

DECISION MEMO

OREGON DEPARTMENT OF TRANSPORTATION (ODOT) SAND SHED CINDER PIT EXPLORATION PROJECT

USDA Forest Service
Bend/Fort Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon
Township 18 South, Range 10 East, Section 30, (Willamette Meridian)

I. DECISION TO BE MADE

A. Decision

The decision to be made will be to issue a special use permit for prospecting to ODOT to conduct exploration activities to gather information that will be used to develop a plan for expanding Sand Shed Cinder Pit.

B. Location of the Project

The project area is located approximately 16 miles west of the town of Bend and south of the Cascade Lakes Highway. The cinder pit is directly adjacent to the Mt. Bachelor Sand Shed and Stockpile site currently operated by ODOT under special use permit. The legal description is Township 18 South, Range 10 East, Section 30, Willamette Meridian. The project area includes the following Deschutes National Forest Land and Resource Management Plan (Forest Plan) management areas (MA) - General Forest Management (MA-8) and Scenic Views (MA-9). The goal of the 'General Forest' management area is "To emphasize timber production while providing forage production, visual quality, wildlife habitat and recreational opportunities for public use and enjoyment". The goal of the 'Scenic Views' management area is "To provide Forest visitors with high quality scenery that represents the natural character of Central Oregon". No activities will be within Old Growth Management Areas. No permanent lakes or streams are located within the project area. Activities will not occur within Inventoried Roadless Areas.

II. PURPOSE AND NEED FOR ACTIVITIES

A. Purpose and Need

ODOT currently stores sanding cinders at the Mt. Bachelor Sand Shed and Stockpile Site and spreads this material on the Cascade Lakes Highway during adverse winter driving conditions. To replenish the stockpile of sanding material, ODOT must crush and haul cinders from pits located some distance from this storage site. In order to reduce haul

costs and increase the efficiency of replenishing the supply, ODOT is proposing to expand the cinder pit adjacent to the stockpile site to provide sanding material for many years to come. In order to define the boundary of the expansion, ODOT must first conduct test drilling to determine boundaries of the cinder source and the depth of the overburden.

B. Description of Project Activities

The proposed action would involve drilling approximately 10 to 30 holes within a 40 acre area adjacent to the existing Sand Shed Cinder Pit. The holes would be drilled with truck and track mounted equipment. No access roads will be constructed and site access will minimize disturbance to existing vegetation. No large trees will be cut. Limbs may be cut to allow adequate room for equipment access to the drilling sites. The holes could be up to 8 inches in diameter. All holes will be back-filled.

C. Measures to Reduce or Eliminate Unwanted Impacts Include, But Are Not Limited To:

- Measures to reduce the risk of noxious weed introduction and spread.
- Protection or avoidance of cultural sites
- Protecting visual quality

Botany

1. Known weed sites will be flagged prior to commencement of the project and the permittee will be given instructions as to the locations of the site(s). The operator of the equipment will not drive machinery or park vehicles on or adjacent to these sites.
2. The permittee will be required to clean all equipment before entering National Forest System lands. All mud, dirt, and plant parts will be removed from equipment before it is moved onto the project area.

Archaeology

1. There are no known cultural sites. The permittee will be required to cease operations immediately if a previously unknown site is discovered.

Visual Quality

1. Since exploration activities will result in the removal of few, if any trees, a buffer of trees will remain between the drill locations and the Cascade Lakes Highway to provide screening.

III. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 section 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

A. Category Of Exclusion

The appropriate category of exclusion is found in the Forest Service Handbook 1909.15 Section 31.2 Category 8: short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low stand road or use and minor repair of existing roads.

B. Relationship To Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. Federally listed Threatened or Endangered Species or designated habitat or species proposed for Federal listing or proposed critical habitat

No federally listed threatened or endangered plant, wildlife or aquatic species or their habitat occurs within the project area.

2. Forest Service Sensitive Species

Plant species: There are no known sensitive plant species or habitat within the project area.

Aquatic Species: There are no sensitive aquatic species or habitat within the project area. There are no wetlands, streams or lakes within the project area.

Wildlife Species: There are no suspected sensitive wildlife species or habitat within the project area.

3. Flood plains, wetlands, or municipal watersheds

Floodplains: There are no floodplains within the project area

Wetlands: There are no wetlands within the project area.

Municipal Watersheds: There are no municipal watersheds within the project area.

4. Congressionally designated areas such as wilderness, wild and scenic rivers, and national recreation areas

The planning area is located approximately 10 air miles northwest of the Deschutes River Wild and Scenic River corridor. No activities would take place adjacent to or within the river corridor.

The planning area is not located within a wilderness or a national recreation area.

5. Northwest Forest Plan

The planning area is located inside of and to the west of the Northwest Forest Plan boundaries.

6. Inventoried Roadless Areas

There are no inventoried roadless areas in the planning area. The project would not construct any permanent or temporary roads.

7. Research Natural Areas

There are no existing or proposed Research Natural Areas in the planning area.

8. American Indian and Alaska Native religious or cultural sites, archaeological sites or historic properties of areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites

that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

This decision complies with the cited Acts. A survey was conducted in 1996 for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Additional surveys will take place. Consultation will occur under the Programmatic Agreement with the State Historic Preservation Office.

Conclusion

Based on the conclusions regarding the effect to the resource conditions listed above, no extraordinary circumstances exist with the proposed project activities that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

C. Other relevant resource conditions considered

Noxious Weeds: Based on field surveys conducted in 1996, this project poses a high risk of noxious weed introductions or spread since there are two known weed sites in or near the project area. Additional surveys will take place. Results of surveys will be on file at the Bend-Fort Rock District office. The mitigation measures discussed above will be implemented to avoid introducing new populations of weeds and to avoid spreading the known sites.

IV. PUBLIC INVOLVEMENT

A scoping letter was mailed to 70 individuals, organizations, and agencies on April 11, 2006. Also, a legal notice was published in The Bulletin on April 12, 2006. The scoping period was closed on May 5, 2006. The following tribal governments were contacted with letters: Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe, and the Klamath Tribes.

One (1) commenter responded to scoping:

Comment: The cultural resource technical consultant for the Confederated Tribes of the Warm Springs Reservation of Oregon has no concerns with the project. If it is determined that ground disturbance will occur within the project area, the cultural resource technical consultant would like a copy of the cultural resource inventory results.

Response: The Heritage, Tribal Relations Program Manager for the Deschutes and Ochoco National Forests has stated that reports and findings of effects will be shared as requested.

V. FINDINGS REQUIRED BY OTHER LAWS

This project is consistent with the Deschutes National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The Plan is amended by Inland Native Fish Strategy, which provides standards and guidelines for protection of watersheds and riparian habitat conservation areas. There are no riparian habitat conservation areas within the planning area. The project is designed in conformance with Forest Plan standards and incorporates appropriate guidelines for General Forest and Scenic Views management allocations.

VI. CONTACT INFORMATION

Comments on the project must be postmarked no later than 30 days after the date of publication of the legal notice, May 26, 2007, in The Bulletin, Bend, Oregon. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the comment period for this proposal. Those wishing to comment should not rely on dates or timeframe information provided by any other source. Comments should be addressed to the Responsible Official District Ranger Phil Cruz at 1230 N.E. Third Street, Suite A262, Bend, Oregon, 97701; Telephone (541) 383-4000; FAX (541) 383-4700; e-mail address: comments-pacificnorthwest-deschutes-bend-ftrock@fs.fed.us.

Those submitting hand-delivered comments may do so during regular office hours, 7:45 AM to 4:30 PM, Monday through Friday, except legal holidays. Those submitting electronic copies must do so only to the e-mail address listed above, must put the project name in the subject line, and must either submit comments as part of the e-mail message or as an attachment only in one of the following three formats: Microsoft Word, rich text format (rtf) or Adobe Portable Document Format (pdf).

Only those who submit timely and substantive comments will be accepted as appellants. For appeal eligibility, each individual or representative from each organization submitting substantive comments must either sign the comments or verify identity upon request. All comments must be fully consistent with the requirement of the June 4, 2003 regulations at 36 CFR 215.6(3).

For additional information concerning this decision, contact Mark Macfarlane, NEPA Coordinator at the Bend-Fort Rock Ranger District, 1230 NE Third Street, A-262, Bend, OR 97701 or via telephone at 541-383-4000. The project can also be viewed at the Deschutes National Forest website: www.fs.fed.us/r6/centraloregon/index.html.

PHIL CRUZ
District Ranger

Date