

**Decision Notice**  
**& Finding of No Significant Impact**  
**Meissner Sno-Park and Nordic Trails Project**

USDA Forest Service  
Bend/Ft. Rock Ranger District, Deschutes National Forest  
Deschutes County, Oregon  
Township 18 South, Range 10 East, Willamette Meridian

## **Decision and Reasons for the Decision**

### **Background**

The Meissner Sno-park area is located approximately 10 miles southwest of Bend, Oregon, bordered on the south by Cascade Lakes Highway (Highway 46) with entry to the parking area by way of Forest Road 4615. The proposed Meissner Sno-park project was presented to the Forest Service by the Tumalo Langlauf Club (TLC). The TLC is a non-profit 501(c)(3) organization with approximately 210 members and a chapter of the Oregon Nordic Club. The proposal is based on a vision statement and strategic plan developed by the TLC to provide expanded winter Nordic recreational opportunities for the public.

The Environmental Assessment (EA) describes the purpose and need of the proposal (EA p. 3-4): There is a need to increase parking capacity to reduce parking congestion and improve safety and allow more people to visit the sno-park; there is a need to provide a shelter that is large enough to accommodate the general public and groups; there is a need for a staging area for public users, including racers, that is safe, close to parking, and provides adequate and detailed information regarding the sno-park; and with an increase in the number of users there is a need to provide additional toilet facilities. The EA documents the analysis of two action alternatives to meet these needs.

### **Decision**

Based upon my review of all alternatives, I have decided to implement a modified Alternative 3. Additional details including resource protection measures are attached to this decision as Appendix A. My decision includes most of Alternative 3 as described in the EA with two modifications: the additional parking spaces as described under Alternative 2, and no creation of a terrain park at this time.

My decision authorizes:

- Expansion of the parking area (120 additional spaces for a total of 180 parking spaces)
- Construction of a shelter up to 1,370 ft<sup>2</sup>
- Providing staging area of up to 1 acre
- Construction of 7.8 miles of new trail
- An addition of 0.4 miles of ungroomed trails
- An addition of 11 miles of groomed trails (3.2 miles on existing trails)
- Expansion of the grooming boundary to include additional shelters on Trails #1 and #9
- Construction of an additional double vault toilet
- Installation of an informational kiosk in the parking area

## Rationale

It is recognized that the population and recreation demand in the Bend area has grown remarkably and will continue to increase. I believe that Meissner is the right place to accommodate that use due to its proximity to Bend, its accessibility, and the fact that facilities are already present. This modified Alternative 3 allows for managing increased recreation use for sustainable quality experience in the natural environment.

When compared to the other alternatives this alternative will best meet the immediate needs at the Meissner Sno-Park while addressing public and other resource concerns. The current parking situation is unacceptable because the over-crowding and over-flow parking occurring outside of the snopark degrades the experience for many visitors; it also creates a safety concern. I am authorizing the full 120 additional parking spaces (180 total) because it will accommodate current use as well as potential growth in use for a longer period of time than just 60 additional spaces would accommodate. Due to available funding, the added parking would occur in two phases of 60 spaces per phase over the next two to five years.

The other activities authorized in my decision are consistent with the description of Alternative 3 in the EA. This will allow 7.8 miles of new trail, and 11 miles of new groomed trail (a combination of existing trails, and 3.2 miles of the new trails). Alternative 3 also provides some additional ungroomed trail, which is important to many people who commented on the project throughout the planning process. The smaller shelter will meet the needs of skiers and snowshoers who desire a place to prepare, or a sheltered area to warm up or rest. The location of the Meissner Sno-park makes it particularly suitable to serve as a site for Nordic events. Alternative 3 would meet the purpose of providing a staging area for such events because it is close to Bend.

When making my decision, I considered the impacts to wildlife. Documentation in the EA shows that Alternative 2 could create impacts to patches of spotted owl habitat. The selected alternative, however, avoids the spotted owl habitat and maintains these patches as islands of suitable habitat that serve owls and other species in an area of the forest that is focused on recreation, while still accommodating the increased capacity of a larger parking area.

My decision includes project design features that will discourage the use of Nordic trails during the summer season. Because wildlife habitat effectiveness is not yet compromised due to the low levels of summer recreation use, there will be woody material left in the trails, and signs will be posted where trails take off from roads to reduce the risk that people will use the trails with motorized vehicles or bikes outside the winter recreation season.

I have decided to not authorize the creation of a terrain park at this time. The demand for such a feature is not yet apparent. The potential for incompatible uses is relatively high and control measures are not formulated.

I also considered the many comments received from the public throughout the planning process. The EA summarizes the comments received during the 30-day public comment period in Appendix A. Many people use the area and are interested in the outcome of this process. The comments generally expressed a preference for one of the alternatives over the other; but nearly all agreed that to do nothing would be the worst option. I agree that the No Action would not meet the purpose and need. The current situation creates safety problems and causes dissatisfaction amongst the public because of overcrowding. Therefore, I did not select the No Action Alternative.

The public offered other ideas for relieving congestion in the area, such as shuttle buses and better signs along the highway. Although outside the scope of this decision, these practical suggestions are being considered for future interest, feasibility, and possible implementation.

Alternative 2 meets the purpose and need, but in some ways shifts the character of the Meissner snopark too far into the developed end of the spectrum, and it also would cause impacts to specific wildlife habitat

features. Therefore, I did not select Alternative 2. However, the portions of Alternative 3 that I am authorizing go a long way to accommodate the needs of recreationists, while maintaining the general character of the area.

## **Other Alternatives Considered**

In addition to the selected alternative, I considered two other alternatives. A description and comparison of these alternatives can be found in the EA on pages 9-21, and throughout Chapter 3 where the alternatives are compared by effects to resources.

### *Alternative 1 No Action*

Under the No Action alternative, current management plans would continue to guide management of the project area. The number of parking spaces would remain at 60. There would be no warming shelter, staging area, or terrain park. The amount of trails would remain the same (12.8 miles ungrooved and 9.3 miles groomed). There would be one toilet. Information would be limited to that provided on a sign board.

### *Alternative 2 - Proposed Action*

The proposed action is described on pages 13-15 of the EA. This alternative was proposed by the Tumalo Langlauf Club and includes tripling the size of the parking area, adding new trails and increasing the amount of groomed trail, providing a staging area and a large shelter, developing a terrain park, providing lighted trails, adding a double vault toilet and an informational kiosk.

### *Alternative 3 -*

Alternative 3 is described on pages 1 of the EA. It is a more modest expansion of the facilities at Meissner. This alternative was developed to address the needs for more parking and additional trails while addressing the issue of recreation experience (EA p. 5) while keeping the shelter to a smaller size and omitting trail lighting. A net increase in ungrooved trails was also included in the trail design for Alternative 3. The kiosk, toilet, and terrain park are the same as Alternative 2.

## **Public Involvement**

The proposal was provided to the public and other agencies for comment during scoping in June of 2006. This project has been listed in the Schedule of Projects for the Deschutes and Ochoco National Forests since the winter 2006 issue. An article appeared in The Bulletin, Bend, Oregon, during the scoping period. In addition, as part of the public involvement process, the agency met with a variety of clubs, user groups, and individuals.

Using the comments from the public, other agencies, and organizations (see Issues section), the interdisciplinary team identified issues regarding the effects of the proposed action. The main issue of concern with the public was the extent and size of the proposed action and how it would affect the recreation experience at Meissner (see EA pages 26-30). To address this concern, the Forest Service created Alternative 3 described above.

The 30-day public comment period that began January 25, 2008 generated comments from 100 individuals, organizations, and agencies. The Forest Service used these comments to make clarifications and edits in the final EA, and responded to substantive comments in Appendix A to the EA.

## Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety, because the selected alternative will help alleviate safety concerns that the current parking situation creates and the scoping and analysis did not reveal any potential to adversely affect the health of the public (see EA pp. 28-30).
3. There will be no significant effects on unique characteristics or ecologically critical areas because there are no such areas to be affected. The project area is divided between General Forest, Winter Recreation, and Scenic Views management allocations, and the selected alternative continues the recreational use that is already established in the area (see EA pp. 1-4, 28-30).
4. The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of the project (see EA pp. 26-80).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA pp. 26-80).
6. The action is not likely to establish a precedent for future actions with significant effects. (see EA pp. 26-80).
7. The cumulative impacts are not significant (see EA pp. 26-80).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, and the action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because none were located in the project area. (see EA pp. 79).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because no suitable habitat for endangered or threatened species is directly impacted (see EA pp. 39-40). Consultation with the USFWS is not required.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pp. 9-10). The action is consistent with the Deschutes National Forest Land and Resource Management Plan (See EA pp. 2-3, 30, 71, 72, 76-77, 78).

## Findings Required by Other Laws and Regulations

This decision to implement modified Alternative 3 is consistent with the intent of the Forest Plan's long term goals and objectives in the project area (EA pp. 2-3). The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for wildlife, weeds, and soils (EA pp. 22-24).

This decision is in compliance with Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." No minority or low income populations will be disproportionately affected from implementation of the decision.

No designated roadless areas, old growth stands, Wild and Scenic Rivers or parkland would be adversely affected by the proposed activities.

There is no habitat within the planning area that is classified as "Essential fish habitat" for anadromous fisheries.

Wetlands, fisheries, water quality and designated floodplains will not be adversely affected by any of the proposed management activities.

## Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

## Administrative Review or Appeal Opportunities

Organizations or members of the general public may appeal my decision according to Title 36 CFR Part 215. Only individuals or organizations that submitted comments or otherwise expressed interest during the 45-day comment period, which ran from February 2, 2007 to March 19, 2007, may appeal. Notices of appeal must meet the requirements of 36 CFR 215.14. Appeals can be submitted in several forms, but must be received by the Appeal Deciding Officer, Regional Forester, within 45 days from the date of publication of notice of the decision in *The Bulletin*, Bend, OR. Appeals may be:

1) Mailed to: *Appeal Deciding Officer, Pacific Northwest Region, USDA Forest Service, Attn. 1570 Appeals, PO Box 3623, Portland, OR 97208-3623;*

2) Emailed to: *appeals-pacificnorthwest-regional-office@fs.fed.us*. Please put APPEAL and the project name in the subject line. Electronic appeals must be submitted as part of an actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. E-mails submitted to addresses other than the ones listed above or in formats other than those listed above or containing viruses will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail;

3) Delivered to: *Pacific Northwest Regional Office, 333 S.W. First Avenue, Robert Duncan Plaza Building, Portland, Oregon* between 7:45 AM and 4:30 PM, Monday through Friday except legal holidays;

4) Faxed to: *Regional Forester, ATTN: APPEALS at (503) 808-2255.*

The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the Bend Bulletin newspaper. The publication date of the legal notice in the Bend Bulletin

newspaper is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why our decision should be changed or reversed. The appeal must be filed with the Appeal Deciding Officer (§ 215.8) in writing. At a minimum, an appeal must include the following:

1. Appellant's name and address (§ 215.2), with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned\ signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part (215) or part 251, subpart C (§ 215.11(d));
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Officials' decision failed to consider the substantive comments and;
9. How the appellant believes the decision specifically violates law, regulation, or policy.

## Contact

For additional information concerning this decision or the Forest Service appeal process, contact Marv Lang, Recreation Specialist, at 541-383-4739, or Beth Peer, Environmental Coordinator, at 541-383-4769.

          /s/ Phil Cruz            
**PHIL CRUZ**  
District Ranger  
Bend/Ft. Rock Ranger District

          4/11/08            
Date

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## Appendix A

### Details of the Decision and Resource Protection Measures

Need for Action	Selected Alternative
To offer new opportunities for various skill levels, there is a need to provide a variety of new trails.	7.8 miles, 18 feet wide
To accommodate additional trail grooming, there is a need to remove vegetation along the sides of existing roads and trails.	11 miles, 18 feet wide
To expand the opportunities for all Nordic skiers, there is a need to expand the grooming area to include the proposed numbers 1 and 9 trails.	Trail number 1 is between Highway 46 and the Tangent Loop Trail; Trail number 9 is north of Forest Road 4615080
To help develop and improve ski skills for adults, beginning skiers and children there is a need to provide an area for a terrain park.	No Terrain Park
To provide warmth, shelter, and a location for groups to gather, particularly during race events, there is a need to provide a warming shelter that is easily accessible to the parking area.	up to 1,370 square feet Immediately northeast of the parking area
To accommodate increases in public use and to reduce illegal parking along Forest Road 4615 and Highway 46 there is a need to increase the capacity of the existing designated parking area.	Increase the parking area in two phases, from the present 60 spaces to 120 spaces; and then from 120 to 180 spaces due to phased funding availability. Approximately 1.5 acres would be affected.
To help meet the increased demands of the public there is a need for an additional toilet facility.	Construct double vault toilet immediately adjacent to the parking area.
To provide a focal point at the head of the trail system and provide an area for group events, including instructional and competitive, there is a need to provide a staging area.	150 feet by 300 feet (1 acre), tree removal Immediately to the north of the parking area, adjacent to the warming shelter
To provide a maps, information, and history of the area and to designate the start of the trail system, there is a need to construct an informational kiosk.	Roofed signboard adjacent to parking area within staging area
To provide a cleaner storage area and provide a better space to do repairs in the pole barn that provides storage of the snow groomer and equipment, snowmobile, and supplies, there is a need to have a better surface for the floor other than dirt.	Replace the dirt floor with a concrete floor



# MEISSNER PROJECT

## Alternative 3

Decision Notice: Trails

### Trails Types

- Existing - Groomed
- Existing - Ungroomed
- ..... Existing with Proposed Action - Groomed
- Existing with Proposed Action - Ungroomed
- Proposed New - Groomed

— Trail On Road

▬ Arterial Roads

— Collector Roads

..... Other Trail Systems

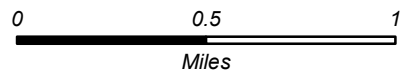
▭ Meissner Boundary

▨ Private Ownership

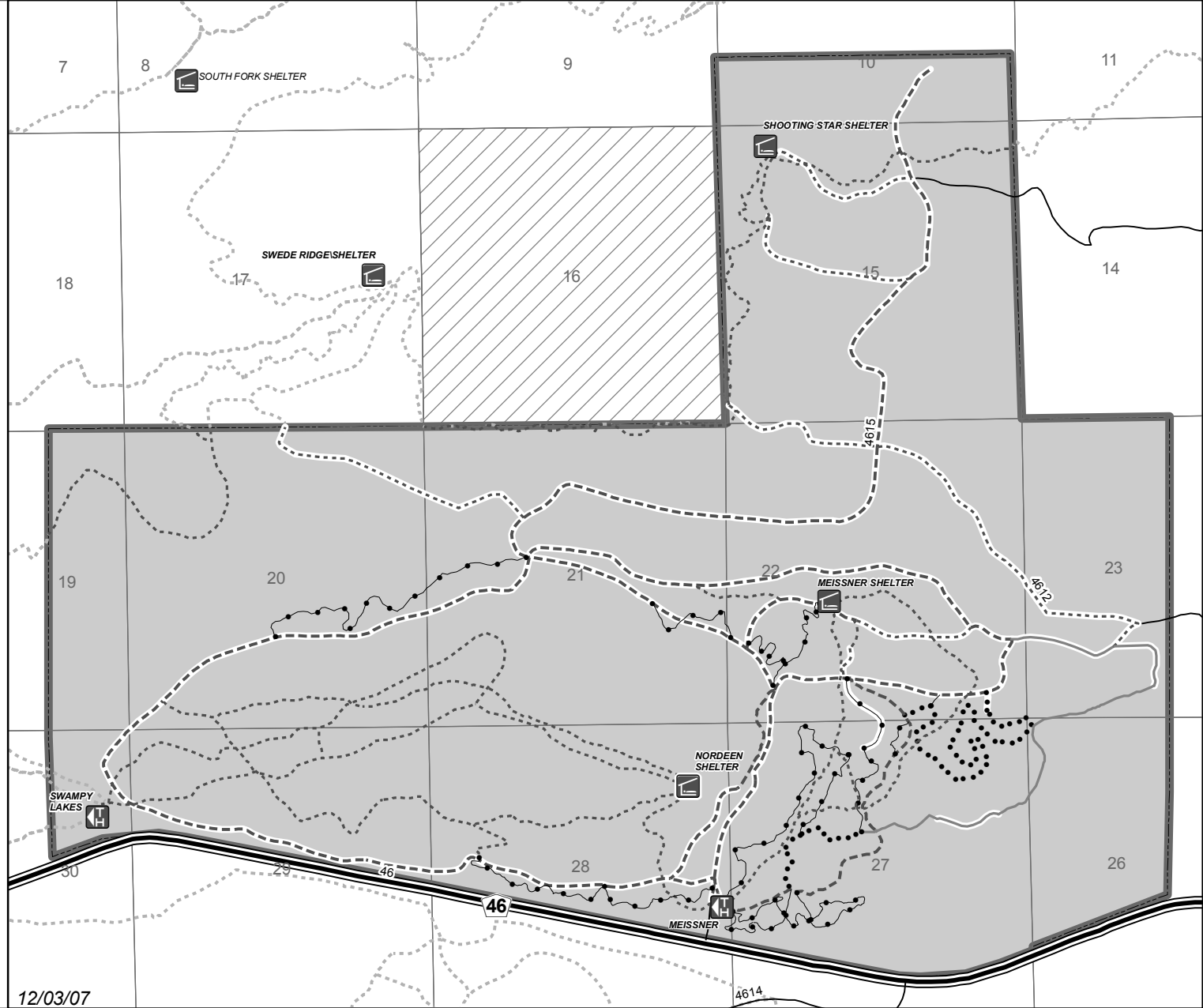
▣ Shelter

P SnoPark

▣ Trailhead



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## Resource Protection Measures

### *Water Protection*

Any gas-powered or hydraulic equipment used in the construction of trails shall be refueled outside of streams and riparian areas. (Source: BMP T-21 Servicing and Refueling of Equipment)

### *Noxious Weed Prevention*

Clean all equipment before entering *and after leaving* National Forest System lands. Remove mud, dirt, and plant parts from project equipment before moving it into the project area and before proceeding to the next project.

Prior to project initiation, visit the known weed sites and treat (most are small enough to be hand-pulled). At the same time, check the project area for any new weeds that may have entered it and treat any weeds found.

### *Wildlife*

#### *Project Design Criteria*

PDC #1 – To assure that suitable NRF habitat is remaining vacant, or becomes occupied by a pair of northern spotted owls, maintenance monitoring for northern spotted owls would occur every three years, starting in the year 2010, within ¼ mile of any groomed trails. If spotted owls are discovered within any of these particular stands, grooming would be seasonally restricted beginning on March 1. Also, if owls are found in any stands immediately adjacent to lighted trails, these trail lights would also be seasonally restricted beginning on March 1. Maps would be provided to the project file of the NRF stands that this would pertain to.

PDC #3 – To aid in reducing the impacts of fragmentation from trail construction and to deter from potential motorized and bike use during the summer, all green trees and/or snags felled during trail construction up to 12” dbh or less would be felled onto the trail bed (whether it is a groomed trail or not). All trees greater than 12” dbh can be felled to the outside of the trail bed. Logs larger than this would also be moved on site to the outside of the trail bed. All current trails that are void of this material (groomed or not), must have it placed in areas where they intersect with system roads or other non-winter trails for the complete sight distance, either by felling an occasional tree or bringing the material from another sight. These new or widened trails would also need to be signed as no motorized or bike use. As another means to discourage motorized use outside of the Nordic season, where trails take off from existing open roads, the ground could be scarified for up to 50 feet.

PDC #4 – To prevent disturbance and possible nest abandonment by northern goshawks, none of the proposed actions of either of the action alternatives would take place within ¼ mile of the active nest from March 1 – August 31. This includes trail construction, parking lot expansion, lodge construction, improvements to the pole barn, and staging area construction. Artificial trail lighting and trail grooming would also be prohibited starting March 1 on this section of trail (4615 Road). Maps would be provided in the project file highlighting where outside of this ¼ mile restriction that activities could occur. This site could be monitored to determine nesting status. If nesting activities are not observed by May 15, project activities within this ¼ mile restriction could proceed (WL-12).

PDC #5 - Any active raptor nest found during management activities would be protected from disturbing activities within ¼ mile (1 mile for the use of explosives or activities associated with the rock breaker) of the nest by restricting site disturbing operations during the following periods:

*Northern goshawk*.....*March 1 – August 31 (WL-11)*  
*Cooper’s hawk* .....*April 15 – August 31 (WL-19)*  
*Sharp-shinned hawk*.....*April 15 – August 31 (WL28)*  
*Red-tailed hawk* .....*March 1 – August 31 (WL-3)*  
*Golden Eagle* .....*January 1 – August 31 (WL-3)*  
*Osprey*.....*April 1 – August 32 (WL-3)*  
*Great gray owl*.....*March 1 – June 30 (WL-33)*

A Bend/Ft. Rock Wildlife Biologist should be notified as soon as possible to determine the species of raptor if unknown, and to make a determination of nesting status and which trail construction activities need to cease and which can continue.

PDC #6 - Surveys for great gray owls have not been conducted, but should occur in one particular area within the Meissner Project area. Surveys should begin in 2008 and run for two consecutive years. The 2008/2009 surveys would use the method outlined in Quintana-Coyer, et al. (2004) “Survey Protocol for Great Gray Owls within the Range of the Northern Spotted Owl.” These surveys would be combined with surveys occurring within other project areas nearby. Trail construction on the North Tangent trail would be seasonally restricted from March 1 to June 30 (WL-33) and grooming of this same trail would not occur starting on March 1 of each year until the two year protocol is complete.

*Implementation Coordination*

MM#1– During trail construction, place the proposed routes on the landscape in a manner where the least amount of habitat would be impacted (i.e. more open areas on the ground). To help retain habitat for species that need larger trees, snags, or cwm habitat, avoid as much as possible cutting large trees and snags (>18” dbh) or cutting through large single snags (>18”dbh) or large piles of CWM (place trails on outer edges, not through the middle of them). Try to route trails around this type of habitat.

*Recommendations*

R #1 - To avoid potential nest abandonment, nest destruction, and loss of broods for woodpeckers, cavity nesters, and focal bird species, within or immediately adjacent to the project area, do not conduct trail construction activities (felling of trees and brushing out trails) during the period April 1 – August 15. Implement activities where possible during the fall, winter, and early spring (September through March). If the specified restriction period must be compromised, project activity at the beginning of the period (within the first month) would be considered. If these activities could be done during these time periods, impacts such as disturbance and abandonment of nests or even nest destruction would be reduced.

*Soils*

- Forest Service recreation management specialists should ultimately be involved with the final design specifications for the new and modified recreation facilities. Considerations

include visual and environmental impacts as well as costs associated with construction and maintenance.

- Under Alternatives 2 and 3, include appropriate Best Management Practices as part of the project design. Apply appropriate erosion-control measures to all ground disturbing activities associated with the construction and development of new facilities, as described in General Water Quality Best Management Practices (Pacific Northwest Region, 1988).
- Provision should be made for surface drainage from new recreation facilities as well as safe passage of surface runoff from other developed sites. The amount of maintenance can be reduced if drainage structures are properly installed during new construction.
- Consider the need for revegetation measures following construction activities to accelerate the re-establishment of ground cover vegetation and minimize soil particle movement. This would include seeding with an appropriate erosion-control seed mixture recommended by a local specialist, and the application of mulch and fertilizer as necessary.
- LRMP standard and guideline SL-6 (page 4-70 and 4-71) provides ground cover objectives to minimize accelerated erosion rates on disturbed sites with unprotected soils. On disturbed sites that would not be paved or covered with surfacing materials, it is expected that management objectives would be met by achieving 30 to 45 percent effective ground cover within the first year after disturbance and 46 to 60 percent cover after two years.
- Effective ground cover includes all living or dead herbaceous or woody materials and rock fragments greater than three-fourths of an inch in diameter in contact with the ground surface, including tree or shrub seedlings, grass, forbs, litter, and woody biomass.
- Monitor the implementation and effectiveness of erosion-control and other resource protection measures during and following construction activities. Prioritize where maintenance activities are needed and conduct regular preventative maintenance to minimize erosion damage on developed sites and in adjacent, runoff delivery areas.
- Due to presence of sensitive soils on slopes greater than 30 percent, consider the need for restricting mountain bikes and any other authorized recreation use to designated trail systems to minimize impacts to soils in adjacent areas.

#### *Wildlife Monitoring*

Monitoring of the northern goshawk pair within the project area should occur on a yearly basis to determine if the activities from either of the action alternatives is having an impact on nesting success.

#### *Recommendations for Weed Prevention/Education:*

Incorporate noxious weed monitoring as part of the area for noxious weeds annually, if possible, after the project ends. If any noxious weeds are found they should be removed.

During the snow-free seasons, post noxious weed educational information at the site kiosk.