

# Deschutes & Ochoco National Forests Crooked River National Grassland

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## Projects & Plans **Project Documents**

### **Environmental Assessment Empire Stone Company, LLC Request to Explore for Decorative Stone**

USDA Forest Service

**Bend/Ft. Rock Ranger District, Deschutes National Forest  
Deschutes County, Oregon**

**T. 18 South, Range 12 East, Section 6,  
(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 Empire Stone Company, LLC (Empire Stone) to explore for decorative stone material.

##### **B. Location of the Project**



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**SCHEDULE OF PROJECTS**

**PROJECT INFORMATION**

#### ✦ **By Administrative Unit**

- Deschutes SO
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#### ✦ **Forest Health, Fire, Fuels, Vegetation Management**

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**PLANS, ANALYSES, ASSESSMENTS**

▶ **Links**

▶ **Evaluate Our Service**

We welcome your comments on our service and your suggestions for improvement.

**Deschutes National Forest**

1001 SW Emkay Drive  
Bend, OR 97702

(541) 383-5300

**Ochoco National Forest**

3160 N.E. 3rd Street  
Prineville, OR 97754

(541) 416-6500

**Crooked River National  
Grassland**

813 S.W. Hwy. 97  
Madras, OR 97741

(541) 475-9272



The project area is located south of the High Desert Museum and east of Highway 97 in Township 18 South, Range 12 East, Section 6, Willamette Meridian (See Exhibit A). The project area is located in Deer Habitat Management Area 7 as designated under the Deschutes National Forest Land and Resource Management Plan (Forest Plan). The goal of the management area is to "To manage vegetation to provide optimum habitat conditions on deer winter and transition ranges..." as described in the Forest Plan, page 4-113. 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**

The Bend-Fort Rock Ranger District received a letter in April of 2005 from Empire Stone requesting permission to explore for decorative stone material. Empire Stone is a commercial company that sells stone for masonry and landscape use. The company is interested in developing new sources to meet the demands for their products generated by the building boom in Central Oregon. The primary purpose for allowing the exploration is to determine if there is an economically viable stone source in the area described above.

### **B. Description of Project Activities**

The project will consist of digging up to 10 holes approximately 5'x5' in size in pre-selected locations to determine the depth and range of the desired material. When rock is encountered, it will be hand-drilled to test for quality. Heavy equipment needed consists of a backhoe or excavator and pickup truck to haul the drill equipment and generator to power the

drill. No trees will be removed. All excavated sites will be filled in.

**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

**Botany**

1. Clean all equipment before entering 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.

2. 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) and the operator will not drive machinery or park vehicles on or adjacent to these sites.

**Archaeology**

1. Avoid known cultural sites. The permittee will be required to cease operations immediately if a previously unknown site is discovered.

**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 standard 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 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 sensitive wildlife species or habitat within the project area.

## 3. Flood plains, wetlands, or municipal watersheds

**Floodplains :** Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "...the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

There are no floodplains within the project area

**Wetlands:** Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative

or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

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 4 miles east 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 located approximately 1 mile east of Newberry National Volcanic Monument . No activities would take place adjacent to or within the Monument.

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

#### **5. Northwest Forest Plan**

The planning area is located outside of and to the east 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. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Consultation will occur under the Programmatic Agreement with the State Historic Preservation Office (SHPO). All cultural sites will be avoided.

## 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:** 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. Results of surveys are 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 58 individuals, organizations, and agencies on November 7, 2005 . Also, a legal notice was also published in The Bulletin on November 8, 2005 . The scoping period was closed on November 18, 2005 . The following tribal governments were contacted with letters: Confederated Tribes of the Warm Springs Reservation, Burns Paiute Tribe, and the Klamath Tribes.

Two (2) commenters responded to scoping. The following concerns were raised:

**Comment:** "There is no need to start a new quarry on public land to obtain this material."

**Response:** *National Forest System lands are open for removal of mineral materials.*



*Removal of material is speculative at this time as this decision is limited to allowing exploration to determine if there is material, not removal of material.*

**Comment:** " Exploring (then mining) for decorative stone is a new corporate incursion onto the public domain that should not be allowed...Exploration often leads to mining and cannot be treated as a limited, benign activity."

**Response:** *National Forest System lands are open for removal of mineral materials. Removal of material is speculative at this time as this decision is limited to allowing exploration to determine if there is material, not removal of material.*

## **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 Deer Habitat 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, December 21, 2005 , in The Bulletin, Bend , Oregon . Comments should be addressed to the Responsible Official, District Ranger Phil Cruz at 1230 NE Third Street, Suite A-262, Bend, Oregon, 97701;

Phone: (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, 7:45AM to 4:30PM , 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 requirements of the June 4, 2003 regulations at 36 CFR 215.6(3).

For additional information concerning this decision, contact Linda Carlson or Mark Macfarlane 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](http://www.fs.fed.us/r6/centraloregon/index.html) .

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PHIL CRUZ Date  
District Ranger

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