road 45 junction or Camp Abbott cinder pit located near the Road 40/Highway 97 junction.

C. Measures to Reduce or Eliminate Unwanted Impacts Include, But Are Not Limited To:

- Measures to reduce the risk of noxious weed introduction and spread.
- Protection or avoidance of cultural sites
- Protecting visual quality

Botany

1. There is a known population of cheat grass in the proposed project area. It will not be possible to completely eradicate the site before construction as the seeds will likely be moved around during construction. The Deschutes County Road Department will be responsible for monitoring the permit area for all types of noxious weeds. If weeds are found, the permittee will either hand pull or mechanically treat the infestations. Any known weed sites adjacent to the permit area will be flagged prior to construction. The permittee will be shown the sites and given instructions to avoid these areas.
2. The permittee will be required to clean all equipment before entering National Forest System lands. All mud, dirt, and plant parts will be removed from equipment before it is moved onto the project area.

Archaeology

1. There are no known cultural sites. The permittee will be required to cease operations immediately if a previously unknown site is discovered.

Visual Quality

1. The buildings will be constructed of a non-reflective material, dark in color that blends with the surrounding forest. Additional trees, at least 6' in height, matching the existing vegetation, should be planted, if, after the buildings are constructed, visibility is greater than anticipated due to clearing needs, road construction, and other site work.

2. Buildings will be constructed in such a way to use the topography for screening the view as much as possible from Forest Road 40.

III. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 section 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

A. Category Of Exclusion

The appropriate category of exclusion is found in the Forest Service Handbook 1909.15 Section 31.2 Category 3: Approval, modification or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land.

B. Relationship To Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. Federally listed Threatened or Endangered Species or designated habitat or species proposed for Federal listing or proposed critical habitat

No federally listed threatened or endangered plant, wildlife or aquatic species or their habitat occurs within the project area.

2. Forest Service Sensitive Species

Plant species: The green-tinged paintbrush (*Castilleja chlorotica*) is a Federal Species of Concern and is on the Regional Forester's Sensitive Plant list. The project area contains potential habitat. Surveys were conducted in 2006 and no plants were found.

Aquatic Species: There are no sensitive aquatic species or habitat within the project area. There are no wetlands, streams or lakes within the project area.

Wildlife Species: There are no suspected sensitive wildlife species or habitat within the project area. Surveys of the area will be conducted in the summer of 2006.

3. Flood plains, wetlands, or municipal watersheds

Floodplains: Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

There are no floodplains within the project area

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

There are no wetlands within the project area.

Municipal Watersheds: There are no municipal watersheds within the project area.

4. Congressionally designated areas such as wilderness, wild and scenic rivers, and national recreation areas

The planning area is located approximately 2 miles west of the Deschutes River Wild and Scenic River corridor. No activities would take place adjacent to or within the river corridor.

The planning area is not located within a wilderness or a national recreation area.

5. Northwest Forest Plan

The planning area is located outside of and to the east of the Northwest Forest Plan boundaries.

6. Inventoried Roadless Areas

There are no inventoried roadless areas in the planning area. The project would not construct any permanent or temporary roads.

7. Research Natural Areas

There are no existing or proposed Research Natural Areas in the planning area.

8. American Indian and Alaska Native religious or cultural sites, archaeological sites or historic properties of areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Consultation will occur under the Programmatic Agreement with the State Historic Preservation Office (SHPO).

Conclusion

Based on the conclusions regarding the effect to the resource conditions listed above, no extraordinary circumstances exist with the proposed project activities that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

C. Other relevant resource conditions considered

Noxious Weeds: This project poses a ‘HIGH’ risk of noxious weed introductions or spread since there are two known weed sites in or near the project area. Results of surveys are on file at the Bend-Fort Rock District office. The mitigation measures discussed above will be implemented to avoid introducing new populations of weeds and to avoid spreading the known sites.

IV. PUBLIC INVOLVEMENT

A scoping letter was mailed to 78 individuals, organizations, and agencies on March 14, 2006. Also, the proposal was published in The Bulletin on March 15, 2006. The scoping period was closed on April 14, 2006. The 30-day ‘Public Notice and Comment’ period began on May 23, 2007 and ended on June 22, 2007, initiated with the publication

of a legal notice in The Bulletin on May 23, 2007. The project was also included in the April 2006 edition of the Deschutes National Forest's 'Schedule of Proposed Actions'. The following tribal governments were contacted with letters: Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe, and the Klamath Tribes.

Two individuals responded to scoping. One commenter expressed concern and one commenter was in favor of the project:

Comment: A homeowner near the project area wanted to make sure the sanding trucks were not going to travel Lloyd Way to/from the site.

Response: *The Deschutes County Road Department responded that they will be accessing the site directly from Forest Road 40 and will not be traveling Lloyd Way.*

Comment: "The location of the proposed equipment storage buildings seems appropriate."

V. FINDINGS REQUIRED BY OTHER LAWS

This project is consistent with the Deschutes National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The Plan is amended by Inland Native Fish Strategy, which provides standards and guidelines for protection of watersheds and riparian habitat conservation areas. There are no riparian habitat conservation areas within the planning area. The project is designed in conformance with Forest Plan standards and incorporates appropriate guidelines for General Forest and Scenic Views management allocations and for preventing the introduction and spread of invasive plants.

VI. APPEAL RIGHTS

This decision is not subject to appeal.

For additional information concerning this decision, contact Linda Carlson, Special Uses Administrator at the Bend-Fort Rock Ranger District, 1230 NE Third Street, A-262, Bend, OR 97701 or via telephone at 541-383-4000. The project can also be viewed at the Deschutes National Forest website: www.fs.fed.us/r6/centraloregon/index.html.

/s/ John Allen

8-29-07

JOHN ALLEN
Forest Supervisor

Date