

Decision Notice and Finding of No Significant Impact for the Flat Creek Buildings Disposition Project

USDA Forest Service
Middle Fork Ranger District, Willamette National Forest
Lane County, Oregon

Introduction

The Forest Service owns five historic structures (three residences and two garages) at the Flat Creek Work Center. The five buildings are in disrepair and funding for repairs has been limited or non-existent in recent years. The buildings have been found to contain lead paint and asbestos. One residence's septic system collapsed in the late 1980's and was subsequently decommissioned. A hole in the roof of the Ranger's house caused by a falling tree branch allowed water to enter the house for a period of time before it could be repaired. Additionally, the buildings have been broken into and vandalized several times, and are a safety hazard to individuals who enter the buildings. The Flat Creek Work Center is located about one mile east of Oakridge, Oregon, off the Salmon Creek road (FS Road 24), in T. 21 S., R. 3 E., sec. 14, Willamette Meridian. This location is on National Forest System Lands and is currently designated as an Administrative Site (Management Area 13b) by the 1990 Willamette National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan.

Purpose and Need

The purpose of this project is to evaluate the future use of the structures and relieve the Middle Fork Ranger District of the financial burden of maintaining these unused structures. The disposition of the structures will in turn protect the public and Forest Service employees from safety hazards associated with the buildings, while protecting historic values and bat populations.

Decision and Decision Rational

This Decision Notice (DN) documents my decision to implement the Proposed Action (Alternative 2), integrating Stipulation II, III, IV and V(C) from the Memorandum of Agreement (MOA) with the Oregon State Historic Preservation Office. This document includes a discussion of my rationale for choosing the Proposed Action and the Finding of No Significant Impact (FONSI) that allowed me to choose an Environmental Assessment (EA) as the appropriate level of analysis.

My decision will allow the proposed action to be implemented within the project area. This alternative proposes activities that best meet the purpose and need for action, by providing a safe environment for employees and the public while also relieving the financial burden of maintaining the unused structures. The mitigation measures and design features will resolve the key issues associated with this project.

The proposed action is to demolish the buildings and dispose of all wood and metal components off-site. A tracked excavator will dismantle the buildings. The concrete foundation walls of the three residences with full basements will be broken off below ground level and placed in basements as fill. Foundation walls from the garages will also be used for basement fill material. Septic systems will be decommissioned to DEQ standards. Additional certified weed free fill material will be brought in to completely fill the basement area as necessary. This will require ground disturbance extending approximately 30 feet around all buildings. The depth of ground disturbance will be less than six inches.

The analyses of the impacts of the project were completed in light of the Mitigation Measures and Design Features which were part of the Proposed Action to minimize and/or control potential impacts of the project. Therefore to implement the project without the associated design measures would render the analysis of the impacts of the project by the interdisciplinary team invalid.

I have determined that the selected alternative covered by this decision is consistent with the Willamette National Forest Land and Resource Plan, as amended by the Northwest Forest Plan. This finding is based on the content of the environmental assessment, in accordance with Forest Plan Management Area and Forest-Wide Standards and Guidelines, which are cited throughout the EA and associated documents. The EA provides a description and rationale of how this proposal responds to the direction contained in the Forest Plan.

Other Alternatives Considered

In addition to the selected alternative, I considered Alternative 1 - No Action and Alternative 3- Re-use Under Special Use Permit.

Alternative 1 - No Action – Mothballed

This alternative would have resulted in empty, closed houses with minimal maintenance. As considered here, no action means that no restorative maintenance would occur in these structures. While the alternative does not achieve the purpose and need stated above, it provides a benchmark for comparison of effects as a result of implementing one of the action alternatives.

Alternative 3 - Re-use under Special Use Permit

This alternative would have allowed reuse under special use permit for the houses and the land, with repair and maintenance requirements as part of the lease contract. This alternative could provide for use of these houses as a privately or non-profit funded interpretation center, museum,

youth hostel, general recreation rental, or any number of public service oriented uses, should an entity be identified which would be interested in entering into such an agreement and in providing such services in this area. This alternative was not selected because the Forest Service was unable to identify interested parties willing and financially capable of utilizing the Flat Creek Complex structures under a special use permit.

Public Involvement and Collaboration

The Flat Creek Building Disposition Project proposal was first listed in the Willamette National Forest's Schedule of Proposed Actions (SOPA) on April 4, 2011. The SOPA is mailed out to a Forest mailing list of people interested in the management activities of the Forest. The SOPA provides one of the means of keeping the public, government agencies, and tribes informed of the progress of individual projects. The SOPA is also made available to the general public on the Willamette National Forest internet website.

The proposal was provided to the four tribes that have relations with the Willamette National Forest (Confederated Tribes of Warm Springs Reservation of Oregon, Confederated Tribes of Siletz Indians of Oregon, Confederated Tribes of Grand Ronde Community of Oregon, and the Klamath Tribe) on April 28, 2012. No comments were received during the scoping or 30 day comment period.

Public scoping began with the mailing of the scoping letter with the description of the proposed action and additional project area information on May 1, 2012 to the project's mailing list of 40 individuals, interest groups and organizations, elected officials, and other federal and state agencies. Three written comment letters were received as a result of these notifications. Copies of the letters can be found in the Public Involvement section of the Analysis File.

A public notice was published in the Eugene Register-Guard newspaper requesting comments on the proposed actions and EA on December 17, 2012. A letter was also sent to the individuals and organizations who previously submitted scoping comments to notify them that the EA was available for review with a 30-day comment period.

Comments

One comment letter was received from the Sand Mountain Society urging a desirable timeframe for salvage of readily harvestable historic fabric and to choose Stipulation V(A) Nomination of the Horse Creek work center on the McKenzie River Ranger District from the Oregon State Historic Preservation Office MOA.

Response to Comments

Timeline: The Forest Service will work out a mutually beneficial timeline for salvage with Sand Mountain Society. The preservation of harvestable historic fabric and public safety will be critical to success of the building decommissioning process.

Stipulation V: Stipulation V (A), Nomination of the Horse Creek work center on the McKenzie River Ranger District was not selected to meet Stipulation V because the Willamette National Forest Heritage staff has higher priorities for nomination to the National Register of Historic Places. Stipulation V (C) was chosen which will install interpretive panel(s) at the Flat Creek site to show what the historic complex was like.

Best Available Science

I am confident that the analysis of this project was conducted using the best available science. My conclusion is based on a review of the record that shows my staff conducted a thorough review of relevant scientific information, considered responsible opposing views, and acknowledged incomplete or unavailable information, scientific uncertainty, and risk. Please refer to the specialist reports in the project file for specific discussions of the science and methods used for analysis and for literature reviewed and referenced.

Findings Required by Other Laws and Regulations

The primary laws and Executive Orders that affect historic buildings include the National Historic Preservation Act (NHPA) of 1966 as amended; Executive Order 11593 – Protection and Enhancement of the Cultural Environment; and Executive Order 13287 of March 3, 2003 – “Preserve America”. Section 110 of NHPA states that Federal agencies “shall use, to the maximum extent possible” historic properties within the system before acquiring, constructing, or leasing new buildings. Section 111 states that Federal agencies must establish and implement alternatives for historic properties that are no longer needed for agency purposes. The Advisory Council on Historic Preservation (ACHP) considers this provision when reviewing alternatives for the treatment of excess property. The agency may lease historic property to any person or organization or may exchange with comparable historic property or the lease or exchange will adequately endure preservation of the property. The agency may use lease proceeds for other properties eligible for the National Register.

Finding of No Significant Impact

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the settings of the proposed action. In the case of a site specific action, significance usually depends upon the effects in the locale rather than the world as a whole. Both long and short term effects are relevant. Intensity refers to the severity or degree of impact.

In accordance with 40 CFR 1508.13 and direction provided by the Forest Service Handbook (FSH 1909.15, Chapter 40, Section 43.1), I have determined that the management actions proposed in the selected alternative of the Flat Creek Buildings Disposition Project do not

constitute a major Federal action, and that implementation of the Proposed Action will not significantly affect the quality of the human environment. I have determined that an Environmental Impact Statement need not be prepared for this project.

I have followed the implementing regulation for NEPA (40 CFR 1508.27) and other criteria for determining the significance of effects. Before making my determination, I carefully reviewed and considered the following information:

- The direct, indirect, and cumulative effects of these actions as documented in the Environmental Assessment for the Flat Creek Buildings Disposition Project
- The analysis documentation in the Project Record of the Flat Creek Buildings Disposition Project
- Comments received during all public involvement for this proposal; and
- Past experience with similar projects on the Willamette National Forest

The interdisciplinary team and I have “screened” the management actions included in the Flat Creek Buildings Disposition Project for “significant impact.” We looked at the proposed actions in light of context and intensity. The results of this screen are summarized below.

Context

Context means that the significance of an action must be analyzed in several contexts (i.e. local regional, worldwide), and over short and long time frames. For site-specific actions significance usually depends upon the effects in the local rather than in the world as a whole.

Based upon the documentation in the Flat Creek Buildings Disposition Project EA and Project Record, I have determined the following with regard to the context of this project.

The Flat Creek Buildings Disposition Project is limited in scope and duration. The Willamette National Forest is one of nineteen National Forests in the Pacific Northwest Region. The selected alternative of The Flat Creek Buildings Disposition Project will affect .0000005% (1 of 1,700,000 acres) of the Willamette National Forest. Therefore, the effects of the selected alternative on several resources and species within the project area or at scales larger than the project area are not significant as disclosed in Chapter 3 of the EA.

This decision also occurs in a social and historical context. From a social and historical perspective the buildings are eligible for the National Register of Historic Places. Although the buildings will be demolished, the agreement with the Oregon State Historic Preservation Office to document the site according to Historic American Building Survey Standards and Guidelines, salvage as much of the building materials as possible by a qualified entity, and install interpretive panels will mitigate the effects in a manner determined to be beneficial to the public.

Intensity

Based upon the documentation in the Flat Creek building Disposition EA and Project Record, I have determined the following with regards to the intensity of the project:

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.

Beneficial and adverse impacts of implementing the Proposed Action have been fully considered in the EA. While there will be beneficial effects, this action does not rely on those effects to balance any adverse effects of the project. Detailed specialists reports included in the EA and Project Record contain comprehensive effects analyses, and the findings from these resource specific reports form the basis of my decision. The adverse effects of the project will be minimized or controlled by the Mitigation Measures and Design Features, localized and short lived. I find my decision will have neither a significant beneficial or adverse impact based on the proposed action, mitigation measures, Design Criteria and Best Management Practices.

2. The degree to which the proposed action affects public health or safety.

There are limited health and safety hazards to the general public and Forest Service employees as a result of project activities. In general, implementing the proposed action will create safer conditions for the general public and employees by removing currently hazardous conditions which will likely continue to degrade over time.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area does not contain or is not near National Parks or Monuments, prime farmlands, wild and scenic rivers or ecologically critical areas. The project is consistent with the Clean Water Act and Executive Orders addressing floodplains and wetlands.

There are a number of historic and cultural resources in the area in the form of historic and pre-historic archaeological sites. A cultural resource survey has been completed that encompasses all areas that could be disturbed by the proposed activities. The survey was conducted according to an inventory plan approved by the Oregon State Historic Preservation Office (SHPO). This inventory is consistent with an agreement between the USDA Forest Service R6/PNW, Oregon SHPO, and the advisory council on historic preservation. This survey resulted in a Memorandum of Agreement between the USDA Forest Service – Willamette National Forest and the Oregon State Historic Preservation Office regarding the Disposition of the Flat Creek Complex, Oakridge, Oregon. Actions have been taken to minimize and mitigate effects to buildings eligible for the National Register of Historic Places.

The project complies with applicable laws and regulations, executive orders, and the Forest Plan, as amended. Based upon the above information I conclude that the Proposed Action will not have any significant impacts on unique resources.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial

During scoping and other correspondence with the public, there was no information presented that indicates substantial controversy about the effects of the project. The CEQ guidance on controversy refers not to the amount of public opposition, but to the substantial dispute to the size, nature, and effect of the action. Based upon the limited context of the project, my review of comments received during scoping and the analysis of the EA and the Project Record, I do not find any highly controversial effects to the human environment. I conclude that the effects of the Proposed Action are not considered highly controversial by professionals, specialists, and scientists from associated fields of archaeology, soils, hydrology, wildlife or botany.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks

Scoping, comments received, the EA and Project Record did not reveal any highly uncertain, unique, or unknown risks associated with the effects of the project. Given the size of the project, mitigation measures, design features and Best Management Practices, the effects to the human environment are not significant or outside what would be expected with a project of this type. The agency has experience in such projects and the consequences of such actions are well established and predictable.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Flat Creek Building Disposition Project represents a site specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future projects must be evaluated on its own merits and effects. The proposed actions are consistent with the Forest Plan, as amended, and the capabilities of the district to manage degraded and unused structures.

7. Whether the action is related to other actions which individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Connected, cumulative, and similar actions have been considered and included in the scope of the analysis. This analysis accounts for past, present and reasonably foreseeable future actions of the Forest Service in the project area. The analysis of cumulative effects follows the National Environmental Policy Act (NEPA) regulations (36 CFR 220.4(f)). Based upon my review of the analysis in the EA and the Project Record, I conclude that the Flat Creek Buildings Disposition Project does not represent a potential cumulative adverse impact.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic

Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Heritage resource specialists have inventoried the area, reviewed and compiled information. This inventory is consistent with an agreement between the USDA Forest Service R6/PNW, Oregon SHPO, and the advisory council on historic preservation. This survey resulted in a Memorandum of Agreement between the USDA Forest Service – Willamette National Forest and the Oregon SHPO regarding the disposition of the Flat Creek Complex. Actions described in the EA and DN will be taken to mitigate effects to the buildings eligible for the National Register of Historic Places.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The Flat Creek buildings Disposition Project Biological Evaluations (BE) and Biological Assessments (BA) address the effects on sensitive, endangered and threatened species and their habitat. A summary of the effects to threatened northern spotted owls is found in the EA (pp. 22). The EA states that “there is no critical habitat for the threatened northern spotted owl; therefore there will be no effect to critical habitat”.

10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.

This project is in compliance with all Federal and State laws and various recent Executive Orders relating to environmental protection. A summary of how this project and the design of alternatives comply with the federal and state laws and policies can be found in EA. The proposed action meets State air and water quality standards and complies with all regulations in the National Historic Preservation Act, National Environmental Policy Act, Endangered Species Act, National Forest Management Act, Clean Air Act, and Clean Water Act.

Administrative Review & Appeal Rights

The Flat Creek Buildings Disposition Project Environmental Assessment is on file and available for public review at the following location:

Middle Fork Ranger District
46375 Highway 58
Westfir, Oregon 97492

The EA and Decision Notice are also available for review on the Willamette National Forest Internet Website at: <http://www.fs.usda.gov/goto/willamette/projects-all>

This decision is subject to appeal pursuant to 36 CFR 215. Only individuals or organizations that submitted comments during the comment period may appeal. Notice of Appeal must meet the requirements of 36 CFR 215.14. Appeals can be submitted in several forms, but must be received by the Appeal Deciding Officer within 45 days from the date of publication of this notice in the Eugene Register Guard. Appeals may be:

