

OHV-Sand Camping Project

Decision Notice and Finding of No Significant Impact

Siuslaw National Forest
South Zone District
Lane, Douglas, and Coos Counties, Oregon

January 2005

Lead Agency: USDA Forest Service

Responsible Official:

Jose Linares, Forest Supervisor

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Project Background, Area, and Needs

The Off-Highway Vehicle (OHV) Sand-Camping Project (the Project) was proposed to designate dispersed sand camping locations and build a staging area at the Oregon Dunes National Recreation Area (ODNRA) of the Siuslaw National Forest. This project implements direction contained in the Management Plan for the ODNRA (1994).

The Project area is located on the ODNRA between Florence and North Bend, Oregon and is about 55 air miles southwest of Eugene, Oregon (map 1). It involves about 12,440 acres of land managed by U.S. Forest Service. The project area is located in portions of Township 19 South, Range 12 West, sections 3-5, 7-10, 15, 16, 20-22, 27-29, 32, and 33; Township 22 South, Range 12 West, sections 24-26, 28, 35, and 36; Township 23 South, Range 13 West, sections 22, 23, 26, 27, 33, and 34; and Township 24 South, Range 13 West, sections 3, 4, 9, 10, 15-17, 20-22, and 27-29; Lane, Douglas, and Coos Counties, Oregon.

Five needs requiring actions in the Project area were identified in chapter 1 of the Project environmental assessment (EA):

- The need to restore the semi-primitive motorized recreation experience;
- The need to address the shortage of developed day-use staging capacity for OHV recreation in the southern riding area and to reallocate developed day-use capacity with a non-significant amendment to the Dunes Plan;
- The need to address unsafe working conditions for agency personnel and law enforcement officers;

- The need to address unsafe conditions for campers and riders; and
- The need to prevent violations and enforce regulations.

The decision to be made is whether to implement actions designed to meet the Project needs by selecting one of the action alternatives (Alternative 2, 3, or 4), or to postpone these actions by selecting no action (Alternative 1).

My Decision

I have decided to implement all the actions described under Alternative 2 (number of campsites based on current high-use periods) of the Project EA. In making this decision, I have reviewed the Project EA, its appendices, other project-file documents, and the comments received during the 30-day public comment period.

Based on public comments on the OHV-Sand Camping Preliminary Analysis regarding the need for additional sand-camping sites, seven (7) additional campsites were added to Alternative 2—four (4) in the north riding area and three (3) in the Umpqua riding area. All sites were analyzed as part of Alternative 4 in the preliminary analysis. Based on public comments, five (5) sites would be designated as group sites that can accommodate up to 40 people and 10 vehicles. Three (3) of the sites were analyzed under Alternative 2 and 4 of the preliminary analysis. Two (2) of the sites were analyzed as part of Alternative 4 in the preliminary analysis. Based on additional review, four sites have been moved away from vegetated areas onto open sand or near to designated routes.

The following activities under Alternative 2 will address the needs identified in chapter 1 of the Project EA:

- Designate 138 dispersed campsites—133 sites, each accommodating up to five primary vehicles and up to 20 people; and 5 group sites, each accommodating up to 10 primary vehicles and 40 people;
- Prohibit camping outside of designated sites;
- Campers will be required to register for their sand-camping site, thereby creating a record of use, including who is responsible for activities or damage that occurs at the site;
- Implement a non-significant amendment to the Dunes Plan to authorize an increase in the capacity of the Horsfall staging area from 42 to 70 sites;
- Build a new Horsfall staging area north of the Horsfall Road, in the area currently accessed by the Bark Sand Road. Similar in size to Umpqua Beach #3, the new staging area will include 70 parking spaces, each 35 feet long. These parking spaces will be configured such that many will be back-to-back to accommodate vehicles (including trailers) up to 70 feet long. Restroom capacity will be based on the staging area's designed capacity. The staging area, including the restroom and drain field, will be about 5.5 acres in size; and
- Incorporate the existing Horsfall staging area (21 spaces) into the Horsfall campground as a group or overflow site.

Activities, such as service contract preparation and solicitation of bids would begin in January 2005. Most project work will be completed in five years.

Project design criteria, including mitigation and monitoring requirements (EA, appendix A), will be incorporated to ensure protection of natural resources.

Reasons for the Decision

My decision was based on meeting the project needs (EA, pages 3, 4, and 5), including providing a quality semi-primitive motorized recreation experience for those recreating at the ODNRA. I believe that the 138 designated sand-camping sites under Alternative 2 is at a level that meets the project needs, provides a quality recreation experience for users, and can be managed by Forest administrative and law enforcement personnel.

In response to public comments on the preliminary analysis, seven (7) sites—that were included and analyzed as part of Alternative 4—were added to Alternative 2 in the environmental assessment.

Alternative 2 also responds to public comments that requested group sites or sites that can accommodate more than 20 people. The proposed designated sand-camping sites were reviewed to determine if it would be feasible to use any of the sites for group sites while meeting the project needs. The reviews indicated that five (5) group sites of up to 40 people each (two in the northern area, one in the Umpqua area, and two in the southern area) could be designated on the ground with adequate separation between neighboring campsites. The locations and size of these sites are not expected to compromise meeting the project needs and will benefit users who traditionally have enjoyed larger gatherings.

Project actions under Alternative 2 are designed to improve protection for the affected resources compared to current conditions (EA, appendix A). By designating sites and requiring campers to register for the sites, a level of accountability for use and resource protection will exist that does not currently. In addition, sites will be designated at locations that will protect the various resources.

Under Alternative 2, no unacceptable cumulative effects to any resource are expected. Many beneficial effects will accrue from implementing the Project, and the risk associated with any potential negative effects, discussed in chapter 3 of the Project EA, is acceptably low.

In my review of the Project EA, its appendices, and other project-file documents, I believe the information provided to me is adequate for a reasoned choice of action. I am fully aware that the selected alternative will have some unavoidable adverse environmental effects such as disturbance to wildlife habitat (EA, page 69), irreversible resource commitments such as removal of native vegetation for staging area development (EA, page 69), and irretrievable commitment of resources such as the loss of some dispersed campsites due to the construction of the staging area facility (EA, page 69). I have determined, however, that these adverse effects will be outweighed by the benefits of meeting the project needs identified on page 1.

In making this selection, I have also reviewed information in the administrative record, including but not limited to the Siuslaw Forest Plan (1990), as amended by the Northwest Forest Plan (1994); the Management Plan for the Oregon Dunes NRA (1994), the Oregon Dunes Management Plan Watershed Analysis (1995); the Coastal Lakes Watershed Analysis (1999); consultation files and records involving the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries); public and other agency comments; and applicable laws and regulations.

Reasons for Not Selecting the Other Alternatives

Alternative 1, no-action—By maintaining the current practice of unrestricted sand camping and not building the staging area, none of the problems will be addressed or the Project needs met (EA, pages 2, 3, 4, and 5). The recreation experience for users would continue to degrade. Unsafe conditions for agency personnel, law enforcement officers, camper and riders would likely become worse over time. The ability to prevent violations and enforce regulations would decline due to lack of available resources. Native vegetation would continue to be negatively affected. (EA, page 11; EA, chapter 3).

Alternative 3, number of campsites based on permits issued in 1998 and 1999—Although Alternative 3 addresses the needs described in chapter 1 of the EA, it only provides a minimum level of recreation opportunities for users (EA, pages 12 and 13 and chapter 3).

Alternative 4, number of campsites based on the estimated maximum capacity—Although Alternative 4 maximizes recreation opportunities for users, capacities would make it difficult to meet the project needs, including maintaining the semi-primitive motorized recreation experience and protecting native vegetation (EA, page 13 and chapter 3).

Alternatives Considered

Before selecting Alternative 2, I considered Alternative 1 (no action), Alternatives 3 and 4, and other alternatives that were eliminated from detailed study in the Project EA.

Alternative 1, no action—Alternative 1 is fully described in chapter 2 of the Project EA, page 11. The analysis of the effects of Alternative 1 is disclosed in chapter 3 of the Project EA. The no-action alternative forms the basis for a comparison between meeting the project needs and *not* meeting the project needs. This alternative provides baseline information for understanding changes associated with Alternatives 2, 3, and 4 and expected environmental responses as a result of past management actions.

Alternative 3, number of campsites based on permits issued in 1998 and 1999—Alternative 3 is fully described in chapter 2 of the Project EA, pages 12 and 13. The analysis of the effects of Alternative 3 is disclosed in chapter 3 of the Project EA.

Alternative 4, number of campsites based on the estimated maximum capacity—Alternative 4 is fully described in chapter 2 of the Project EA, page 14. The analysis of the effects of Alternative 4 is disclosed in chapter 3 of the Project EA.

Alternatives considered but eliminated from detailed study

Based largely on public comments on the proposed project during scoping, several alternatives were considered by the Forest Supervisor. The following alternatives represent those that were considered, but for various reasons, were eliminated from detailed study:

Proposed Hauser staging area facility—Since public comment was received on the proposed project, the ID Team collected additional information on the proposed Hauser facility. Based on this information, the ID Team concluded that developing a new Hauser staging area facility was not ripe for analysis at this time. In concurring with this conclusion, the Forest Supervisor considered the following:

- The level of development (paved 70-unit parking facility with paved access road) required to support the facility would alter the corridor class of the Hauser corridor, which is contrary to plan standard and guideline 10 D-4 of the Dunes Plan;
- The most suitable location of the staging area is managed for a visual quality objective of retention. Though the site does not currently meet this criterion, the new facility would move the site further away from meeting the objective;
- The physical location of county and Forest Service easements continues to remain uncertain; and
- Considering that Coos County is evaluating the opportunity to develop their lands in support of OHV activities, and private businesses have continued to develop services that use the existing access, it is more appropriate to evaluate the development of federally provided facilities at Hauser in conjunction with county and private opportunities.

At least 400 designated sand camping sites will be needed, especially for an annual event like Dunes Fest—All uses of National Forest System lands not related to disposal of timber, minerals or grazing livestock are designated a special use. Special uses that charge an entry or participation fee are considered a commercial use or activity. Prior to engaging in a special use, a proponent must apply for and obtain a special-use authorization from the Forest Service. Prior to

authorizing a special use, the Forest Service must conduct an environmental analysis following its NEPA procedures. This includes providing adequate notice and an opportunity for agencies and the public to comment (36 CFR 251.50).

The problems being addressed by this analysis are related to Forest Service management of sand camping and off-highway vehicle staging areas as directed by the Dunes Plan. Since the procedure described above exists to consider special-use activities, fully developing an alternative that specifically benefits one proponent is outside the scope of this analysis.

The staging area at Umpqua Parking Lot #2 should be expanded—Douglas County, in conjunction with Oregon Parks and Recreation Department, has opened a 40-site staging area and is proposing to build a 50-site campground north of the Umpqua Beach riding area. Considering these new facilities along with the riding area served, and that ODNRA facilities at Umpqua have been built to Dunes Plan levels, additional Forest Service managed/owned facilities are not required to meet Dunes Plan direction.

Comments from the Public and Other Agencies

Letters describing the actions considered in the proposed OHV-Sand Camping Project were mailed to 199 individuals, agencies, and organizations identified as potentially interested in the proposed project and analysis. The Siuslaw National Forest's web site was referenced for additional information. Also, about 4,282 postcards were sent to those who have used dispersed sand-camping sites in the past on the Oregon Dunes NRA. The letters and postcards were mailed on October 15, 2003. News releases, soliciting public comment on the proposal, were published in the Corvallis Gazette-Times, the Newport News-Times, the Siuslaw News, the Umpqua Post, the Roseburg News Review, The Bend Bulletin, the Medford Mail Tribune, the Albany Democrat Herald, the Register Guard (Eugene), the Seattle Post Intelligencer, the Seattle Times, the Statesman Journal (Salem), and the Oregonian (Portland). Comments were requested by November 14, 2003.

Twenty-three (23) letters (including e-mails) and 40 postcards were received in response to these scoping efforts. Public comments contained a wide variety of suggestions to consider. Comments not outside the scope of the project and not covered by previous environmental review or existing regulations were reviewed for substantive content related to the project. Based largely on public comment, some alternatives were considered, but eliminated from detailed study, while others were considered in detail. The alternatives are discussed in chapter 2. Comments, relevant to clarifying how the project will be implemented or disclosing the effects of implementing the project, are addressed in chapters 2, 3, or 4; the project design criteria (appendix A); or the project file.

The notice of availability for OHV-Sand Camping Project Preliminary Analysis was published in the Eugene Register-Guard (paper of record) on October 8, 2004, informing the public that the preliminary analysis is available for a 30-day review and comment period. News releases—with content similar to that contained in the notice of availability—were sent to the various newspapers used to solicit public comment on the proposed project. Copies of the preliminary analysis were made available at the Siuslaw National Forest Headquarters in Corvallis, and the District offices in Reedsport, Florence, and Waldport. Copies of the preliminary analysis, with cover letters, were mailed to those who commented on the proposed project or who requested a

copy of the preliminary analysis. The legal notice and cover letters described the comment process, indicated the beginning and end of the comment period (the comment period ended at the close-of-business on November 8, 2004), and identified Forest Service contact persons. The legal notice and letters also informed the public where they could find the preliminary analysis and its appendices on the Forest website. Fifteen (15) responses were received as a result of the request for comments on the preliminary analysis. Comments, along with Forest Service responses, are summarized in appendix C of the Project EA.

It was determined by the District fish biologist that project activities will have no effect on coho salmon or designated essential fish habitat. Therefore, it was not necessary to consult NOAA Fisheries about effects of proposed actions on federally listed coho salmon.

In their biological opinions of past Siuslaw National Forest programmatic biological assessments, the U.S. Fish and Wildlife Service (FWS) has concurred with our findings that project activities will not jeopardize the existence of bald eagles, northern spotted owls, and marbled murrelets. The FWS terms and conditions applied to the following ongoing consultation will be applied to the project design criteria:

- Programmatic Biological Assessment of Fiscal-Year 2004-2005 Activities in the North Coast Province Which May Disturb Bald Eagles, Northern Spotted Owls, or Marbled Murrelets.

Finding of No Significant Impact (FONSI)

Based on the site-specific environmental analysis documented in the OHV Sand Camping Project Environmental Assessment, I have determined that the activities described do not constitute a major Federal action and would not significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made in light of the following factors:

Context

This project implements direction contained in the Management Plan for the Oregon Dunes National Recreation Area (USDA 1994) and is in accordance with the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA, USDI 1994).

The site-specific activities that are authorized and guided by this decision are limited in scope and duration. This action only affects a small portion of the Forest, which in turn, is a very small portion of the Pacific Northwest Region (Oregon and Washington). Some minor adverse effects are expected. However, project design criteria will minimize these effects. No significant long-term adverse effects are expected.

Intensity

1. Project actions will have both beneficial and adverse effects. Building a day-use staging area may be considered an adverse effect because of its impacts on scenery and trees. However, I have considered the benefits that the ecosystem will receive

- from implementing the Project actions and find that the overall beneficial effects to the ecosystem outweigh any short-term adverse effects. Further, I find that when considered alone, the adverse effects of this project are not significant (EA, chapter 3).
2. No significant adverse effects to public health or safety have been identified. Project actions will provide beneficial effects to the health and safety of agency personnel and recreation users (EA, chapter 3, including page 70).
 3. The characteristics of the geographic area do not make it uniquely sensitive to the effects of project actions. Experiences and observations of ODNRA employees indicate that project actions are expected to reduce effects from those associated with the existing conditions and are not expected to result in any significant adverse effects. (EA, chapter 3).
 4. The OHV Sand Camping Project Environmental Assessment has disclosed direct, indirect, and cumulative effects to soil, water, aquatic and terrestrial species, and other components of the human environment. There are no significant direct, indirect, or cumulative effects anticipated from implementing project actions. Project actions will maintain the Recreation Opportunity Spectrum class objective of semi-primitive motorized experience while protecting or reducing adverse effects on the components of the human environment. The analysis of cumulative effects considered past, present, and reasonably foreseeable future actions on National Forest lands as well as for other ownerships in the project planning area (EA, chapter 3).
 5. Based on the pre-project survey and record search of the Project area, actions associated with the Project will have “no effect” (as defined in 36 CFR 800.5 [b]) on any listed or eligible heritage (cultural) resources. If a heritage site is discovered during project implementation, work will be stopped until the site is evaluated or the project has been altered to avoid the site (EA, page 61; appendix A).
 6. Based on the fisheries and wildlife biological evaluations prepared for the Project, the effects on Federally listed terrestrial and aquatic species are not found to be significant (OHV Sand Camping Project, Water-Fisheries Report and Biological Evaluation, February 5, 2004; Addendum and Supplemental Information to the OHV Sand Camping Project, Water-Fisheries Report and Biological Evaluation, April 2, 2004; Wildlife and Plants Specialist Report for the OHV Sand Camping Project, December 8, 2004; EA, chapter 3; appendix A).
 7. The Project is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment. The Project will meet or exceed State water and air quality standards and is consistent with the Oregon Coastal Management Program as required by the Coastal Zone Management Act (EA, page 70, appendix A).
 8. The effects from the Project on the quality of the human environment are not found to be highly controversial (EA, pages 5 and 6; chapter 3).
 9. The Project’s environmental effects are not uncertain or unknown. Planned actions are based, at least in part, on information obtained from past similar activities affecting dunes-like environments (EA, pages 3, 4, 5 and 9; chapter 3).
 10. Actions that will be implemented by the Project do not set a precedent for future actions, because these actions are guided by the Management Plan for the Oregon Dunes National Recreation Area (USDA 1994) (EA, pages 2 through 5; chapter 3,

including page 70).

Other Disclosures

All measures contained in the Project EA and appendix A will be incorporated to comply with the Record of Decision for the Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation published December 1988 and the subsequent Mediated Agreement of May 1989 (EA, appendix A).

The Project will have no significant adverse effects on wetlands, floodplains, farm land, range land, park land, wilderness, or wild and scenic rivers; minority groups, civil rights, women, or consumers; Indian social, economic, subsistence rights, and sacred sites; and heritage resources (EA, page 70).

All designated dispersed sand-camping sites that are located in the inventory roadless areas are within areas that allow OHV use as described in the Siuslaw Forest Plan and the Dunes Plan. The Horsfall staging area is located outside of all inventoried roadless areas. Since there is no road construction, reconstruction, or timber removal, and considering the dynamic movement of sand in the planning area, the Project will not affect the potential wilderness character of the planning area (EA page 45).

Actions will be consistent with the scenic quality objectives for the planning area (EA, pages 61 and 62; EA, appendix A). Actions will be designed to prevent the spread of invasive plants, including noxious and undesirable weeds (EA, pages 53 and 54; EA, appendix A). Cleaning of off-road equipment pursuant to Executive Order 13112, dated February 3, 1999, will be required (EA, appendix A).

No disproportionately high and adverse human health or environmental effects on minority populations and low-income populations are expected as a result of implementing the Project (EA, page 70).

Findings Required By Other Laws

Based on the analysis in the OHV Sand Camping Project Environmental Assessment, I find the selected alternative to be consistent with the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Northwest Forest Plan (USDA, USDI 1994); and with a minor Forest Plan amendment, the Management Plan for the Oregon Dunes National Recreation Area.

The selected alternative is consistent with the National Forest Management Act implementing regulations, including the seven management requirements listed in 36 CFR 219.27, a through g:

- a. *Resource protection*—The Project EA includes criteria designed to protect resources and will apply practices as described in General Water Quality Best Management Practices (BMPs), Pacific Northwest Region, November 1988 (EA, appendix A, pages 1 through 6);
- b. *Vegetation manipulation of tree cover*—Some shore pine trees and other vegetation will be removed to build the staging area at Horsfall. By designating sand camping sites, less

damage to residual shore pine trees and other vegetation is expected in the long term (EA, pages 51, 52 and 53);

- c. *Silvicultural practices that apply to timber harvest and cultural treatments*—This management requirement does not apply to this project (EA, pages 1, 11 and 12);
- d. *Even-aged management in the forest*—No even-aged management is proposed (EA, pages 1, 11 and 12);
- e. *Riparian area protection*—Designating sand-camping sites is expected to reduce adverse impacts to riparian areas (EA, chapter 3; EA, appendix A);
- f. *Conservation of soil and water resources*—The Project is consistent with the Aquatic Conservation Strategy objectives as set forth in the Northwest Forest Plan and includes best management practices (BMPs) and other measures designed to protect, enhance, or minimize effects to soil and water resources (EA, chapter 3, including pages 59, 60, and 61; EA, appendix A); and
- g. *Preserve and enhance the diversity of plant and animal communities*—Designating sand-camping sites is expected to improve habitat conditions for several plant and animal species, and will maintain diversity of plant and animal communities. (EA, pages 48 through 61; EA, appendix A).

Administrative Review and Appeal

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7. Written notice of appeal must be postmarked or received by the Appeal Deciding Official, USDA Forest Service, PO Box 3623, Portland, OR 97208-3623 within 45 days of the date of publication of the notice for this decision in the Corvallis Gazette-Times (Corvallis, Oregon). The appeal must meet the content requirements of 36 CFR 215.14:

- The appeal must state that the document is an appeal pursuant to 36 CFR 215;
- The name, address, and telephone number (if applicable) of the appellant must be included, and must identify the decision by title, subject, date of decision, and name and title of the Responsible Official;
- The appeal narrative must be sufficient to identify the specific change(s) to the decision sought by the appellant or portions of the decision to which the appellant objects, and must state how the Responsible Official's decision fails to consider comments previously provided; and
- If applicable, the appeal should state how the appellant believes this decision violates law, regulation, or policy.

Appeals (including attachments) may be filed by regular mail, fax, e-mail, hand delivery, express delivery, or messenger service. The publication date of the notice for this decision in the newspaper of record is the sole means of calculating the appeal-filing deadline, and those wishing to appeal should not rely on dates or timelines from any other source. E-mail appeals must be submitted to: appeals-pacificnorthwest-regional-office@fs.fed.us, and must be in one of the following three formats: Microsoft Word, rich text format (rtf) or Adobe Portable Document Format (pdf). FAX appeals must be submitted to: 503-808-2255. Appeals may be hand-

delivered to the Resource Planning and Monitoring Office, 333 SW First Ave., Portland, between 8:00 AM and 4:30 PM Monday-Friday.

Implementation Date

If no appeal is filed, this decision may be implemented five business days after the close of the appeal-filing period described above. Activities, including service contract preparation and solicitation of bids, may proceed immediately.

Contact Person

For further information regarding this project, contact Bill Blackwell (541-271-3611) or Paul Thomas (541-902-6985), South Zone District, 4480 Hwy 101, Bldg. G, Florence, OR 97439.

Responsible Official:

/s/ Jose Linares

January 4, 2005

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