

Yachats Roadwork Project

Decision Notice and Finding of No Significant Impact

**Siuslaw National Forest
South Zone District
Lincoln and Lane Counties, Oregon**

September 2005

Lead Agency: USDA Forest Service

Responsible Official: William Helphinstine, District Ranger
South Zone District
Siuslaw National Forest
4480 Hwy 101, Bldg. G
Florence, OR 97439

For Information Contact: Paul Thomas, South Zone Planning Mgr.
South Zone District
4480 Hwy. 101, Building G
Florence, OR 97439
(541) 563-8426
pgthomas@fs.fed.us

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Project Background, Area, and Needs

The Yachats Roadwork Project (the Project) includes actions designed to reduce the road maintenance obligation and enhance watershed function on National Forest System (NFS) lands.

The need to reduce the maintenance obligation associated with non-key forest roads and to improve watershed function in the Project area were identified in chapter 1 of the Project environmental assessment (EA):

The decision to be made is whether to implement actions designed to meet the Project needs by selecting Alternative 2 (proposed project) or to postpone these actions by selecting Alternative 1 (no action).

The project area is in the Yachats 5th-field watershed (about 28,000 acres), just east of Yachats, Oregon or about 45 air miles southwest of Corvallis, Oregon. The project area is located in portions of Township 14 South, Range 10 and 11 West; and Township 15 South, Range 10 and 11 West; Lincoln and Lane Counties, Oregon.

My Decision

I have decided to implement all the actions described under Alternative 2 of the Project EA. In making this decision, I have reviewed the Project EA, its appendices, and other project-file documents—including the associated biological opinions, and the comments received during the 30-day public comment period.

The following actions under Alternative 2 will reduce the maintenance obligation associated with non-key forest roads and improve watershed function in late-successional and riparian reserves:

- ✓ Decommission about 8.3 miles of road, including about 5.5 miles in riparian reserve;
- ✓ Remove about 3,410 cubic yards of fill material from 32 stream crossings on roads proposed for decommissioning;
- ✓ Close about 34.8 miles of road to vehicular traffic, including about 24 miles in riparian reserve; and
- ✓ Remove about 4 barriers to fish passage.

Most activities would be completed in 5 years, beginning as early as FY 2006.

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

Reasons for the Decision

Alternative 2 was selected because it meets the Project needs described in chapter 1 of the Project EA. Project actions are designed to protect affected resources in the short term and maintain or enhance the quality and productivity of these resources in the long term.

The Project planning area has about 61.9 miles of non-key forest roads that are currently open for vehicle use. Funding to maintain these roads to standard has been lacking. Reducing the non-key open-road network to 18.8 miles will substantially lessen the maintenance obligation.

In the Project area, there are several miles of perennial and intermittent streams, with some providing important fish habitat. Water quality and quantity are directly tied to watershed health. All of the actions in Alternative 2 are designed to improve watershed health by removing barriers to natural hydrologic processes, reducing chronic road-related sedimentation of streams, reducing the potential for road-related debris slides that can impact streams, maintaining stream shade, and ameliorating unnatural conditions.

Valley-bottom roads keep some streams from flowing naturally. The decommissioning of roads, particularly valley-bottom and mid-slope roads, will restore natural hydrologic processes, and reduce the risk of human-caused landslides. In other areas, roads block fish passage between tributaries and main-stem streams, and interfere with natural landslides that move upslope trees and debris into streams. Alternative 2 will improve fish habitat and water quality by removing four barriers to fish passage, making about 1.7 miles of rearing and spawning habitat available for fish.

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 (EA, page 33), irreversible resource commitments such as continued use of existing roads (EA, page 33), and irretrievable commitment of resources such as loss of vehicular access through the Forest as roads are closed or decommissioned (EA, page 33). I have determined, however, that these risks will be outweighed by the likely benefits.

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 Yachats-Blodgett Watershed Analysis (1997); the Late-Successional Reserve Assessment, Oregon Coast Province Southern Portion (1997); consultation files and records involving the U.S. Fish and Wildlife Service and the National Marine Fisheries Service; public and other agency comments; and applicable laws and regulations.

Reasons for Not Selecting Alternative 1

Alternative 1, the no-action alternative, does not create obvious negative effects, but it also does not meet any of the Project needs. And, without some restorative actions, some watershed conditions—including water quality and fish habitat—would continue to degrade.

Alternatives Considered

Before selecting Alternative 2, I considered extending road 5500-520 as part of Alternative 2, but elected not to do so for reasons identified in the Project EA, chapter 2, page 6. I also considered two other alternatives that were eliminated from detailed study (Project EA, page 5), and Alternative 1 (no action).

Alternative 1, no action—Alternative 1 is fully described in chapter 2 of the Project EA, pages 6 and 7. 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 Alternative 2 and expected environmental responses as a result of past management actions.

Alternative 2, proposed action—Alternative 2 is fully described in chapter 2 of the Project EA, page 7. The analysis of the effects of Alternative 2 is disclosed in chapter 3 of the Project EA.

Alternatives considered but eliminated from detailed study

Two alternatives were considered by the District Ranger, based largely on public scoping comments. The following alternatives represent those that were considered, but for various reasons, were eliminated from detailed study:

Do not remove the six culverts from the Axtel Creek road (road 5455)—One commenter has expressed that some local residents have used road 5455 for recreational hiking for several years. He requests that the six culverts not be removed from the road because it would preclude them from using the decommissioned road as a hiking trail. However, leaving culverts in a road that would be decommissioned would not address the problems identified on page 2. Based on field review of the culvert-removal sites, there is nothing that would preclude use of the decommissioned road as a trail after work is completed. Past experience has shown that hikers tend to form footpaths in a contoured fashion across excavated culvert sites on the uphill side of the road after roads are decommissioned. The project design criteria (appendix A) will include direction to minimize slash on the inlet side of the excavation area to limit obstructions to hikers. Therefore, an alternative that would not remove the six culverts from road 5455 was not fully developed.

Keep road 5872 open—Keeping this non-key forest road open, outside the need for conducting periodic forest management activities, would not contribute towards meeting the project needs identified on page 3: reducing the maintenance obligation associated with non-key forest roads and enhancing watershed health. Because keeping this road open does not meet these needs and funding for maintaining non-key forest roads is inadequate, this alternative was not fully developed.

Help from the Public and Other Agencies

After considering the identified problems to be addressed with this project and developing a proposal to correct the problems, letters describing the actions considered in the proposed Yachats Roadwork Project were mailed to about 200 individuals, agencies, and organizations identified as potentially interested in the proposed project and analysis. Public comment on the proposed project was solicited through the Siuslaw National Forest's quarterly "Project Update" publications, the Corvallis Gazette-Times newspaper in Corvallis, Oregon and the Newport News-Times in Newport, Oregon. Scoping letters were mailed on October 2, 2002. A news release was published in the Gazette-Times on October 4, 2002 and in the News-Times on October 9, 2002. Comments were requested by October 31, 2002.

Eight letters were received in response to these scoping efforts. 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. 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 or 3, the project design criteria (appendix A), or the project file.

The notice of availability for the Yachats Roadwork Project Preliminary Analysis (PA) was published in the Eugene Register-Guard on July 31, 2005, informing the public that the PA is available for a 30-day review and comment period. Copies of the PA were made available at the Siuslaw National Forest Headquarters in Corvallis, and the District offices in Waldport and Florence. Copies of the PA were mailed to those who commented on the proposed project or who requested a copy of the document. The legal notice and PA cover letters indicated the beginning and end of the comment period. The comment process was described and a Forest Service contact person was identified. The comment period ended at the close-of-business on August 30, 2005. Four persons responded to this request. Comments are summarized in appendix D of the Project EA, along with Forest Service responses to them.

NOAA Fisheries issued a biological opinion (reference 2002/01254) on the Northwest Oregon Programmatic Biological Assessment (Programmatic BA), dated February 25, 2003 (USDA, USDI 2002). This biological opinion agreed with the Forest Service determination that the Project is likely to adversely affect coho salmon in the short term. Project activities are expected to benefit coho salmon and their habitat in the long term. The biological opinion also determined that the Project will not adversely affect Essential Fish Habitat, as designated by the Magnuson-Stevens Fishery Conservation and Management Act. Since the biological opinion was issued, the ESA status of the coho listing has changed and coho salmon are currently proposed as a threatened species, with a final rule on their status expected later this year.

NOAA Fisheries, on December 14, 2004, proposed the designation of critical habitat for Pacific salmon and steelhead in Washington, Oregon, and Idaho. This proposed rule designated some of the streams within the project area as critical habitat for Oregon Coast coho salmon. Effects to the streams proposed for designation as critical habitat were addressed in detail in the February 25, 2003 biological opinion. Consultation with NOAA Fisheries will occur if streams within the project area are formally designated as critical habitat in the final rule, expected later this year.

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

- Programmatic Biological Assessment of Fiscal Year 2004-2005 Projects in the North Coast Province Which Might Disturb Bald Eagles, Northern Spotted Owls, or Marbled Murrelets (FWS reference: 1-7-04-F-1113).

Finding of No Significant Impact (FONSI)

Based on the site-specific environmental analysis documented in the Yachats Roadwork 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 action is very small in terms of society as a whole. Project activities have been viewed and approved in a Regional context through 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). This action only affects a small portion of the Forest, which in turn, is a very small portion of the Region.

The site-specific activities that are authorized and guided by this decision are limited in scope and duration. Some minor adverse effects are expected. However, given the renewable nature of the resources and the high growth rates of coastal vegetation, these effects are expected to be short-term. No long-term adverse effects are expected.

Intensity

1. Project actions will have both beneficial and adverse effects. Decommissioning roads may be considered an adverse effect. 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 (EA, page 34).

3. The characteristics of the geographic area do not make it uniquely sensitive to the effects of project actions. Past actions of similar intensity in similar areas have not indicated any significant adverse effects (EA, chapter 3).
4. The Yachats Roadwork 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 reduce the road maintenance obligation and improve watershed function. 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 affected watershed (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 28; EA, appendix A, page 4).
6. Based on the aquatic and wildlife biological evaluations, along with the biological opinions of NOAA Fisheries (reference # 2002/01254) and of the US Fish and Wildlife Service (reference # 1-7-04-F-1113), the effects on Federally listed aquatic and terrestrial species are not found to be significant (Wildlife Specialist Report for the Yachats Watershed Roadwork Project, May 3, 2005; Biological Evaluation of Proposed, Endangered, Threatened and Sensitive Vascular Plant, Bryophyte, Lichen and Fungi Species, May 16, 2005; Biological Evaluation (fish), Yachats Roadwork Project, May 18, 2005; EA, chapter 3; EA, appendix A, pages 1 through 3).
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 34, EA, appendix A, page 4).
8. The effects from the Project on the quality of the human environment are not found to be highly controversial (EA, pages 1 through 4).
9. The Project’s environmental effects are not uncertain or unknown. Planned actions are similar to those already accomplished on similar lands on the Forest (EA, page 5; EA, chapter 3).
10. Actions that will be implemented by the Project do not set a precedent for future actions, because we have implemented similar actions in the past (EA, page 5; EA, chapter 3, including page 34).

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.

The Project will have no significant adverse effects on wetlands, floodplains, farm land, range land, or park land (EA, page 34); land birds (EA, page 23); minority groups, civil rights, women, or consumers (EA, page 34); Indian social, economic, subsistence rights, and sacred sites (EA, page 34).

The Project will have no effects on heritage resources, wilderness areas, inventoried roadless areas, and wild and scenic rivers (EA, page 34). Actions will be consistent with the scenic quality objectives for the planning area (EA, page 28). Actions will be designed to prevent the spread of invasive plants, including noxious and undesirable weeds (EA, pages 24 and 25). Cleaning of off-road equipment pursuant to Executive Order 13112, dated February 3, 1999, will be required. (EA, appendix A, page 4).

Findings Required By Other Laws

Based on the analysis in the Yachats Roadwork 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 is designed to meet or exceed the objectives of the Aquatic Conservation Strategy as set forth in the Northwest Forest Plan (EA, page 32).

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 8);
- b. *Vegetation manipulation of tree cover*—Where culverts and fill material will be excavated to improve stream function and fish habitat, some alder and other vegetation may be removed and left on site. Alder and other vegetation will reestablish on excavated sites in the near future (EA, chapter 3; EA, appendix A, pages 5 and 6);
- c. *Silvicultural practices that apply to timber harvest and cultural treatments*—No timber harvest or cultural treatments will be done with this project. (EA, pages 2 through 7; EA, chapter 3);
- d. *Even-aged management in the forest*—No even-aged management is proposed. (EA, page 7);
- e. *Riparian area protection*—Riparian areas will be protected. Actions are expected to enhance water quality and improve fish habitat in the long term. (EA, pages 2, 3, and 7; EA, chapter 3; EA, appendix A, pages 5 through 7);

- f. *Conservation of soil and water resources*—The Project is consistent with the Aquatic Conservation Strategy objectives and includes best management practices (BMPs) and other measures designed to protect, enhance, or minimize effects to soil and water resources. Actions are expected to enhance water quality in the long term. (EA, pages 2, 3, 7, 32; EA, chapter 3; EA, appendix A); and
- g. *Preserve and enhance the diversity of plant and animal communities*—The project is expected to improve habitat conditions for several plant and animal species. Removing culverts and closing roads will benefit these species by restoring natural processes and reducing human-caused disturbances (EA, pages 2, 3, 7; EA, chapter 3; EA, appendix A).

Implementation Date

Implementation of this project may not proceed until five (5) working days after the close of the 45-day appeal filing period. Activities, including service contract preparation and solicitation of bids, may proceed immediately.

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 Eugene Register-Guard (Eugene, Oregon). Individuals or organizations, who have submitted substantive written or oral comments during the 30-day comment period of the initial EA and the preliminary analysis, may file an appeal. 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.

Contact Person

For further information regarding this project, contact Paul Thomas or Bruce Buckley, South Zone Ranger District, Waldport Office, 1049 SW Pacific Coast Hwy, Waldport, OR 97394, or phone at (541) 563-3211.

Responsible Official:

W. M. Helphinstine
District Ranger
South Zone District
4480 Hwy. 101, Bldg., G
Florence, OR 97439

Date