

## **DECISION NOTICE**

**For**

### **Sled Springs OHV Trail System and Road Management Plan**

USDA - Forest Service  
Wallowa Valley Ranger District  
Wallowa-Whitman National Forest  
Wallowa County, Oregon

This Decision Notice documents my decision as the Wallowa Valley District Ranger to implement the Sled Springs Off-Highway Vehicle (OHV) Trail System and Road Management Plan Environmental Assessment (Sled Springs Assessment). The decision incorporates a Finding of No Significant Impact and documents the District Ranger's determination that the decision is not a major Federal action significantly affecting the quality of the human environment. The Sled Springs Assessment and Project Record supporting this Decision Notice are available for public review at Wallowa Valley Ranger District, 88401 Highway 82 Enterprise, Oregon.

### **DECISION**

As Wallowa Valley District Ranger, I have selected Alternative 5 of the Environmental Assessment (EA) for the Sled Springs OHV Project. This decision will provide direction and management of motorized travel in the Sled Springs area. My rationale for this decision and selection of Alternative 5 are following. In addition there is a description summary of the specific actions to occur, mitigation measures, monitoring items, and findings. The attached map further displays the activities associated with Alternative 5.

### **RATIONALE**

The following rationales are the basis for my decision to select Alternative 5.

- Meet the purpose of and need for action as specified in the Sled Springs Assessment. Which are to: (1) Assess and limit OHV cross-country travel and designate acceptable motorized routes. (2) Provide roaded natural and roaded modified recreation opportunities that provide for a wide variety of recreation opportunities in an attractive setting and to all segments of society.
  - This alternative meets those objectives by eliminating cross-country travel, designating motorized routes for both all terrain vehicles (OHV) and full sized vehicles (FSV), and combining a natural landscape with roaded activities. Numerous renditions that provide more or less motorized opportunities are possible. However, I believe this alternative provides a

balance of a natural landscape with roaded character for this particular setting, as prescribed in the Forest Plan. This area seems appropriate for providing motorized recreational opportunities when compared to other areas of the district and forest, as described in more detail in the next paragraph. Eliminating OHV use in this area altogether would not fulfill the purpose and need for the project, or follow direction given in the Forest Plan and does not seem justified based on the balance of other resource values when compared to other areas of the district.

Open Road Densities for Full-Sized Vehicles under Alternative 5 (this is the standard established by the Forest Plan as normally being 2.5 miles per square mile)

Buck Creek Subwatershed - 1.9 miles per square mile  
Middle Mud Subwatershed - 1.9 miles per square mile  
Tope Creek Subwatershed - 1.7 miles per square mile  
Upper Courtney Subwatershed - 1.4 miles per square mile  
Upper Mud Subwatershed - 2.1 miles per square mile

Open Route Densities for both Full-Sized Vehicles and OHV trails (the Forest Plan does not set a standard for motorized trails, so we instead analyzed effects on elk using the Distance Band Model. As you can see, Buck Creek and Upper Mud have higher open route densities because OHV trails were located where disturbance is already occurring - adjacent to the Highway 3 corridor)

Buck Creek Subwatershed - 4.1 miles per square mile  
Middle Mud Subwatershed - 2.1 miles per square mile  
Tope Creek Subwatershed - 2.7 miles per square mile  
Upper Courtney Subwatershed - 1.7 miles per square mile  
Upper Mud Subwatershed - 3.8 miles per square mile

- Since 1997, Wallowa Valley Ranger District personnel have been discussing the potential for development of an OHV trail system. Because of congressional designations for the Hells Canyon and Eagle Cap Wildernesses and the Hells Canyon National Recreation Area, areas where an OHV trail system would be consistent with laws, regulations, and management direction were limited to the Wallowa Valley Ranger District. Several areas on National Forest lands in Wallowa County were explored and three identified with the proper size and topography for an OHV trail system: Upper Joseph, Salt Creek Summit, and Sled Springs.

The Wallowa County Natural Resources Advisory Committee initiated watershed-based community planning for the Upper Joseph Watershed in 2000. The Upper Joseph area was discussed in detail regarding OHV trail opportunities. Due to concerns for big-game populations by Oregon Department of Fish and Wildlife (ODFW) and tribal hunting patterns by the Nez Perce Tribe, the Upper Joseph Area was determined to be a poor location for OHV trail opportunities. Both ODFW and the Nez Perce Tribe agreed that the Sled Springs Area had fewer conflicts for establishing an OHV trail system than the Upper Joseph Area. The Salt Creek Area is a potential area for future trail consideration. The Wallowa Valley Trail Riders

were engaged in these conversations, and agreed to investigate trail-riding opportunities in the Sled Springs area.

- Key issues and public comments identified and addressed during the Sled Springs Assessment and summarized in the following section.
  - The potential for resource damage from rutting and erosion on roads and trails is a concern. Alternative 5 addresses this issue by reducing the amount of open motorized travel-ways by almost 140 miles from the current condition, and eliminating unregulated cross-country travel. In addition, there will be a regulated season of use for the trail portion of the system and the trail system may close during the season should trail conditions warrant. The open trail season is from April 1 to 3 days prior to first rifle elk season; however, temporary closure of the trail during the season may occur using resource triggers at key areas along the trail. The trail system will only be open when conditions minimize the risk of rutting and subsequent erosion. In addition, we will be decommissioning a little over four miles of road that are in or near riparian areas. This will reduce the long-term potential for sediment to leave these roads and enter adjacent stream systems. Additional roads will not be decommissioned based on input from the current road management plan for this area and their use in developing the trail system. Alternative 5 will bring substantial improvement to the protection of soil and water resources over the current condition. This in turn will improve fish habitat by reducing fine sediment inputs and protecting channel integrity with established crossings and bridges and elimination of unregulated travel. I did not select Alternative 3 because the period of use for the OHV trail system is too narrow and would not provide the recreation opportunities necessary for a viable OHV trail system. I did not select Alternatives 2 or 4 because these alternatives close the trail system when snowfall levels reach 12 inches. I believe that this trigger for closing the trail system may be difficult to implement.
  - Under Alternative 5, there will be a reduction in FSV access in this area due to closing roads or converting them to OHV use only. This will limit access for some activities such as firewood gathering, hunting, dispersed camping, and driving for pleasure. There will be a reduction in OHV access through the elimination of cross-country travel and closure of some existing roadways currently open to OHV travel. This will be an impact to some forest users and a change from the current condition, but I believe Alternative 5 provides a balance of motorized access while protecting the resource values of the area. Alternatives 2, 3, and 4 provide for a similar level of FSV access, although Alternative 5 implements an additional seasonal hunting season closure to all motorized use on McAllister Ridge. The unrestricted FSV access under Alternative 1 is not consistent with the purpose and need for action and with the National OHV policy.

Alternative 5 provides slightly fewer trail miles (summation of roads converted to trails and new construction) than Alternative 2. However,

where appropriate with other resource considerations, trail design incorporates OHV-user comments on trail location. With this OHV-user perspective in trail design, Alternative 5 provides the greatest amount of 'trail experience' to the OHV-user, more than Alternatives 3 or 4. 'Trail experience' is a positive attribute to OHV-user experience compared to riding on an open full-sized vehicle road. In addition, Alternative 5 directly contributes to the highest level of OHV-user satisfaction of all the action alternatives, with emphasis on loop trail designs and scenic views.

- Alternative 5 is a reasonable approach to protecting elk habitat within the Sled Springs area because it eliminates cross-country travel and closes 140 miles of existing travel-ways, as well as closing the OHV trail system and all other motorized access on McAllister Ridge from archery season through the fall hunting. Reducing the amount of available travel-ways increases elk security and creates two moderate quality security areas and one marginal quality security area, based on distance banding analysis of open routes. No security areas are present under the existing condition, and limited security areas would exist under Alternatives 2 and 4. Closure of McAllister Ridge to motorized use will reduce game harassment during hunting season. Closing the trail system 3-days prior to elk rifle season will also provide additional security. Designated open roads will remain open during this period but there will be reduced motorized travel-ways available that will change access by hunters. To some hunters, this change is an improvement to their hunting experience, while others will view the change as an impediment. Alternative 3 closes the entire OHV trail system during hunting season, but under this alternative, the trail-riding season becomes too limiting.
- Cattle and sheep permittees expressed their concerns with introducing an OHV trail system within their allotments. Motorized use in this area is not new. Most roadways currently have no restrictions on OHV use with cross-country travel permitted. A designated trail system will focus use on a smaller amount of area, which may increase encounters between motor vehicles and livestock in certain areas. Mitigation and monitoring measures to avoid or resolve conflicts between livestock grazing and OHV use are contained in the EA. These appear adequate to mitigate any issues that develop. Permittees wanting access on closed roads will be able to make requests in their annual operating plans for permitted operations, such as salting, or fence and development maintenance. Alternative 3 closes the trail system during the hunting seasons, which was more attractive to permittees who are concerned about conflicts between livestock grazing and OHV use. Alternatives 2 and 4 allow for greater levels of OHV use than Alternative 5. I believe that Alternative 5 strikes a balance between the amount of OHV trail use and permittee's concerns.
- The potential spread of noxious weeds is a concern across the forest. Alternative 5 responds to that concern by eliminating cross-country travel and designating motorized travel routes. This will substantially improve the ability to detect and treat new sites that may occur. Additionally, mitigation measures will limit the spread of noxious weeds during construction and

maintenance operations. Requiring users to wash their OHVs prior to entering the trail system will also reduce the risk spreading weeds. There was a proposal to construct a wash station at the trailhead. I will not be making a decision on that proposal at this time because it was not analyzed under this project. However, this proposal can be evaluated as a future project. Educating users about noxious weeds and ways to prevent their spread will benefit all parts of the forest. Alternatives 2, 3, and 4 would also eliminate cross-country travel and introduce noxious weed mitigation measures, thereby reducing the potential for noxious weed introduction and spread over the existing situation. However, I selected Alternative 5 for how it responds to the previously listed issues and concerns.

- Tribal Consultation has been an important element in the development of this proposal. Although Alternative 5 does not respond to all of the tribal proposals it does protect tribal rights within the analysis area by eliminating unregulated motorized travel and designating and constructing a regulated network of motorized routes that will lead to improved elk and fish habitat over the existing condition. The mix of motorized and non-motorized areas will provide a balance of opportunities for a variety of forest users while protecting the resources of the area. Below is a brief response to each tribal proposal.

**Summary of Nez Perce Tribe Requests and Adoption Decisions by Forest Service**

**Proposals**

<b>Nez Perce Tribe Site Specific Proposals</b>	<b>Alternative 5 Proposal Response</b>
Close both McAllister and Washboard Ridge areas during hunting season to match the adjacent Noregaard area closure.	Close McAllister Ridge during hunting season to match the Federal lands portion of the Noregaard area closure. Consultation with ODFW recommended McAllister over Washboard.
Do not construct the T15 trail connector, unless the Alternative C version of creating new wildlife security area is adopted.	Adopt closure suggestion to create elk/wildlife security area (as in Alternative 3). Close a portion of RD3040-159, total 1.7 miles. Close a portion of RD3040-150, total 2.4 miles. Keep T15 open.
Decommission RD3040-175, total 3.6 miles.	Will decommission, but will develop an approximately 0.4 mile new connector trail to T15.
Decommission RD3035-067, total 1.1 miles.	Will decommission, but will keep RD3035-048 (0.7 miles) open to its end point, then construct a 0.6 mile new connector trail.
Decommission RD3000-197, total 1.1 miles and move T49 to avoid tying into RD3000-197, maintaining 200 feet from Sled Creek.	Will decommission, and will move T49 to avoid tying into RD3000-197 while maintaining 200 feet from Sled Creek.
Weed wash station at main staging area.	We have no analysis to support a decision at this time. We can consider a wash station under a separate analysis in the future. Will require OHVs to be cleaned as an enforceable rule.
Open a closed road (RD3040-263, 0.2 miles) to provide reasonable access to full-size vehicles.	Will keep RD3040-263 open to full-size and OHV use.
Maintain over 200 feet from Burnt Creek with T17 trail construction.	Adopt maintaining over 200 feet from Burnt Creek with T17 trail construction.
Willing to use a 'resource trigger' (soil conditions) for opening the trail as long as Tribal input to assist in better defining the trigger points is used.	Will work with Tribal resource specialists to better define the 'resource trigger' to define when the trail system opens, and closes if conditions change.
Conduct an EIS rather than EA.	The regulations, 40 CFR 1508.27 (b) (4), state that the Forest Service needs to prepare an EIS if the "effects" are highly controversial. The courts have interpreted this to clearly relate

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<b>Nez Perce Tribe Site Specific Proposals</b>	<b>Alternative 5 Proposal Response</b>
Do not construct T39.	to the effects of the proposal and not the proposal itself.
Do not construct T28, instead use RD3040-121.	Will keep T39 for trail design integrity.
Do not construct T24, instead use RD3030-135.	Will keep T28 for trail design integrity.
Do not construct T33.	Will keep T24 for trail design integrity.
Decommission RD3030-055, therefore T12 should not be built.	Will keep T33 for trail design integrity.
Decommission RD3030-075 from -074 and -074 junctions.	Will keep road and T12 for trail design integrity.
Decommission RD3030-151, from 3030 to 3030-145 thus do not construct T14.	Will keep road for trail design integrity.
Decommission RD3030-075 from T45 to 3030-078.	Will keep road and T14 for trail design integrity.
If there is no crossing of Burnt Creek, then do not construct T40.	Will keep road for trail design integrity.
Close RD3025 at the 3025-215 junction to the north to increase a wildlife-no-disturbance zone.	Will keep crossing of Burnt Creek and T40 for trail design integrity.
Close the loop east of RD3030 created with 3030-155 and 3030-171 roads	These roads will be part of new wildlife security area with seasonal closure of McAllister Ridge, and will be open outside of closure for trail integrity.
Do not use RD3030-451 and RD3030-455 because of old growth.	Will keep for trail design integrity.
Do not use RD3030-018 to enlarge security area.	Will keep for trail design integrity.
Create a hard ending date rather than 12 inches of snow. End the season of use for the entire trail system (outside of additional Ridge hunting season closures) 3 days prior to Rifle season (about the end of September).	Will create a hard ending date instead of 12 inches of snow. Will use 3 days prior to rifle elk season as the ending date.

**Actions**

Implement a policy to restrict motorized use in the Sled Springs area to designated routes. Upon establishment of the trail system, or implementation of the Forest-wide Travel Management Plan, which ever comes first, off-trail travel by motorized vehicles will no longer be authorized except for snowmobile use in the winter. The OHV trail system will include 156 miles of designated roads and trails for use by all-terrain vehicles and motorcycles (Oregon class 1 and 3 vehicles, described as OHV vehicles henceforth). Of this 156-mile road and trail system, full-sized vehicles (Oregon class 2 vehicles) are authorized to travel on 71 miles of existing roads. Convert 60 miles of existing roads into OHV-only trails and construct approximately 25 miles of new OHV trail as connections between existing roads to create logical riding loops. Refer to Figure DN-1 for the locations of these roads and trails.

The 71 miles of existing road will remain available for use by full-sized vehicles or FSVs year-round, although snow depths frequently close this area to vehicle use during the winter. The 60 miles of existing roads converted to OHV-only use and the 25 miles of newly constructed trail will be available for use in the spring/summer when soil conditions are adequately dry as described below in the monitoring measures, within the open trail season from April 1 to 3 days prior to first rifle elk season. The 71 miles of road identified for both full-sized-vehicle and OHV use will remain open for motorized travel, except for a seasonal hunting closure to all motorized use on McAllister Ridge. The McAllister Ridge seasonal

closure area includes approximately 9 miles of OHV only trail and 6.2 miles of roads available to full-sized vehicles.

Dispersed campsites will be available if located within 300 feet of roads designated for full-sized motorized vehicle access. However, motorized access will be restricted to only that needed to access the dispersed campsite.

Place six OHV bridges where trails cross-streams. Crossings are in the upper reaches of Buck, McAllister, Mud, and Burnt Creeks and on two unnamed intermittent streams. The construction of bridges at all intermittent and perennial crossings prevents OHV trails from entering streams and having a direct effect on Snake River steelhead. The bridges will not impinge on the two-year floodplain and will be made of steel or non-treated wood. Bridges and any trails within riparian habitat conservation areas (RHCAs) will prevent sediment from entering any stream. Spot rocking and water control devices (dips and waterbars) will prevent sediment from entering stream channels. The trails will not parallel the stream, but will approach stream crossings perpendicular to the stream as much as possible.

Establish a staging area for loading and unloading OHVs at an existing gravel pit along State Highway 3, which is accessed by a short spur road (3000-027). This staging area would consist of a camping area with designated routes, picnic tables, fire rings, and a toilet and a day-use parking area.

Management of motorized use in the Sled Springs area will be a combination of physical barriers, educational efforts, and closure orders. Unauthorized routes will be hidden by recontouring the slope, logs or slash, or vegetation planted near entrances. In many cases, existing roads have been obscured, and no treatment would be needed to dissuade future motorized use. In conjunction with the physical barriers, maps will be prepared and signing will be placed to clearly designate approved motorized routes. Closure orders will be signed to designate open routes and define periods during which the trail and road systems are open. Violations of these orders will be subject to citations and fines.

To improve compliance with trail-riding rules, education and enforcement will be implemented. Advertisement for the trail system will warn riders that the trail can and will shut down with little notice with significant rain events, or wet seasons (spring and fall). Users will be advised to check the Forest web-site or call the Forest Service Visitor Center in Enterprise, Oregon for latest trail conditions (a successful system for managing non-motorized trails on the Wallowa-Whitman National Forest). Trail layout will include adequate signs in obvious locations, such as staging areas, posting current conditions. Enforcement of closures will take place through monies available through partnerships such as the State of Oregon Park OHV Allocation fund.

**Alternative Comparison and Summary**

**Comparison of Alternatives by Trail Features**

Descriptor	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
Existing roads converted to OHV -only trails	0 miles	71 miles	54 miles	64 miles	60 miles
Newly constructed connector OHV trails	0 miles	18 miles	17 miles	20 miles	25 miles
Open roads to both full-sized vehicles and OHVs	218 miles	77 miles	73 miles	74 miles	71 miles
Total OHV -only routes (includes roads and new trail construction)	unlimited	89 miles	71 miles	84 miles	85 miles
Total roads closed to all motorized vehicles	0 miles	70 miles	91 miles	80 miles	83 miles
Total motorized road and trail system	unlimited	166 miles	144 miles	158 miles	156 miles
Roads decommissioned	0 miles	0.28 miles	0.28 miles	0.28 miles	4.13 miles

**Mitigation Measures**

Mitigation measures address potential impacts by either avoiding adverse impacts, minimizing adverse impacts by limiting activities, or rectifying adverse impacts through rehabilitation. In addition to the mitigation measures listed below, measures described in the Forest Plan and pertinent to this type of project apply. Noxious weed mitigation includes:

1. Mitigation actions will prevent and treatment of noxious weeds that comply with the Pacific Northwest Region Final Environmental Impact Statement for Preventing and Managing Invasive Plants. A collaborative approach to implementing this plan will distribute the weed treatment responsibility among entities such as the State OHV program, Wallowa Valley Trail Riders, the Forest Service, and Wallowa County, using a format such as a Memorandum of Understanding to document the approach.
2. Use reasonable measures to insure equipment and materials is free of soil, seeds, vegetative matter or other debris that could contain or hold seed. Club members, volunteers, or contractors must advise the Forest Service of measures taken and arrange for Forest Service inspection prior initiation of work. For road maintenance and decommissioning contracts, use standard timber sale contract provisions, such as WO-B 6.35 to ensure appropriate equipment cleaning. Conduct roadwork during the year that poses the least threat of spreading the noxious weeds, or defer work until the sites are controlled.

3. Treat weeds in roads to be closed before roads are made impassable. Re-inspect and follow-up based on initial inspection and documentation. When working in known weed sites, clean equipment prior to moving.
4. Treat weeds in constructed/designated routes before the routes are sanctioned for public use. Annually treat weed patches along the routes - do not allow trail-side weeds to go to seed (see monitoring measures). Consider temporary trail segment quarantines on areas that are not reaching containment objectives so that seeds are not spread along the rest of the trail system. Consider temporary or permanent re-routes around these trouble spots.
5. Require as an enforceable rule that all OHVs be washed off-site prior to entering the riding area. Visual inspection by volunteers, staging area hosts, Forest Service employees, or other partners will be used to ensure compliance.
6. During large organized special-use permit events, include a weed education prevention and control provision in all new special-use authorizations. Ensure through inspection that OHVs that are to participate in the event have been cleaned off-site (such as the vehicle wash station in the City of Enterprise); or designate a portion of the staging area to be used as an OHV cleaning spot. If the staging area is used as a wash station, contain and avoid use of this spot for recreation riding. Provide equipment for the cleaning and inspection of the OHVs during organized events. Contain cleaned debris to this location and inspect for the presence of weeds. Provide informative materials to the riders.
7. Develop and implement a public involvement and public education plan for the OHV route system. Plan development shall be coordinated with the Wallowa Valley Trail Riders Club and include as a minimum:
  - Provide weed awareness messages and prevention practices at strategic locations. Include weed identification, threat information, and contact information at staging area bulletin boards. Consider a bounty for detecting new infestations using funding through cooperators.
  - Provide a map of known infestations and encourage users to be especially vigilant when using trail segments near these sites and report new infestations.
  - Encourage public land users to inspect and clean motorized and mechanized trail vehicles of weeds and their seeds, before recreating on public lands, and before transporting OHVs from this trail network to other areas.
8. Insure that activities restoring disturbed ground from road decommissioning, and route construction or maintenance, follow regional guidelines for the use of native species - use of locally adapted native species being the top priority and weed free straw or mulch.

To address livestock safety/harassment effects, or sheep camp issues, implement the

following mitigations as needed and where determined necessary in cooperation with the affected livestock permit holders:

9. Place cattle guards in place of gates where OHV trails cross existing pasture fences.
10. Ensure that OHV bridge placement does not improve livestock access to the stream.
11. Place educational literature about livestock management at the staging areas.
12. Consider changes in rangeland conditions caused by OHV pressure on livestock movement. If needed, move key areas to more representative locations.
13. Motorized vehicle use for maintaining grazing allotment improvements off the designed road and trail system will be by prior authorization as part of the permittee's annual instructions/ plan of operation.
14. Resolve immediate conflicts between the trail system and permittee operations. Conflicts may be addressed by educating riders, issuing citations, or closing trails to OHV use when sheep bands are using a particular area. Such closures may also provide opportunities for trail maintenance operations.

To protect summer steelhead streams during trail and bridge construction activities, and trail use include the following protection measures:

15. All work within RHCAs will take place within in-stream work windows that coincide with the *Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources* (ODFW, 2000), unless alternative work windows have been approved in writing from regulatory agencies.
16. Bridges will be placed without requiring construction within stream channels.
17. Although crossing of the streams with equipment will be necessary, they will be kept to a minimum.
18. Areas disturbed by project implementation will be seeded with native seed appropriate to the site, and planted with appropriate native shrubs where necessary. If monitoring reveals the need for re-seeding, the area will be re-seeded.
19. Use appropriate erosion control materials/methods to limit instream sediment input.
20. Hazmat spill kits will be present on-site when any piece of heavy machinery is working next to a stream.
21. There will be no fueling or storage of fuel or oil within RHCAs.
22. No treated wood will be used within RHCAs.
23. Follow the terms and conditions on Pages 21 to 26 of the Biological Opinion dated

September 15, 2006 from National Marine Fisheries Service for the Sled Springs OHV Trail Proposal. These terms and conditions relate to monitoring and reporting, construction activities, and pollutants.

#### 24. Trail Season Operation, Key Areas and Resource Triggers

The open trail season is when soil conditions have dried sufficiently from April 1 to 3 days prior to rifle elk season; however, the trail system may close during the season should trail conditions change. Opening and closing of the trail system within the season of use depends on soil conditions and weather patterns (“resource trigger”). Use will be allowed when soil conditions are adequately dry. Measuring adequacy will be done by monitoring (“key areas”) – those areas most vulnerable to rutting, soil displacement, and erosion due to soil types – and areas with the highest risk of affecting aquatic resources, such as approaches to crossings. The trail “key areas” would be monitored throughout the riding season. FSV portions of the system would not be managed under this system because roads available for use by FSV in the area are adequately surfaced to support vehicles during wet soil conditions.

Ensuring compliance by users will take place through education and enforcement. Advertisements for the trail system will warn riders that the trail can and will shut down with little notice with significant rain events, or wet seasons (spring and fall). Users will be advised to check the Forest web-site or call to the Visitor Center for latest trail conditions (a system used successfully for all of our non-motorized trails). Trail layout will include adequate signs in obvious locations posting current conditions. Enforcement of closures will not be subject to the uncertainties of Forest Service funding, but will take place through monies available through the State Park OHV fund.

**Key Areas:** A minimum of three key areas will be established as resource triggers for trail use. These key areas will be located at sites that provide the best indication of trail conditions in sensitive areas. These key areas will be 50-100 feet in length, located where ash soils exist, located at various conditions for sun exposure, or located within riparian areas where constructed trail segments approach the bridge installations. Ash soils are more sensitive to moisture than the other residual basalt soils in the area. Actual key area locations will be determined after construction and before opening the trail system.

**Resource Triggers:** Monitor key areas for predominance of “wet soil conditions” and consider the weather trend to determine whether the trail system will be open. For purposes of this document, wet soil conditions are defined as signs of saturated soil conditions, puddling, and muddy surface. The weather trend will be evaluated from the short-term forecast posted on the National Weather Service website by the Pendleton office. If less than 50 percent of the lengths of the key areas demonstrate wet soil conditions and the weather forecast indicates a dry weather pattern, the trail system will be open. If greater than 50 percent of the lengths of the key areas demonstrate wet soil conditions and the weather forecast indicates a rainy weather pattern, the trail system will be closed. Other combinations of wet soil percentages

and weather forecasts will be evaluated and may require monitoring the key areas again before a decision to open or close the trail system is made.

### **Monitoring**

The following items are needed to keep impacts at acceptable levels while implementing an OHV trail system in the Sled Springs area. Monitoring of the OHV trail system is primarily the responsibility of the Sled Springs OHV Coordinator. Funded with partnerships such as the through the State Oregon Parks and Recreation grants, the coordinator for the Sled Springs OHV Trail System will ensure that the following level of monitoring occurs throughout the year:

1. Enforcement of the trail-riding system will be completed through employment of a Sled Springs OHV Coordinator. The coordinator will be authorized to cite those who ride off route or outside of the designated season. The coordinator will maintain a presence during the trail-riding season to ensure safe and appropriate use of the trail system by users.
2. Noxious weed spread and infestation will be monitored. Route/staging area inspections for the detection of new noxious weed infestations will be conducted at least biannually. A plan for seasonal route-related weed treatment will be incorporated into the trail maintenance plan. Noxious weed monitoring will be the responsibility of the Sled Springs OHV trail coordinator, who will coordinate with the Wallowa Mountains Office weed coordinator. Evidence of weed spread will result in intensified treatment efforts and/or trail closures. Trail closures will be posted at all sites where trail-riding information is disseminated, and a designated representative from the Wallowa Valley Trail Riders will be informed.
3. Conflicts with big-game use of the area will be monitored through communications with Oregon Department of Fish and Wildlife biologists. An annual meeting with Oregon Department of Fish and Wildlife biologists will be held to discuss any conflicts. This meeting will be scheduled at an appropriate time to also include the Sled Springs OHV trail coordinator, the Wallowa Mountains Office wildlife biologist, Nez Perce Tribe representatives, and a designated representative from the Wallowa Valley Trail Riders.
4. Permittee's conflicts for domestic sheep and cattle grazing will be monitored through communications with the permittees. Immediate conflicts will be reported to the Sled Springs OHV trail coordinator who will work with a designated representative from the Wallowa Valley Trail Riders and the permittee to resolve the situation as needed. An annual meeting will be scheduled at the appropriate time with the permittee, the Sled Springs OHV trail coordinator, the Wallowa Mountains Office range management specialist, and a designated representative from the Wallowa Valley Trail Riders to discuss other needed changes in the trail system.
5. Use of the OHV trail system will be monitored through a self-issuing permit system. Trail users will be required to fill out a permit and place it in a drop box before using the trail system. Users who do not complete a permit will be subject to citation. The

information from permits will be used to identify from what areas users are traveling to use the Sled Springs OHV trail system and to monitor overall use levels.

## **SUMMARY OF THE SLED SPRINGS ENVIRONMENTAL ASSESSMENT**

### **Purpose and Need**

The purpose and need for action is generated by unacceptable conditions within the analysis area that need treatment. The need is represented by the difference between the area's existing condition and its desired condition with respect to the management direction for the area. The Wallowa-Valley District Ranger has identified a purpose and need for motorized trail opportunities and managed road access in the Sled Springs Area. The purpose and need for action is based on management direction in the Wallowa-Whitman National Forest Land and Resource Management Plan (Forest Plan) to provide for a wide variety of recreation opportunities in an attractive setting and to make those opportunities available to all segments of society (Page 4-38).

### **Scoping**

Since 1997, Wallowa Valley Ranger District personnel have been discussing the development of an OHV trail system. In conjunction with a local OHV riding club, the Wallowa Valley Trail Riders Association, several potential areas on National Forest lands in Wallowa County were explored. Because of congressional designations for the Hells Canyon and Eagle Cap Wildernesses and the Hells Canyon National Recreation Area, the areas where an OHV trail system would be consistent with laws, regulations, and management direction were limited to the Wallowa Valley Ranger District. Three areas on the district with the proper size and topography for an OHV trail system were identified: Upper Joseph, Salt Creek Summit, and Sled Springs. Watershed-based community planning for the Upper Joseph Watershed was initiated in 2000 by the Wallowa County Natural Resources Advisory Committee. The Upper Joseph area was discussed in detail regarding OHV trail opportunities. Due to concerns for big-game populations by Oregon Department of Fish and Wildlife (ODFW) and for tribal hunting patterns by the Nez Perce Tribe, the Upper Joseph Area was determined to be a poor location for OHV trail opportunities. Both ODFW and the Nez Perce Tribe agreed that the Sled Springs Area had fewer conflicts for establishing an OHV trail system than the Upper Joseph Area. The Salt Creek Area was considered a potential area for future trail proposals. The Wallowa Valley Trail Riders were engaged in these conversations, and agreed to investigate trail-riding opportunities in the Sled Springs area.

The project interdisciplinary team formed and conducted a Roads Analysis for the Sled Springs area. This analysis determined the benefits and risks associated with each road and concluded with recommendations for each road. The roads analysis is contained in the analysis file. Based on the roads analysis and recommendations from the Wallowa Valley Trail Riders, a proposed action was developed.

Public scoping for the Sled OHV Project was initiated in July 2003 with the project's inclusion on the Summer 2003 Schedule of Proposed Actions mailed from the Wallowa-Whitman National Forest Office in Baker City, Oregon. On February 17, 2005, a scoping letter was mailed to over 280 individuals, organizations, and agencies for their comment on the proposed action. These individuals and organizations included recreation interests, grazing permittees, State and Federal resource management agencies, and other special interest organizations. Letters were also sent to staff members of the Nez Perce Tribe and Confederated Tribes of the Umatilla.

Coordination with Oregon Department of Fish and Wildlife was conducted for this proposal throughout the Upper Joseph Creek Community Watershed Analysis process. The proposal was presented to the Wallowa County Natural Resources Advisory Committee at their February 8, 2005 Technical Committee meeting.

These scoping efforts generated responses from 15 agencies, organizations, tribes, or individuals. Responses are documented in 12 letters, as well as several e-mails, telephone conversation records, and meeting notes.

To clarify the concerns, follow-up telephone conversations, meetings, and e-mails were made between the Interdisciplinary Team and those who submitted comments. Much of the correspondence focused on what information should be provided in the EA. Information obtained from the scoping process is contained in the Sled Springs OHV Project Analysis File.

During the process of preparing the Environmental Assessment, the Interdisciplinary Team reviewed all comments and existing resource conditions. The team then generated a list of issues from both public comment and agency information. The District Ranger endorsed the issues as described below.

### **Issues**

Issues that could best be addressed by forming an alternative were identified and categorized as 'Key Issues'. Issues that could be addressed within the analysis or through standards and guidelines, mitigation, or monitoring are documented in the EA, Issues Tracking Sheet. Also found on the Issues Tracking Sheet are issues that did not pertain to making a reasoned decision about the Sled Springs OHV Trail System and Road Management Plan and were considered as 'issues outside the scope of this analysis.'

The following issues are the Key Issues identified by the interdisciplinary team. These issues were tracked throughout the EA.

**Issue 1** – Authorizing OHV use too early in the year may cause trail rutting and soil erosion, while authorizing OHV too late in the year may harass big-game during hunting seasons as well as increase hunter success.

**Issue 2** – Converting roads to OHV trails and closing other roads to mitigate the impact of the trails may interrupt local access to the Sled Springs area for activities such as gathering firewood or driving for pleasure.

**Issue 3** - Establishing an OHV trail system in the Sled Springs area may disturb elk security and impair elk survival.

**Issue 4** - Water quality may be degraded by the density of the trail-riding system.

**Issue 5** - Authorizing an OHV trail system in the Sled Springs area may adversely interfere with domestic livestock grazing because trail users may leave gates open, scatter sheep herds, interfere with herd dogs, interfere with livestock use of stock ponds, or road closures may limit permittees access for completing grazing operations. Conflicts may be greatest with the Mud Creek Allotment because domestic sheep graze this allotment.

**Issue 6** - The proposed OHV trail system may not optimize the trail riding experiences that are available in the Sled Springs Area.

### **Alternatives**

I considered a total of five alternatives before selecting Alternative 4, as modified. Four of the alternatives (Alternatives 1, 2, 3, and 4) were analyzed in detail, and one was eliminated from detailed analysis.

**Alternative 1** represents the 'no action' alternative. Under this alternative, an OHV trail system would not be implemented within the Sled Springs area. The Final National OHV policy, which was adopted on November 2, 2005 would continue as the official guiding policy on OHV use. Although this alternative assumes that a trail riding system would not be designated for the Sled Springs Area, the policy would insist that OHV trail use in this area eventually be designated. Until then, OHVs within the analysis area would continue to be managed similar to the current situation. There would be no restrictions on use, and there would be no attraction for use that might occur as a result of trail designation.

**Alternative 2** represents the Proposed Action which was described in a scoping letter mailed on February 17, 2005. This alternative would establish a 166-mile OHV trail system in the Sled Springs area for all-terrain vehicles and motorcycles. The alternative would convert 71 miles of existing roads into OHV-only trails, convert an additional 77 miles of existing roads into routes available for both full-sized vehicles and OHVs, and construct approximately 18 miles of new OHV trail as connections between existing roads to create logical riding loops. This alternative also includes the placement of five OHV bridges where trails cross streams.

**Alternative 3** was developed to respond to concerns raised during the public scoping period. This alternative would establish a 144-mile OHV trail system in the Sled Springs area for all-terrain vehicles and motorcycles. The alternative would convert 54 miles of existing roads into OHV-only trails, convert an additional 73 miles of existing roads into routes available for both full-sized vehicles and OHVs, and construct approximately 17 miles of new OHV trail as connections between existing roads to create logical riding loops. This alternative also includes the placement of three OHV bridges where trails cross over McAllister and Mud Creeks and on one unnamed intermittent stream.

**Alternative 4** was also developed in response to concerns raised during the public scoping period. This alternative would establish a 158-mile OHV trail system in the Sled Springs area for all-terrain vehicles and motorcycles (Oregon class 1 and 3). The alternative would convert 64 miles of existing roads into OHV-only trails, convert an additional 74 miles of existing roads into routes available for both full-sized vehicles and OHVs, and construct approximately 20 miles of new OHV trail as connections between existing roads to create logical riding loops. This alternative also includes the placement of six OHV bridges where trails cross streams. Crossings with bridges would be constructed within the upper reach of Buck, McAllister, Mud, and Burnt Creeks and on two unnamed intermittent streams.

**Alternative 5** was developed in response to concerns raised by the Nez Perce Tribe. Refer to the previous section entitled "Actions":

An alternative submitted by the local OHV riding club for an OHV trail system was considered by not analyzed in detail because portions of the proposal did not meet Forest Plan management direction for protecting fish habitat.

#### **COMMENTS ON THE SLED SPRINGS ENVIRONMENTAL ASSESSMENT**

A 30-day public review and comment period started on March 23, 2006 through publication of a Legal Notice in the *Wallowa County Chieftain*. A total of 21 comments were received from a variety of individuals, organizations, tribal representatives, and agency representatives. Approximately 50 additional comments were received after the comment period, many of which responded to an Oregon Trout solicitation that its membership oppose the Sled Springs proposal. The individual comments received **during** the comment period and specific responses to those comments are provided in Appendix B of the Sled Springs Assessment. As the responsible official, I reviewed the comments received **after** the comment period and considered them before making this decision.

## **FINDINGS**

The Sled Springs Assessment was developed in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act (NFMA) and its implementation regulations codified at Title 36, Part 219 of the Code of Federal Regulations. It also was developed in accordance with Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Code of Federal Regulations, Title 40, Part 1508.27). These implementation regulations require specific findings to support decisions subject to the National Environmental Policy Act (NEPA). These findings include (1) Finding of No Significant Impact and (2) Finding of Consistency with Management Direction for the Forest Plan.

### **Finding of No Significant Impact**

My determination of whether to prepare an Environmental Impact Statement is based on the context and intensity of the environmental consequences documented in the Sled Springs Assessment with respect to the following significance factors identified in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Code of Federal Regulations, Title 40, Part 1508.27):

1. The beneficial and adverse environmental effects described in the Sled Springs Assessment for Alternative 5, were considered independently. The analysis disclosed effects on recreation resources, scenery, wildlife, aquatic resources, botanical resources, roadless resources, and other elements specifically required by federal law, regulation, or policy. (EA, Pages 29 to 122). Based on the intensity of these effects in a local context, I find that Alternative 5 generates no significant beneficial or adverse effects upon the resources of the project area.
2. The activities prescribed in Alternative 5 incorporate accepted procedures for protecting public health and safety. Consequences to public safety from implementing Alternative 5 are described in the Sled Springs Assessment. Based on the actions documented in the Sled Springs Assessment, I find that implementation of Alternative 5 poses no unusual risk to public health or safety.
3. The area analyzed in the Sled Springs Assessment contains no prime farmlands, rangelands, forestlands, or parklands. The effects on wetlands and floodplains and the effects on historic or cultural resources are discussed in the EA. Based on the disclosure of effects documented in the Sled Springs Assessment, I find that implementation of Alternative 5; will not affect any unique characteristics of the geographic area such as historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The effects of implementing Alternative 5, are not highly controversial. Comments received during the scoping period (Appendix A of the EA) and public review and comment period (Appendix B of the EA) did not dispute the scientific bases behind the effects documented in the Sled Springs Assessment are not controversial.

Therefore, I find that effects of implementing Alternative 5 are not highly controversial.

5. The Sled Springs Assessment analyzed potential effects on recreation resources, scenery, wildlife, aquatic resources, botanical resources, roadless resources, and other elements specifically required by federal law, regulation, or policy (EA, Pages 29 to 122). Biological Assessments were prepared to evaluate effects on threatened, endangered, proposed, or sensitive species. The anticipated effects were based on experience by the team members in evaluating effects of proposed actions for several years. Concurrence on the determination of May Affect Likely to Adversely Affect was received from National Marine Fisheries Service (EA) and dated September 15, 2006. Based on the analysis documented in the Sled Springs Assessment, I find that effects of implementing Alternative 5 are not highly uncertain and do not involve unique or unknown risks
6. The Sled Springs Assessment describes Alternative 5 in detail. Effects of implementing these activities are described in Chapter 3 of the Sled Springs Assessment (Pages 29 to 122). Based on the description of activities associated with Alternative 5 and the effects of implementing those activities, as documented in the Sled Springs Assessment, I find that implementation of Alternative 5 establishes no precedent for future actions, which are likely to result in significant environmental effects.
7. The cumulative effects on recreation resources, scenery, wildlife, aquatic resources, botanical resources, and roadless resources analyzed, and the results of this analysis are contained in Chapter 3 of the Sled Springs Assessment. Based on the description of cumulative effects in the Sled Springs Assessment, I find that implementation of Alternative 5, in conjunction with past, present, and foreseeable future actions, will not generate significant cumulative effects on these resources.
8. Surveys for cultural and historical resources were completed as described on Page 119 of the Sled Springs Assessment. Review by the Oregon State Historic Preservation Officer found that the Sled Springs OHV Trail System and Road Management Plan would have no effect on historic properties or cultural resources. The project area does not contain any Research Natural Areas or other significant scientific resources. Based on the analysis documented in the Sled Springs Assessment, I find that implementation of Alternative 5; will not adversely affect any sites or features listed or eligible for listing in the National Register of Historic places, or any significant scientific, cultural, or historical resources.
9. Biological Assessments/Evaluations were prepared to determine the effect of the project on threatened and endangered plant, fish, and wildlife species. A determination of "May Affect, Likely to Adversely Affect" was issued for summer steelhead; and a determination of "No Effect" was issued for all other threatened and endangered species, as documented in the Biological Assessments/Evaluations and the Sled Springs Assessment (EA segments, starting on Pages 72, 83, and 103). Based on the analysis of effects on threatened and endangered species documented

in the Sled Springs Assessment, I find that implementation of Alternative 5 will not adversely affect any threatened and endangered species or their critical habitat.

10. The Sled Springs Assessment is consistent with applicable management direction contained in the Forest Plan as discussed throughout Chapter 3 of the EA (Pages 29 to 122). Potential conflicts with plans and policies of other jurisdictions were analyzed in the Sled Springs Assessment. Therefore, I find that implementation of Alternative 5 is consistent with all applicable federal, state, and local laws, including provisions for protection of the environment.

Based on the context and intensity of the environmental consequences documented in the Sled Springs Assessment with respect to the ten significance factors addressed in this Finding of No Significant Impact, I find that implementing Alternative 5 will not significantly affect the human environment. Therefore, I find that the implementation of Alternative 5 is not a major Federal action requiring the preparation of an Environmental Impact Statement.

### **Finding of Consistency with Management Direction for the Forest Plan**

The Wallowa-Whitman Forest Plan was developed and approved (April 1990) using the provisions of the planning rule in effect prior to November 9, 2000 (the 1982 planning rule). The Forest Service now has a new planning rule (36 CFR 219, published in the Federal Register on April 21, 2008) referred to as the 2008 planning rule. The 2008 rule specifically states at 36 CFR 219.14(b)(4) that, for plans developed under the 1982 rule, the 1982 rule is without effect. There remain no obligations from that regulation, except those that are specifically in the plan. The only requirement specifically provided in the 2008 rule related to projects is at 36 CFR 219.8(e), requiring that projects and activities must be consistent with the applicable plan components. As required by 36 CFR 219.8(e), I have found that this project is consistent with the Forest Plan. The analysis contained in Pages 29 to 122 of the Environmental Assessment and the analysis contained in the Project File address support this finding by showing that the decision is consistent with the Forest-wide and Area-specific standards and guidelines of the Forest Plan.

I find that these analyses demonstrate that the Environmental Assessment is consistent with the requirements of the NFMA and the standards and guidelines of the Forest Plan. Therefore, based on the effects analysis contained in Pages 29 to 122 of the Environmental Assessment, and the data in the Project File, I find that the implementation of the Proposed Action is consistent with Management Direction for the Forest Plan.

## APPEAL PROVISIONS

Appeals under 36 CFR 215 must be fully consistent with 36 CFR 215.14, "Appeal Content." The notice of appeal must be filed hard copy with Steven A. Ellis, P.O. Box 907, Baker City, Oregon, faxed to 541-523-1315, sent electronically to [appeals-pacificnorthwest-wallowa-whitman@fs.fed.us](mailto:appeals-pacificnorthwest-wallowa-whitman@fs.fed.us), or hand-delivered to the above address between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the *Wallowa County Chieftain*. The publication date of the legal notice in the *Wallowa County Chieftain* 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.

Permit holders, such as cattle and sheep grazing permittees, within the Sled Springs area are also entitled to appeal under 36 CFR 251. This is the normal appeal means available for agency actions taken with respect to permits. Permittees will be notified of their appeal rights under the 251 procedures through separate notice. They are entitled to appeal my decision under the 215 procedures or under the 251 procedures, but not both.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format or portable document format only. E-mails submitted to e-mail addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. Only individuals or organizations who submitted substantive comments during the comment period may appeal. This project may be implemented 50 days after this legal notice if no appeal is received. If an appeal is received, the project may not be implemented for 15 days after the appeal decision.

## CONTACT FOR FURTHER INFORMATION

If you would like more information about the Sled Springs Assessment, this Decision Notice and Finding of No Significant Impact, or the appeal process for this decision, please contact Alicia Glassford, District Planner, Wallowa Mountains Office, 88401 Highway 82, Enterprise, Oregon, 97828 or at (541) 426-5689.

/s/ James R. Gilsdorf  
James R. Gilsdorf  
Acting District Ranger

November 26, 2008  
Date