

Decision Memo

USDA Forest Service
Willamette National Forest
Middle Fork Ranger District
Lane County, Oregon

Recreation Residence Special Use Permit Renewal

Introduction

The term Recreation Residence covers those privately owned structures that occupy a permitted lot in a planned, approved tract or group of tracts established for recreation residence use (Forest Service Manual [FSM] 2721.23). Established recreational residences are a legitimate use of National Forest System lands (FSM 2347.1). Use of these lots and structures is restricted to seasonal vacation use (FSM 2347 1. and 2.), except in special circumstances. These vacation homes occur on public lands covered by long-term permits for the expressed use of permittees as long as the homes (which have been built by permit holders) are not used for permanent, year around residences. The Willamette National Forest has proposed renewal of all recreation residence special use permits (SUPs) in eight tracts, (including a total of 247 residences) that are in compliance with the terms and conditions of the permits. Existing special use permits for all these seasonal; summer homes will expire on December 31, 2008. These recreation residences have been under such a permit authorization for the last 50 to 75 years, depending upon the parcel in question. These parcels of land occur across the forest as described below. These leases were initiated as an effort to provide for a broader public use of their National Forests under the authority granted to the Secretary of Agriculture by the Occupancy Permits Act of March 4, 1915.

These tracts include the Breitenbush/ Devil's Creek tract (71 residences), the Fernview tract (10 residences), the Stahlman Creek tract (70 residences), the Marion Forks tract (18 residences), the Delta A tract (36 residences), the Delta B tract (7 residences), the Hoodoo Winter Hut tract (13 residences), the Scott Creek tract (10 residences), and the Salt Creek tract (11 residences). The legal descriptions of the lands in question are:

- Breitenbush/ Devil's Creek tract; sections 20 and 21, T. 9 S., R. 7 E., of the Willamette Meridian.
- Fernview tract; sections 26 and 35, T. 13 S., R. 4 E., of the Willamette Meridian.
- Stahlman Creek tract; sections 11 and 12, T. 10 S., R. 5 E., of the Willamette Meridian. .

- Marion Forks tract; sections 15 and 22, T. 11 S., R. 7 E., of the Willamette Meridian.
- Delta A tract; section 16, T. 16 S., R. 5 E., of the Willamette Meridian.
- Delta B tract; section 20, T. 16 S., R. 5 E., of the Willamette Meridian..
- Hoodoo Winter Hut tract; section 26, T. 13 S., R. 7 ½ E. of the Willamette Meridian.
- Scott Creek tract; sections 1 and 11, T. 16 S., R. 6 E., of the Willamette Meridian.
- Salt Creek tract; section 23, T. 21 S., R. 3 E., of the Willamette Meridian.

All the tracts mentioned above are currently classified as Management Area 12b, Developed Recreation – Special Use Sites, by the Willamette National Forest Land and Resource Management Plan (see page IV-219). The primary management goals for this land allocation are to provide safe, healthful, aesthetic, non-urban atmosphere for the pursuit of natural resources based recreation consistent with resource protection needs and anticipated use demand, and to provide, where meaningful recreation experiences and opportunities exist, facilities and services according to the terms of individual special use agreements with private individuals or organizations.

Decision

My decision is to reauthorize the special use permits for the 247 summer residences listed above for a period of 20 years (as per FSM 2721.23a 9 and 2347.1 3. direction), with no terms and conditions in addition to those currently in the permits. As a condition of permit renewal, all permits will need to be in compliance with the existing permits terms and conditions, and all operation and maintenance plans (as per Section II. A. of the Special Use Permits) will be reviewed and updated as needed.

No additional development of recreation residence lots is authorized. No ground disturbance activities are authorized by this decision to reissue these permits

Rationale

In making this decision to renew all residential special use permits that are due to expire I have considered the following:

- 1.) Recreation residences are a valid use of National Forest System lands. It is Forest Service direction to continue recreation residence use and to network in partnership with holders of these permits to maximize the recreational benefits of recreation residences (FSM 2347.1).

- 2.) I find the proposed actions may be categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under Forest Service Handbook (FSH) 1909.15, Section 31.2 (15) “Issuance of a new special use authorization for a new term to replace an exiting or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization”. The above Forest Service Handbook reference provides for use of Categorical Exclusions if it can be determined that the proposed action and resources conditions do not entail extraordinary circumstances related to Federally listed or sensitive species or their designated critical habitat; floodplains, wetlands, or municipal watersheds; congressionally designated area such as wilderness or national recreation areas; Inventoried roadless areas, Research Natural Areas, American Indian religious or cultural sites; or Archaeological and historic properties or sites. As further discussed below, no impacts to these extraordinary circumstances will occur as a result of this decision to renew existing special use permits.
- 3.) A Forest Plan Consistency Review and Continuance Determination has been conducted for all the above referenced tracts as per direction in FSM 2721.23e. That Review found that all recreation residence tracts are in compliance with Forest Plan direction for recreational residents special use permits (Management Area 12b) and general resource Forest Wide standards and guidelines, with the exception of the Hoodoo tract. This tract did not comply with standards and guidelines for the areal extent of soil disturbance at the time of the Consistency Review. This disturbance was caused by fire suppression efforts in 2003 rather than activities associated with the use of the recreation residences themselves. Disturbed soil has since been mitigated by revegetation with native species. Based upon the mitigation measures, I find that the use of the Hoodoo tract for recreation residence does comply with Forest Plan standards and guidelines.
- 4.) There are no conditions present that might lead to a finding of extraordinary circumstances (FSH 1909.15, Section 30.3, 2), as follows:

Extraordinary circumstances	Present?	Effects
Existing or proposed threatened, endangered or sensitive species, or critical habitat;	Yes	The Terrestrial Wildlife Biological Evaluation and the Aquatic Resources Specialist Input Report prepared for this proposal found that there would be no detrimental effects to sensitive or listed species that may occur adjacent to residence tracts.
Floodplains, wetlands or	Yes	Most of these residential tracts

Extraordinary circumstances	Present?	Effects
municipal watersheds;		are along water courses and portions of some tracts occur within 100 year floodplains. Small wetlands also occur in some tracts. Several tracts occur within All tracts also are within municipal watersheds but these watersheds are all large and contains hundreds of other residences and structures, including several towns. The Forest Plan Consistency Review did not identify any negative effects of these summer homes tracts on flood plain function, or water quality.
Congressional designated areas such as wilderness of national recreation areas:	No	
Inventoried roadless areas;	No	
Research natural areas	No	
American Indian religious or cultural sites	No	
Archaeological sites or historic properties	Potentially:	Cultural Resource surveys and historical evaluations have yet to be conducted. Permit renewal does not authorize activities that could potentially disturb historic or cultural resources. Conditions will be placed in permit operating plans which address protection of heritage resources.

5.) Forest Service internal and external scoping has determined that anticipated effects of the proposed action would not be significant. Internal scoping and analysis of this proposal indicates that no detrimental impacts to resources are anticipated. Willamette National Forest resource specialists have reviewed the proposal to renew these permits and have determined that these renewals will not create any serious environmental effects and that such renewal is in full compliance with the Forest Plan

Consistency with Plan, Laws, and Policies

This Decision Memo tiers to the Willamette National Forest Land and Resource Management Plan Final Environmental Impact Statements and is consistent with the Willamette and National Forest Land and Resource Management Plans amended by the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, and subsequent Forest Plan amendments. As mentioned above, an extensive forest Plan Consistency Review was conducted to make the above finding. This Review is part of the analysis file for this decision and is available for review at the Willamette National Forest Supervisor's Office.

The State Historic Preservation Office has been consulted regarding these permit renewals. The State Archaeologist has concurred that this decision will have no adverse effect on any known cultural resources provided that cultural surveys/historic evaluations are completed in accordance with the updated operating plans attached to the special use permits.

Public Involvement

This project has appeared in the Willamette National Forest *Forest Focus*, a quarterly project announcement publication. Project information appeared in the Forest Focus from Winter Quarter, 2007 to Fall Quarter 2007. Formal Scoping for the project began on April 30, 2007 with the issuance of a scoping letter sent to a mailing list of 248 people and organizations who have expressed past interest in Decisions involving special use permits on the Willamette National Forest. Most recipients of this scoping letter were holders of recreation residence special use permits.

Implementation Date

This decision may be implemented immediately. All permits will be renewed before December 31, 2008.

Administrative Review or Appeal Opportunities

This decision is not subject to administrative appeal under 36 CFR 215.8(4).

Contact Person

For further information regarding this decision or the details of recreation residence permit renewals, please contact:

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Responsible Official Signature

/s/ Dallas Emch

Dallas Emch
Forest Supervisor

November 8, 2007

DATE

