



United States
Department of
Agriculture

Forest Service

Pacific
Northwest
Region



Odell Lake Recreation Residences Special Use Permit Re-issuance

Deschutes National Forest

Crescent Ranger District

Introduction and Project Location

The Odell Lake Recreation Residence Tracts consist of 66 privately owned Recreation Residences situated along the shoreline of Odell Lake near the summit of Willamette Pass on the Crescent Ranger District, Deschutes National Forest. The Recreation Residence Tracts are located in portions of T.23 S. R. 6 1/2 E., Sections 7, 8, 9, 15, 18, and 25. The lands within the tracts lie within Management Area 11 (Intensive Recreation) in the 1990 Land and Resource Management Plan (LRMP) for the Deschutes National Forest, and in lands allocated to Administratively Withdrawn, and Riparian Reserves under the Northwest Forest Plan, which amended the LRMP. The current term special use permits for these recreation residences will expire on December 31, 2008.

PURPOSE AND NEED, PROPOSED ACTION

The Purpose of this project is to provide for continued use of the 66 recreation residences within the Odell Lake Recreation Residence Tracts in accordance with the 1990 Deschutes National Forest Land and Resource Management Plan (LRMP), as amended by the 1994 Northwest Forest Plan, and all applicable Forest Service direction.

There is a need for the 66 Recreation Residences at Odell Lake. The Chief of the Forest Service has determined that established recreation residences are a legitimate use of National Forests.

There is a need for the Odell Lake Recreation Residence Tracts, as a whole, to be consistent with all of the pertinent "standards and guidelines" contained within the LRMP and the Northwest Forest Plan. A "Determination of Consistency" with the LRMP and the Northwest Forest Plan, which amended the LRMP, has been completed in accordance with Forest Service Handbook direction. That document concluded that the Odell Lake Recreation Residence Tracts is, or can be made, consistent with the LRMP and Northwest Forest Plan "standards and guidelines".

There is a need for the Special Use Permits to cover all of the Recreation Residences at Odell Lake. The existing Special Use Permits will expire on December 31, 2008. There is an additional need to identify what actions need to be undertaken so that these actions can be completed, or scheduled for completion prior to December 31, 2008.

Specific components of the Proposed Action include the following actions:

- re-issue the Recreation residence Special Use Permits,
- no additional Recreation Residence lots, beyond the existing 66 units will be authorized;
- in any case where an individual Recreation Residence lot is not in compliance with the terms of their permit, a one-year permit will be issued to allow the permit holder time to bring the site into compliance

Decision and Rationale

Based on the analysis completed for this project during the past year, it is my decision to re-issue the Special Use Permits for the Recreation Residences, through implementing the components in the Proposed Action described above. This decision assumes that the current Forest Service standard terms will remain in effect. Should these terms change prior to issuance of the new Special Use Permits; they will be addressed before the permits are issued.

I have also determined that a revised "Odell Lake Recreation Tract(s) Operations Plan" be prepared that will address maintenance needs as well as other mitigation measures needed to protect a variety of resources. A copy of this "Odell Lake Recreation Residence Operations Plan" will be included as a part of the new Special Use Permits when they are re-issued.

Findings as Required by Law, Policy and Regulation

Finding of Consistency with Applicable Forest Service Management Direction and the National Forest Management Act

Based on my review of the interdisciplinary analysis for this project, I find that the Odell Lake Recreation Residence Tracts are either consistent or can be made consistent with the standards, guidelines, and amendments of the Deschutes National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan and is therefore consistent with the National Forest Management Act. Specific items which need to be implemented in order for the Odell Lake Recreation Residence Tracts, as a whole, to be consistent with all pertinent standards and guidelines are disclosed in the "Consistency Review and Determination Checklist". This finding includes all of the following determinations documented in the specialists' reports for this project:

This project will not prevent attainment of the goals and objectives of the Aquatic Conservation Strategy.

This project is consistent with the Standards and Guidelines in the 1994 Northwest Forest Plan, as amended and the 1990 Deschutes National Forest Land and Resource Management Plan, as amended.

Therefore, I find that the Odell Lake Recreation Residence Tracts are consistent or can be made consistent with all applicable Forest Service management direction.

Finding of Consistency with State Historic Preservation Office Policies

Based on my review of the heritage resource report, I find that the Odell Lake Recreation Residence Tracts is consistent with the National Historic Preservation Act.

Finding of Non-Jeopardy to Endangered, Threatened or Sensitive Species and No Adverse Effect to Species Covered Under the Fisheries Conservation and Management Act

The Forest Fisheries Biologist has determined that the Odell Lake Recreation Residence Tracts would have no effect on any threatened species or their critical habitat, no effect on Essential Fish Habitat, and no impact on any sensitive species. This project complies with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

The District Wildlife Biologist has determined that the Odell Lake Recreation Residence Tracts would have no effect on threatened or endangered species or their critical habitat, and no impact on Management Indicator or Survey and Manage Species. This project may impact individuals or their habitat, but will not likely contribute towards a Federal listing or cause a loss of viability to the population or species for any species on the R6 Regional Forester's sensitive species list. Therefore, I find that the Odell Lake Recreation Residence Tracts do not jeopardize the continued existence of any endangered or threatened species.

The District Botanist has determined that this project would have no effect on threatened or endangered species or their critical habitat, and no impact on Survey and Manage Species. This project may impact individuals or their habitat, but will not likely contribute towards a Federal listing or cause a loss of viability to the population or species for any species on the R6 Regional Forester's sensitive species list.

Finding of the Absence of Adverse Effects to Extraordinary Circumstances

Scoping to determine the presence or absence of potential effects on extraordinary circumstances occurred in the Deschutes National Forest Schedule of Proposed Actions; and a scoping letter was sent to interested individuals on June 27, 2006. Thirty two individuals or groups commented. I have reviewed these comments and did not feel it was necessary to modify the project proposal based on the comments that they submitted. I have determined that it is appropriate to re-issue these 66 Special Use Permits for the next twenty years after they terminate on December 31, 2008. Based on my review of the interdisciplinary analysis, I find that this project does not adversely affect any of the extraordinary circumstances listed in 1909.15, 30.3(2). Specifically, I find that this project does not adversely affect: (a) endangered or threatened species or their critical habitats, or any Forest Service sensitive species; (b) floodplains, wetlands or municipal watersheds; (c) Congressionally designated areas such as wilderness or National Recreation Areas; (d) inventoried roadless areas; (e) Research Natural Areas; (f) Native American religious or cultural sites, or archaeological or historic properties and sites.

Finding of Consistency with All Applicable Federal Laws and Regulations

Based on my review of the actions associated with this project and all applicable specialists' reports, I find that the project is consistent with the Clean Air Act, Clean Water Act, Endangered Species Act, National Forest Management Act, and the National Historic Preservation Act. Therefore, I find that the Odell Lake Recreation Residence Tracts are consistent with applicable Federal laws and regulations.

Finding of Exclusion from Further National Environmental Policy Act Analysis

Based on my review of (1) the actions associated with this project; (2) the environmental consequences documented in the interdisciplinary analysis; (3) the consistency of this project with applicable laws, regulations, and management direction; (4) the non-jeopardy to endangered or threatened species or heritage resources; and (5) the absence of adverse effects to extraordinary circumstances; I find that this project is not significant in either context or intensity (40 CFR 1508.27) and that no extraordinary circumstances are associated with these projects (FSH 1909.15). I also find that this

project will produce no adverse environmental effects, individually or cumulatively, on the physical, biological, or social components of the human environment. Therefore, I find that the Odell Lake Recreation Residence Special Use Permits Re-issuance is categorically excluded from analysis in an Environmental Assessment or Environmental Impact Statement (40 CFR 1508.4 and FSH 1909.15, Chapter 30.3, Part 1) and that the category of exclusion is Category 15 as identified in Forest Service Handbook 1909.15, Chapter 31.2.

Appeals

This decision is not subject to appeal pursuant to Forest Service regulations 36 CFR 215. Decisions for certain actions that are categorically excluded from documentation in an Environmental impact Statement or Environmental Assessment are exempt from administrative appeal (36 CFR 215.12(f)).

Project Implementation

This decision shall be implemented in accordance with Forest Service regulations contained in Title 36 CFR, Part 215. Implementation may occur immediately following the date of signature of this Decision Memo.

Contact Person

Additional information on the proposal or the appeal regulations can be obtained from Ronda Bishop, Special Use Permit Administrator, at the Deschutes National Forest, Crescent Ranger District, P.O. Box 208 Crescent Oregon 97733 or via email at rmbishop@fs.fed.us

Signature and Date

/s/ C. CHRISTINE FRISBEE
District Ranger

May 20, 2008

References

- Hickerson, Leslie A. 2007. Project Review for Cultural Resources under the Terms of the 2003 Programmatic Agreement among the USFS R6, ACHP and SHPO. April 17.
- Pajutee, Maret 2007. Botanical Resources Specialist Report : Recreation Residence Permit Renewal on the Deschutes National Forest., USDA Forest Service, Deschutes National Forests August 30.
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- Turner, Lauri 2008. Biological Assessment for Wildlife Species; Permit Renewal for Recreation Residences on the Deschutes National Forest. USDA Forest Service. Deschutes National Forests. March 24.
- Public Law 106-291 Cabin User Fee Fairness Act (CUFFA) of 2000.
- USDA Forest Service Manual (FSM) 2347.03 Non Commercial Recreation Use. Policy.
- USDA Forest Service Manual (FSM) FSM 2347.1 Non Commercial Recreation Use, Recreation Residences.
- USDA Forest Service 1990. Deschutes National Forest Land and Resource Management Plan.
- USDA Forest Service and USDI Bureau of Land Management 1994, Final Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl.
- USDA Forest Service and USDI Bureau of Land Management, 2001. Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage Protection Buffer, and other Mitigation Measures Standards and Guidelines. Regions 5 and 6.
- USDA Forest Service, 2006. Deschutes National Forest Land and Resource Management Plan. Finding of Consistency for the Recreation Residence Tracts at Metolius River, Elk Lake, Paulina Lake, Odell Lake and Crescent Lake. Deschutes National Forest, April 24.
- USDOJ Fish and Wildlife Service, 2008, Gilbert, Nancy, Field Supervisor, Informal Consultation on the Effects of Permit Renewal for Recreation Residences on the Deschutes National Forest on bull trout and Northern Spotted owl (1-7-08-1-0054) April 21.

APPENDIX A: Mitigation Measures to be included in Operation and Maintenance Plan for Recreation Residence Tracts on the Deschutes National Forest.

Fisheries Mitigation Measures:

The following measures are required on water systems that pump water out of lakes and streams to protect young fish from entering pumps and water pipelines.

- Water systems will comply with all Federal, State, and local drinking water standards.
- Water systems will meet all State regulations and laws (i.e. water rights) for surface water withdrawals.
- To ensure that the domestic drinking water used by the cabin residents is safe, homeowners will test at least once a year for fecal coliform and nitrates on all domestic water systems and wells and will provide the results of the tests to the Forest Service.
- Water intakes will be screened on all systems that take water from lakes or fish-bearing streams. **Screen mesh** openings shall not exceed **3/32 inch (2.38 mm)** for woven wire or perforated plate screens, or **0.0689 inch (1.75 mm)** for profile wire screens, with a minimum **27% open area**. This will entail adding new screens on some intakes and replacing others existing screens that do not meet the size criteria.

Pump Intake Screen Location

- When possible, pump intake screens shall be placed in locations with **sufficient sweeping velocity** to sweep away debris removed from the screen face. Pump intake screens **shall be submerged** to a depth of at least one screen radius below the minimum water surface, with a minimum of one screen radius clearance between screen surfaces and adjacent natural or constructed features. A **clear escape route** should exist for fish that approach the intake voluntarily or otherwise. For example, if a pump intake is located off of the river (such as in an intake lagoon), a conventional open channel screen should be considered, placed in the channel or at the edge of the river. Intakes in reservoirs should be as deep as practical, to reduce the numbers of juvenile fish that approach the intake. Adverse alterations to riparian habitat shall be minimized.

Wildlife Mitigation Measures:

Northern Spotted Owl

Disturbing work activities (i.e. chainsaw, heavy equipment, etc.) will not take place within ¼ mile (1.0 mile for blasting) of the nest site or activity center of all known pairs or resident singles between March 1 and September 30. If activities occur within the nesting period, further consultation is required. This condition may be waived in a particular year if nesting or reproductive success surveys reveal that spotted owls are non-nesting or that no young are present that year. Waivers are valid only until March 1 of the following year.

Hazard trees will not be removed unless down wood needs per the LSR Assessment or LRMP as amended are met. Down wood assessments will be made in the immediate project area to determine down log needs and hazard trees will be felled and left to meet goals for that vegetation type.

If hazard trees pose a liability to recreation residences, private landowners, etc, hazard trees may be felled. Removal of cut hazard trees in recreation residences will be determined on a case-by-case basis.

Northern Bald Eagle

Retain and protect known perch and roost trees along lakeshores, streams and rivers.

No human disturbance within ¼ mile non line-of-sight or ½ mile line-of-sight of known bald eagle nests between January 1 and August 31. This condition may be waived in a particular year if nesting or reproductive success surveys reveal that bald eagles are non-nesting or that no young are present that year. Waivers are valid only until January 1 of the following year.

Raptors

Active nest sites should be protected from disturbing activities within ¼ mile of the nest by restricting site disturbing activities. See Table 1 for a list of restrictions.

Table 1. Seasonal Restrictions for identified LRMP wildlife species.

Species	Seasonal Restriction Dates	Distance/Zone of Protection
Bald Eagle	January 1 to August 31	¼ mile
Bald Eagle (Winter Roost)	November 1 to April 30	¼ mile
Spotted Owl	March 1 to September 30	¼ mile
Northern Goshawk	March 1 to August 31	¼ mile
Cooper's Hawk	April 15 to August 31	¼ mile
Sharp-shinned Hawk	April 15 to August 31	¼ mile
Red-tailed Hawk	March 1 to August 31	¼ mile
Osprey	April 1 to August 31	¼ mile
Great Gray Owl	March 1 to June 30	¼ mile
Great Blue Heron	March 1 to August 31	¼ mile

Snags and Down Woody Material

Retain snags and logs >15" dbh whenever possible except where snags or logs pose safety hazards. Contact the district biologist to determine if other options other than removal exist (i.e. topping, partial removal, etc.).

Other Wildlife Mitigations:

- Outdoor lighting will be kept to the minimum needed to provide a safe entry to facilities. Outdoor lighting is intended to be used only as needed and not left on over night to reduce visual and wildlife impacts. Low voltage lighting is encouraged over flood or spot lights.
- With the exception of bird feeders, feeding of wildlife is prohibited.

Botany Mitigation Measures

To prevent Noxious weeds (or invasive plants)

- No fill will be brought on to the National Forest except from sites that have been approved by the Forest Service as being free on all non-native and noxious weeds. The intent of this requirement is to stop the introduction of invasive weeds.
- Homeowners are responsible for recognizing and removing noxious weeds (or invasive plants) such as scotch broom, spotted and diffuse knapweed. Any weed control outside of hand removal must follow approved methods. Consult with District Botanists before mowing or spraying weeds.
- Noxious Weed Risk Assessments must be prepared for all projects involving ground-disturbing activities. For projects that have a moderate to high risk of introducing or spreading noxious weeds, decision documents must identify noxious weed control measures that will be undertaken during project implementation.

To protect sensitive plant species

- Botanical Biological Evaluations are required for actions related to recreation residences. During environmental analysis for each project, evaluate whether sensitive species or their habitat could occur, evaluate effects, and identify mitigations. The level of evaluation should be commensurate with risk.
- Native vegetation should be restored to improve available potential habitat for native and sensitive plant species.

Other Measures

- Lawns are discouraged and should be phased out as the opportunity arises. Natural appearing lots using native bunchgrass and other cover plants that are not dependent upon irrigation systems should be used.
- The damaging of trees and shrubbery is prohibited. Trees may not be hacked, cut, or damaged in any manner, nor may signs, birdfeeder, swings, wires, or other materials be nailed to trees.
- Planting of native species of trees and shrubs may be planted to enhance or restore a natural appearing forested setting – after securing written permission from the Forest Service. Planting of non-native species of trees, shrubs, or flowers, is prohibited.
- Existing non-native vegetation will be removed by the Holder as required by the Forest Service representative.
- Vegetation maintenance is discouraged due to a number of potential adverse impacts such as creating erosion problems, reducing wildlife habitat, and visual screening.
- Fertilizers and chemicals are not allowed to be used on National Forest System Lands.

Riparian Area Mitigations:

- Use in riparian areas, both on lot and off lot, will be limited to protect streamside and lakeside vegetation.
- Trails in riparian areas will be kept to a minimum number and size as determined by a Forest Service representative.
- Eliminate improvements such as fire rings/pits and benches from all off-lot locations and riparian areas. Simple, non-concreted fire pits may be relocated to an approved location on lot.
- No vegetation or trees will be cut within riparian areas or off-lot areas except for trees that are determined to be a hazard by a Forest Service representative.
- Temporary structures such as tents are acceptable for short-term additional sleeping accommodations, but will be limited to no more than one week in duration and in areas that will not harm existing vegetation. Vegetation will not be removed to create level areas for tents.

- Parking areas will not be enlarged that would cause the loss of the existing vegetation.
- Structural footprints are not expanded further toward the river within 100' of the river.
- Trees which provide shade to the river or potential instream wood will not be removed for remodeling or expansion.
- Building plans are designed and construction performed to minimize new ground disturbance and the loss of native vegetation.
- Replacement of the primary residence on a new footprint is not permitted within 100' of the river. Beyond 100' replacement may be permitted when there is a benefit to riparian function, the old footprint is rehabilitated, and the new structure, as viewed from the river and river trail, does not increase in dominance relative to the old structure.
- Unapproved boat launch areas that have impacted riparian or beach areas will be removed and the area rehabbed. If a boat launch area is required, a Forest Service representative will approve one location per tract or group of homes.
- No new waterwheels, platforms, footbridges or other off-lot improvements are permitted. Existing platforms, waterwheels, and footbridges are permitted and maintained for safety, historic value and resource protection. Maintenance and reconstruction is permitted only when it does not adversely harm riparian vegetation, streambanks, aquatic habitat, or water quality. When maintenance is not possible, the improvement will be removed. Existing facilities must be in a safe condition.

Hazard Trees and Snags

- Down woody material that is off-lot will not be removed without the approval of a Forest Service representative.
- The Holder will contact the District for a hazard tree assessment on any tree that may present a hazard on the lot. The Forest Service will then provide approval to remove the tree or an explanation as to why the tree does not pose a significant hazard.
- Down trees and snags may be marked by the Forest Service for wildlife use and will not be cut or removed.

Erosion and Water Quality

- Precautions to prevent soil erosion will be taken by keeping vehicles and trailers on established roads only, and by parking only in approved areas.
- Install erosion control measures or water bars on roads and driveways, where needed, to control and divert run-off, as prescribed by the Forest Service.
- No waste or byproducts shall be discharged if it contains any substances in concentrations that will result in harm to fish and wildlife, or to human water supplies.
- Septic systems and vault toilets will be installed and maintained in compliance with all applicable Federal, State, and local laws and regulations.
- Pit toilets are not acceptable and will be replaced with a sealed vault or other approved system.