

USDA Forest Service, Pacific Northwest Region  
Willamette National Forest  
Detroit Ranger District

## DECISION NOTICE / FINDING OF NO SIGNIFICANT IMPACT

for the

### Opal Creek Scenic Recreation Area Management Plan Forest Plan Amendment No. 45

Little North Santiam Watershed, T. 4E and 5E, R. 8S and 9S., WM

Marion County, Oregon

#### Decision

I have decided to implement **Alternative Six** of the Opal Creek Scenic Recreation Area (Opal Creek SRA) Management Plan Environmental Assessment (EA), with one additional Standard from **Alternative Three**. This decision establishes a Management Plan for the Opal Creek Scenic Recreation Area and amends the 1990 Willamette National Forest Land and Resource Management Plan. The Willamette National Forest Plan amendment establishes the Opal Creek Scenic Recreation Area as Management Area 2C, and includes goals, objectives, and standards & guidelines as described in this Decision Notice, Appendix A.

With this decision, the Forest Service will continue to fulfill the other requirements of the Opal Creek legislation (P.L. 104-333), such as preparing a transportation plan and an interpretive plan. A monitoring plan shall also be developed. These plans should be specific to and comply with the Selected Action, and will be prepared in consultation with the Opal Creek Advisory Council.

Alternative 6 modifies Alternative 2 (the Proposed Action) to specifically address the issue of allowing recreation use to increase in the Moderate Intensity Zone, and to allow activities that occurred on the date of enactment to continue at some level. The following describes the specifics of my decision and my rationale:

**Recreational Mineral Collection:** I have decided to allow recreational panning in all streams in the Opal Creek SRA that are not encumbered by unpatented mining claims. I will also allow sluicing and dredging in the High Use Zone in areas not encumbered by unpatented mining claims. All of these activities currently occur in the SRA, and there are several groups that participate in this recreational activity. Suction dredging with a 4-inch hose is regulated by the Department of Environmental Quality (DEQ), and is allowed through a permitting system for approximately six weeks each year. The timing of the use is regulated to avoid interfering with winter steelhead spawning. The DEQ regulations have resulted in no significant impacts to water quality or fish from suction dredging. Based on this I find no environmental reasons to prohibit these activities. Concerns were raised regarding the noise of the suction dredges; therefore, I have decided to limit the use of the

dredges to the High Intensity Zone where noise is to be expected. I do not believe that this will infringe upon the users of the suction dredges since many of them have stated that they cannot carry the suction dredges far from their vehicles. All mineral prospecting, exploration and development activities on unpatented mining claims, including the use of suction dredges, will be managed according to the terms of PL104-333 and Federal Regulations in 36 CFR Part 228.

**Discharging of firearms:** I have decided to prohibit the discharging of firearms in the Medium and High Use Zones from Memorial Day to Labor Day, and to prohibit target shooting with firearms year round in the Medium and High intensity zones. This departs from the Advisory Council's recommendation to completely prohibit the discharging of firearms year round in the Medium and High Use Zones. I concur that there is a safety problem associated with indiscriminate discharging of firearms; however, I believe that hunting is not the cause of the problem. Most of the reports of indiscriminate discharging of firearms occur during the busy summer months, outside of the hunting season. I believe that my decision will provide for public safety from indiscriminate firearm shooting during the summer season when most of the recreation use occurs. Hunting will be allowed to continue to occur during the hunting season, when use from other recreational activities is low. A special order citing these restrictions shall be prepared following the specifications of 36 CFR 261.51, subpart B, and these restrictions shall be visibly posted in the Opal Creek SRA.

**Bicycle Use:** I have decided to allow bicycle use on Forest Road 2209 beyond the gate, and on the Battle Axe Trail within the SRA. Within the Medium Intensity Zone, bicycles will not be allowed on the Mike Kopetski/Opal Creek trail. The Opal Creek Advisory Council had recommended that bicycles be prohibited on the Battle Axe Trail in addition to the Mike Kopetski/Opal Creek trail. The EA stated that prohibiting bicycle access on the Mike Kopetski/Opal Creek and Battle Axe trails could deter bicyclists from entering the Wilderness where bicycle riding is not allowed. However, the analysis did not provide any information to support the conclusion that bicyclists were indeed entering the Wilderness from these trails. Therefore, I believe that we should continue to allow bicycling on the Forest Road 2209 and the Battle Axe trails. Also, I recommend that a monitoring strategy be developed to detect any future trends of bicyclists entering the Wilderness. Most of the public submitting comments agreed that bicycles should be prohibited on the narrow, heavily used Mike Kopetski/Opal Creek trail.

**Stock Use:** I have decided to allow stock use within the High Intensity Zone on existing roads. This departs from the Opal Creek Advisory Council's recommendation to prohibit stock use in the High Intensity Zone, for the safety of the stock user on Forest Road 2209. However, there is a small contingency of users that ride their horses up Forest Road 2209 to the trailheads in the Medium Intensity Zone. Members of the public brought to our attention that prohibiting stock use in the High Intensity Zone would force people to haul their stock in trailers to the trailheads in the Medium Intensity Zones. The EA did not disclose a safety conflict between stock users and motorized vehicles; therefore, I believe we do not have sufficient justification to prohibit stock use on roads in the High Intensity Zone. Plus, I agree that it does not make sense to force local residents to load their stock into trailers and haul them to the trailheads when they are within riding distance.

**Fire Suppression Practices:** I have decided to implement the Minimal Impact Suppression Tactics (MIST) as described in Alternative 3, standard 3-1 in the Environmental Analysis. I agree with many of the comments submitted by the public – that suppression tactics should

have minimal impacts on the environment, and at the same time, we must be allowed to use the necessary means to protect private property and lives. MIST is routinely used in Wilderness areas, and wildland firefighters understand the MIST concept and are able to use MIST effectively. My decision **does not** include the standards that prohibit mechanized fire suppression equipment, use of fire retardants, and the felling of trees and snags.

**My decision does not include the following standards from Alternatives 6 and 3:**

**Limiting use in the Medium Intensity Zone:** I have decided **not to** limit use in the Medium Intensity Zone as recommended by the Advisory Council in Alternative 2. The Advisory Council was concerned about the impacts from the growing numbers of users to this area. I believe that restricting use at this time is not warranted. Instead, we should implement Standard MA-2c-05 of the selected action. This standard directs us to take other actions to minimize impacts from recreation use prior to limiting numbers the numbers of users. This standard does allow us to limit numbers, only after other actions have been taken and proved unsuccessful at achieving our desired condition. Impacts from use in the Medium Intensity Zone should be included in a monitoring strategy.

**Dust Abatement:** I have decided **not to** include the standard in Alternative 2, which calls for dust abatement on roads near recreation sites and private residences. While dust abatement may be desirable, there is not the economic support for this activity. Including the standard in my decision would give the impression that the Forest Service would be able to accomplish the activity, which is not the case.

**Mechanized fire suppression equipment, chemical fire retardants, and the felling of trees and snags:** I have decided not to include the two standards from Alternative 3 that call for (1) prohibiting mechanized fire suppression equipment and chemical fire retardants; and (2) restricting the felling of trees and snags during fire suppression activities. MIST strategies address using mechanized equipment, chemical fire retardants, and falling of trees and snags; therefore, I do not believe that adding these additional standards is necessary. I think that implementing MIST strategies without the additional standards will provide adequate protection of the resources.

**Purpose and Need for Action**

The purpose and need for action is discussed in the EA on pages 1-2. In summary, The Forest Service established the Opal Creek SRA on November 9, 1998 after fulfilling specific requirements in the Opal Creek legislation. As directed by the Opal Creek Act, the Forest Service has worked with an appointed advisory council, who serves as a consultant on matters relating to the management of the SRA, to develop the proposed Opal Creek SRA Management Plan.

The Opal Creek SRA was previously managed under the direction of both the 1994 Northwest Forest Plan as a Late Successional Reserve (LSR) and other special designations as defined within the 1990 Willamette National Forest Management Plan that were consistent with LSR objectives. The legislation changes management emphasis and provides additional protection through specific requirements and prohibitions, some inconsistent with previous management direction. This necessitates the need for redefining management direction to comply with the intent of Opal Creek Act.

## Other Alternatives Considered in Detail

**Alternative 1: No Action Alternative** – The No Action alternative proposes no change to the management of the area prior to the enactment of the Opal Creek Legislation. Management would continue as described in the Willamette National Forest Land and Resource Management Plan (FEIS 1990) as amended by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, ROD (NWFP 1994).

My rationale for not selecting the No Action Alternative is based on the enactment of Public Law 104-333, otherwise known as the Omnibus Parks and Public Lands Management Act of 1996 (November 13, 1996). Section 1023 of this Act provides specific language to, and establishes, the Opal Creek Scenic Recreation Area. Prior to the enactment of the Opal Creek Legislation, this area was managed as a Late Successional Reserve (MA-16) as described in the ROD. Congress directed the USDA Forest Service to implement a management plan for the Opal Creek Scenic Recreation Area; therefore, this alternative was considered as a non-implementable alternative but served as a baseline from which to understand the changes proposed by the action alternatives.

**Alternative 2: Proposed Action** -- the Opal Creek Advisory Council developed the proposed action, as their recommended management plan for the Opal Creek SRA. I did not select Alternative 2 because it limited numbers or restricted types of recreation use without first attempting other methods to achieve the desired condition. These recreation uses were occurring in Opal Creek in 1996 on the date of enactment of the Opal Creek legislation (P.L. 104-333). There was not justification presented in the form of environmental damage to warrant limiting the numbers and the uses.

**Alternative 4: Allow Fire In Its Natural Role** -- Alternative 4 was developed to address the issue of allowing fire to take a natural role in the ecosystem. A few people submitting comments during the public scoping process raised the issue that natural processes, such as the natural fire regime, should be allowed to occur in the Opal Creek SRA. I did not select Alternative 4 because I do not believe that the conditions in the Opal Creek SRA would allow us to be successful at allowing fire to play a natural role. The areas where allowing fire to play a natural role has been successful are mostly in large, remote wilderness area. The Opal Creek SRA is relatively small in size, is adjacent to private land on two sides, has private lands with facilities within the boundaries, is near large urban area, and attracts many visitors. It would be difficult to protect the people, the private lands, and the natural features that the public value in the Opal Creek SRA if fires were allowed to burn as they would naturally.

**Alternative 5: Restrict Recreational Use and Activities to Protect the Environment, and Maintain a Pristine and Quiet Forest Setting** -- Alternative 5 was developed to address several issues submitted during the public scoping process. Comments were received from the public requesting further restrictions be placed on discharging of firearms, overnight camping, campfires, off-road vehicles, special forest products collection, access beyond the gate on Forest Service road 2209, and no new trails be developed. I did not select Alternative 5 because it restricts uses that occurred in 1996, on the date of enactment of the Opal Creek legislation (P.L. 104-333), and the analysis did not show that these restrictions are warranted to protect the resource values. I do agree that there are concerns

regarding many of these items; however, I believe that actions other than restricting use can resolve most of these concerns. Alternative 6 (the selected action) does allow for restricting uses if we have taken other actions and shown through monitoring that the actions are not minimizing the resource impacts.

**Alternative 7: Administrative Cutting of Trees** – Alternative 7 was developed to clarify the legislative language of cutting trees for administrative purposes. A few individuals submitted comments requesting that the legislative language be defined more narrowly to ensure that cutting of trees be avoided whenever possible. I did not select Alternative 7 because I believe that the legislation is very clear on when cutting of trees is allowed. The intent of the legislation is to cut trees only when absolutely necessary. I sense from the comments that these individuals do not trust the Forest Service to abide by the legislation, and that narrowing the definitions would take discretion away from agency personnel. I am not inclined to limit the discretion or professional judgment of agency personnel in determining whether a tree is a safety hazard or if a tree should be felled during fire suppression efforts. When determining if a tree should be cut for administrative purposes, Forest Service personnel will follow the established procedures for meeting NEPA requirement, public disclosure, and consulting with the Opal Creek Advisory Council.

## **Comment Period and Comments Received**

The availability of the environmental assessment and proposed action for this project was first published in the Eugene Register-Guard and Statesman Journal on December 26, 2001. Copies of the EA were mailed to parties who requested the document on December 24, 2001. Comments were accepted until January 25, 2002. A total of 78 comment letters were received resulting in 150 substantive comments. Substantive comments as defined by 36 CFR 215, and responses to those comments, are included in Appendix B of this document.

## **Consistency Findings Required by Other Laws & Regulations**

I used the following Laws, Regulations and Policies as a basis for my decision:

1. My decision is consistent with the regulations of the National Forest Management Act (NFMA) that requires specific findings to be made when preparing amendments to the Forest Plan. After reviewing my decision, I have determined that the selected action (*Alternative 6*) is consistent with the Willamette National Forest Land and Resource Management Plan (Forest Plan), as amended.

This finding is based on how the environmental analysis was prepared in accordance to Forest Plan Management Areas and Standards and Guidelines, as cited in the Opal Creek SRA EA and other supporting documents in the Project Record. This analysis describes how the selected action amends the direction in the Forest Plan.

2. My decision is consistent with the New Management Guidelines for Water Quality from the State of Oregon and the Clean Water Act. All management activities would be done in such a manner to comply with current standards for soil, water, and riparian management. This would then constitute a no effect for soil and water related resources (EA, page 3-23).

3. My decision is consistent with the National Historic Preservation Act. As part of the Opal Creek Legislation, an updated inventory of the cultural and historic resources within the SRA was reviewed and revised. All of the Standards and Guidelines are consistent with the protection of cultural resources in the SRA and do not change the existing standards and guidelines for heritage resources (EA, page 3-22). A cultural resource survey and determination of effects shall be conducted prior to implementing any ground disturbing project in the SRA. A heritage resource report has been completed and forwarded to the State Historic Preservation Officer (SHPO) in accordance with 36 CFR 800.5 (B).
4. My decision is consistent with the Endangered Species Act. The Detroit District wildlife and fisheries biologist completed a biological evaluation (BE) covering terrestrial and aquatic species for the Opal Creek SRA Management Plan (EA project record sections G and H). The findings were that the project would not have adverse effects on threatened, endangered, or sensitive species or their habitat. Sluicing and dredging activities are not expected to have any impacts to fish species or their habitat as long as activities occur within the guidelines established by ODF&W.

A Biological Assessment was completed on April 3, 2002 and submitted to the National Marine Fisheries Service (NMFS). The Biological Opinion was received on June 11, 2002 and concludes that the proposed Opal Creek SRA Management Area Plan is not likely to jeopardize steelhead or chinook salmon or adversely modify critical habitat for these species. Because this project is a Forest Plan Amendment and specific projects are not listed in the selected action, NMFS is deferring exemption of incidental take to subsequent individual or grouped projects to be completed through the NEPA process and that will require individual consultation.

5. The Opal Creek SRA Management Plan EA was completed in compliance with the National Environmental Policy Act (NEPA). The range of alternatives is adequate and sufficiently responds to the issues raised during public scoping. The analysis was sufficient to provide the information to make an informed decision. Documentation of the analysis process is located in the Opal Creek SRA EA project record and available from the Detroit Ranger District office upon request.
6. My decision is consistent with the requirements as described in the Opal Creek Legislation (P.L. 104-333). Many of the standards are derived from the legislative language. The selected alternative provides for a broad range of land uses, including recreation, harvesting of nontraditional forest products, and educational and research opportunities.
7. My decision is consistent with the Federal Advisory Committee Act (FACA). The Opal Creek Advisory Council (established in June 2000), was legislated to provide advice on the management of the Opal Creek SRA. The Forest Service consulted with the Advisory Council on the development of the proposed management plan. The Advisory Council provided their recommendations in the form of a Proposed Management Plan for the Opal Creek SRA, which was the Proposed Action in the NEPA process. During the NEPA process the Forest Service kept the Advisory Council informed on the process, and Council members were encouraged to submit comments during public scoping and the EA review and comment period as individual members of the public. I did not consult with the Advisory Council on arriving at a final decision on the management plan.

## **Finding of No Significant Impact (FONSI)**

I have reviewed the Opal Creek SRA Management Plan environmental assessment. Based on the site specific analysis documented in the environmental assessment, I have determined that this is not a major federal action and it will have no significant effects on the quality of the human environment; therefore, an Environmental Impact Statement will not be prepared.

In making this determination, I have considered beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the Environmental Assessment, which has disclosed these effects within the appropriate context and intensity. This determination was made considering the following rationale:

### **Context**

The Opal Creek Scenic Recreation Area Management Plan implements and amends the Willamette Forest Plan. This plan proposes a non-significant Forest Plan amendment to designate new standards and guidelines specific to the Opal Creek Scenic Recreation Area located within the Detroit Ranger District of the Willamette National Forest. These standards do not apply to any other areas on the Forest or in the Region.

Opal Creek has a unique history of political and environmental involvement. Since 1982, many legislative efforts were made to resolve the conflicts that centered on how Opal Creek's resources should be managed. During this period, Opal Creek gained regional and national notoriety as a symbolic icon regarding the debate of preserving Northwest old-growth forests. However, time and time again, these efforts did not succeed in offering the protection many groups sought. Final resolution culminated on November 13, 1996 when the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333 - also referred to as the Opal Creek Act) was passed declaring special protection by designating three distinct management areas: the Opal Creek Scenic Recreation Area, the Opal Creek Wilderness, and Elkhorn Creek as a Wild and Scenic River.

The Opal Creek SRA was previously managed under the direction of both the 1994 Northwest Forest Plan as a Late Successional Reserve (LSR) and other special designations as defined within the 1990 Willamette National Forest Management Plan that were consistent with LSR objectives. The legislation changes management emphasis and provides additional protection through specific requirements and prohibitions, some inconsistent with previous management direction.

The standards in the selected action provide management direction for the protection of resources in the Opal Creek SRA, while maintaining a balance with users of the area.

## **Intensity**

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

The implementation of the selected action will have a combination of beneficial and adverse impacts to resources and individuals that use the Opal Creek SRA, but individually or cumulatively they will not be significant.

Recreation use in the Opal Creek SRA will continue to be high, specifically in the Medium and High Use Zones during the summer months. In addition, as the population increases, recreation use of these areas will likely increase at about the same rate. This could result in popular areas getting more crowded, become noisier, and cause impacts to resources (EA, page 3-7). However, standards in the selected action are included that minimize impacts if they do not meet the desired condition or comply with Forest Plan standards.

Some specific user groups may be adversely impacted by the standards in the selected action. By prohibiting target shooting, this user group would be displaced to areas outside the Opal Creek SRA. However, high visitor use areas would be safer when free from indiscriminate target shooting, and provides for a quieter forest setting. Resource and property damage would likely be less frequent (EA, page 3-16).

By applying MIST guidelines during fire suppression this creates the least damaging impacts from fire suppression methods to SRA resources. There is a risk in employing MIST standards however; should a fire re-burn it could escape minimum hand constructed fire lines or wet lines that have dried out. Fire suppression efforts would then need to be repeated. This may result in an uncontrolled fire burning additional acres and the possibility of a stand replacing fires (EA, page 3-2).

None of the standards in the selected action, beneficial or adverse, were considered as creating significant impacts to resources or the public.

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

This project does not adversely affect public health and safety (EA, page 3-22). The management plan includes standards that provide additional safety practices including evacuation plans and posting speed limits on roads. The selected action allows for increased law enforcement patrols, provided there is adequate funding. The selected action also prohibits target shooting within the Medium and High Use Zones that will make the area safer for the public and reduce damage to resources.



**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.**

The intent of the Opal Creek Legislation (P.L. 104-333) is to protect the unique characteristics of the area. The SRA Management plan is in compliance with and carries out the direction of P.L 104-333.

The cultural resource inventory was completed for the Opal Creek SRA and no significant heritage resources would be affected by the selected action (EA, page 3-22). During public scoping, the issue of significant cultural resources located in several abandoned underground mines was raised as a concern. This issue was determined to be outside the scope of this analysis and would be addressed with more site-specific analysis during the mine closure project implementation (EA, page 1-14). Many of the mines are proposed to be closed with bat friendly gates that would still allow for future interpretation of the underground workings.

The Opal Creek SRA has no farm land or range land and therefore would have no effect on these resources (EA, page 3-25).

The Elkhorn Wild and Scenic River is within the Opal Creek SRA boundary. No effects to the Wild and Scenic River designation are anticipated (EA, page 3-22).

The Opal Creek Wilderness is located adjacent to the Opal Creek SRA. Allowing bicycles on the Battle Axe trail may encourage bicyclists to illegally enter the Wilderness and may affect the experiences of visitors to the Wilderness (EA, page 3-22). However, only 3% of the users in this area are bicyclists (EA, page 3-14); therefore, I do not consider this to be a significant effect. Also, strategies will be implemented to determine if there are increasing trends of bicyclists entering the Wilderness from this trail.

There is no irreversible and/or irretrievable use of the soils or geologic resources anticipated beyond that which has been previously identified in the Willamette National Forest Land and Resource Management Plan, as amended. (EA, page 3-35).

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

The effects of my decision are not likely to be highly controversial by the scientific community. Comments have been received from Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, and we have consulted with State Historic Preservation Office, and Fisheries biologists from National Marine Fisheries Service. All concur that the selected action will have no significant effects to the environment.

**5. The degree to which the possible effects on the human environment is highly uncertain or involves unknown risks.**

The selected action does not involve unique/unknown risks. The information available in the EA is adequate to make an informed decision. While recreation use numbers occurring on the date of enactment are not known, this does not influence the outcome of the analysis for the environmental effects.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision of principle about a future consideration.**

This decision does not set precedent for future actions that may have a significant effect. The decision establishes standards and guidelines which provide direction for implementing future actions in the Opal Creek SRA. The standards and guidelines were developed to minimize the effects of future actions. This project will not affect outfitter and guide activities currently authorized, or future special use authorizations (EA page 2-11).

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

The selected actions are not expected to create significantly cumulative effects because no ground disturbing activities are proposed. As discussed previously, the intent of the Opal Creek Legislation (P.L. 104-333) was to protect the unique characteristics of the area and the standards developed in the selected action meet this intent.

**8. The degree to which the action may adversely affect districts, sites, travelways, structures or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.**

All of the standards as described in the selected action are consistent with the protection of Heritage Resources and should have no effects on the Opal Creek SRA (EA, page 3-22). No ground disturbing activities are proposed with the selected action. We do know that numerous sites (both historic and prehistoric) exist within the High Intensity Zone, however, a substantial number of acres have never been surveyed within the Scenic Recreation Area. Thus, our knowledge of the number and extent of Heritage Properties throughout the SRA is unknown.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.**

A Biological Evaluation (BE) for the EA was completed (located in the Project Record, sections G and H) and addresses the effects on Threatened and Endangered wildlife and fish species. The selected action contains no ground disturbing activities, therefore this action will not significantly impact federally listed species or their habitat (EA, pages 3-18 to 3-19).

With the implementation of the management plan, there is potential for possible long-term mature and old growth ecosystem maintenance deficiencies as a result of the area no longer being managed as a late successional reserve.

A Biological Assessment was completed for the EA and submitted to the National Marine Fisheries Service (NMFS). The Biological Opinion, prepared by NFMS, concluded that the proposed Opal Creek SRA Management Plan is not likely to jeopardize steelhead or chinook salmon or adversely modify critical habitat for these species. Because this project is a Forest Plan Amendment and specific projects are not listed in the selected action, NMFS is deferring exemption of incidental take to subsequent individual or grouped projects to be completed through the NEPA process and that will require individual consultation.

**10. Whether or not the action threatens a violation of Federal, State, or local law protection of the environment.**

This action complies with relevant federal, state and local laws, regulations and requirements designed for the protection of the environment. The selected alternative will meet or exceed requirements for State water and air quality.

## Implementation Date

If no appeal is filed, the USDA Forest Service will implement the Opal Creek SRA Management Plan five days after the close of the forty-five day appeal period, which starts on the date the legal notice announcing the decision appears in the Eugene Register-Guard. If an appeal is filed, implementation of this decision will occur 15 days following the date of the appeal disposition.

## Appeal Rights

This decision is subject to appeal by people or organizations who have provided comments or otherwise expressed interest in this selected alternative pursuant to 36 CFR Chapter 2, Part 217. Any written appeal of this decision must be fully consistent with 36 CFR 217.9 and must include the reason for an appeal. A written appeal, in duplicate, must be postmarked and submitted to the following address within 45 days of the date that the legal public notice of this decision appears in the Eugene Register-Guard newspaper.

Appeal Deciding Officer  
Regional Forester  
Attn: 1570 Appeals  
P.O. Box 3623  
Portland, OR 97208-3623

### For further information about this project, contact:

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Responsible Official: *Y. Rob Iwamoto*

Date: 06-26-2002

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Acting Forest Supervisor  
Willamette National Forest  
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Eugene, OR 97440

# Appendix A

## Opal Creek SRA Management Plan – Decision Notice/FONSI Description of the Management Area

### Management Area 2c

**Emphasis:** Opal Creek Scenic Recreation Area

### Management Goals

The goals of this management area are to:

- Protect and provide for the enhancement of the natural, scenic, recreational, historic and cultural resources of the area in the vicinity of Opal Creek;
- Protect and support the economy of the communities of the Santiam Canyon;
- Provide increased protection for an important drinking water source for communities served by the North Santiam River; and
- Provide for a broad range of land uses, including recreation; harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and educational and research opportunities.

### Desired Condition for all Management Zones

The SRA fosters public use and enjoyment of the area to the level that ensures protection of its special scenic, recreational, educational, cultural, historical, natural, ecological and water quality values. Appropriate uses, activities and projects are managed to be compatible with each other, and protect resources such as ecological processes, geological features, cultural resources, and plant, fish and wildlife habitats or species including threatened, endangered and/or sensitive species. Management practices are gentle on the land and maintaining the naturally evolving appearance of the SRA. The landscape appears as an unaltered and intact natural setting and developments harmonize with the natural environment.

Natural ecological processes are operating to the extent practical; however, fire suppression occurs in many areas to protect private land ownerships, and other resources. Late-successional ecosystems function as part of a regional network of old-growth ecosystems, and are protected from loss due to wildfire. No timber harvest or mineral entry occurs.

Formal partnerships are encouraged and provide support in management, education, historic preservation, safety, research, monitoring and stewardship within the SRA. The SRA offers a wide range of high quality educational and interpretive experiences to all people as well as unique and significant research opportunities. Representative features of historic mining activities are preserved to maintain the local historical integrity of the area and are a significant part of the education and interpretive activities within the SRA.

Visitors to the Opal Creek Scenic Recreation Area can participate in a wide range of year-round activities in a safe and natural appearing setting. Both developed and dispersed non-motorized recreational opportunities are available that range from Roaded Natural to Primitive within the Recreation Opportunity Spectrum (ROS)<sup>2</sup>. Use and occupancy are managed to protect natural and cultural resources, minimize depreciative behavior, prevent conflicting uses, and to ensure healthy, safe and enjoyable recreational experiences. Information and education enhance visitors' knowledge, understanding and enjoyment of the SRA, and encourage appropriate and safe use.

**The Very Low Intensity Zone** is managed to provide opportunities for the most primitive recreational experiences. The area is characterized as an unmodified natural environment of very high scenic integrity, and remains undeveloped with little or no evidence of recent human activity or impacts.

**The Low Intensity Zone** is managed to provide opportunities for dispersed semi-primitive motorized and non-motorized recreation experiences. Recreation use generally remains light to moderate. Frequency and duration of contact with other recreationists is low-to-moderate. The area is characterized as a natural environment of high scenic integrity, essentially undeveloped with a few rustic facilities designed for site protection. Minimal management restrictions, law enforcement presence and onsite visitor management controls such as informational and regulatory signs, are present but subtle.

**The Medium Intensity Zone** is managed to provide visitors opportunity to recreate in a natural environment of high scenic integrity with limited facilities. This zone is primarily a day use destination with some overnight use occurring within this zone and in designated areas. Recreation use varies by season with moderate numbers of people most of the time. During higher use periods, frequency of contact with other recreationists is moderate-to-high and low-to-moderate in duration. Facilities are provided to protect resources, ensure visitor safety and disperse use including into the adjacent low use intensity zone. Management and law enforcement presence is evident. Presence of on-site visitor management controls is low to moderate.

**The High Intensity Zone** is managed to provide visitors opportunity to recreate in a roaded natural environment of high scenic integrity with moderately but rustically developed facilities. Frequently there are numerous people present and contacts among recreationists are very high and may last for a moderate-to-long period of time. Most overnight use occurs in this zone and in designated areas. Facilities accommodate high concentrations of users, protect natural resources and meet sanitary and safety needs. Management and law enforcement presence, and on site visitor management controls such as informational and regulatory signs, established parking areas, and barriers, are obvious.

## **Description**

The Opal Creek Scenic Recreation Area (Opal Creek SRA) encompasses a 13,408-acre area in the Little North Santiam drainage, which is located in Marion County, Oregon within the Detroit Ranger District of the Willamette National Forest. It is approximately 38 miles east of Salem.

## Standards & Guidelines

### AREA MANAGEMENT AND CONSULTATION

- MA-2c-01** Under P.L. 104-333, so that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the SRA and its various subareas for the benefit of the public, the Forest Service shall:
- a. consult on a periodic and regular basis with the advisory council established under P.L. 104-333 with respect to matters relating to management of the SRA;
  - b. seek the views of private groups, individuals, and the public concerning the SRA;
  - c. seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the SRA; and
  - d. seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the SRA.

### RECREATION MANAGEMENT

- MA-2c-02** The SRA shall be made available for public use and enjoyment, consistent with resource protection and maintenance of SRA values.
- MA-2c-03** Recreation activities at not less than the levels in existence on the date of enactment of P.L. 104-333 shall be permitted. Levels of recreation use higher than the levels in existence on the date of enactment of P.L. 104-333 may be provided if such uses are consistent with the protection of the resource values of the SRA.
- MA-2c-04** The SRA shall be made available for a range of recreational opportunities, and will be managed to provide four recreation opportunity settings as specified for each management zone:
- a. *Very Low Intensity Zone: Primitive*
  - b. *Low Intensity Zone:*
    - i. Semiprimitive Motorized along roads and trails corridors
    - ii. Semiprimitive Non-motorized in areas with no motorized access.
  - c. *Medium Intensity Zone: Roaded Natural*
  - d. *High Intensity Zone: Roaded Natural*

- MA-2c-05** When recreation use results in effects that would not achieve desired condition or meet standards, management actions shall be taken to address the impacts or effects. The following actions, in order of priority, should be used in most cases:
- a. Informing and educating the public, and site restoration
  - b. Site improvement and/or use of regulations such as limiting and designating campfires, designating campsites, hardening sites, establishing minimum setbacks from features, facility development for health and safety, or resource protection, and/or restricting types of use, group size and/or length of stay.
  - c. Restrict numbers of users or timing of use such as allowing only day use, and/or restricting number of entries.
  - d. Close areas to all users
- MA-2c-06** Subject to applicable Federal and State law, hunting and fishing in the SRA shall be permitted. Under consultation with the Oregon State Department of Fish and Wildlife, designated zones or periods when no hunting or fishing shall be permitted for reasons of public safety, administration or public use and enjoyment of the SRA may be established.
- MA-2c-07** Discharging of firearms shall be prohibited in the Medium and High Intensity Zones from Memorial Day to Labor Day to ensure the safety of other visitors. The use of these weapons (firearms and bows) will be allowed for wildlife hunting, as established by the Oregon Department of Fish & Wildlife, during the remainder of the year.
- MA-2c-08** Target shooting with firearms shall be prohibited in the medium and high intensity zone.
- MA-2c-09** Information and education efforts should be oriented toward enhancing visitors' experiences, increasing their understanding of and respect for the natural processes and areas special values, and encouraging safe and appropriate use. Visitors are provided with information that encourages user behavior that is respectful of area resources and towards other visitors, and minimizes conflicts. Information topics would include visitor orientation, recreation opportunities, management goals and standards, regulations, user safety, fire prevention, enforcement and emergency services, and "leave no trace practices."
- MA-2c-10** Day use recreation should be encouraged in the Medium Intensity Zone. Camping should be encouraged within the High Intensity Zone.
- MA-2c-11** Partnerships, volunteer programs, and co-operative agreements shall be encouraged to assist in maximizing visitor recreational opportunities and reducing operational costs.



- MA-2c-12** Non-motorized recreational mineral collecting activities shall be allowed to occur on all streams, that are not encumbered by unpatented mining claims, within the Opal Creek Scenic Recreation Area. All activities should remain within the wet perimeter of the stream to insure the least possible effect on SRA resources and values. Recreational mining activities, as defined in OAR 141-89-0040, includes the use of equipment such gold pans, sluices, and rocker boxes.
- MA-2c-13** Motorized suction dredging shall be allowed to occur for recreation purposes on all streams, that are not encumbered by unpatented mining claims, only within the High Intensity Zone in the Opal Creek Scenic Recreation Area. All activities should remain within the wet perimeter of the stream and to insure the least possible effect on SRA resources and values. Activities will comply with State permitting standards as required by the Oregon Department of Environmental Quality (DEQ) and Oregon Division of State Lands (DSL). Motorized suction dredges will be limited to an intake nozzle with an inside diameter not exceeding four inches and motor not exceeding 16 horsepower. **Dredging operations shall comply with existing State (OAR 141-89-0050) and Federal regulations for streams.**
- MA-2c-14** Dredging activities shall comply with the Oregon Department of Fish & Wildlife (ODF&W) Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources. To provide maximum protection of potential fish habitat, recommendations will be made to ODF&W that work activities be restricted to operating only within the existing, published dates.

## **SCENERY MANAGEMENT**

- MA-2c-15** The SRA was established to protect and provide for the enhancement of the natural, scenic, recreational, historic and cultural resources, and shall be managed to meet the following visual quality objectives defined for each management zone:
- a. *Very Low Intensity Zone*: Very High Scenic Integrity/ Preservation
  - b. *Low Intensity Zone*: High Scenic Integrity / Retention
  - c. *Medium Intensity Zone*: High Scenic Integrity / Retention
  - d. *High Intensity Zone*: High Scenic Integrity / Retention
- MA-2c-16** Management practices shall result in a physical setting that meets or exceeds the Recreation Opportunity Spectrum (ROS) class defined within each management zone:
- a. *Very Low Intensity Zone*: Primitive
  - b. *Low Intensity Zone*:
    - i. Semiprimitive Motorized along roads and trails corridors
    - ii. Semiprimitive Non-motorized in general unroaded areas
  - c. *Medium Intensity Zone*: Roaded Natural
  - d. *High Intensity Zone*: Roaded Natural

## **FOREST TRAIL SYSTEM**

- MA-2c-17** Trail types, difficulty level and management practices shall be consistent with recreation settings and opportunities (ROS) identified in each management zone.
- MA-2c-18** No trails shall be developed in the Very Low Intensity Zone. In other management zones, new trails should be considered to disperse use and provide loop travel opportunities. Provide for some barrier-free segments in compliance with accessibility standards.
- MA-2c-19** Within Low Intensity Zones, trails should be maintained at a Level 2 standard, and at a Level 3 maintenance standard within Medium and High Intensity Zones.
- MA-2c-20** Trails shall be closed to off-road motorized vehicle use.
- MA-2c-21** Within the medium intensity zone, bicycle use shall be prohibited on the Mike Kopetski/Opal Creek trail. Bicycles will be allowed on the 2209 road beyond the gate, and the Battle Axe Trail within the SRA.
- MA-2c-22** Within the High Intensity Zone, stock use shall be permitted only on existing roads.
- MA-2c-23** Pets should be kept under voice control and/or physical restraint. They may be banned to decrease social and resource effects.

## **VEGETATION MANAGEMENT**

- MA-2c-24** The cutting and/or selling of trees including salvage sales shall be prohibited in the Scenic Recreation Area. The cutting of trees in the SRA may be allowed only for:
- a. Public safety, such as to control the continued spread of a forest fire in the SRA or on land adjacent to the SRA.
  - b. Activities related to administration of the SRA consistent with the Opal Creek Management Plan.
  - c. Removal of hazard trees along roads and trails
- MA-2c-25** Stumps resulting from hazard tree falling should be flush cut to meet scenic quality objectives.
- MA-2c-26** In roadside zones, vegetation management such as brush cutting for protection of roads and public safety, controlling/eradicating noxious weeds, and removing slash associated with removing hazard trees, should employ treatment methods consistent with scenic resource management needs. Establishment of native low maintenance species through seeding or planting should be considered on bare soils. Preferred methods are manual treatments over mechanized equipment to avoid or reduce undesirable impacts to soils and damage to vegetation.

## **SPECIAL FOREST PRODUCTS**

- MA-2c-27** Special forest product collection shall be consistent with resource management needs and limited to:
- a. traditional tribal uses, and
  - b. personal non-commercial use associated with recreation activities but limited to plant cuttings without mortality, gathering of fruits, nuts and mushrooms, and firewood gathering for on-site campfires.

## **FIRE MANAGEMENT**

- MA-2c-28** Fire prevention messages shall be integrated into information and education efforts, and public contact should be scheduled throughout the recreation use season.
- MA-2c-29** Suppression practices within the Opal Creek SRA should have the least physical impact on the land consistent with other management considerations. Minimal Impact Suppression Tactics (MIST) should be used during suppression efforts. Preference will be given to the use of natural firebreaks. In some cases direct attack with a minimum width of hand fire line, or wet line using power driven pumps and hose may be more cost-effective and cause the least overall damage to SRA values.

## **SPECIAL USES**

- MA-2c-30** Nothing in P.L. 104-333 shall interfere with activity for which a special use permit has been issued, has not been revoked, and has not expired, before the date of enactment of this law, subject to the terms of the permit.
- MA-2c-31** Nothing in P.L. 104-333 shall be construed to interfere with the ability to approve and issue, or deny, special use permits in connection with exploration, mining, and mining-related activities in the Bornite Project Area.
- MA-2c-32** Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the SRA, except as may be necessary to comply with the provisions with regard to the Bornite Project in accordance to P.L. 104-333.
- MA-2c-33** Any new utility or transmission lines permitted in the SRA should be buried.
- MA-2c-34** Inholders, including mine claim holders, within the SRA shall have the right of reasonable access to and lawful use of their property as provided by law and subject to valid existing rights.

**MA-2c-35** Requests for special use permits shall be considered and may be issued for compatible uses if such uses are consistent with the protection of the values for which the SRA was established.

**MA-2c-36** Services shall be compatible with general public use, and protect or enhance other SRA values and objectives. Outfitting and guiding services may be authorized that support the purposes for which the SRA was established. Limits on number of operational days, people served or other restrictions may be placed to preserve a quality recreation experience in the SRA.

## **LANDS**

**MA-2c-37** Subject to the other provisions of P.L. 104-333, the Forest Service may acquire any lands or interests in land in the SRA that the Secretary of Agriculture determines are needed to carry out this law.

**MA-2c-38** Any lands or interests in land owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

**MA-2c-39** Within the boundaries of the Opal Creek Wilderness or the SRA, the Secretary shall not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that--

- a. the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of P.L. 104-333; and
- b. acquisition of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the purposes PL 104-333 or the management plan.

## **MINERALS & ENERGY**

**MA-2c-40** Subject to valid existing rights, all lands in the SRA are withdrawn from any form of entry, appropriation, or disposal under the public lands laws; location, entry, and patent under the mining laws; and disposition under the mineral and geothermal leasing laws (per Opal Creek Act, P.L. 104-333, Sect. 1023 (d)(7)).

**MA-2c-41** Nothing in the Opal Creek Legislation (P.L. 104-333) shall be construed to interfere with or approve any exploration, mining, or mining-related activity in the Bornite Project Area, conducted in accordance with applicable laws.

**MA-2c-42** Where valid claims exist, the rights of the minerals claimant shall be met with the least possible effect on SRA resources and values. All mineral prospecting, exploration and development activities on unpatented mining claims, including the use of suction dredges, will be managed according to the terms of PL104-333 and Federal Regulations in 36 CFR Part 228.

- MA-2c-43** The operating plan referred to in **FW-291** (Plan of Operations as required by 36 CFR 228.4) shall emphasize restoration of the site by minimizing, mitigating, preventing, or repairing adverse impacts within the SRA.
- MA-2c-44** Extraction of common variety minerals shall be prohibited, except for the use of the Elkhorn rock quarry for enhancement, restoration, maintenance or construction projects within the SRA and Bornite Project Area.

## **ROAD SYSTEM**

- MA-2c-45** A transportation plan shall be developed for the SRA. It will evaluate the road network to determine which roads should be retained or closed, provides guidelines for transportation and access consistent with management objectives, and considers the access needs of persons with disabilities.
- MA-2c-46** Roads serving recreation sites and facilities in existence on the date of enactment of *P.L. 104-333* shall remain open.
- MA-2c-47** Roads not needed for motorized access shall be closed or decommissioned as warranted for resource protection. Roads may be converted to recreation trails.
- MA-2c-48** No new roads shall be constructed.
- MA-2c-49** Motorized vehicles shall not be permitted off of open roads. ORV use on open forest system roads may occur but shall not conflict with other vehicle traffic.
- MA-2c-50** Motorized use on Forest Road 2209 beyond gate at the Opal Creek Trailhead shall be permitted for emergency and administrative use, authorized research, and for access by private inholders subject to terms and conditions established within a road easement. Timing and amount of motorized use on the road should be minimized to reduce conflicts with visitors during peak use periods.
- MA-2c-51** Forest Road 2209 and its bridge structures beyond gate at the Opal Creek Trailhead shall be maintained or improved consistent with the character of the road as it existed upon the date of enactment of *P.L. 104-333*, and shall not include paving or widening.
- MA-2c-52** Forest Roads 2207, and 2209 to the gate at the Opal Creek Trailhead, should be maintained for low clearance vehicles at Maintenance Level 3. All other open roads needed for dispersed recreation should be maintained for high-clearance vehicles at Maintenance Level 2.

## **FACILITIES**

- MA-2c-53** Motorized vehicles, roads, structures, and utilities (including but not limited to power lines and water lines) shall be allowed inside the SRA as needed to serve the mining related activities conducted on land within the Bornite Project.
- MA-2c-54** Facilities shall be designed and constructed to provide recreation settings and experiences that are compatible with the management zone in which they occur.
- MA-2c-55** Facility development and site modification shall be to a level that will cause the minimum possible impact on the natural character and provide resource protection. Design standards should be characterized by minimal size and careful integration with the area's natural character. They should facilitate interaction with the natural and cultural resources rather than serve as attractions themselves. Where facilities are appropriate, they shall be simple and durable in design and constructed with materials that harmonize with features of the natural landscape.
- MA-2c-56** Development of structures and improvements shall be kept at the minimum level necessary to facilitate use, protect resource and SRA values and provide for visitor education, health and safety.
- MA-2c-57** No roads, bridges, trails, recreation facilities or other resource developments shall be permitted within the Very Low Intensity Zone.
- MA-2c-58** Developed recreation sites such as campgrounds and day use areas shall only be built in the High Intensity Zone.

## **PUBLIC SAFETY**

- MA-2c-59** Evacuation plans shall be developed for and posted within Medium and High Intensity Zones.
- MA-2c-60** Appropriate vehicle speed shall be set and posted on the 2209 and 2207 Roads.

## **EDUCATION, INTERPRETATION AND RESEARCH**

- MA-2c-61** Research, educational and interpretive opportunities shall be consistent with protection of natural and cultural resources.
- MA-2c-62** Interpretation and education activities shall be developed in consultation with state, federal, tribes, and local historic preservation organizations and include a balanced and factual interpretation of the cultural, ecological and industrial history of forestry and mining in the SRA. Interpretive and educational activities may include interpretive and information signage and exhibits, guided hikes, workshops, courses,

seminars, self-directed discovery, classes, and hands on participation in research activities.

- MA-2c-63** An interpretive strategy for the SRA shall be developed and include site-specific educational goals, interpretive themes and messages, direction for services and facilities development (e.g. signs, brochures, guided tours, trails), design criteria consistent with facility development for each management zone, and project implementation priorities.
- MA-2c-64** Research and education activities shall be coordinated with recreation management. Size and numbers of groups should be compatible with general public use, and minimize impacts on recreational use and activities or degradation of resources and ecological processes. Research projects and educational activities deemed appropriate and compatible with SRA objectives shall be permitted.
- MA-2c-65** Areas and features of particular educational interest shall be protected, if necessary with structures or facilities as deemed appropriate by management intensity zone.
- MA-2c-66** Partnerships shall be encouraged to develop, support and maximize research and education opportunities.

#### **TRIBES**

- MA-2c-67** Existing and future Memorandums of Understanding for individual tribes shall be followed.
- MA-2c-68** Trust responsibilities to Indian tribes shall be maintained, and formal consultation processes with appropriate tribes shall ensure compliance with applicable laws, and encourage meaningful tribal involvement in the management of the SRA. Consult on a regular basis with respect to tribal resources within the SRA on matters including but not limited to: sacred sites; sacred or ceremonial traditions; activities that affect cultural resources; cultural studies of mutual interest; and gathering of traditional use information.

#### **LOCAL COMMUNITIES**

- MA-2c-69** Projects that protect and support the economy of the communities of the North Santiam Canyon shall be considered.
- MA-2c-70** To protect an important drinking water source for communities served by the North Santiam River, the Federal General Water Quality Best Management Practices shall be used.

## Opal Creek SRA Management Plan – Decision Notice/FONSI

### Appendix B Response to Public Comments

The following is a series of tables listing the comments received during the 30-day comment period on the EA for the Opal Creek Scenic Recreation Area Management Plan. A total of 78 comment letters or e-mail messages via the Willamette National Forest web page were received, generating 150 comments. The comments are arranged in tables by topic or issue statement. The person submitting the comment and the Forest Service response is also provided. Copies of all letters and e-mail comments received are located in the Project Record.

#### Support of the Project

Name of Commenter	Public Comment	Forest Service Response
Jan Houck - Oregon Parks & Recreation Dept.	OPRD has read the [plan] and is satisfied with the analysis of issues, development of alternatives and the proposals within Alternative 2. This plan addresses our concerns and specifically adds protections to the Little North Santiam River, a designated Oregon Scenic Waterway.	We thank you for your comment
Bob Martin - Western Oregon University	I have read the recommended actions and believe that they will protect the area's environmental integrity while allowing appropriate educational and recreational uses of the area.	



### Light on the Land Fire Suppression Techniques

Name of Commenter	Public Comment	Forest Service Response
Jeff Watson	We strongly support the "apply light on the land Fire Suppression Techniques" as proposed in Alt. 3. We feel 3-1 and 3-3 to be in line with this premise, but feel section 3-2 is too restrictive in the event of a catastrophic event when people or property may be at risk. We would propose utilizing those methods only as a last resort to protect lives and property.	The Selected Action includes the standard from Alternative 3 to implement MIST Guidelines during fire suppression activities. This allows fire managers to implement "Light on the Land" fire suppression techniques and still provide protection for the resources.
Steve Wise, Joseph Kling & Mandy Summer	Alternative 3 that calls for light on the land fire suppression techniques should be adopted for the near term. The alternative including fire in its natural role should be noted as a future goal when ecosystems in surrounding forests have recovered. With Opal Creek as the only large area of late successional watershed and habitat conditions, some effort to protect it from catastrophic fire is warranted. Allowing fire to periodically transform parts of the forest, in the long term, will protect the forest.	The decision does not include the standards that restrict the use of retardant, mechanized fire suppression equipment, and the falling of trees during fire suppression efforts. The concept of Minimum Impact Suppression Tactics (MIST) is to use the minimum techniques and equipment needed to achieve the fire suppression objectives consistent with land and resource management objectives. The MIST guidelines consider the use of retardant, mechanized equipment, and falling of trees and these are only used in extreme fire cases. See the MIST guidelines as described in the EA – Appendix E.
Dale Russell – Willamette Valley Miners Association (WVMA)	Fire suppression p. 2-17 standard 3-1 is the most favorable, however, I do not agree with 3-2 hands should not be tied totally. There should be a point that to protect this area from total destruction, items in 3-2 should be allowed to be used.	
Gregory Satir	Fire suppression alternative 3 – light on the land – should be used. Including natural fires to a limited extent makes sense.	
George Atiyeh – Opal Creek Watch	3-1: Apply a standard that applies a more aggressive fire suppression strategy and that allows for the use of chainsaws to fight wildfires. Mechanized equipment should be allowed along existing roads. MIST tactics of being light on the land should be used whenever possible, but in the event of a catastrophic fire more aggressive tactics such a fire retardant, fire breaks and heavy equipment should be used.	All scientific guidelines for predicting fire behavior are available to the public upon request.
Annelise Kelly	I urge that "light on the land" fires suppression policies be adopted.	

## Light on the Land Fire Suppression Techniques - continued

Name of Commenter	Public Comment	Forest Service Response
Mark Ottenad – Friends of the Breitenbush Cascades	In order to implement the MIST philosophy of Alternative 3, the issue of man-made fire prevention must be addressed directly. The closest wording we can find in the EA is standard 5-1, p. 2-20. Should campfires or open flames be allowed at all? Alternatively, shall campfires be allowed only in developed campgrounds? Due to the extreme danger of human-caused fire, we recommend the adoption of the MIST Alternative 3 if the issue of campfires is addressed head-on through a complete ban on campfires (campfires allowed in developed campgrounds only) or campfires that are allowed only in designated fire rings.	<p>The Selected Action includes the standard from Alternative 3 to implement MIST Guidelines during fire suppression activities. This allows fire managers to implement “Light on the Land” fire suppression techniques and still provide protection for the resources.</p> <p>The decision does not include the standards that restrict the use of retardant, mechanized fire suppression equipment, and the falling of trees during fire suppression efforts. The concept of Minimum Impact Suppression Tactics (MIST) is to use the minimum techniques and equipment needed to achieve the fire suppression objectives consistent with land and resource management objectives. The MIST guidelines consider the use of retardant, mechanized equipment, and falling of trees and these are only used in extreme fire cases. See the MIST guidelines as described in the EA – Appendix E.</p>
Max Nielson-Pincus	With regards to fire suppression, the Opal Creek SRA is one of the only large areas of low elevation late successional forest habitat in Oregon’s West Cascades. Therefore, some effort to protect it from catastrophic fire is warranted. However, full-scale suppression efforts, as noted in the EA, will have long-term impacts on the forest. Moreover, allowing fire to periodically transform parts of the forest is a completely natural phenomenon, and the mosaic created by occasional fire transformation increases diversity within the forest. I, therefore, feel that some natural fire should be allowed to play its formative role in the forest management plan. However, natural fire should be checked against the possibility of catastrophic fire. Light on the land fire suppression techniques should be the primary method of fire management, and only when it is apparent that a total loss of the SRA forest may be imminent should mechanical suppression methods like bulldozers and helicopters be used. Scientific guidelines regarding wind, humidity levels, precipitation, slope, etc. should be used to determine the use and type of suppression, and those guidelines should be open to public review. Chemical fire retardants should absolutely be prohibited from this natural area.	<p>All scientific guidelines for predicting fire behavior are available to the public upon request.</p> <p>The decision does not include restricting campfires to fire rings or to developed campgrounds. Restricting campfires is extremely hard to enforce, and other methods may be more effective in achieving the objectives. The Forest Service has the option of restricting campfires when and where needed if other methods are unsuccessful at resolving the problems with abandoned campfires.</p>
Marty McCall	In the short term, I support Alternative 3. This is the appropriate mindset for Opal Creek. MIST guidelines are compatible with Alternative 2 Desired Conditions. The use of the word “should” in Alternative 3 provides for the use of more aggressive fire suppression tactics if needed to protect human lives and private property. I support prohibition of mechanized fire suppression equipment and the use of chemical fire retardants for all situations except for protection of private property or human lives and, only then, if MIST tactics fail.	

## Natural Role of Fire

Name of Commenter	Public Comment	Forest Service Response
Marty McCall	<p>In principle, I support Alternative 4, allowing fire to play a natural role as it has over the millennia. This policy would contribute to the long-term overall health of the ecosystem. Because the topography of the SRA with its numerous sub-drainages makes it unlikely that the entire SRA would burn during any single fire event, naturally occurring fires would create the dynamic system of changing age classes of trees that characterizes the Opal Creek ecosystem. I favor implementation of Alternative 4 when the regional network of old-growth forest ecosystems is restored from today's late-successional reserves.</p> <p>A standard should be included that provides for monitoring of ecosystem health and criteria for future adoption of Alternative 4.</p>	<p>Alternative 4 was not selected to implement because our ability to successfully allow fires to take a natural role would be limited by the size of the area, the adjacent private lands, the private land and facilities within the boundaries, and the amount of people visiting Opal Creek. These limiting factors are not likely to change in the future. However, we are not opposed to developing monitoring criteria if experts in the area of fire management and fire ecology can agree to those criteria. The monitoring criteria should not be a standard, but instead included in the monitoring plan.</p>
Steve Wise, Joseph Kling & Mandy Summer	<p>The alternative including fire in its natural role should be noted as a future goal when ecosystems in surrounding forests have recovered. With Opal Creek as the only large area of late successional watershed and habitat conditions, some effort to protect it from catastrophic fire is warranted. Allowing fire to periodically transform parts of the forest, in the long term, will protect the forest.</p>	
Jeff Watson	<p>We feel Alternative 4 covers the goal we have, but are concerned that it is too limiting in its scope and does not take into account the loss of life or property</p>	

## Supports Full Protection of the Area

Name of Commenter	Public Comment	Forest Service Response
Annelise Kelly	<p>I have backpacked Opal Creek every summer for the last three years. It is a state, national, global treasure, and I would like to see it maintained in the most natural &amp; pristine state possible.</p>	<p>The Opal Creek Legislation provides for a balance of providing recreation opportunities for the public, and protecting the natural environment of the Scenic Recreation Area. However, the Scenic Recreation Area is not designated as a Wilderness, so some activities will be allowed to occur that would not be permitted in a Wilderness. Large portions of the Opal Creek SRA are considered primitive or semi-primitive in nature (Low and Very Low Use Zones) and provide an experience similar to that of a wilderness.</p>
Lori & John Duda	<p>We want to see the area to be protected like a wilderness. No new buildings, No new road building. No kind of logging or mining of any sort. However, we want to always be able to bring our dog into the area. Also, we want to be able to continue to be able to ride our mountain bikes on the gravel roads only.</p>	

### Campfires in Designated Fire Rings

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	The alternative standard restricting campfires to fire rings (5-1) would add needed protection. The frequency of unmanaged campfires left smoldering or causing forest fires is growing. Restricting camping to stoves in areas outside hardened sites is reasonable protection.	The selected action does not include a standard restricting campfire to fire rings or limiting them to the high intensity zone. Restricting campfires is very difficult to enforce, and other methods may be more effective at achieving the objectives. The selected action does include a standard (MA-2c-05 In Appendix A) that allows us to restrict campfires where needed after other actions have proved unsuccessful at resolving the issue associated with campfires.
Marty McCall	Campfires should be allowed only within the high intensity zone and only in designated fire rings. This would place a desirable emphasis on fire prevention and reduce risk of wildfire from abandoned campfires, discovered on numerous occasions in the moderate use zone by hikers and Friends of Opal Creek staff. Although still a concern, human caused fire in a developed site in the high intensity zone would be infinitely more accessible to firefighters than in a dispersed site.	
Max Nielson-Pincus	Section 5-1. This standard should be pursued with further protections that restrict campers and backpackers to stoves outside of hardened sites. Unmanaged campfires and smoldering duff pose serious threats to the SRA. This is a reasonable standard for protecting the SRA.	
Mark Ottenad - Friends of the Breitenbush Cascades	There are a few provisions in Alternative 5 that are worthy of incorporation into the final alternative: 5-1, pg. 2-20: Campfires allowed only in designated fire rings; or campfires solely in developed campgrounds.	

### Non-Traditional Forest Products

Name of Commenter	Public Comment	Forest Service Response
Marty McCall	Although, unfortunately, the legislation is not specific on this issue, the inclusion of the provision for collection was intended to allow traditional tribal collection only. If collection of non-traditional forest products had been considered a recreational activity it would not be designated as a separate category in the legislation. It was done for the benefit of the tribes. If allowed, personal collection would be concentrated along the limited number of accessible and highly used trails and roads, incrementally degrading SRA ecological and scenic values for the majority of visitors.  I support collection only by the Tribes for traditional tribal uses. If personal collection is allowed it should be limited to incidental on-site use within the SRA, and a standard should be added to monitor incidental collection and impose restrictions if degradation occurs.	Most special forest product uses within the SRA are typically associated with a recreational or other personal-use activity such as campfire wood gathering, mushroom gathering, and huckleberry picking. These traditional types of activities have been occurring the Opal Creek area for many years. Experience across the Forest has shown that these types of special forest product gathering have not affected scenic quality values. There are limits to what can be taken for personal use and they cannot cause mortality to the species.

### Allow Sluicing & Dredging to Occur

Name of Commenter	Public Comment	Forest Service Response
Dale Russell – WVMA	Page 3-15: This is not a good choice it suggests that people go to the Quartzville Mining District in the summer. This area is already crowded and does not need over use.	The effects disclosed in the EA on page 3-15 suggest what may occur if the alternative was selected.
Mary Atkinson	<p>Alternative 2, the proposed alternative, is way too restrictive (unreasonable) and did NOT provide any supporting reasons for eliminating or restricting current activities in the area. This is a recreational area, not a wilderness area.</p> <p>Alternative 2 is very restrictive of historic uses especially recreational mining; it also greatly restricts the quality of the recreational experience by eliminating most recreational mining activities and restricts the ONLY activity (panning) to an extremely limited area.</p> <p>While no negative impacts from such activities as dredging were indicated in the EA, alternative 2 by its nature imply these activities are undesirable. It must be realized that these activities are going to occur anyway on existing claims and any noise is comparable to that of vehicles, generators, etc. Dredging is also limited to a very short period of time during the summer. Dredging is beneficial by removing lead and mercury from streams as well as cleaning gravel creating areas for fish to spawn.</p>	<p>The selected action includes standards allowing sluicing and dredging to occur.</p> <p>See the standards described in Appendix A of the Decision Notice-- MA-2c-12, MA-2c-13, and MA-2c-14, that allow non-motorized mineral collecting activities (panning &amp; sluicing) in all streams and motorized suction dredging to occur in the High Intensity Zone streams in the SRA.</p>
No Name	I believe that recreational prospecting with motorized suction dredges, as proposed in alternative 6 (6-1, 6-2, 6-3) should continue in the recreation area. Mining has occurred in this drainage for over one hundred years and suction dredging for forty years or more, yet by all accounts the entire area is still "pristine". I do realize that some segments of the public don't believe that dredges should be allowed anywhere on public lands, but this is a traditional use and has not caused any problems with the environment or the fishery. Another aspect of continuing to allow this traditional use is that there is gold in the streams of the area to recover, but certainly not enough to start any sort of gold rush. I don't think you will find that even if the entire area is open to dredging and sluicing, there will be much activity very far from the roads. This equipment is bulky and heavy and does not transport long distances well or easily - I believe the camping limits and restrictions on camp location, coupled with the relatively short season that dredging is allowed, will limit dredge use. Especially the larger sizes.	

## Prohibit Sluicing & Dredging

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	Only recreational panning should be included. Mining associations proposed and agreed to the restriction in the Standards (p. 2-13) that only recreational panning, not sluicing or motorized dredging, be allowed in the SRA. This should not be changed. The alternative that would expand permissible mining (Alternative 6) is unacceptable. Not only according to the general objectives and standards of the SRA, but because the Little North Fork is habitat for endangered salmon and steelhead. Federal agency documents, including those of the Forest Service, identify the river as listed salmon habitat. Encouraging dredging of even part of the SRA would be contrary to, and possibly illegal, under the requirements of the Endangered Species Act.	Recreational mineral collecting activities have been occurring in the Little North Santiam drainage for many years, and have continued to occur since the enactment of the Opal Creek Act. These activities have been primarily panning, sluicing, and limited amounts of motorized dredging in the Little North Santiam River and Cedar Creek. We have decided to select Alternative 6 and standards MA-2c-12, MA-2c-13, and MA-2c-14 (Amendment A), which allow recreational mineral collecting activities to occur. As disclosed in Chapter 3 of the EA – Environmental Effects, page 3-19, “sluicing and dredging activities are not expected to have any impacts to fish species or their habitat as long as activities occur within the guidelines established by the Oregon Department of Fish & Wildlife.” Suction dredging is allowed only during limited seasons so as not to conflict with winter steelhead spawning. As a requirement of the Endangered Species Act (ESA) the decision to allow sluicing and suction dredging must undergo consultation with the National Marine Fisheries Service (NMFS). NMFS prepared a biological opinion stating that the proposed Opal Creek SRA Management Plan is not likely to jeopardize steelhead or chinook salmon or adversely modify critical habitat for these species.
Marty McCall	Permitting sluicing and dredging would be inconsistent with legislation purposes, desired conditions and proposed standards. Disturbance to endangered fish, ecological degradation of streams and streamside habitat, and compromise of the recreational experience for other SRA visitors were some of the compelling reasons for prohibiting all but recreational panning. Sluicing and dredging should be prohibited in the SRA except for valid existing rights. Recreational panning should be restricted to areas designated in Alternative 2 for the same reasons.	
Max Nielson-Pincus	The district should loosely monitor the amount of panning occurring in the designated corridor. Either a permit system similar to the wilderness permits system or a more strict system should be adopted. The district should have a rough idea of how much panning is occurring. Panning this designated area could have some Endangered Species Act (ESA) implications, as the Little North Fork is habitat for endangered salmon and steelhead. It, therefore, is probably legally necessary for the district to monitor the usage of this habitat. The expansion of mining in Alternative 6 is completely unacceptable, as it would most likely butt up against ESA protocols and the general objectives and other standards of the SRA management plan.	

### Prohibit Sluicing & Dredging – Continued

Name of Commenter	Public Comment	Forest Service Response
Linda Irvine – Portland Energy Conservation, Inc.	Only recreational panning should be permitted. Mining associations proposed and agreed to the restriction in the Standards (p. 2-13) that only recreational panning, not sluicing or motorized dredging, be allowed in the SRA. This should not be changed. The alternative that would expand permissible mining (Alternative 6) is unacceptable. Besides, the Little North Fork is habitat for endangered salmon and steelhead. Federal agency documents, including those of the Forest Service, identify the river as listed salmon habitat. Permission to dredge the SRA would be contrary to, and possibly illegal, under the requirements of the Endangered Species Act. Please don't even consider Alternative 6.	Recreational mineral collecting activities have been occurring in the Little North Santiam drainage for many years, and have continued to occur since the enactment of the Opal Creek Act. These activities have been primarily panning, sluicing, and limited amounts of motorized dredging in the Little North Santiam River and Cedar Creek. We have decided to select Alternative 6 and standards MA-2c-12, MA-2c-13, and MA-2c-14, which allow recreational mineral collecting activities to occur. As disclosed in Chapter 3 of the EA – Environmental Effects, page 3-19, “sluicing and dredging activities are not expected to have any impacts to fish species or their habitat as long as activities occur within the guidelines established by the Oregon Department of Fish & Wildlife.” Suction dredging is allowed only during limited seasons so as not to conflict with winter steelhead spawning. As a requirement of the Endangered Species Act (ESA) the decision to allow sluicing and suction dredging must undergo consultation with other Federal Agencies including USDI Fish and Wildlife Service, and National Marine Fisheries Service
Gregory Satir	Sluicing and motorized dredging should not be allowed forms of mining. Expanding permissible mining should not be done.	
Annelise Kelly	I want no commercial or mechanized mining in Opal Creek--recreational panning only.	
William Montgomery	Most of the alternatives are fair and balanced except 4 and 6. Alternative 6 goes to far by allowing motorized suction dredges on all streams (an extreme position that would degrade stream quality and the environmental integrity of the SRA).	

### Prohibit Mining in the SRA

Name of Commenter	Public Comment	Forest Service Response
Jeff Watson	While the history of Opal Creek rec. is strong in mining, We feel this tradition should not supplant the need for responsible mining practices, especially where water quality is involved. More disclosure is needed in relation to the Bornite Project Area. We feel all mining practices should be curtailed to lowest levels possible.	References to the Bornite Project in the EA are taken directly from the Opal Creek legislation (P.L. 104-333). A Final Environmental Impact Statement and Record of Decision were completed for the Bornite Project on April 22, 1993, which disclosed the effects of the project. The project is currently on permanent hold pending issuance of required permits by State agencies. It is unknown when, or if, the project will be completed. We agree that all practices, including mining, should protect water quality.

## Prohibit Discharging of Firearms

Name of Commenter	Public Comment	Forest Service Response
Mark Ottenad – Friends of the Breitenbush Cascades	There are a few provisions in Alternative 5 that are worthy of incorporation into the final alternative: 5-5, p. 2-20: Discharging of firearms shall be prohibited in all areas of the SRA. We believe that this is a crucial public-safety issue. There are thousands of adjacent areas of Forest Service and BLM lands that are open to firearm use; it makes little sense to permit the use of firearms in a limited recreation area of great public use and interest.	See the standards described in Appendix A of the Decision Notice (MA-2c-08) that prohibits target shooting using firearms within the medium and high intensity zones in the SRA.
Jeff Watson	We feel alternative 5 section 5-5 best represents the interests of all users of the SRA. Gunfire while walking peacefully with your child, wife, dog or along infringes upon the true wildlife experience and undermines the tranquility that the SRA should bring. It can be frightening, in fact.	Discharging of firearms, for the purpose of hunting, will be permitted in the SRA during standard hunting seasons established by the Oregon Department of Fish & Wildlife.
Steve Wise, Joseph Kling & Mandy Summer	Prohibition in the entire area (Alt. 5-5) should be adopted to protect other recreation - hiking, swimming, horse, motorized, and other uses - from injury and death. Preferred alternative (p 2-9) prohibits firearms only in the medium and high zones, but does not prohibit it in low and very low zones.	Within the high and medium zones, during the summer recreation season is where and when most of the conflicts between target shooting and other recreationists occur. It is believed that restricting target shooting in these zones will adequately address this issue.
Marty McCall	Except for hunting in the low and very low use zones, all other discharges of firearms should be prohibited to meet desired conditions (reduction of noise disturbance, elimination of damage to resources and property, creation of a safe and quiet/peaceful setting). A standard should be added to allow additional restrictions or prohibition in the low and very low use zones if needed.	
Max Nielson-Pincus	Firearms absolutely should not be allowed to be discharged in the recreation area. The management plan should follow alternative 5-5, a prohibition of the discharge of firearms in the entire SRA. Although hunting is a recreation for many, many more use the recreation area for non-hunting purposes. Not only do the sound of gunshots disturb the serenity of the natural area, they pose the unacceptable risks of the disruption of nature, fright, injury, or death for hikers, bikers, campers, backpackers, fishers, residents and guests of Jawbone Flats (bordering the low use area), researchers, students, trailworkers, historians, people driving along the SRA's roads, panning miners, as well as the SRA's non-game wildlife. The discharge of weapons, especially firearms, is absolutely unacceptable in the SRA. There are plenty of other places on the district where firearms may be discharged, give this one little area respite from them. Please amend this standard.	
Gregory Satir	Firearms should be prohibited in all areas to preserve their use for other recreation.	



### Allow Hunting in the Med & High Use Zones

Name of Commenter	Public Comment	Forest Service Response
Gordon Ohman – Oregon Hunters Association (OHA)	The lose of hunting on public land would be a start in a trend that could not be stopped. I strongly encourage the Forest Supervisor to select Alternative 6 of the Opal Creek SRA Management Plan	The selected action allows for hunting to occur during the regular hunting season established by the Oregon Department of Fish and Wildlife.
Alex Paul – OHA	I respectfully request that the Forest Supervisor select of ALTERNATIVE 6 of the Opal Creek SRA Management Plan. I don't believe it is right to eliminate hunting from the considered area. This sets a dangerous precedent for public land and changes a customary use of this public land.	See the standards described in Appendix A of the Decision Notice (MA-2c-06, MA-2c-07, and MA-2c-08), that allow for Hunting and Fishing to occur in the SRA. MA-2c-07 prohibits the discharging of firearms in the Medium and High Use Zone from Memorial Day to Labor Day, however, this is not expected to have much impact on hunting as most of the hunting seasons begin after the Labor Day Holiday. Hunting and Fishing will be regulated as established by the Oregon Department of Fish & Wildlife.
Brady Fuller – OHA	<p>I disagree with the proposal to eliminate hunting activities in the Opal Creek Scenic Area. Specifically, hunting on public land is an alterative use that has just as much right to continue as bird watching, hiking, fishing, rock climbing, and other outdoor activities that share public land.</p> <p>Specifically, hunting activities are confined to limited durations of the year, generally between October and December. Other users of public land have the entire 12 months of the year to enjoy the unique features of the Opal Creek Area. I would not consider excluding any group from using the area.</p>	See the standards described in Appendix A of the Decision Notice (MA-2c-06, MA-2c-07, and MA-2c-08), that allow for Hunting and Fishing to occur in the SRA. MA-2c-07 prohibits the discharging of firearms in the Medium and High Use Zone from Memorial Day to Labor Day, however, this is not expected to have much impact on hunting as most of the hunting seasons begin after the Labor Day Holiday. Hunting and Fishing will be regulated as established by the Oregon Department of Fish & Wildlife.
Charles Smith – OHA	I oppose closing a portion of the Opal Creek SRA to hunting. General Rifle hunting season does not start until October so it should not interfere with most people that want to enjoy the area for its scenic quatilities the rest of the year.	
Jeffrey Studnick	I feel the loss of our right to hunt on public ground is unnecessary. Hunters are not responsible for the problem that is addressed here. While it is possible that hunters use this area to target shoot, I think it not a matter that requires ending hunting in this area. It would be impossible to enforce the no hunting ban and also would not be a cost effective use of public employees time. It would seem a lot easier to check for target shooters than chase legal hunters around the hills. Especially in this time where budgets are being cut. Once again I recommend the adoption of alternative 6.	
Steve Rychetsky	No hunting privileges should be taken away from private citizens who pay taxes to support the land. I strongly disagree with the proposal to stop hunting. I agree with alternate 6.	

**Allow Hunting in the Med & High Use Zones – Continued**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
William Little – OHA	I believe that the proposed 1000 acres off limits to hunters should not be approved. I agree with OHA that you may limit target practice, but not hunting.	The selected action allows for hunting to occur during the regular hunting season established by the Oregon Department of Fish and Wildlife.
Jeff Ritter	I support Alternative #6 and oppose Alternative #2.	See the standards described in Appendix A of the Decision Notice (MA-2c-06, MA-2c-07, and MA-2c-08), that allow for Hunting and Fishing to occur in the SRA. MA-2c-07 prohibits the discharging of firearms in the Medium and High Use Zone from Memorial Day to Labor Day, however, this is not expected to have much impact on hunting as most of the hunting seasons begin after the Labor Day Holiday. Hunting and Fishing will be regulated as established by the Oregon Department of Fish & Wildlife.
Emma France & Dewey France – OHA	I would like to see Alternative #6 accepted as it now stands. Allowing for hunting in the recreational area during the dates listed will pose no threat to campers. Hunting is not target shooting.	
David Wiley – OHA, Rocky Mountain Elk Foundation	<p>By eliminating hunting Alternative 2 violates the law creating the the SRA. Hunting is a recognized lawful form of recreation, and has been taking place in the Opal Creek SRA, and in the Medium and High use zones of the SRA, well before the creation of the Opal Creek SRA. The federal law creating the SRA indicates that all forms of recreation taking place before the creation of the SRA shall be allowed to continue at levels at least as high as before the creation of the SRA. Alternative 2, the USFS preferred alternative, violates this intent of the law by elimination the use of weapons in the designated Medium and High use zones of the SRA, and thus eliminating hunting in a portion of the SRA and in so doing violates the law.</p> <p>The period of the year after Labor Day through to Memorial Day finds few people other than hunters and fisherman using the Opal Creek SRA, including the Medium and High use zones.</p> <p>Selection of Alternative 6 will comply with the federal law creating the Opal CR SRA by continuing to allow hunting in the Medium and High use zones and throughout the SRA between Labor Day and the following Memorial Day, the period when few other recreationists other than hunters are in the area.</p>	

**Allow Hunting in the Med & High Use Zones – Continued**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
William J. Castillo – OR Dept. of Fish & Wildlife Service	<p>The main concern that ODFW has is the preferred alternative proposal to apply the prohibition of the discharge of firearms to the medium use zone, which is essentially a road or trail corridor. Including a no shooting buffer along the road, as this plan proposed to do, would not add to the safety that is already provided by existing state and federal regulations. Enforcement of a buffer would be even more difficult without a fence, mowed corridor, very heavy sign posting, or other obvious boundary delineation along the outside edges of the buffer.</p> <p>The proposed prohibition on the discharge of firearms in the Medium Intensity Zone is a proposal that ODFW can not support. Any restrictions on hunting should apply only to the high use zone and only during the high use period between Memorial Day and Labor Day weekend. Restrictions on hunting in the Medium use zone, beyond what is already restricted through current regulations, should be eliminated.</p>	<p>The selected action allows for hunting to occur during the regular hunting season established by the Oregon Department of Fish and Wildlife. .</p> <p>See the standards described in Appendix A of the Decision Notice (MA-2c-06, MA-2c-07, and MA-2c-08), that allow for Hunting and Fishing to occur in the SRA. MA-2c-07 prohibits the discharging of firearms in the Medium and High Use Zone from Memorial Day to Labor Day, however, this is not expected to have much impact on hunting as most of the hunting seasons begin after the Labor Day Holiday. Hunting and Fishing will be regulated as established by the Oregon Department of Fish &amp; Wildlife.</p>
Daryl Russell	We feel the US Forest should remain open for all outdoor recreation uses, mostly hunting.	
Paul Donheffner	Opposed to prohibiting hunting on over 1,000 acres of public lands within the Willamette National Forest. The proposed management plan fails to document a need for a complete prohibition on the discharge of weapons, year round. The management plan should allow the discharge of firearms, especially bows, during legal hunting seasons.	
Robert Hershey	Concerned with the Proposed Action as it relates to prohibition of firearm discharge in the Medium and High Intensity Zones. Imposing some restrictions on firearm use, such as those proposed in Alternative 6 would provide the protection necessary and still allow for hunting during lawfully designated hunting seasons.	
Oregon Hunter Association members	Opposed to the selection of Alternative 2 as proposed in the EA, because it entirely eliminates hunting in the zones designated Medium and High use zones. By eliminating the recreation of hunting, Alternative 2 violates the law creating the SRA. Recommend selecting Alternative 6 will comply with federal law establishing the SRA by continuing to allow hunting in the Medium and High use zones and throughout the SRA.	

**Allow Hunting in the Med & High Use Zones – Continued**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Joe Ricker – OHA Capital Chapter President	We are opposed to the selection of Alternative 2 because it eliminates the hunting year round in the Medium and High use zone. We strongly believe, the provision of Alternative 2, page 2-9, paragraph 7 violates the provision of the Act. Hunting is clearly a recognized and traditional form of recreational use of the Opal Creek SRA. We support the elimination of target practice or random shooting in these areas as this activity could well be a safety issues. We recommend the adoption of the provisions of Alternative 6 that meets the requirements of the Act and at the same time addresses the issues of safety and enjoyment of the Scenic Recreation Area.	The selected action allows for hunting to occur during the regular hunting season established by the Oregon Department of Fish and Wildlife.  See the standards described in Appendix A of the Decision Notice (MA-2c-06, MA-2c-07, and MA-2c-08), that allow for Hunting and Fishing to occur in the SRA. MA-2c-07 prohibits the discharging of firearms in the Medium and High Use Zone from Memorial Day to Labor Day, however, this is not expected to have much impact on hunting as most of the hunting seasons begin after the Labor Day Holiday. Hunting and Fishing within the SRA will be regulated as established by the Oregon Department of Fish & Wildlife.
Howard Klopfenstein	Opposed to the selection of Alternative 2 as proposed in the EA, because it entirely eliminates hunting in the zones designated Medium and High use zones. By eliminating the recreation of hunting, Alternative 2 violates the law creating the SRA. Recommend selecting Alternative 6 will comply with federal law establishing the SRA by continuing to allow hunting in the Medium and High use zones and throughout the SRA.	

**Restrict target shooting in the Med & High Zones.**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
William J. Castillo – OR Dept. of Fish & Wildlife Service	ODFW can support the restriction of target shooting in the high and medium use zones. ODFW could also support the recommendation to create a seasonal restriction that prohibits discharging of firearms in the high use zone during the high use season from the Memorial Day to Labor Day weekends. This is a measure that would go beyond safety and help minimize some of the other issues that are a source of conflicts between hunters and non-hunters.	See the standards described in Appendix A of the Decision Notice (MA-2c-08) that prohibits target shooting with firearms n the Medium and High Intensity Zones of the SRA.

## Restricting Use Levels

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	Restricting levels to use prior to passage of the Opal Creek Legislation (5-3) is unnecessary and contrary to other objectives of the plan.	In the standards described in Appendix A of the Decision Notice, standard MA-2c-05 allows for use levels to be monitored to determine the impacts or effects to resources in the SRA. In the event adverse effects are occurring, the actions described in this standard will be implemented.
Marty McCall	<p>Several inappropriate recreational activities occurring at the time of enactment are inconsistent with the purpose of the legislation (i.e. drug use, firewood collection, drunken behavior, firearm discharge in developed recreation sites, and digging of plants, to name a few). Clearly these activities do not provide for "protection" and "enhancement" of SRA resources and should not be permitted "at not less than levels in existence on the date of enactment". In this context, the words "recreation activities" refer to recreation in general and "levels" refers to the total number of recreationists. The legislation does not state that specific activities occurring at the time of enactment should continue. In fact, the legislation was intentionally non-specific regarding individual activities so as to allow for the thoughtful development of a management plan that embodies legislative purpose and intent.</p> <p>Recommend the following: Increasing use levels in all intensity zones as long as ecosystem values are monitored and managed to provided for protection and enhancement of the values and conditions that existed at time of enactment.</p> <p>The management plan should specify that use levels be held to those at time of enactment until restoration of those areas occurs and measures are put in place to deal with greater numbers of visitors. (i.e. additional trails, viewing platforms, boardwalks at strategic locations, signage directing hikers to new loop trails and educating visitors regarding leave no trace practices).</p>	
Max Nielson-Pincus	A specific plan addressing how to ensure use levels not above those at the time of enactment of P.L. 104-133 in the medium use zone is necessary. Many times I have seen the Opal Creek trailhead parking lot overflowing with over 50 vehicles in it. Road 2209 is often busy like a highway, which is dangerous. Friends of Opal Creek is also bringing more and more people to Jawbone Flats. I do not want to see the Opal Creek SRA getting loved to death, as the Opal Pool area already is. The Forest Service together with its major inholder, Friends of Opal Creek, needs to collectively create an explicit plan for meeting this standard. This plan should be open to public comment and review.	

## Camping Restrictions

Name of Commenter	Public Comment	Forest Service Response
Dale Russell – WVMA	Alternative 5, Std. 5-6. This idea will place more overloading on a campground that is filled to capacity every weekend. Dispersed camping would be more favorable for the area, provided fire rings and guidelines for this type of camping.	These standards from Alternative 5 were not included in the Selected Action. You are correct, that this standard could result in overloading the existing campground and displacing campers to other areas.
Marty McCall	Overnight camping should occur only in developed campgrounds with the remainder of the SRA serving as a day use area (5-6). If dispersed camping is allowed, the inevitable incremental increase in activity will be increasingly difficult to manage in terms of resource degradation, conflicts with other recreational activities, and potential for wildfire from abandoned campfires. These problems are already negatively impacting the ecosystem and the recreational experience.	Placing restrictions on all dispersed camping is not warranted at this time. There are some impacts from dispersed camping, but the impacts are not considered significant at this time. Monitoring the affects of dispersed camping should continue to determine if action should occur to reverse trends.
Gary & Trudy Schrader – WVMA members	I also want to be able to camp on my claim (high use zone) during the time I am mining so I can keep an eye on my equipment.	Camping on an existing mining claim would be an activity approved under a Plan of Operations, as required in 36 CFR 228. See also MA-2c-42, and MA-2c-43 in the standards described in Appendix A of the Decision Notice.  The six active mining claims with the Opal Creek SRA shall be administered in accordance with the applicable laws and regulations including the General Mining Law of 1872 and the Opal Creek Legislation (P.L. 104-333).

## Administrative Cutting of Trees and Salvage Logging

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling, Mandy Summer	<p>The alternative standard defining administrative cutting and calling for site analysis to minimize administrative cutting (7-1, p. 2-25) should be adopted.</p> <p>Similar minimal standards to the fire practices in Alt. 3 should apply to vegetative management. Adopting Alt. 3's minimal tactics should also explicitly modify the Standards under Vegetative management, (p.2-10) which cover allowable tree cutting.</p>	<p>There is obviously some confusion regarding the standard in the EA for Administrative Cutting of Trees. It appears that some readers interpreted the standard to read that salvage logging might be permissible. The Opal Creek Legislation (P.L. 104-133) clearly states that there shall be no selling of trees, including salvage logging. It is suggested that the standard should quote the legislation, and we agree. We have revised the standard to quote the legislation so that there shall be no confusion on interpretation of the standard.</p>
Dale Russell – WVMA	<p>Page 2-25, Alt. 7: This would allow for not only for maintenance but not tie the Forest Service hand to make improvement for the future.</p>	
Steve Wise, Joseph Kling & Mandy Summer	<p>Salvage logging should be prohibited, entirely. (p. 2-10) The current vegetation language could be interpreted as permitting salvage logging after fire. An adjustment to the standard's current language would say logging "shall be prohibited from the SRA. Cutting of trees is permitted only for:" and then list safety, administrative and hazard purposes.</p>	
Annelise Kelly	<p>I am utterly opposed to any salvage logging: downed trees are essential to the natural cycle of the forest.</p>	
Max Nielson-Pincus	<p>With regards to Alternative 2's standard for vegetative management, the language prohibiting salvage sales should read: "...salvage sales shall be prohibited in the SRA. Cutting of trees is permitted only for..." As the language currently stands I am unsure if the cutting of trees allowed under conditions a., b. and c. of the standard would be allowed to be sold as salvage or not. I firmly believe that any tree cutting in the SRA should not be a profitable venture and that trees cut under the previously mentioned conditions should be left for nature, as would a fallen snag.</p>	
Gregory Satir	<p>Salvage logging should not be allowed at any time, even after a fire. Vegetative management should be done with the least impact, encouraging the use of native plants rather than chemical controls.</p>	
Marty McCall	<p>The standard on the prohibition of the cutting and/or selling of trees in the SRA should quote the legislation. The proposed standard leaves room for ambiguity. The words "timber harvest" are not used in the legislation and should not be used in the standard (p. 2-10). I favor adoption of Alternative 7.</p>	

## New Trails

Name of Commenter	Public Comment	Forest Service Response
Steve Wise	The alternative prohibiting new trails (5-2) is too restrictive. The proposed alternative considering trails that minimize impact are better.	The Forest Supervisor has taken these comments into consideration when arriving at a decision for the Scenic Recreation Management Plan.
Max Nielson-Pincus	A trail should be built to connect the Little North Santiam trail with the Kopetski trail to provide for longer barrier free segments. The Opal Creek trail should not be connected to Opal Lake. Instead the District should work on improving the French Creek trail and the Beachie Mt. Trail.	Under the standards described in Appendix A of the Decision Notice, standard MA-2c-18 allows for new trails to be constructed that will disperse use from existing trails and provide loop trail opportunities.
Scott Fogarty – Friends of Opal Creek	I agree with building newer trails to disperse foot traffic on 2209 behind the gate	
Dale Russell – WVMA	Page 3-8 Trails – Alt. 2 is an excellent choice overall.	Thank you for your comment.

## Bicycle Use

Name of Commenter	Public Comment	Forest Service Response
Mark Ottenad – Friends of the Breitenbush Cascades	There are a few provisions in Alternative 6 that are worthy of incorporation into the final alternative. 6-6, p. 2-24: Bicycles not allowed on Opal Creek Trail; Bicycles allowed on Road 2209 past Gate and Battle Axe Road/Trail. Our members feel that the use of bikes on these graveled roadbeds is an appropriate public recreation use; banning bikes on these highly used, narrow trails is inappropriate.	See the standards described in Appendix A of the Decision Notice (MA-2c-21), which allows bicycles to ride on the roaded portions of the Opal Creek Trail and the Battle Axe Trail along the 2209 road behind the gate. Bicycles are not allowed on the Mike Kopetski portion of the Opal Creek Trail or on any wilderness trail.
Jeff Watson	The use of mountain bikes on the trail system should not be limited to zones, but rather to the type of trails available to the SRA user. Single track trails like the Mike Kopetski or North Fork trails are not conducive to bike use. Roads like the Battle Axe and Whetstone Mountain should be accessible to non-motorized wheeled use. This options was not made available in any of the proposals, but should be considered it is deemed that the use of those particular trails would not cause adverse erosion or severely impact the overall SRA experience.	
Marty McCall	Bicycles should not be permitted on the Mike Kopetski/Opal Creek and Battle Axe Trails as stated in Alternative 2. Bicycle use on these trails would degrade them and cause conflicts between user groups.	



**LSR Impacts -Wildlife Effects**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Mary Atkinson	I am also concerned about the wildlife impacts of Alternative 2 & 7 as described in the last 2 paragraphs on page 3-21 of the Opal Creek SRA EA (Dec. 2001).	This is a valid concern. By removing a forest management tool (commercial timber harvest or salvage logging) there may be negative impacts to certain species. However, we must comply with the Opal Creek legislation (PL 104-33).

**Elkhorn Wild & Scenic River**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Suzanna Mack – Local Residents for Opal Creek	The SRA Management Plan should disclose the effects of implementing the proposed action and alternatives on the Elkhorn Wild & Scenic River.	The effects of implementing the proposed action and the alternatives are addressed in the EA on page 3-22. None of the alternatives, including the proposed action are anticipated to affect the Elkhorn Wild and Scenic River.

**Motorized Access behind the Gate**

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	No restrictions on 2209 within the gate are necessary beyond those in the proposed Standards (p. 2-13, subsection 6). Standard 5-8 under Alt. 5, prohibiting weekend traffic and limiting weekday traffic is unnecessary. The Act describes easement terms. Minimizing traffic to reduce conflicts is what the plans should do.	Conflict between hikers and motorized use behind the gate on Forest Road 2209 is a problem. The standard in Alternative 5 prohibited use on the weekends; it did NOT terminate the inholder's rights to access their property. However, we do agree that a more suitable method of reaching agreement regarding motorized use behind the gate is to establish an easement agreement between the landowner and the Forest Service. Monitoring information such as traffic counts, etc., will be used to help reach a reasonable easement agreement.
George Atiyeh – Opal Creek Watch	<p>We recognize that the Secretary does have the right to determine terms and conditions for parties who have entered into easement agreements with the Forest Service. Ingress and egress to inholder's property is a preexisting right at the time of enactment and cannot be terminated without the inholders express consent, to do so constitutes a taking under the law. Inholders certainly do not intend to let the Detroit Ranger District decide what is reasonable access their property at Jawbone Flats.</p> <p>5-8 NO this violates the law and the sprit of the act and invites legal action by inholders and is not a good way to start the management of Opal Creek. 5-8 should read "Motorized use on Forest Service Road 2209 beyond the gate at the Opal Creek Trail head shall be permitted for emergency and administrative use, authorized research, and for access by private inholders. The Forest Service and inholders shall enter in to a voluntary cooperative use agreement in order to limit road traffic during high use weekends."</p>	
Marty McCall  Annelise Kelly	<p>Prohibition of weekend motorized use and the limitation on weekday motorized use of 2209 beyond the gate is excessive. However, a standard should be added that provides for monitoring and restricting weekend and weekday use as necessary to avoid conflicts with SRA visitors.</p> <p>I think no additional restrictions are necessary on road 2209. I consider it unnecessary to restrict use to prior levels.</p>	

**Motorized Access behind the Gate - continued**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Max Nielson-Pincus	<p>Road System standards, section 6) needs to be more explicit in terms of the inholders. Although the inholders have a right, as accorded to them in P.L. 104-133, to access of road 2209 beyond the gate, the forest service needs to proactively pursue an explicit agreement with Friend of Opal Creek as to the specific amount of road traffic allowed, how to minimize the traffic, and what times are not acceptable to use the road. It is understandable that the residents of Jawbone Flats need to use that section of road. However, it is unacceptable to be using that section of road five or six times a day, as was done this past summer. Alternative 5, standard 5-8, is a possible standard for the regulation of use of this road. However, I think it would be best to proactively pursue a discussion with the Friends of Opal Creek management in creating a viable standard. Creating standards in partnership with, rather than, as regulator of Friends of Opal Creek will undoubtedly ensure a better agreement for all, as well as a higher rate of compliance with the standard. However, as the public is the ultimate owner of the access road, and stands as the largest stakeholder, any agreed upon standard should be open for public review and comment. This may seem like a meticulous critique; however, I think it is probably the most widely held criticisms of Friends of Opal Creek and Forest Service management among visitors to the Opal Creek trail.</p>	<p>Conflict between hikers and motorized use behind the gate on Forest Road 2209 is a problem. The standard in Alternative 5 prohibited use on the weekends; it did NOT terminate the inholder's rights to access their property. However, we do agree that a more suitable method of reaching agreement regarding motorized use behind the gate is to establish an easement agreement between the landowner and the Forest Service. Monitoring information such as traffic counts, etc., will be used to help reach a reasonable easement agreement.</p>
George Atiyeh – Opal Creek Watch	<p>The standard that restricts vehicles on the weekends behind the gate on the 2209 road is illegal. This is in violation of the Opal Ck. Legislation, and should not have been considered a legitimate issue.</p>	
Aaron Courtney	<p>Concerned about the standard in Alternative 5 that prohibits motorized access on the 2209 road behind the gate. If this is implemented, it would devastate the operations at Jawbone Flats.</p>	
Scott Fogarty – Friends of Opal Creek	<p>I do not agree with the suggestion we close access and vehicle travel on the weekends. we impose our [Friends of Opal Creek] own restrictions, but this restriction would be prohibitive to our mission and purpose.</p>	

## ADA Considerations and Support for a Shuttle Bus

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	A study of accessibility needs and trail opportunities should be developed for future consideration by the Advisory Council. Standards for Forest Trail system (p. 2-19) include "some barrier free segments in compliance with accessibility standards." A future shuttle system would address this as well as traffic management issues. A study could examine accessibility needs and opportunities, particularly under ADA as called for in several early round comments, and make recommendations.	ADA considerations will be explored when and where appropriate. Any future considerations of a shuttle service would need to consider compliance with the Opal Creek Legislation (P.L. 104-333) and 36 CFR 251 (Special Use Regulations). The Opal Creek legislation limits motorized vehicle use behind the gate on Road 2209. Shuttle services on National Forest lands must be authorized through a Special Use Permit, which would require that a shuttle permit be sent out for competitive bid.
Judith A. Jones	<p>How can elderly persons or small children have access to Opal Creek? They cannot make that long round trip from the gate to the trail head, and still have energy left to use the trail.</p> <p>How can we possibly justify rules which conflict with the ADA? A wheelchair bound person will be absolutely prohibited from access to the Opal Creek trail head if they must start from the gate. Do we need to contact our senators/congressmen in order to request modification of existing Public Law 104-333 to allow shuttles, OR the opening of gate on special days?</p>	
Ann Cavanagh	You say that 80% of the State's population live close by Opal Creek, yet at least 80% are denied access to Opal Creek by that 6-mile round-trip hike to the creek. We're talking about ordinary citizens, not just disabled. A shuttle bus would simply be an extension of that service [provided by Jawbone Flats].	

### Advisory Council Representation

Name of Commenter	Public Comment	Forest Service Response
Marcy Terry	We small recreation miners weren't represented at the start of the advisory counsel. Current regulations are sufficient, if enforced. Outdoor family activities such as camping, rock hounding, and hiking need more parking areas.	While the role of Advisory Council members is to reflect the interests of the groups they represent, at times some segments of the population may not feel represented. Therefore, the intent of the NEPA process was to reach out to larger segments of the population that use Opal Creek and get their input on the proposed plan. When arriving at a decision, the Forest Supervisor uses the recommendations of the Advisory Council and the comments received from the public during the NEPA process.

### Mine Closures

Name of Commenter	Public Comment	Forest Service Response
George Atiyeh – Opal Creek Watch	The Mine Closures issue was specifically addressed by a sub committee of the Opal Creek Advisory Council. Their recommendations were made and adopted by the Council. Yet again, we find the famous refrain " We do not consider this to be a significant issue because...". This is a significant issue, which is why the advisory council addressed it. The one glaring omission in the report [CULTURAL AND HISTORIC RESOURCE INVENTORY] is the underground cultural resources. If the Forest service is unwilling or unable to develop underground interpretative displays, it should not preclude other alternatives that could provide these displays in the future.	As discussed in the EA – page 1-14, the issue on Mine Closures was determined to be outside the scope of the analysis for the Opal Creek SRA Management Plan. The management plan is a programmatic tool that provides the standards and guidelines for achieving the desired condition and does not address site specific projects. Therefore, mine closures will not be discussed in the management plan.
Leroy Johnson	I also heard you want to blow up the mines before you even know anything about them, another dumb idea.	A site-specific analysis was completed for seven abandoned mines in January 2001. A decision was made to close two of the mines, and was implemented by October 2001. A decision on the remaining five mines will be made following some additional analysis. Recommendations regarding the mine closures were requested from the Opal Creek Advisory Council, and adopted as part of the mine closure decision.
H. Stamper	I also think blowing up the mines or sticking foam plugs in them is also a dumb idea and a waste of the taxpayer's money.	
Hillary Clements	Leave the mines open do not mess with what you do not understand.	

### Leave Mines Open for Historic Interpretation

Name of Commenter	Public Comment	Forest Service Response
Ed Dunham	Wants the Forest Service to safely secure the mines and open them up to the public for historical interpretation.	All of the abandoned mines in the Opal Creek SRA contain several hazards to the public, including unstable rock, rotten timbers, deep-water, bad air, plus unknown hazards. Due to the high cost of restoring the mines and liability issues, the Forest Service will not adapt these mines for public tours now or in the future. After the Opal Creek SRA Management Plan is approved, the Forest Service will be developing a public interpretation plan that will identify ways of educating the public about many of the features and history of the Opal Creek SRA.
George Atiyeh – Opal Creek Watch	He would like the mines restored to a safe condition so that at least once in a while the FS could take groups into them for interpretation.	
Scott Fogarty – Friends of Opal Creek	We were hoping to have a cooperative agreement with the USFS over keeping some mines open for interpretive ventures.	

### Monitoring

Name of Commenter	Public Comment	Forest Service Response
Steve Wise & Joseph Kling	The most serious omission is the denial of monitoring as a "significant" issue.. The OCWSRA Act, the plan's management goals, the desired conditions, and the type and combination of management practices all deserve more specific monitoring and oversight than to be lumped into standard, and often inadequate, reviews that may accompany overall review of the overall Forest Plan. This plan should specify a monitoring program for the SRA and plan specific to its implementation.	The Scenic Recreation Management Plan is a programmatic plan, which amends the Willamette National Forest Plan, and provides standards to achieve or maintain the desired condition.  Implementation plans (such as a monitoring plan) will be developed after the SRA plan is approved. These plans will be developed in consultation with the Opal Creek Advisory Council.
George Atiyeh – Opal Creek Watch	Monitoring is significant; in fact it is probably the most important issue in the plan, to say "We do not consider this to be a significant issue because..." shows a callous disregard for the Public Law 104-333. How can you possibly comply with these provisions without addressing monitoring. To date the Forest Service is clueless about the actual levels of recreational use. The recreation levels at the date of enactment have not been studied or documented. This is the most significant issue that faces the agency, yet we see a statement such as "We do not consider this to be a significant issue because..." Monitoring must be addressed in the EA before you can go forward with any planning.	
Marty McCall	A provision for close monitoring of ecosystem values should be included on the management plan, with actions being taken if desired conditions or standards are not being met.	

**Site Specific Projects  
Improvements to Camping Facilities behind the Gate**

Name of Commenter	Public Comment	Forest Service Response
Ed Dunham	Want the Forest Service to improve the camping facilities behind the gate. Include toilets, firerings, garbage collection, etc. to prevent resource damage.	Thank you for your comment. We will consider these improvements as we continue to manage the Opal Creek SRA.

**Sanitation**

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	A specific strategy should address sanitation, including human waste & garbage. The plan currently lacks sanitation plans, aside from mention of "facilities" provided "to protect resources". (p.2-3).	The Scenic Recreation Management Plan is a programmatic plan, which amends the Willamette National Forest Plan, and provides standards to achieve or maintain the desired condition. Implementation plans or site-specific projects (such as plans or actions to address the sanitation problem) will be developed after the SRA plan is approved.
Annelise Kelly	Finally, I would like to see sanitation issues specifically addressed.	
Max Nielson-Pincus	What does the district plan to do about sanitation facilities in the SRA, especially in the medium use zone? There is no explicit mention of how to deal with the amount of human waste and garbage in the SRA.	

## Transportation Plan

Name of Commenter	Public Comment	Forest Service Response
Jeff Watson	Road system on page 2-13 #1 mentions the need for a transportation plan. It seems more disclosure is needed in area of road decommissioning and closings. We would like to see a clear protocol discussed as to how culverts, cross channels, drain drips, roadbeds, etc. would be handled. Currently the Whetstone Mtn. Trail are mainly blocked off logging roads with their beds and culverts intact. This seems out of the step with the goals of the wilderness zone aspect of the OCRSA.	The Scenic Recreation Management Plan is a programmatic plan, which amends the Willamette National Forest Plan, and provides standards to achieve or maintain the desired condition.  Implementation plans or site-specific projects (such as a transportation plan) will be developed after the SRA plan is approved.
Steve Wise, Joseph Kling & Mandy Summer	The plan still lacks a traffic management strategy to deal with impacts on the ecosystem, safety and the recreation experience.	
Max Nielson-Pincus	A transportation plan is necessary, and soon. The transportation plan should include a management strategy for the traffic between the 2207 and 2209 split and the gate at the Opal Creek trailhead. A traffic reduction plan like a shuttle or some other creative strategy that involved the local community should be pursued. Horse drawn carriages shuttling people to the Opal Creek gate (or Jawbone Flats) would be a creative solution involving the local community. Whatever the plan may be, it too should be open for public input and comment. Research into ways other protected recreationally valued public lands have abated traffic is necessary.	



## Education & Research

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	Language permitting research and education "deemed appropriate" should be deleted from the proposed standards. The standard (p. 2-15, subsection 4) need only permit research projects and educational activities compatible with the management plan's objectives, as it would do without language suggesting what is "appropriate".	Several standards are listed in the Selected Action that allow for Education, Interpretation and Research programs to occur that are consistent with the objectives of the SRA. The "appropriateness" of a research project or educational activity will be reviewed when the project is submitted.  Standard MA-2c-64 as described in Appendix A of the Decision Notice has been modified to read "shall be coordinated" so that recreation resources are considered during research and education activities.
Max Nielson-Pincus	<p>The District and other interested parties should be allowed to do research and conduct educational programs in the SRA. However, to create a transparent and public science and education, plans for such activities should be coordinated with the District as the standard implies. The language, "...should be coordinated..." should read, "...shall be coordinated..."</p> <p>It is especially important to create an agreement with the major inholder, Friends of Opal Creek whose mission includes education. Friends of Opal Creek and the forest service should partner in educational and research programs, at least in creating guidelines for how to conduct SRA impacting education or research.</p>	

## Partnerships

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	The plan (p. 2-9) should specifically include Voluntary Stewardship Agreements. The VSA included in the Mt. Hood management plan recognizes and utilizes voluntary efforts of groups active in interpretation, stewardship, and restoration activities. We should employ the same device in this plan to encourage voluntary efforts that complement those of relevant public agencies.	The SRA plan does not exclude Voluntary Stewardship Agreements. This can occur without specifically referencing it. See the standards described in Appendix A of the Decision Notice, standard MA-2c-11.

## Off Road Vehicles (ORVs)

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	The plan should permit only non-motorized use on trails. Permitting motorized use on trails is contrary to the standard (p.2-13) that prohibits motorized vehicles off of open roads. Alternative 5-7 would accomplish the restriction of motorized vehicles only to open roads.	See the standards described in Appendix A of the Decision Notice that includes standard MA-2c-49. <b>Motorized vehicles shall not be permitted off of open roads.</b> ORV use on open forest system roads may occur but shall not conflict with other vehicle traffic.
Marty McCall	Motorized use should be allowed only on open roads as per Table 2.1, page 2-5. The Advisory Council did not approve motorized use on trails as seems to be indicated in Alternative 2, p. 2-8 and 2-9 under Low Zone definitions. I support Standard 5-7 prohibiting ORVs within the SRA and motorized vehicles off of open roads.	
Marty McCall	No motorized vehicles should be permitted off roads and off road vehicles (ORVs) should not be permitted within the SRA (Alternative 5-7). All open roads border use zones with ROS designations that exclude ORVs. Also, use of ORVs would not meet desired conditions for any use zones.	
Max Nielson-Pincus	The low intensity zone as with all other zones should allow no motorized vehicles off of the roads. Allowing motorized vehicles on trail corridors is contrary to the general objectives of the management plan, as well as being contrary to Road System section 5 that states, "Motorized vehicles shall not be permitted off of open roads." Alternative 5, section 5-7 is an appropriate standard to eliminate this conflict. Off road vehicles degrade the natural patterns and textures of the natural area, and degrade the experience of all other users through noise, erosion, dangerous encounters, and other such disruptions.	

## Stock Use

Name of Commenter	Public Comment	Forest Service Response
Mark Ottenad - Friends of the Breitenbush Cascades	There are a few provisions in Alternative 6 that are worthy of incorporation into the final alternative. 6-7, p. 2-24, modified: This provision currently states that stock use is allowed to use only existing roads. We would like to modify this to allow light-on-the-land lama stock to be permitted on the trails in order to encourage packing guides and others who seek to make these trails more accessible with the least impact on the land possible. Specifically, horse stock, which are larger and cause greater environmental and trail damage, should be confined to existing roads.	See Selected Action MA-2c-22 (Appendix A) that, within the High Use Zone, stock use shall only be permitted on open roads. No other restrictions for stock use are included in the management plan.  For all other zones, this means that stock, including horses & Llama, can travel on trails and roads, unless otherwise designated.

**Stock Use – continued**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
George Atiyeh – Opal Creek Watch	You must allow stock use along existing roads even in high use areas. Horses are allowed on public roads throughout the State of Oregon. To prevent travel by horseback on Forest Service roads limits the basic right of Oregonians to travel. Unlike driving a car, riding a horse for transportation in Oregon is a right, not a privilege, and is a traditional and historic use. Restricting horses on roads will create an unenforceable condition and will create access conflicts for and with local residents.	See the standards described in Appendix A of the Decision Notice MA-2c-22 that, within the High Use Zone, stock use shall only be permitted on open roads. No other restrictions for stock use are included in the management plan.
Emma France & Dewey France – OHA members	I oppose #2 it as written. I feel very strongly horses should be allowed for trail riding and/or hunting purposes. For instance, trail riding does not endanger the environment anymore than people do. Walking or riding on designated trails in that area would be totally awesome!	For all other zones, this means that stock, including horses & Llama, can travel on trails and roads, unless otherwise designated.
Lee Stamper	David Young contacted me and said you folks with your Opal Creek Plan want to keep me riding my horse up the Little North to the mines and beyond.	
Leroy Johnson	I heard you want to keep us from riding our horses up to the mines in your new Opal Creek Management plan. Why would you want to do that? A bunch of us have been riding up there for over 50 years. What harm did we ever do? Please do not try to keep a group of long-term residents from making their annual ride to Elk Lake; there is enough bad blood between the residents of the Elkhorn Valley and the Forest Service.	
H. Stamper	My cousin Lee said I should write you to tell you that keeping us from riding to Elk Lake from Elkhorn is a bad idea. It is, leave us alone we haven't done a thing to cause you to try to keep us from riding the old Elkhorn-Elk lake road onto Elk Lake. We can ride our horses in the wilderness, why can't we ride them on the damn road? If you let cars, motorcycles, bicycles and people on the road why not horses?	
Rachel Black Elk	My Dad said you want to keep me from riding my horse Top Gun to Opal Creek. I am 10 years old I live in Elkhorn and have been riding to Opal Creek since I was three with my Dad. I do not understand, what harm are we doing by riding our horses on the road? Why don't you want us to do it?	
Hillary Clements	Do not block access by local residents on horse back from riding horses from Elkhorn to Opal Creek!	
David Young	I just heard that you folks intend to keep me from riding my horse Doc to Elk Lake, or huntin the upper North Fork.	

### Utility & Transmission Lines

Name of Commenter	Public Comment	Forest Service Response
Jeff Watson	We do not feel any new utility or transmission lines should be allowed in the SRA even if they are buried.	References to utility and transmission lines are specific to the Bornite Project as described in the Legislation. This is a requirement of the Opal Creek Act and does not infer that utility and transmission lines will be constructed in the SRA.

### Open All Roads To The Public

Name of Commenter	Public Comment	Forest Service Response
Ed Dunham	I believe that all roads in the SRA should be open to the public and not just for private inholders	The Opal Creek Legislation states that use of the road behind the gate is “to be used by motorized vehicles only for administrative purposes and for access by private inholders”.

### Traffic Problems

Name of Commenter	Public Comment	Forest Service Response
Susan Davenport	The concerns we have as residents along the North Fork Road deal with increasing traffic and impact to River. Suggestions: 1) Signage - posted speed limits along North Fork, Directions and distance to Opal Creek, and speed at curves. 2) Pull-outs - create pull-out areas for passing vehicles. 3) Parking - provide adequate off road parking.	Thank you for your comments. We will consider these suggestions during implementation of the management plan.

### Noxious Weeds

Name of Commenter	Public Comment	Forest Service Response
Steve Wise, Joseph Kling & Mandy Summer	Management of noxious weeds in road zones (p.2-10) should emphasize restoration of native plants, and also avoid chemical treatments.	Management of Noxious Weeds are discussed in the standards described in Appendix A of the Decision Notice MA-2c-26. In addition, the Willamette Forest Plan has other standards that are considered when developing treatment for noxious weed eradication.
Max Nielson-Pincus	The plan should emphasize the removal of non-native species like Scotch Broom along roadsides and other places. This standard should be more explicit in its terms for planting native species using minimal impact methods. Again, chemical treatments should be prohibited in the natural area.	

### Water Quality

Name of Commenter	Public Comment	Forest Service Response
Jeff Watson	The only reference to water quality appears in the local community, section 2 of the proposed action. We would like a more detailed evaluation how road decommissioning, trail building, mining, etc. will affect water quality. This is a key aspect of the plan and it seems under evaluated.	The Scenic Recreation Management Plan is a programmatic plan, which amends the Willamette National Forest Plan, and provides standards to achieve or maintain the desired condition. Standards specific to the protection of water quality are already incorporated into the Forest Plan. In addition, the analysis of site-specific projects such as road decommissioning, trails, etc. will be completed as these projects are proposed in the future.
Ann Cavanagh	This document contains several vague mentions of drinking water. Please be more specific. Ultimately human presence may have to be limited in the interests of water purity.	

**Untimely release of the EA**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Steve Wise & Mandy Summer	<p>The end-of-the-year release of the plan is an unfortunate shortcoming in what has been, since the development of the Act, a fairly inclusive public process. To mail on December 24th a vary complicated, multifaceted, technically intricate plan with potentially fundamental impact o the management of Opal Creek, and expect the numerous communities who have demonstrated interest to respond thoughtfully in the three weeks or so of working calendar that is left is unrealistic. In may effectively exclude comments that could make a better plan. Even if 30 days fulfills minimum requirements by law, the comment period should be longer than three weeks after the holidays.</p>	<p>The intent of the 30-day EA review and comment period is to solicit comments that improve the quality of the analysis and the resulting decisions. Sending a document out for review over the Holidays is certainly not the best time, and we usually try to avoid doing so. However, when juggling multiple projects and meeting timelines, sometimes it cannot be avoided. The number of responses and the depth of remarks indicate that most individuals had adequate time to respond. Based on the results of the extensive scoping process that we used early in the NEPA process, and the comments received from the 30-day review period, the Forest Supervisor has the public input to make an informed decision.</p>

### Comments Supporting Alternative 5

Name of Commenter	Public Comment	Forest Service Response
George Atiyeh – Opal Creek Watch	5-1 YES 5-2 NO 5-3 NO this would not comply with the Act 5-4 YES very desirable 5-5 NO this violates the sprit of the act 5-6 NO 5-7 YES 5-8 See ID77 5-9 YES	The Forest Supervisor has taken these comments into consideration when arriving at a decision for the Scenic Recreation Management Plan. See the Rationale for the Decision describing why none of the standards in Alternative 5 were included in the Selected Action.
Suzanna Mack	1) Recommend Alt. 5-5 Discharge of firearms prohibited in all areas of the SRA; 2) Recommend Alternative 5-6 Overnight camping only in designated campground in high intensity zones; 3) Recommend Alternative 5-7 Motorized vehicles not permitted off of open roads. Off-road vehicles not permitted in the SRA; 4) Minerals #6 – recommend no dredging or panning in the corridor. 5) We agree with the ceiling a number of users suggested in Alt. 5. We also support loop trail concepts and wish to keep historic sites. No bicycles on trails – only on the road to the upper gate. No stock anywhere. Bat friendly gates on old mine entrances to protect habitat.	
Dale Russell - WVMA	Page 2-20: 5-1 is a good choice, 5-5 is best for hikers, 5-9 is best suited for an SRA.	

### Comments Supporting Alternative 6

Name of Commenter	Public Comment	Forest Service Response
Dale Russell - WVMA	Alternative 6 allows the public to explore more freely recreation. These are the best choices overall for recreation and will have little or no effect on resources. Alternative 6 provides the best overall choices for the public to experience the outdoor recreation in recreational mining without trespassing on existing claims. If people are aloud to dredge in the stream to regulations and sluice they will be less likely to dig out all the bank and removing vegetation.	The Forest Supervisor has taken these comments into consideration when arriving at a decision for the Scenic Recreation Management Plan. Portions of Alternative 6 were included as standards in the Selected Action.
George Atiyeh – Opal Creek Watch	6-1 NO 6-2 NO 6-3 No Dredging, to allow dredging in the SRA would violate ESA and Forest Service Standards and Guidelines. 6-4 A Possible alternative that would allow hunting, protect the citizens right to bare arms while also protecting the safety of visitors. 6-5 YES 6-6 YES 6-7 YES this must be included see previous comments.	
L. Chester Gainer	You have done an admirable job in the EA... That is, as long as you include alternative 6 in the final plan. This alternative is fair and does not infringe on the rights of thousands of recreationists who are relying on you for fair treatment. It should be made a permanent part of the plan. If, however, you do not see fit to do this, I would suggest using it for a trial period of 3 to 5 years, during which time its merits can be evaluated, and at that point be made permanent if warranted.	
Gary Wisser	I recommend alternative 6. This is the best protection for this scenic area without "locking it away" from those who have traditionally used this region. We sometimes must recognize that when we protect an area we can over-protect it and create situations that end up harming that which we wish to preserve. An example would be to allow wild fires to burn without suppression. This would destroy huge tracts in this narrow canyon and put the lives of fire fighters at incredible risk. Alternative 6 is the best choice.	
Gary Dahlstrom – Dahlstrom Chiropractic Clinic	We strongly encourage the Forest Supervisor to select Alternative 6 of the Opal Creek SRA Management Plan.	



## Role of the Advisory Council

Name of Commenter	Public Comment	Forest Service Response
George Atiyeh – Opal Creek Watch	The whole ranges of Alternatives in the EA were not presented to the advisory council, or they were presented to council at the last minute or during periods of low attendance. We believe this was done by the Forest Service in order to limit discussion or objections by the council or the public.	The Advisory Council provided their recommendations on the management plan in the form of the proposed action. Once we started the NEPA process, we followed a public participation process that engaged a broader segment of the population. The Advisory Council had access to the information during the entire process. Members of the Advisory Council were encouraged to submit their individual comments on the Environmental Analysis.

## Development of Alternatives

Name of Commenter	Public Comment	Forest Service Response
George Atiyeh – Opal Creek Watch	The Alternatives are too broad they encompass some very good proposals with some very poor ones. The responsible officer must have the ability to pick and choose sub portions of individual alternatives that make sense for the land and comply with existing law and regulations. To provide a "Sophie's" choice within the Alternatives does not allow the responsible officer the tools to comply with NEPA or the Public Law 104-333.	The alternatives were developed based on the issues raised by the public. The alternatives identified provide the Responsible Official a broad range of actions to choose from. The Responsible Official may choose a part of any alternative or the alternative as a whole.
	The Environmental Assessment for the Opal Creek Management Plans violates NEPA by not providing a full range of alternatives under NEPA within Public Law 104-333. And ignoring Issues by proclaiming that "We do not consider this to be a significant issue because..."	All of the alternatives were developed based on significant issues raised by the public. A total of 7 alternatives were developed to address these issues. Additional issues were also identified that were tracked through the analysis. Issues considered non-significant were not ignored, but found to be either outside the scope of this analysis, or did not meet the purpose and need, or were addressed by other laws and regulations, or are site specific projects that will be addressed during project development.

**Development of Alternatives – continued**

<b>Name of Commenter</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Mandy Summer	<p>The alternatives do not seem to be very reflective of the comments listed at the end of the document.</p> <p>It seems that by choosing any particular alternative, you/I/we are forced to sacrifice something equally important because it isn't covered in the alternative. The alternatives are almost too general when given the complexity of all the issues encompassed by the OCWSRA. Blanketing all the issues with a 'general alternative category' such as Alternative 3 which "further restricts use that would be allowed under the proposed management plan" seems to me like irresponsible management.</p>	<p>All of the alternatives were developed based on significant issues raised by the public. A total of 7 alternatives were developed to address these issues. Additional issues were also identified that were tracked through the effects analysis. Issues considered non-significant were not ignored, but found to be either outside the scope of this analysis, or did not meet the purpose and need, or were addressed by other laws and regulations, or are site specific projects that will be addressed during project development. The alternatives were developed so that the Forest Supervisor could select standards from several alternatives.</p>
William Montgomery	<p>Most of the alternatives are fair and balanced except 4 and 6. Alternative 4 allowing fires to burn uncontrolled makes no sense. Alternative 6 goes to far by allowing motorized suction dredges on all streams (an extreme position that would degrade stream quality and the environmental integrity of the SRA).</p>	<p>Thank you for your comment.</p>
Mark Ottenad – Friends of the Breitenbush Cascades	<p>Alternative 3 - The alternative needs to be more fully developed in terms of the specific, on-the-ground situation. Knowing more detailed, site-specific information would provide greater knowledge and understanding the ramifications of selecting the alternative. As Alternative 3 is currently written, the preferred Alternative 2 would not be modified in key ways by Alternative 3 that we feel are absolutely necessary in order to select Alternative 3 as the preferred alternative.</p>	<p>The Scenic Recreation Management Plan is a programmatic plan, which amends the Willamette National Forest Plan, and provides standards to achieve or maintain the desired condition. Therefore, the implementation plans or site-specific projects would be developed following approval of the management plan.</p> <p>To address your specific example, in the event of a wildfire a suppression plan will be developed at the time of the fire, taking into consideration the Standards and Guides of the SRA Management Plan.</p>

**Development of Alternatives – continued**

Name of Commenter	Public Comment	Forest Service Response
William Montgomery	Additional activities that should be prohibited: 1) Fireworks; 2) Oil and Natural Gas drilling; and 3) Target shooting.	1) The existing Code of Federal Regulations prohibits fireworks on National Forest Lands. 2) The Opal Creek Legislation, PL 104-333, states that all lands are withdrawn from "disposition under the mineral and geothermal leasing laws." (EA page A-6) This includes Oil and Natural Gas drilling. 3) The standards described in Appendix A of the Decision Notice MA-2c-08 prohibits target shooting with firearms in the Medium and High Intensity Zones of the SRA.

**Loss of Timber Production**

Name of Commenter	Public Comment	Forest Service Response
Ed Dunham	I believe the size of the area is too big and takes too much area our of timber production	Congress established the boundaries of the Opal Creek Scenic Recreation Area with the passing of the Legislation. To adjust the boundaries is not within our discretion.

## Biased Management

Name of Commenter	Public Comment	Forest Service Response
George Atiyeh	Some Forest Service officers listed as working in the Opal Creek Management Plan process and who helped prepare the range of alternatives are prejudiced. They have in fact been against the protection of Opal Creek and the sound implementation of Public Law 104-333 and they have made personal comments to that effect. They have spent most of their Forest Service careers attempting to prevent the Opal Creek's protection and the passage of Public Law 104-333 from coming to fruition. To place these Forest Service employees into any area of responsibility with respect to the Opal Creek Management Plan is simply outrageous and taints the entire process. We warned Congress about this possibility during the debate as to whom to have the management responsibilities for Opal Creek. Have we indeed sent the Fox to guard the Henhouse? Will the Forest Service manage Opal Creek as they have the Hell's Canyon Recreation Area? An area where the Forest Service has been forced into court time and again by citizen groups and where they have lost in court time and again for violating the enabling legislation, NEPA, ESA, and USDA Forest Service regulations.	While there are many differing opinions and values regarding the management and use of National Forest System lands, the employees working on the SRA management plan are committed to carrying out the letter of the law. The District Ranger has the responsibility of determining what issues are significant and the range of alternatives. While this may occur in an interdisciplinary team environment, the District Ranger has the final approval authority. The role of the interdisciplinary team is to analyze and disclose the effects of the alternatives. In doing this, they are to be unbiased and rely on professional judgment, not personal values, when drawing conclusions. Your comment does not provide specific instances of the Detroit Staff being biased or not following the intent of the legislation, so perhaps your comment can be construed as biased.
George Atiyeh – Opal Creek Watch	We are disappointed with the plan after all the time and effort put into it. One of the questions asked at the beginning of the planning process was if the Forest Service would actually follow the recommendations of the Opal Creek Advisory committee. The Forest Supervisor promised that the Forest Service would follow the recommendations and not just do whatever staff wanted. So what happened?	The Willamette National Forest Supervisor and the Detroit District Ranger made a commitment to the Advisory Council at their first meeting to use the Advisory Council's recommendation for the Management Plan as the Proposed Action. The Forest Service has honored this commitment. At that same meeting, it was also made clear to the Advisory Council that the Forest Supervisor retained the authority to make the final decision, and that the final decision may be an alternative other than the proposed action.

## Noise

Name of Commenter	Public Comment	Forest Service Response
Gary & Trudy Schrader	I believe the noise [from dredges] would be minimal, as most campsites are far enough from the stream as to not bother most campers, I do not agree noise is an issue in any motorized activity, i.e. motorcycles, dredges, ATV's and auto's.	Although noise was not identified as a significant issue, there may be some effect from motorized equipment. These effects are discussed in the EA on pages 3-9 and 3-11.