



# **Blue Mountain Summit Snowpark Project**

**Decision Notice  
and  
Findings of No Significant Impact**



January 31, 2012

## **Introduction**

The Blue Mountain Summit Snowpark Project was developed after a request from the Burnt River Snowmobile Club in 2008 for the development of a snowpark near the Blue Mountain Summit. Currently, trail users park vehicles and trailers along widened sections of the highway. During peak recreation times, there can be as many as 50 users parked along the highway near this location. This is causing problems and congestion along the highway for Oregon Department of Transportation (ODOT) plows, as well as blocking access to semi-trailers that use the turnouts to either install or remove tire chains. The proposal for a snowpark would help alleviate the congestion along the highway and provide for a safer experience for forest visitors.

## **Public Involvement**

In July, 2008 the Burnt River Snowmobile Club sent a letter to the Malheur National Forest seeking approval to locate a parking lot and associated snowpark structures near the Blue Mountain Summit. The project area is located on NFS lands, approximately 37 miles east of John Day, Oregon near the Blue Mountain Summit at the northwest corner of forest road 343 and forest road 309.

In November, 2011 members of the Blue Mountain Ranger District and members of the Burnt River Snowmobile Club, Oregon State Snowmobile Association (OSSA), and the Grant County Snowballers conducted a site visit to their proposed location.

The proposal was first listed in the Malheur National Forest Schedule of Proposed Actions (SOPA) in April, 2012. A scoping notice was published in Grant County, Oregon's *Blue Mountain Eagle* on April 25, 2012. On April 25, 2012, a summary of the project proposal was mailed to 40 individuals and groups. This included Federal, State and local agencies, Grant County Court, Tribes, nearby property owners, advocacy groups and the general public. Eighteen responses were received, with the majority of them being in support of the project. One response questioned the cost of implementation of the project.

Considerations of comments brought up during public involvement are included in the project record. Similar comments from different responders were combined and are listed.

On November 21, 2012 the proposed action and summary of environmental consequences was mailed to 40 individuals, groups and government agencies for the 30-day comment period. The legal notice for this comment period was published in Grant County, Oregon's *Blue Mountain Eagle* on November 21, 2012. The comment period, closing on December 21, 2012, the Forest did not receive any comments.

## **The Purpose and Need for This Project**

The Blue Mountain Summit area provides access to numerous groomed snowmobile trails from Highway 26. Currently, trail users park vehicles and trailers along widened sections of the highway. During peak recreation times, there can be as many as 50 users parked along the highway near this location. This is causing problems and congestion along the highway for ODOT plows, as well as blocking access to semi-trailers that use the turnouts to either install or remove tire chains. The turnouts are intended to be used as areas to install or remove chains and need to be accessible for ODOT to plow the snow and keep the areas clear.

There is a need to provide a safe area for winter recreationists, while also keeping the highway clear for snowplows and semi-trailers at the Blue Mountain Summit area. The new snowpark will provide a

parking and loading area for winter recreationists off of the state highway in order to reduce the potential for accidents and increase user safety.

## **Decision**

This Decision Notice (DN) documents my decision to implement the Proposed Action, without modification, from the Blue Mountain Summit Snowpark Environmental Assessment for implementation. 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 EA as the appropriate level of analysis.

My decision will allow the proposed action to be implemented within the Blue Mountain Summit Snowpark Project area. This will increase user safety and provide for additional recreational opportunities for forest visitors. Additionally, Designated Old Growth and Replacement Old Growth stands will be expanded to meet Forest Plan standards.

My decision also includes all of the Project Design Criteria and Design Measures identified in Table 5 in the Blue Mountain Summit Snowpark EA (pg. 25-28). The analysis of the ecological impacts of the project was completed in light of the design criteria and measures 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.

## **Decision Rationale**

### **Meeting the Purpose and Need**

I have decided to implement Alternative 2 in this decision because of how well the alternative meets the purpose and need and how the alternative responds to the key issues. This decision is based on my review of the analysis presented in the Blue Mountain Summit Snowpark Environmental Assessment and the comments received during the initial scoping process and other collaborative phases of the project's development. The Finding of No Significant Impact detailed below supported the use of an EA as the appropriate level of NEPA analysis. I considered the Malheur National Forest Land and Resource Management Plan standards and guidance for the project area, and took into account competing interests and values of the public.

The project was proposed to respond to the growing safety concern of forest visitors parking along US Highway 26. The purpose is to provide a safe area for winter recreationists, while also keeping the highway clear for snowplows and semi-trailers at the Blue Mountain Summit area. Comparison of the existing condition and the desired condition indicates a need to provide a parking and loading area off of the state highway in order to reduce the potential for accidents and increase user safety.

The interdisciplinary team was directed to address the above purpose and need with the proposed action. The proposed action would construct a parking lot approximately 385' long by 205' to 275' wide adjacent to Old Highway 26 and forest road 343 to reduce wintertime parked traffic along Highway 26 at the Blue Mountain Summit. Three structures, a restroom, a warming hut and a groomer shed will be constructed directly adjacent to the parking area, along with an access way for the groomer to Old Highway 26. An area for an above ground, 500 gallon fuel storage tank near the groomer shed. An additional 150' of defensible space will be thinned from structures.

## Forest Plan Amendments

### Determination of significance

I have decided to amend the Forest Plan to bring this decision into consistency with the Plan (Forest Plan amendment # 71). I have reviewed the Forest Plan amendments proposed in this EA relative to the significance under the National Forest Management Act (NFMA) implementing regulation and have determined that the amendment is not a significant amendment under the NFMA implementing regulation.

The Forest Service Land and Resource Management Planning Manual (Forest Service Manual 1926.51) lists the changes to the land management plan that are not significant can result from:

1. Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.
2. Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.
3. Minor changes in standards and guidelines.
4. Opportunities for additional projects or activities that will contribute to achievement of the management prescription.

### Adjustments of Management Area Boundaries

The selected alternative will amend the following Forest Plan management area boundaries: MA-13 as described in the Proposed Action in Chapter 2 of the Environmental Assessment.

The Forest Plan amendment will adjust the boundaries of the Replacement Old Growth (ROG) to remove approximately 7 acres of the area within the proposed action area. The proposed ROG boundary will be adjusted to the west and would add 8 acres, a net gain of 1 acre, for a total of 116 acres of Replacement Old Growth, MA-13. The approximately 7 acres within the project area would be reclassified as MA-12 Developed Recreation.

The Dedicated Old Growth (DOG) boundary will be adjusted by expanding the western border to include an additional 146 acres for a total of 279 acres. This addition will bring the existing DOG within Forest Plan standards for old-growth. No acres that are currently in the DOG will be removed from the inventory after the proposed action is implemented.

**Table 1: Summary of Existing and Proposed Old Growth Habitat After Implementation**

	<b>DOGs (Acres)</b>	<b>ROGs (Acres)</b>
Existing Habitat	133	115
Change in Habitat	+146	+1
Habitat After Implementation	279	116

### Amendment Rational

Currently the size of the existing Management Area 13 – Old Growth is deficient to meet Forest Plan Standards. Standards for Old Growth areas are that they should have 80 acres of Replacement Old

Growth, and 160 acres of Dedicated Old Growth. Currently the Dedicated Old Growth is approximately 47 acres short of the Forest Plan Standard. The adjustment of the MA-13 boundary will expand the boundaries for both the Replacement and Dedicated Old Growth to meet Forest Plan Standards.

### **Amendment Evaluation of Significance**

1. *Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.*

Multiple-use goals and objectives for long-term land and resource management would not be altered with this amendment. The Forest Plan sets forth guidelines for the size and locations of MA-13 Old Growth. The existing size of MA-13 does not meet Forest Plan Standards for Old Growth and this amendment will move the management area into compliance with the Forest Plans multiple-use goals and objectives for long-term land and resource management.

2. *Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.*

The adjustments of Management Area 13 – Old Growth, that would occur with this decision would bring the currently size deficient management area up to Forest Plan Standards as described above and in Chapter 2 of the EA. The area to be included in the boundary adjustment has been reviewed by the District Wildlife Biologist who has indicated that the included area meets Forest Plan Standards and Goals for Old Growth areas.

3. *Minor changes in standards and guidelines.*

The results from this amendment will not change any standards and guidelines of the Forest Plan.

4. *Opportunities for additional projects or activities that will contribute to achievement of the management prescription.*

This amendment would not result in additional projects or activities that would impact MA13 – Old Growth.

Based on the evaluation, I believe that the Forest Plan Amendments are not significant under the National Forest Management Act implementing regulation.

### **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 Blue Mountain Summit Snowpark 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 Blue Mountain Summit Snowpark Project
- The analysis documentation in the Project Record of the Blue Mountain Summit Snowpark Project
- Comments received during all public involvement for this proposal; and
- Past experience with recreation projects on the Malheur National Forest

The interdisciplinary team and I have “screened” the management actions included in the Blue Mountain Summit Snowpark 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**

Based upon the documentation in the Blue Mountain Summit Snowpark EA and Project Record, I have determined the following with regard to the context of this project.

The Blue Mountain Summit Snowpark Project implements direction set forth in the Malheur National Forest Land and Resource Management Plan, as amended. The Malheur National Forest is comprised of approximately 1.7 million acres. The Blue Mountain Ranger District encompasses approximately 706,759 acres of the Malheur National Forest. The Middle Fork John Day Subbasin is comprised of approximately 506,979 acres with the Upper Middle Fork John Day watershed encompassing 78,294 acres within the Middle Fork John Day Subbasin. The Summit Creek subwatershed encompasses 13,288 acres within the Upper Middle Fork John Day watershed. This decision will implement snowpark construction on an extremely small percentage of the Malheur National Forest, Blue Mountain Ranger District, subbasin, watershed and subwatershed. Given the area affected by the project, I find that the effects of the project are not significant as disclosed through Chapter 3 of the EA and will have negligible effects at the subbasin, District and Forest Scale as shown in Table 2 below.

**Table 2: Context of the Blue Mountain Summit Snowpark Project at Various Scales**

Unit	Acres	Acres (Percent) in Project Area
Malheur National Forest	1,700,000	7 (0.000004%)
Blue Mountain Ranger District	706,759	7 (0.000010%)
Subbasin: Middle Fork John Day	506,979	7 (0.000014%)
Watershed: Upper Middle Fork John Day River	78,294	7 (0.000089%)
Subwatershed: Summit Creek	13,288	7 (0.0052%)

**Intensity**

Based upon the documentation in the Blue Mountain Summit Snowpark 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 would be minimized or controlled by the Design Criteria and Best Management Practices, localized and short lived. I find my decision would 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, permittees, and Forest Service employees as a result of project activities. In general, implementing the proposed action will create safer conditions for winter recreationists. The clearing of vegetation and fuel reduction treatments are designed to reduce the risks to firefighters, local residents, the public, contractors and natural resources. The implementation of burning defensible-space slash would comply with the Oregon Smoke Management Plan and be coordinated with the Oregon Department of Forestry. Design measures have been developed that would protect water quality and none of the activities would result in increased water temperatures. I believe the proposed action would not have any significant impact to public health or safety.

**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. Heritage surveys have been completed and impacts to cultural or historic resources have been avoided. 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 would 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**

The effects on the quality of the human environment are not 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 refer 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 fuels, silviculture, soils, hydrology, fisheries, wildlife, botany or range.

**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 measures 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 considerable 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 Blue Mountain Summit Snowpark 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 land.
- 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. The 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 Blue Mountain Summit Snowpark 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 surveys have been completed in the Blue Mountain Summit Snowpark Project area and heritage resources have been avoided or protected by Design Criteria and Best Management Practices. This action complies with the National Historic Preservation Act and has completed the Heritage inventory under the terms of the 2004 Programmatic Agreement with the Oregon State Preservation Officer, and provided the interdisciplinary team with the appropriate NEPA input. Consequently, all relevant laws and regulations have been met. The potential for impacting undiscovered sites is mitigated by compliance with Forest Plan standards and applicable laws related to heritage resources. In the event such resources are discovered during project implementation, they will be evaluated and protected. This decision will not have a significant effect on scientific, cultural, or historical resources.
- 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.**  
There are no listed fish species or associated critical habitat within the project area. A Biological Evaluation for aquatic species was completed and it was concluded that the effects to sensitive species would not likely lead to a trend toward Federal Listing or cause a loss of viability to the population or the species. After a full review of the EA and Project Record I have concluded that the actions associated with the Blue Mountain Summit Snowpark Project are not likely to significantly adversely impact any threatened or endangered wildlife or plant species and would not likely lead to a trend toward Federal Listing or cause a loss of viability to the populations or the species. Biological evaluations for threatened, endangered, and sensitive species have been completed and are in the Project Record which is available at the Blue Mountain District Office.
- 10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**  
As described in the EA (Regulatory Framework and Consistency sections for each resource area in Chapter 3), the proposed action is consistent with all applicable laws or requirements

imposed for the protection of the environment. I have concluded based upon my review of the project that this action will not violate Federal, State or local laws or requirements for protection of the environment.

### **Findings Required by Other Laws**

This decision is consistent with the standards, goals, and objectives of the 1990 Malheur Forest Plan as required by the National Forest Management Act.

Implementation of this decision will not violate any Federal, State, or local laws or requirements imposed for the protection of the environment including:

**Clean Air Act** - Since project activities will meet the requirements of the State and Federal air quality requirements, thus there will be no effect to air quality standards as defined in the Act, and Forest-wide objectives for air quality will be met. Burning of slash piles will follow the guidance provided by the Oregon Smoke Management Plan and specifically, Directive 1-4-1-601, the Operational Guidance for the Oregon Smoke Management Program.

**Clean Water Act**-This decision incorporates Best Management Practices to ensure protection of soil and water resources consistent with the TMDLs for delisted 303(d) water quality impaired streams. Activities comply with the Clean Water Act and state water quality laws since none raise stream temperatures, or would contribute sediment to streams. The site-specific BMPs have been listed on pages 2-4 in this decision.

**Endangered Species Act of 1973** -The project is in an area that does not contain ESA listed species. The biological analysis of the project's impacts to sensitive species, performed by wildlife and fisheries biologists, determined that the project would not have adverse effects to sensitive species or their habitat and would not likely contribute to a trend toward federal listing.

**American Antiquities Act of 1906, American Indian Religious Freedom Act, and Native American Graves Protection and Repatriation Act** - The proposed action would comply with these Acts through the scoping process with the Confederated Tribes of Warm Springs Reservation of Oregon, the Confederated Tribes of the Umatilla, and the Bums Paiute Tribe.

**Natural Historic Preservation Act of 1966** - The Forest Archeologist has certified that this project complies with Section 106 and 110 of the national Historic Preservation Act of 1996, under the terms and conditions of the amended 2004 Programmatic Agreement for the State of Oregon.

**Executive Order 12898 of 1994, Environmental Justice**- The proposed action was assessed to determine whether it would disproportionately impact minority or low income populations, in accordance with the Executive Order. No impacts to minority or low income populations were identified during scoping or the effects assessment.

**Executive Order 13186 of 2001, Migratory Bird Treaty Act**- I find that there are no known substantial losses of migratory bird habitat expected from the implementation of this proposal. It is my determination that the proposed action will not cause a trend toward federal listing of any migratory bird species, or loss of habitat viability within the general location of the proposed activity.

## Administrative Review

The Blue Mountain Summit Snowpark Environmental Assessment is on file and available for public review at the following location:

Blue Mountain Ranger District  
431 Patterson Bridge Road  
John Day, Oregon 97845

The EA and Decision Notice are also available for review on the Malheur National Forest Internet Website at: <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=37640>

This decision is not subject to administrative appeal as per 36 CFR 215.12 (e)(1) which states that projects or activities for which notice of the proposed action and opportunity to comment is published (§ 215.5) and no substantive comments expressing concerns or only supportive comments are received during the comment period for a proposed action analyzed and documented in an EA (§ 215.6) that decisions and actions are not subject to appeal.

## Implementation Date

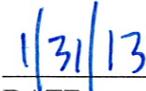
This decision which is not subject to administrative appeal may be implemented immediately.

## Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Casey Gatz at the Blue Mountain Ranger District Office, 431 Patterson Bridge Road, John Day, OR 97845; by phone at 541-575-3031; or by e-mail at [cgatz@fs.fed.us](mailto:cgatz@fs.fed.us)

  
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Forest Supervisor

  
DATE