

# DECISION MEMO

## North South Off-Highway Vehicle (OHV) Trail Project

Umatilla National Forest  
Pomeroy Ranger District  
Asotin and Garfield Counties, WA

Location: The planning area includes portions of T9N, R42E, Sections 16, 17, 19, 20, 29, and 32; T8N, R42E, Sections 5, 8, 9, 14-16, 22, 23, 25, 26, and 36; T8N, R43 E, Sections 28, 29, 31-36; T8N, R44E, Section 32; and T7N, R44E, Section 2-6 and 10. Approximately 30 miles along forest road (FR) 40 from Stevens Ridge in the north to FR 44 and 43 to Big Butte in the southeast

### **Background:**

Prior to 1993, the Pomeroy Ranger District was open to all terrain vehicles (ATVs) including cross country travel. In 1993 the District implemented a Motorized Access and Travel Management Plan that limited ATV access to about 8 miles of roads and trails in the Spangler Ridge area. The analysis and decision for the Motorized Access and Travel Management Plan acknowledged the reduction in availability of motorized trails, and as mitigation for this reduction proposed the Stevens Ridge ATV Complex Project. Future proposals for additional motorized trails, that would require further analysis, were also proposed at that time. The Umatilla Land and Resource Management Plan (Forest Plan) also anticipated future motorized trail opportunities as stated in the off-highway vehicle (OHV) use section under Recreation (p. 4-52) *“If necessary to eliminate OHV use, insofar as possible, provide a substitute area for the OHV opportunity eliminated.”* In 2003, Pomeroy Ranger District prepared a Five Year Trail Action Plan 2002 – 2007 (non-decisional planning document) that incorporated ATV user’s requests for an ATV trail system. Findings from this non-ground disturbing planning document identified both the Stevens Ridge Complex Project and North South Off-Highway Vehicle Trail Project as locations for future ATV use. A decision document has been signed (April 18, 2005) to implement the Stevens Ridge ATV Complex Project which will add approximately 24 miles of ATV trail to the system. Construction of Stevens Ridge ATV Complex is scheduled to begin in the spring of 2009.

On Pomeroy Ranger District ATVs currently share some of the same roads as other forest users. This shared use can and has generated safety issues and user conflicts. Partly in response to this shared use, ATV users have been developing their own unauthorized routes by using closed roads or they have been pioneering trails in areas that can lead to localized resource damage to soils, water quality, vegetation, and increased disturbance to elk herds. There is a need and opportunity to redirect ATV users from roads where safety concerns are high and also from developing unauthorized routes which can cause new ground disturbance to trails that are designed and designated for ATV use.

The purpose of this action is to provide safe, high-quality ATV recreation opportunities along Forest Road (FR) 40 corridor and ridgetop road system between Stevens Ridge and Big Butte.

This trail will reduce motorized mixed-use conflicts by moving ATV users off portions of FR 40 and onto a designated trail. Negative effects to natural resources including terrestrial species would be minimized by confining ATV users to a designated trail system in the FR 40 corridor. This project is a logical extension to the current ATV trail system. Existing trailhead kiosks would provide areas for placement of educational materials about rules governing the use of ATVs on Pomeroy Ranger District.

**Decision:**

After careful review and consideration of public comments and findings by resource specialists that potential effects to resources analyzed for this project are minor or non-existent, I have decided to implement the North South Off-Highway Vehicle Trail Project.

This decision is to develop a designated OHV trail by using existing roads, existing areas of past disturbance (skid trails, temporary logging roads, and firelines), and minimal new trail construction (5.5 miles) along road corridors of FRs 40, 43, and 44. This trail will move ATV and motorcycle traffic from approximately 12.7 miles of motorized mixed-use traffic on FR 40 to approximately 11.9 miles of newly designated ATV trail that parallels the road. The entire trail will be approximately 30 miles long and will provide ATV access from Stevens Ridge to Big Butte. It will be designed and designated for use by ATVs and motorcycles. North South OHV trail will begin where FR 40 and Stevens Ridge ATV Complex connect at Rose Springs. It will pass through Forest Plan designated management areas E2-Timber and Big Game; A4-Viewshed 2; and A6-Developed Recreation. It will also pass through Pomeroy Ranger District's Motorized Access and Travel Management Plan Strategy Areas identified as 6-Pataha and 8-Hardy/Hogback.

North South OHV Trail will incorporate a 55 inch tread and be brushed out four feet on each side of centerline to a height of 10 feet. Sections of trail located on areas of past disturbance are not likely to need new tread construction because past activity would have created usable tread. Two cattle guards will be placed where the trail crosses fence lines near Alder Thicket and Willow Springs rock pit. This location of cattle guards will allow for drainage. All sensitive cultural sites will be avoided.

New trail construction will follow guidelines found in the Forest Service Handbook (FSH) 2309.18 for trail construction. Erosion control techniques such as building waterbars, rolling dips, and out-sloping the trail will help minimize impacts to soil and vegetation. Disturbed areas will be mulched or have brushing slash scattered. Where necessary native seed or plants will be used for erosion control and down trees will be retained and used to confine ATVs to the trail, particularly in the area of Clearwater Guard Station.

There are three locations where ATV traffic will be relocated from FR 40 to the new ATV trail by using system roads currently closed to motorized use. Barriers for these closed roads will remain in place and will be posted to continue to keep motorized traffic other than ATVs and motorcycles from using the road. New trail segments will be built around the barriers to provide ATV and motorcycle access. Road closure devices may need to be moved to allow trail access and reduce access to closed road systems. Route and mile markers will be placed along the length of the trail.

With construction of this trail, use of the trail between Clearwater Guard Station and Dodge Spring will be posted for no ATV use. Since the new trail will cross the road that accesses

Dodge Spring, it will become the access route for ATVs and other users will have to use existing roads for access. Cross county travel between the Guard Station and Dodge Spring will no longer be allowed.

Unauthorized routes will continue to be posted as closed to motorized use. Some of these unauthorized routes will be physically blocked during trail construction. All unauthorized routes will be decommissioned by the district as funding becomes available.

The following tables summarize the roads to be used and work to be accomplished with implementation of this project and design features of the trail. Table 1 below lists roads to be used and the type of work that will occur on these segments, and Table 2 is a summary of trail features.

**Table 1 – Roads Used and Work to Occur**

| Road Classification   | Roads used   | Area Description  | Approximate Miles | Type of Use                | Type of Work to Occur   |
|---|--|---|-------------------|----------------------------|---|
| Level 4*<br>Road  | FR 40  | From FR 4027 to Misery Spring   | 3.23              | Dual use with road traffic | Signing at beginning points and reminders along route.  |
| Level 3*<br>Road  | FR 4027<br>FR 44<br>FR 43<br>FR 4304   | From FR 4027 to FR 40<br>From FR 40 to FR 44<br>From FR 43 to FR 4304<br>From 4304 to Big Butte | 13.93             | Dual use with road traffic | Signing at beginning points and reminders along route.  |
| Level 2*<br>Road  | FR 4000160<br>FR 4000161<br>FR 4000163<br>FR 4000210<br>FR 4000241<br>FR 4000242<br>FR 4018010<br>FR 4018011<br>FR 4018020 |   | 1.73              | Dual use with road traffic | Signing at beginning points and reminders along route.  |
| Level 1*<br>Road  | FR 4000049<br>FR 4000116<br>FR 4000130<br>FR 4000135<br>FR 4000280<br>FR 4027015   |   | 2.75              | ATV and Motorcycle         | Brushing, logcut, signs permitting use, warning signs when entering dual use roads.                                 |
| Existing Template   |  |   | 1.92              | ATV and Motorcycle         | Brushing, logcut, and waterbars. No leveling of trail would be needed and no wet areas crossed.                     |
| New trail construction  |  | See attached map.   | 5.55              | ATV and Motorcycles        | Brushing, logcut, excavation, and waterbars. Excavation would occur with a trail builder, less than 50 inches wide. |
| <b>Total Miles</b>  |  |   | <b>30</b>         |                            |   |
| <b>Road Classifications:</b>  |  |   |                   |                            |   |
| <b>Level 4</b> – Passenger vehicles- smooth surface ; <b>Level 3</b> – Passenger vehicles – surface not smooth; <b>Level 2</b> – High clearance vehicles; |  |   |                   |                            |   |
| <b>Level 1</b> – Closed more than 1 year  |  |   |                   |                            |   |

**Table 2 – Summary of Trail Features**

| <b>Features</b>          | <b>Description</b>  | <b>Distance</b>            |
|--------------------------|---|----------------------------|
| Trail Type               | Standard terrestrial trail  | Approximately 30 miles     |
| Trail Class              | Class III Developed Improved Trail<br>Class IV Highly Developed Trail (roads)                         | 7.46 miles<br>21.64 miles  |
| Managed Use              | Used for ATV, motorcycles, foot, horse,<br>and mountain bicycles<br>Snowmobiles on mixed-use portions | 11.94 miles<br>17.16 miles |
| Designed Use             | ATVs  | Approximately 30 miles     |
| <b>Design Parameters</b> |   |                            |
| Tread width              | 55 inches   | N/A                        |
| Grade                    | Will generally be less than 15 percent  | N/A                        |
| Cross Slope              | Only when on existing roads, not<br>proposed for new construction                                     | N/A                        |
| Clearing                 | Four (4) feet from centerline to a height<br>of ten (10) feet   | N/A                        |

**Rationale for the Decision:**

My decision to implement this project is consistent with the scale of effects disclosed within a category of action established by the Chief of the Forest Service which does not individually or cumulatively have a significant effect on the human environment, and therefore normally does not require further analysis in either an environmental impact statement (EIS) or an environmental assessment (EA). I have determined that this action is consistent with Category 1 (*Construction and Reconstruction of Trails*) listed in FSH 1909.15-2008-1, Chapter 30, Section 31.2. This project will construct approximately 5.5 miles of new trail, along with using segments of existing roads and existing areas of past disturbance (skid trails, temporary logging roads, and firelines).

In making my decision I considered whether this project is consistent with the Umatilla National Forest’s Land and Resource Management Plan (Forest Plan) 1990, as amended, and all applicable federal and state laws for protection of the environment, and whether extraordinary circumstances exist that could preclude the use of the categorical exclusion listed above. I also reviewed agency policy in FSH 1909.15-2008-1, Section 30.4 which reads *"the mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is (1) the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions, and (2) if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist"*

**Extraordinary Circumstances:**

Based on information in the project record file I find that this project is consistent with agency policy concerning extraordinary circumstances. Following is a discussion of extraordinary circumstances with regards to project implementation.

- ***Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing, or Forest Service sensitive species:***

As required by the Endangered Species Act, potential effects of this project on listed species have been analyzed and documented in Biological Evaluations for wildlife, fish, and plant

species (project file). In accordance with Section 7(c) of the Endangered Species Act, the wildlife biologist, fish biologist, and botanist checked for the presence of listed and proposed threatened and endangered species or their habitats, and species on the Regional Forester's (Region 6) sensitive species list that may be present in the project area.

A biological determination of No Impact has been given for all Region 6 listed sensitive species for plants. Species surveys were conducted in the project area and adjacent subwatersheds. There is no suitable habitat for any sensitive non-vascular plant species within the project area. A biological determination of No Effect has been given for *Silene Spaldingii* which is federally listed as threatened and known to occur on Umatilla National Forest.

A biological determination of No Impact has been given for all Region 6 listed sensitive aquatic species, including Forest Plan designated management indicator species (MIS) redband trout and margined sculpin. A biological determination of No Effect has been given for federally listed threatened, bull trout, Snake River steelhead trout, and Snake River spring and fall Chinook salmon. Data findings show the presence of bull trout, redband trout, Snake River steelhead trout, and margined sculpin in Cummings Creek which is well down-canyon, more than one mile away from the project area.

A biological determination of No Impact has been given for all Region 6 listed sensitive terrestrial wildlife species. A biological determination of No Effect has been given for federally listed endangered gray wolf, and threatened Canada lynx. There is no habitat in the area for federally listed threatened Northern bald eagle. Umatilla National Forest is currently considered "unoccupied" by Canada lynx (USDA 2006). Analysis of the project indicates that less than 5 acres of potential lynx habitat would be altered. A small reduction of suitable habitat on the fringe of lynx range is not expected to cause any changes to the lynx population. Although potential habitat occurs in or near the project area for gray wolf, great gray owl, Canada lynx, and California wolverine the species or their habitats will not be affected.

- ***Floodplains, wetlands, or municipal watersheds.***  
The project will avoid all floodplains and wetlands and is consistent with Executive Order (EO) 11988 and Executive Order 11990. There are no de-facto or designated municipal watersheds in the project area (Project File - Hydrology Report).
- ***Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.***  
The project area does not contain any congressionally designated wilderness, wilderness study areas, or national recreation areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, Appendix C).

The southern portion of the project area comes to within one-quarter mile of the Wenaha-Tucannon Wilderness area where FR 40 intersects FR 43. Misery Springs campground is located between these roads and wilderness boundary. Motorized mixed-use is currently allowed on these forest roads. Wilderness visitors may currently experience low levels of

noise and dust generated from the campground and existing motorized traffic on these roads. This project does not propose changing the type of vehicle use in this area. The level of traffic use is not expected to change measurably as the result of this project. No measurable change to noise and dust levels, that could affect visitors in the area, is expected.

Trespass by OHVs in this portion of the Wenaha-Tucannon Wilderness area has not been, and is not expected to be, an issue due to its steep and rugged terrain.

- ***Inventoried roadless areas***  
This project area does not contain any inventoried roadless areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, Appendix C).
- ***Research natural areas***  
This project area does not contain any research natural areas (Final EIS, Umatilla National Forest Land and Resource Management Plan, p. 4-31).
- ***American Indians and Alaska Native religious or cultural sites***  
This project area is within American Indian's ceded lands. No information on locations or concerns of religious sites has been made at this time. Consultation with local Tribes will continue.
- ***Archeological sites, or historic properties or areas***  
An appropriate inventory has been conducted for this project and a No Effect determination has been given. All known sites will be avoided. Should any additional sites be identified during ground disturbance activities, the assistant Forest Archeologist will immediately be notified.

#### **Forest Plan Consistency and Other Applicable Laws:**

This project has been designed to be consistent with the Forest Plan and applicable federal and state laws. The following resource narratives summarize effects and demonstrate consistency with Forest Plan direction described for management areas, Forest-wide standards and guidelines, and applicable federal and state laws.

**Hydrology** - Implementation of this project is consistent with Forest-wide and management area-specific standards for the protection of water resources for reasons as described below.

Project design features, such as 1) location of the trail on primarily existing road templates, which are located at or near the ridge, and outside of PACFISH interim riparian habitat conservation areas (RHCAs); 2) no new trail segments would be constructed in PACFISH interim RHCAs; 3) PACFISH interim RHCAs protect Riparian Management Objectives (RMOs) and allow their recovery at natural rates and 4) existing road templates that cross a seep would be rocked or bridged sufficiently to prevent rutting and sediment production will protect water quality from sedimentation and any reduction in shade.

Currently the seasonally wet template is used by full sized vehicles and is deeply rutted during wet season use. Improvements made for this project will reduce soil damage by creating a single crossing of the draw and prevent rutting.

Based on the location and design features to be implemented, this project is in compliance with the Clean Water Act and Umatilla National Forest Plan (Project File - Hydrology Report).

**Recreation** – Primary recreation activities in and around the area are hunting, developed and dispersed camping, sightseeing, off-highway vehicle use (OHV), and mushroom and berry picking. Snowmobiling is popular during the winter season. Dispersed recreation opportunities are available along the mountain road leading south to Troy, Oregon and along FRs 4304, 43, and 44 leading to the Big Butte area.

This project will redirect ATV and motorcycle use from 12.7 miles on FR 40 road to 11.9 miles of new designated ATV trails paralleling the road. Most use on the proposed trail system is expected to be from ATV and motorcycle users riding through the area for pleasure, hunting, or berry and mushroom picking. The trail system may also be used occasionally for non-motorized activities such as hiking, horseback riding, and mountain bike riding. Cumulatively, this project and a prior decision to implement the Steven's Ridge ATV Complex Project will allow for approximately 60 miles of ATV trail use. This additional availability will help satisfy existing demand for quality ATV trails. With regular maintenance this trail system is not expected to exceed capacity. Law enforcement challenges are also expected to be reduced because ATV users will more likely ride on designated trails that are safe and meet their needs.

Development of new dispersed camping areas are expected to be extremely low to non-existent along the new trail system, because of the close proximity of FR 40 where dispersed camping areas, that are accessible by passenger vehicles, already exist.

With design features, management requirements, and environmental effects identified, this proposed project is in compliance with the Forest Plan standards and guidelines for recreation (FP p. 4-47).

**Range** – Portions of Pomeroy and Asotin Cattle and Horse (C&H) Allotments are within the project planning area. Project activity is mainly beside or within 300 feet of an open road and will not conflict with domestic grazing in these allotments. Use of ATVs on designated trails provides for better protection of range structures such as fences and cattle guards and helps to keep recreationist from riding throughout the allotments (Project File– Range Report).

**Undeveloped Areas** - There are no undeveloped areas near the project area.

**Wildlife** - Plant and animal diversity and population viability are not diminished with the implementation of this project. Effects to management indicator species (MIS) such as elk, marten, and pileated woodpecker are minimal and consistent with the Forest Plan. The project will not reduce population viability for any MIS. Dead wood levels will be retained at current levels since no dead wood will be removed or cut. This project will not diminish habitat for cavity excavators expected to occur in the project area (Project File – Wildlife Report).

The project is consistent with the 1918 Migratory Bird Treaty Act (MBTA) and the Migratory Bird Executive Order 13186. The Conservation Strategy for Landbirds (Altman 2000) and the U.S. Fish and Wildlife Service's Birds of Conservation Concern (USDI 2002) were reviewed to determine potential effects (Project File – Wildlife Report).

**Riparian/Fish** – The project is located near the ridgetop. There is some aquatic habitat within the Stentz Cabin area, but the project is well above fish bearing waters. No shade removal from stream channels will occur. Water temperature and sediment will not be adversely affected by project activities (Project File – Aquatic Species Biological Evaluation).

**Findings Required by Other Laws:**

This project is consistent with Umatilla's Forest Plan, and all subsequent amendments, as required by the National Forest Management Act (NFMA). This project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines. It is in compliance with the Endangered Species Act, Clean Water Act, Safe Drinking Water Act, Clean Air Act, Executive Order 11988, and Executive Order 11990 as discussed in previous sections of this document.

There is no prime farmland, rangeland, or forestland within the project planning area. This decision is tiered to a broader scale analysis (the Pacific Northwest Region Final Environmental Impact Statement for the Invasive Plant Program, 2005, hereby referred to as the R6 FEIS 2005). The R6 FEIS 2005 culminated in a Record of Decision (R6 2005 ROD) that amended the Forest Plan by adding management direction relative to invasive plants. This project is intended to comply with the new management direction. The portions applicable to this project include relevant prevention standards that are detailed in R6 2005 ROD and apply to activities beginning March 1, 2006.

This project is not expected to have any disproportional effects on consumers, civil rights, minority groups, women, or low income people because there would be no change in the long-term use of the area for these populations (Executive Order 12898).

**Public Involvement:**

Information on this project has been available in numerous editions of Umatilla National Forest's Schedule of Proposed Actions. Letters requesting review and comment were mailed on May 2, 2008 to approximately 160 interested individuals, tribes, state, local, and federal agencies. A legal notice requesting review and comment appeared in the East Oregonian (newspaper of record) on May 6, 2008. Sixteen responses (letters and emails) were received. Some letters received by U.S. Mail had numerous signatures. I reviewed all of the comments and considered them before making my decision.

**Administrative Review and Appeal Rights:**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR Part 215. Only individuals or organizations that submitted comments or expressed an interest in the project during the comment period may appeal. Any appeal of this decision must be in writing and fully consistent with content requirements described in 36 CFR 215.14. A written appeal must be postmarked or received by the Appeal Deciding Officer: Kevin Martin, Forest Supervisor.

Send appeals to:

USDA, Forest Service  
Umatilla National Forest,  
ATTN: Kevin Martin, Forest Supervisor  
2517 S.W. Hailey Avenue  
Pendleton, Oregon 97801

The notice of appeal may alternatively be faxed to:

USDA, Forest Service  
Umatilla National Forest,  
ATTN: Kevin Martin, Forest Supervisor  
(541) 278-3730

Or delivered by hand to: Umatilla Forest Supervisor's Office in Pendleton, Oregon  
from 8 a.m. to 4:30 p.m., Monday through Friday.

By electronic mail at: [appeals-pacificnorthwest-umatilla@fs.fed.us](mailto:appeals-pacificnorthwest-umatilla@fs.fed.us)

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. It is the responsibility of persons providing comments by electronic means to ensure that their comments have been received. Any written appeal, including attachments, must be postmarked or received (via regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) within 45 days of the date of publication of the notice of decision in the *East Oregonian*, newspaper of record. The publication date in the *East Oregonian* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

For further information regarding these appeal procedures, contact the Forest Environmental Coordinator, Janel McCurdy at (541) 278-3869.

**Implementation:**

If no appeal is 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 period. If an appeal is filed, implementation may not occur for 15 business days following the date of appeal disposition. In the event of multiple appeals of the same decision, the date of the disposition of the last appeal controls the implementation date (36 CFR 215.9 (b)).

**Contact Person:**

Details of this project, including maps, may be viewed at Pomeroy Ranger District office in Pomeroy, Washington. For further details contact Rich Martin, project team leader, at the Pomeroy District office, 71 West Main Street, Pomeroy, WA 99347, telephone (509) 843-1891.

/s/ Monte Fujishin

March 2, 2009

MONTE FUJISHIN  
District Ranger

DATE

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