



United States
Department of
Agriculture

Forest
Service



November 2013

Final Decision Notice and Finding of No Significant Impact

RIM BUTTE OHV JEEP TRAILS ENVIRONMENTAL ASSESSMENT

Bend/Fort Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon

**Legal descriptions of the extent of proposed trails are as follows:
Township 22 South, Range 12 East, Section 33 on the northwest
corner; T23S, R12E, Section 8 on the southwest corner; T23S, R14E,
Section 17 on the southeast corner; and T22S, R14E, Section 24 on
the northeast corner.**

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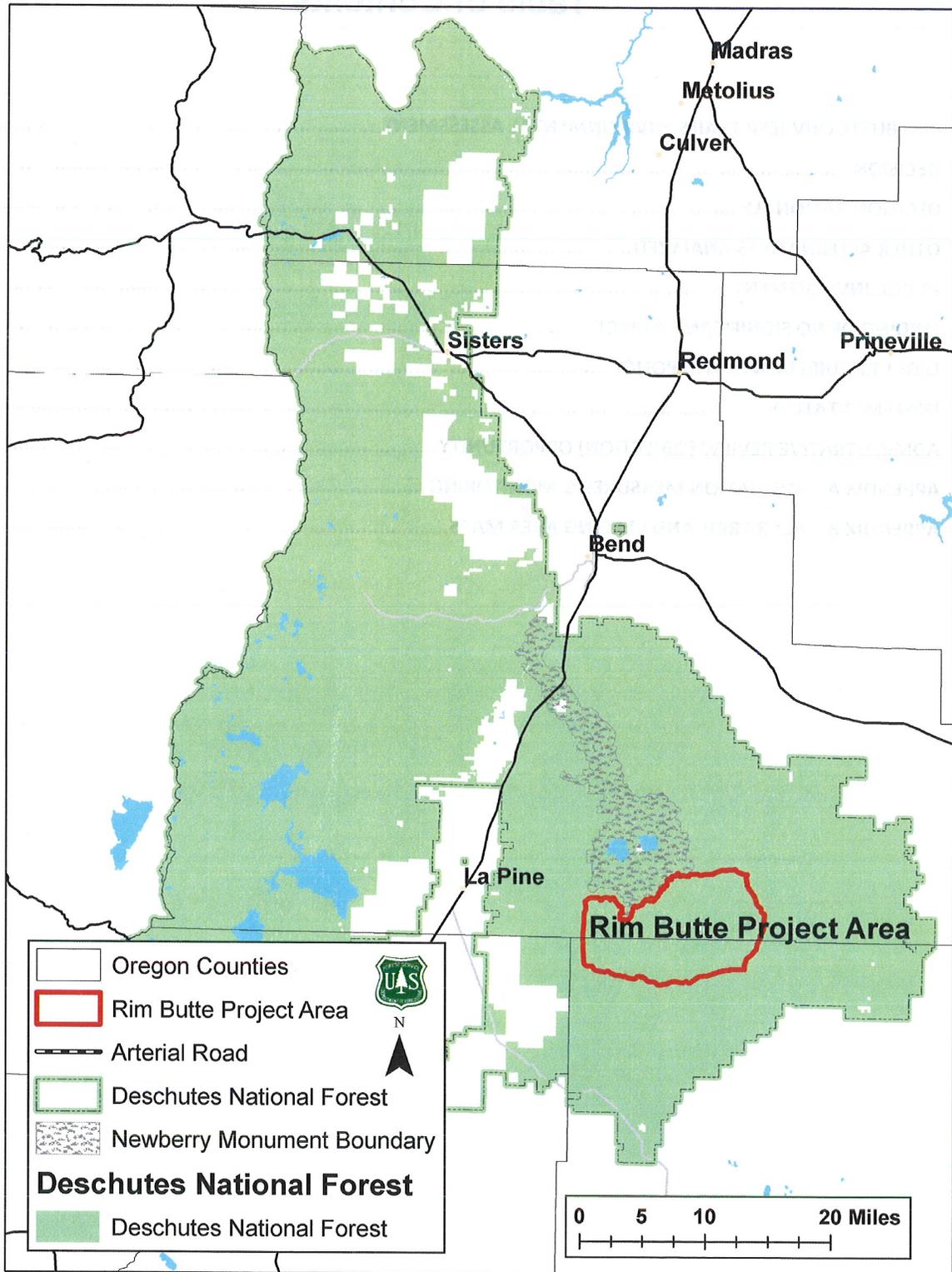


Figure 1 Location of the Rim Butte Jeep Trail Project Area

Decision

Based upon my review of the August, 2013 Rim Butte OHV Jeep Trails Environmental Assessment (EA) and the project record, it is my decision to select Alternative 3 which approves construction of a 17.6 mile jeep trail designed for Class II¹ users and two staging areas to provide motorized recreation opportunities in the area east of La Pine on National Forest System lands. Construction of this trail will begin once funding is secured. Layout of the trail will be led by USFS employees with involvement by local motorized groups.

This decision addresses the proposal, design criteria, and monitoring for the trail.

Specifics of the decision are as follows:

- Establish 17.6 miles of trail designed for Class II users
- Remove occasional trees under 21 inches to establish trail routes
- Provide 14 miles of technical trail (approximately 80% of the total proposed trail system)
- Create two 3-acre staging areas including spur road access
- Remove roughly 755 trees at the two staging areas
 - 625 at the eastern staging area near the 2127400 road
 - 130 at the western staging area near the 2127700 road
- Create primitive campsites with vehicle access at each staging area
 - 5 sites at the eastern staging area near the 2127400 road
 - 11 sites at the western staging area near the 2127700 road
- Install one concrete walled vault toilet at each staging area
- Locate trails using the same techniques as those described in Alternative 2 (EA section 2.2.2, *Alternative 2 (Proposed Action)*)
- Define camping and staging areas as well as trail routes using minimal controls and site definition. Informational kiosks may be placed at staging areas. Minimal trail controls may include using existing rock and tree features along with wood bollards placed at trail entrances which will limit trail use to appropriate vehicles and help provide definition. Along the trail, pairs of carsonite posts may be used to indicate the trail route where natural trail defining features are absent.
- Use Project Design Criteria and Monitoring included in Appendix A of this Decision for implementation.

¹ Off road vehicles can be divided into four major classes: quad ATVs (Class I), 4-wheel drive vehicles such as Jeeps (Class II), motorcycles (Class III), and a new and growing class of OHVs are side-by-side or Utility Trail Vehicles (Class IV).

Decision Rationale

My decision to select Alternative 3 was made by considering how well the Alternative meets the purpose and need and how the Alternative responds to the issues raised during project development. This decision is based on my review of the analysis presented in the Environmental Assessment and the comments received from the public. In selecting Alternative 3, I carefully reviewed disclosures in Chapter 3 of the EA. The analysis discloses predicted environmental consequences of the actions, including effects to recreation; Endangered, Threatened, and Proposed Species or Critical Habitat; Regional Sensitive Species; Management Indicator Species; Migratory Birds; Old-Growth Management areas; Botanical species; noxious weeds; transportation system; fisheries; scenic resources; soils; Inventoried Roadless Areas; and cultural resources. My conclusions are based on a review of the entire project record, which includes a thorough review of relevant scientific information, and a consideration of responsible opposing views as described in *Appendix B-Response to Comments* in the EA. The following narrative explains the details of my reasoning for the decision.

The Rim Butte Jeep Trail fills an important niche by providing trails designed for motorized Class II users. With the implementation of travel management rules, opportunities for off road use of these vehicles is more limited; the Rim Butte trail provides 17.6 miles of desirable technical terrain in a loop configuration. Of the Alternatives considered, the selected Alternative has the lower level of environmental impacts because the trail system is shorter, more compact, and avoids routes that travel close to the base of most of the buttes in the area.

The planned trail is aligned with policy and direction in the following ways:

- Providing a suitable experience for users while minimizing effects to natural resources such as soils, water and wildlife, as well as social resources such as cultural, non-motorized and other motorized users, as stated in subpart B of the Travel Management Rule by designating motorized OHV trails designed for Class II users.
- Responding to the need of Class II users that arose during the planning, analysis and implementation of the Travel Management Rule to improve the currently limited technical trail opportunities for off-road Class II OHV users.
- Helps provide resource protection through proper sizing of trails and associated facilities including staging areas, toilet facilities and trail routes.
- Helps provide a full range of recreation opportunities, and provides additions to meet increasing and changing demands and, to the extent possible, provides trails of all difficulty levels to respond to direction in the Deschutes National Forest Land and Resource Management Plan (Forest Plan) and other Forest Service recreation policies (FSM 2355).

Response of Alternative 3 to the Purpose and Need

The purpose of the Rim Butte project is to designate motorized Class II OHV trails in order to provide a suitable experience for users while minimizing resource damage. This project responds to a demonstrated demand for technical Class II trails as a result of the implementation of the Travel Management Rule which limited off-road motorized travel in many areas of the National Forest. Currently there are no Class II trails rated extremely difficult on the Deschutes National Forest (EA section 1.5, *Purpose and Need for Action*).

Alternative 3 responds to the Purpose and Need of this project by proposing to implement a trail system that meets a demonstrated demand for technical difficulty and minimizes damage to soil, water, wildlife, and heritage resources in the area. This Alternative also minimizes effects to existing non-motorized recreational experiences by avoiding buttes and unroaded areas and reduces potential conflicts with other motorized users by providing staging areas that are separate from existing East Fort Rock trail system staging areas.

Comments received for the Rim Butte project re-emphasized desires demonstrated by the public during the planning and implementation of the Travel Management Rule for technical OHV trail systems (EA section 1.2, *Background*). This Alternative provides a range of off-road trail opportunities for Class II motorized travel, including a range of technical routes on hard terrain features rated as most difficult and extremely difficult. This Alternative also provides a loop trail system that could be used for multi-day excursions.

Alternative 3 further responds to the Purpose and Need by designating trail routes in a location that minimizes resource damage to the extent that use would be compatible with established land and resource objectives found in the Deschutes National Forest Land and Resource Management Plan and Forest Service policy (FSM 2355). The system would be located within a watershed with no surface water features; would avoid hill slopes of buttes to minimize soil erosion; would designate routes primarily within existing roadway corridors to minimize additional disturbance to wildlife; and would avoid heritage resources. In addition, this Alternative would minimize impacts to existing non-motorized recreational experiences by reducing the proximity of designated routes to unroaded buttes in the area and would reduce conflicts with other motorized users by providing separate staging areas.

Response of Alternative 3 to the Key Issues

Two key issues were identified during internal review and public comment on the proposed action. These issues were used to develop Alternative 3.

Key Issue 1 – Wildlife, Soil and Social Resource Values

The current absence of motorized trail routes or roads on most of the buttes in the area provides refugia for wildlife and desirable opportunities for non-motorized recreational and social experiences. These buttes have steep slopes that are susceptible to erosion and physical disturbance from motorized vehicles. The designation of motorized trail routes on or adjacent to these buttes could have a negative effect on all of these resource values.

Measurement –Number of buttes and proximity in miles to trails. Buttes within ½ mile of proposed motorized trail routes were used as a measure to evaluate potential impacts to wildlife, soil and social resource values. The number of buttes within ½ mile of the proposed routes was calculated along with the average distance to those buttes (EA section 1.10.1, *Key Issues*).

Alternative 3 responds to Key Issue #1 by modifying the trail layout to reduce the number of buttes within ½ mile of the newly designated routes from 17 to two. Both of these buttes have existing OHV trails along their base or to their summit and the proposed OHV trail parallels existing roads. As a result, the additional traffic within a half mile of these buttes would create an increase in noise disturbance adding to a pre-existing level of noise from the open roads. OHV traffic is estimated to result in a minor increase in the amount of traffic driving by the base of these buttes (EA section 3.2.4, Recreation – *Cumulative Effects* and 3.3.9, *Wildlife Key Issues*).

Alternative 3 also responds to Key Issue #1 by minimizing impacts to the soil and scenic resources. The exclusion of trail locations on steep slopes of buttes in the project area would minimize the impacts of the proposed trail system on the soil resource (EA section 3.9.4 *Soils—Direct and Indirect Effects –Alternative 2 and 3*). Motorized traffic on technical trails occurs at slow speeds that are less likely to displace soil from the trail tread. Displacement and compaction of the trail tread would be expected to remain localized since Class II vehicles are less likely to wander from the designated trail tread than Class I and III OHVs traveling at higher speeds. As a result, the long-term site productivity of adjacent lands is unlikely to be affected by Class II use in the area (EA section 3.9.4, *Soils— Direct and Indirect Effects –Alternative 2 and 3*).

Exclusion of designated trail routes from the slopes of buttes in the area would also help meet standards and guidelines for the Scenic Views Management Areas within areas classified as having Medium Scenic Integrity Levels (Scenery Management System) or Partial Retention (Visual Management System). Any stand-out features such as scenic views of the buttes would not be changed by this Alternative (EA section 3.8.4, *Scenic Resources – Environmental Consequences*).

Key Issue 2 – Need for Technical Trail Miles

Several comments focused on the need for proposed trails to be technical in nature and to provide day long or multi-day recreation opportunities. Existing trail systems on the Forest are lacking in technical trail miles and the primitive level 2 roads and skid trails proposed as trail routes under Alternative 2 would offer fewer trail miles rated as extremely difficult. Commenters suggested that trail design should take advantage of natural rock features to add difficulty and require users to engage 4WD when traveling the proposed trail routes (EA, figure 5, *Examples of Technical Trail Sections from Cline Buttes OHV Area*).

Measurement -Miles of technical trail

Alternative 3 responds to Key Issue #2 by providing 14 miles of technical trail, or 80% of the 17.6 miles of proposed trail. Alternative 3 provides roughly 4 more miles of technical trail than Alternative 2 (EA section 2.3, *Comparison of Alternatives*). Portions of technical trail

would also include bump outs around extremely difficult obstacles in order to allow users to pass each other without incident; safely skipping technical sections of trail.

Other Alternatives Analyzed

In addition to the Selected Alternative, I considered one other action Alternative along with the No Action Alternative.

Alternative 1—No Action

Under the No Action Alternative, current management plans would continue to guide administration of the project area. No new trails would be constructed. OHV use in the project area would be limited to portions of existing Class I and Class III East Fort Rock OHV trails.

The No Action (Alternative 1) was not selected because it does not meet the purpose and need identified for the project. The purpose and need of the Rim Butte project is to designate motorized Class II OHV trails in order to provide a suitable experience for users while minimizing resource damage. Alternative 1 does not create additional trails to meet user demand and therefore does not meet the purpose and need.

Expected consequences of the No Action Alternative include a continued limitation of miles of technical Class II trails on the Deschutes National Forest. Fewer off road opportunities exist for Class II users following the implementation of the Travel Management Rule and the forest would continue to provide a very low level of opportunities for technical off road Class II recreation (EA section 1.5 *Purpose and Need*). Trails designated on the forest for 4-wheel drive vehicles (Class II) are currently limited to 20 miles of trail in the Edison Butte area, near Mt Bachelor, and a designated rock crawling area within Groundhog Butte pit (EA Table 1, *Deschutes National Forest Summary of Existing OHV System*).

Alternative 2 – Proposed Action

Alternative 2, the Proposed Action, would create 32.8 miles of Class II OHV trails within the Rim Butte planning area (EA, Figure 6) and includes a number of specific features and design elements (EA, Table 3). Designated trail routes would be located on existing skid trails and primitive Level 2 roads capable of providing difficult and more difficult trail ratings. This Alternative is consistent with management direction set forth in the Deschutes National Forest Plan.

Alternative 2 was not selected because it does not sufficiently address the key issues that arose during the planning process, specifically the resource values associated with buttes in the area and the technical trail ratings desired by the OHV user groups. Alternative 2 would designate motorized trail routes within ½ mile of 17 buttes in the area, 15 of which do not currently have roads or OHV trails on them. This would most likely result in greater disturbance to wildlife, non-motorized recreation, and social values when compared to Alternative 3 (EA section 10.1, *Issues*). This Alternative would also create a greater amount of new disturbance dedicated to trail routes (28.1 miles) and a lower number of miles of technical trail (10 miles) when compared to Alternative 3 (16.1 miles and 14 miles, respectively) (EA section 2.3, *Comparison of Alternatives*). As discussed under "Decision

Rationale" I found Alternative 3 better responds to the public issues that arose during planning and sufficiently meets the purpose and need.

Public Involvement

Preparation of the EA followed the procedures outlined at 40 CFR 1501.7, 40 CFR 1503, and 36 CFR 218. The scoping letter and notification for 30-day public comment for Rim Butte was mailed to tribal contacts including Confederated Tribes of the Warm Springs, Burns Paiute Tribe, and the Klamath Tribes. No comments were received from the tribes.

Notice of this project was first published to the web on May 2nd, 2012. It was also listed as a proposal in the Deschutes National Forest Schedule of Proposed Actions in July 2012 and has been updated periodically during the analysis. A description of the Rim Butte proposed action was mailed to interested organizations and individuals on May 3rd, 2012 to approximately 145 forest users and interested publics. Approximately 100 letters, emails, or phone calls were received during the 30-day comment period. Comments were evaluated for content and assessed during Alternative development by the Interdisciplinary Team.

Public and agency outreach efforts undertaken by the Forest Service are described in the EA in section 1.9, *Public Involvement and Scoping*.

Pursuant to 36 CFR Part 218, the Forest offered a 30-day public comment period on the project which began following publication of a legal notice in *The Bulletin* on May 28, 2013. The environmental assessment was provided to those who requested copies and was made available to the public for download from the Deschutes National Forest's project web page. A notification of the opportunity to comment was mailed to 130 individuals, agencies, and organizations. A total of 22 responses were received.

Response to Comments

Several categories of issues were raised during the 30-day comment period (EA Appendix B, *Response to Comments*). I have decided to include a description of how the project meets the minimization criteria listed in CFR 212.55 in the text of this decision notice.

Other comments not described in detail in this decision but which were considered in my analysis included concerns about topics such as air quality; need and impact of OHV trails; trail system design; climate change; economics and maintenance; monitoring and enforcement; invasive species and edge effect; noise; and potential wilderness areas. These issues, while very important for discussion, are included as part of Alternative design, already decided by law regulation or policy or outside the scope of actions considered under this NEPA analysis. The analysis of environmental impacts is focused on the purpose and need for the project. A No Action Alternative was considered by the Forest Service and not selected for reasons described under the "decision rational". Effects and analysis of the No Action Alternative are described in section 2.2.1, *Alternative 1—No Action* of the EA and summarized in section 3.1.5, *Summary of Effects by Alternative*. Each resource area in Chapter 3 also includes an analysis of the effects of the No Action Alternative (EA Chapter 3, *Environmental Consequences*).

Approximately 130 comments from 22 different sources were grouped into categories along with a summary of the Forest Service's response. All responses to comments are included in

the project record housed at the Bend/Fort Rock Ranger Station. As noted above, many of these comments were about issues, concerns or recommendations that were outside the scope of the project or USFS decision authority. Responses to comments were added to Appendix B of the EA to clarify information, assumptions, or conclusions.

Minimization Criteria

The minimization criteria contained in CFR 212.55(b) and FSM 7715.5 are described in section 1.6.1 of the EA, *Travel Management Rule & Forest Service Manual Direction*. The location and design of the Rim Butte trail system minimizes damage to the soil, water, and vegetative resources by reducing the amount of trail tread cleared for use and locating the system within a project area that has no surface streams or lakes (section 3.7, *Fisheries*). Alternative 3 further minimizes the disruption of wildlife and conflicts between motorized and non-motorized users by locating trails away from buttes and parallel to existing roads (section 3.3.9, *Key Issue—Wildlife Resource Values*). Conflicts among different classes of motorized users are minimized by moving the staging areas away from existing South Laval staging for class I and III users located in the East Fort Rock trail system.

EA Response to General and Specific Criteria for Designating Trails

FSM policy directs the agency to consider the “minimization criteria” contained in CFR 212.55(b) and FSM 7715.5 when designating routes and areas for motor vehicle use (FSM 7715.03.5). General criteria include consideration of effects to NFS natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of NFS lands, the need for maintenance and administration of roads, trails and areas that would arise if the uses under consideration are designated, and availability of resources for maintenance and administration (FSM 7715.5.1a).

Specific criteria that should be minimized include:

1. Damage to soil, watershed, vegetation, and other forest resource

Protection measures are in place to protect soils, (section 3.9, *Soils*), Watersheds (section 3.7, *Fisheries*), vegetation (section 3.9, *Soils*), and other forest resources.

The Pine Lake-Devil’s Garden Watershed is generally dry with little surface water and infrequent recreation use (section 3.2, *Recreation*) from either motorized or non-motorized users. Based on observations of the nearby East Fort Rock OHV area, long term site productivity of adjacent lands will likely not be affected in the Rim Butte Area (section 3.9.4, *Soils—Environmental Consequences*).

2. Harassment of wildlife and significant disruption of wildlife habitats

The analysis for the Rim Butte project is limited to the road effect area, a buffer 200 meters wide on either side of the proposed trail route. Alternative 3 will add 0.3% more road effect area to the project area due to the creation of new trails. This number is small because most of the proposed trail already falls within existing road effect areas for street legal USFS system roads (section 3.3.3, *Wildlife Analysis Methods*). Effects to wildlife including harassment will be limited to the incremental increase of motorized trail users from the creation of the Rim Butte OHV trail.

3. Conflicts between motor vehicle use and existing or proposed recreational uses on NFS lands

The areas that may be most likely to receive non-motorized visitors are the buttes. These areas have been avoided with the trail designed under Alternative 3. Implementation of Alternative 3 will place the trail within a half mile of two buttes. The East Fort Rock trail system already runs within one half mile of both these buttes therefore some level of disturbance already exists in the area. The new trail could add some additional noise disturbance but the additive effects will be low since existing use of these portions of the East Fort Rock trail system is low and Class II OHVs generate low decibel, low frequency noise while traveling at slow speeds as they crawl across technical terrain. Noise from Class II OHVs is generally less than noise levels produced by faster, higher frequency Class I and Class III OHVs (section 3.2.4, *Recreation –Cumulative Effects – Alternative 3*).

4. Conflicts among different classes of motor vehicle uses on NFS lands

Low use numbers and appropriate signing and access controls (EA Chapter 2, Project Design) should keep user conflicts to a minimum. Potential conflicts are further reduced by the proposed location of the Rim Butte staging areas separate from the existing East Fort Rock OHV system. This trail is designed as a Class II trail but will welcome Class I, III, and IV users. These other user classes are unlikely to frequent this trail as it does not provide the type of rider experience they are typically seeking (section 3.2.4, *Recreation –Cumulative Effects – Alternative 3*).

Other Considerations (FSM 7715.6), in addition to the general and specific criteria in FSM 7715.5, the following should be considered in designating roads trails and areas:

Existing and future needs of motor vehicle users

The higher percentage of technical trail routes proposed under this Alternative may limit stock Class IV OHV use to some degree; trending use of this class includes upgraded modifications that allow for travel on more technical trail routes. Stock Class I and Class III OHVs are also likely to be unable to utilize the extremely difficult trail routes, although some Class III rally motorcycles are likely to seek this opportunity (section 3.2.4, *Recreation—Direct and Indirect Effects Alternative 3*).

Non-motorized uses

Alternative 3 reduces the potential impacts to social values associated with non-motorized and cultural uses within the area by reducing the proximity of trail locations within a half mile of buttes from 17 to two. As a result, the non-motorized recreation experience associated with hiking these buttes will not be impacted by the presence of new motorized trails (section 3.2.4, *Recreation—Direct and Indirect Effects Alternative 3*).

Unauthorized routes, as appropriate

The use of staging areas and trails will be monitored by Central Oregon Off-Highway Vehicle Operations personnel (COHVOPS) personnel and volunteers to gauge the effectiveness of the system and identify resource disturbance outside of designated routes (section 2.4.2, *Monitoring*).

The Forest service's ability to administer and maintain the routes and areas under consideration

An emphasis on user group self-policing and volunteer maintenance of technical trail routes, as well as the proximity of these trails to the existing East Fort Rock OHV system, will minimize the impacts on the enforcement patrols and maintenance budgets (section 3.2.4, *Direct and Indirect Effects – Common to Alternatives 2 and 3*). In addition, trails designed for Class II use are generally low maintenance as obstacle features are desirable and these trails do not need grooming like Class I and III trails.

Finding of No Significant Impact

I reviewed the EA and associated documents and believe there is adequate information within the project record to provide a reasoned choice of action. I am fully aware of effects that cannot be avoided and believe the risks are outweighed by the benefits. Implementing Alternative 3 with the specified management requirements and project design features will cause no unacceptable cumulative impact to any resource.

After considering the environmental effects described in the EA (Chapter 3, *Environmental Consequences*), I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27); therefore, an environmental impact statement will not be prepared. I base my finding on the following:

Context: The Selected Alternative is limited in geographic context (40 CFR 1508.27(a)). The area of proposed activity is relatively small when considered in the context of the watershed scale. Alternative 3 will commit approximately 20 acres of the soil resource to staging areas and trail tread for the development of Class II recreation opportunities (EA section 3.9.4, *Soils—Direct and Indirect Effects – Alternative 2 and 3*). No significant indirect effects are expected to occur with the implementation of Alternative 3. Likewise, cumulative effects are expected to be negligible and are documented in the EA in Chapter 3.

Intensity: Ten elements of impact intensity identified in 40 CFR 1508.27(b) have been considered in assessing the potential significance of project effects. They are as follows:

- 1) My finding of no significant environmental effects is not biased by the beneficial effects of the action. The beneficial and adverse impacts are disclosed in the EA and no significant effects on the human environment have been identified. No significant irreversible or irretrievable commitments of resources, such as loss of soil productivity, water quality, wildlife habitat, or recreational opportunities, will result from this project. As described in Chapter 3 of the Rim Butte EA, adverse effects and the reasons they are not expected to be significant include:

Water Quality & Fisheries – There will be no effects to water, riparian, and fisheries resources from implementation of either of the action Alternatives since these resources are not found within the project area. There will be No Effect to Essential Fish Habitat and no impacts to any Oregon Department of Environmental Quality Water Quality Impaired Water body (303(d)). (EA Table 7, *Summary of Effects by Alternative*; and section 3.7, *Fisheries*). This is because there is no water in the project area.

Threatened/Endangered, and Sensitive Wildlife Species – No habitat exists within or adjacent to the project area for the Northern Spotted Owl, or the North American Wolverine. There will be no effect to Gray Wolf (EA section 3.3.4, *Endangered, Threatened and Proposed Species or Critical Habitat*). Sensitive species that may occur in the project and for which implementation of Alternative 3 may adversely impact individuals or habitat, but is not likely to contribute to a trend toward federal listing or loss of viability to the population or species include: Townsend’s big-eared bat, Pallid Bat, Fringed Myotis, Lewis’ woodpecker, and White-headed woodpecker. Implementation of Alternative 3 will have no impact to Spotted Bats (EA section 3.3.5, *Pacific Northwest Regional Sensitive Wildlife Species*).

Management Indicator Species (MIS) – The project area provides habitat for: northern goshawk, Cooper’s hawk, sharp-shinned hawk, red-tailed hawk, American marten, Elk, Mule deer, Hairy woodpecker, woodpeckers and snags & downed wood. Most species analyzed here will see a slight negative trend in viability with implementation of Alternative 3 but the species will remain viable across the planning unit or the forest depending on the analysis scale used. There will be no direct or indirect effects to marten as a result of implementation of Alternative 3. The number of snags and downed wood available to wildlife at the larger subwatershed scale will be maintained, but may be reduced in the local area (EA section 3.3.6, *Management Indicator Species*).

Botanical Species and Noxious Weeds—There are no anticipated effects to Threatened, Endangered and Sensitive (TES) plants within the project. The construction and use of the Rim Butte Jeep Trails, poses a permanent, substantial new weed introduction/weed spread threat. A strategy for early detection and rapid response for treating weed sites with herbicide, is available as part of the new Deschutes-Ochoco Invasive EIS. Use of herbicide will help control weed proliferation faster and more efficiently than hand-pulling. In addition the area will be monitored annually for noxious weeds and steps will be taken to control noxious weeds located in the area (EA section 3.5.5, *Noxious Weeds—Environmental Consequences*).

Scenic Resources – There will be no manipulation of vegetation or construction of recreational facilities within Scenic View Management Areas classified as having a Medium Scenic Integrity Level (SMS) or Partial Retention (VMS) Foreground or Middle ground (EA section 3.8, *Scenic Resources*).

Soils – There are no major soils related concerns. Alternative 3 will meet LRMP standards for soil productivity and comply with the recommended management guidelines that ensure adequate retention of snags, coarse woody debris, and fine organic matter following both harvest and fuels treatments (EA section 3.9, *Soils*). As mentioned under “Context” above about 20 acres of the land base will be committed to staging areas and the trail tread.

Recreation – Alternative 3 will meet requirements of the LRMP for recreation. Technical miles will meet the needs of the user group for a full day trail experience on technical trails rated as extremely difficult. The proposed trail covers roughly four square miles in area. (EA section 3.2.4, *Recreation –Direct and Indirect Effects- Alternative 3*).

- 2) The degree to which Alternative 3 affects public health or safety. There will be no significant effects on public health and safety because public health and safety will only

be minimally affected by the addition of the jeep trail. Safety hazards such as motorized vehicle conflicts and conflicts among different types of motorized users have been mitigated through site selection and trail design as well as standard safety provisions required for all OHV users (EA section 3.12.7, *Public Health and Safety*). The Combined Off Highway Vehicle Operations (COHVOPS) program encourages self-policing of users as well as volunteer maintenance of technical trail routes. The proximity of the trail to existing open roads, 300 feet in most cases, provides easy escape routes for OHVs of any class when damaged or broken during their travels over rocky and technical terrain and reduces the risk of injury to trail users (EA section 3.2.4, *Recreation – Direct and Indirect Effects*).

- 3) The supporting documentation located in the EA and project record provides sufficient information to determine that this project will not significantly affect any known unique characteristics of the geographic area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas such as historic or cultural resources. There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the project area (EA section 3.12.6, *Wild and Scenic Rivers, Prime Farmlands, Ranch Land, and Forest Land*).
- 4) The project is unlikely to have highly controversial effects. The nature of potential effects on the human environment from Alternative 3 is well established and not likely to be highly controversial in a scientific context. While the public may perceive some aspects of the project (e.g., motorized trail construction) to be controversial, there is no known scientific controversy over the impacts of the decision (EA Chapter 3, *Environmental Consequences*).
- 5) The project effects do not entail uncertain, unique, or unknown risks. The effects on the human environment from Alternative 3 are not uncertain and do not involve unique or unknown risks. The proposed actions are standard practices that have been previously implemented on the Forest with known cause and effect relationships. Good examples from the nearby East Fort Rock OHV area helped managers analyze effects of the proposed trail. There were no instances missing information deemed essential to a reasoned choice among Alternatives (EA section 3.12.7, *Incomplete and Unavailable Information*).
- 6) The action will not establish a precedent for future actions with significant effects, because it meets existing Forest Plan direction and is applicable only to the project area (EA section 1.6, *Management Direction*).
- 7) No potentially significant adverse cumulative effects of the project have been identified (EA Chapter 3, *Environmental Consequences*).
- 8) This action will not cause loss or destruction of significant scientific, cultural, or historical resources. An appropriate review has been conducted as part of this analysis with the State Historic Preservation Organization. With the use of the implementation plan for avoidance of all sites, there will be no direct, indirect, or cumulative effects to known heritage sites as a result of activities described in Alternative 3 (EA section 3.11.3, *Heritage Resources – Environmental Consequences*).

- 9) The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. A Biological Evaluation has been prepared with a finding that Alternative 3 has no effect to any threatened and endangered species as a result of activities associated with this project (EA sections 3.3.1, *Wildlife Introduction*; and 3.3.4, *Endangered, Threatened and Proposed Species or Critical Habitat*; and 3.3.3, *Botany—Direct and Indirect Effects Alternatives 2 and 3*).
- 10) The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA and the action is consistent with the Deschutes National Forest Land and Resource Management Plan (EA section 1.6, *Management Direction*; 1.7, *Other Law, Regulation and, Policy*; 3.12, *Other Disclosures*).

Legal Requirements and Policy

In reviewing the EA and actions associated with Alternative 3, I have concluded that my decision is consistent with the following laws and requirements:

The National Environmental Policy Act (NEPA)

NEPA establishes the format and content requirements of environmental analysis and documentation as well as requirements for public involvement and disclosure. The entire process of preparing this environmental assessment was undertaken to comply with NEPA.

The National Forest Management Act (NFMA)

I find this decision to be consistent with the long term management objectives as discussed in the Deschutes Land and Resource Management Plan as amended. The EA (Section 1.6, *Management Direction*) provides an assessment of the project's relationship to Forest Wide and Management Area standards and guidelines of the Forest Plan.

The Preservation of American Antiquities Act of June 1906 and the National Historic Preservation Act: The Oregon State Historic Preservation Officer (SHPO)

The Deschutes National Forest completed the "Project Review for Heritage Resources under the Terms of the 2004 Programmatic Agreement" with the Oregon State Historic Preservation Officer (SHPO). The activities in Alternative 3 have been designed to have no effect to cultural resource sites through both protection and avoidance (EA section 3.11, *Heritage Resources*).

The Endangered Species Act of 1973, as amended

Biological assessments and evaluations were prepared for plants and wildlife to document potential effects to species listed or proposed for listing as threatened or endangered under the Endangered Species Act (EA sections, 3.4 *Botany* and 3.3, *Wildlife*). There were no effects to Threatened or Endangered Species of plants or animals.

The Clean Water Act, 1982 and 303(d)

The Clean Water Act of 1977 was enacted to facilitate the restoration and maintenance of the chemical, biological, and physical integrity of the waters of the United States. The Act was

amended in 1987 to protect national waters from pollution from point and non-point sources. Project activities will not compromise the quality of any water sources as there is no surface water within the project area (EA section 3.12.1, *Clean Water Act* and 3.7, *Fisheries*).

The Clean Air Act

The project area is located about 30 miles south southeast of Bend and about 10 miles east of La Pine. All activities must follow the federal Clean Air Act, as amended. There are no smoke generating activities associated with this project (EA section 3.12.3, *Clean Air Act*).

Civil Rights and Environmental Justice

Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low income populations. The analysis focuses on potential effects from the project to minority populations, disabled persons, and low-income groups.

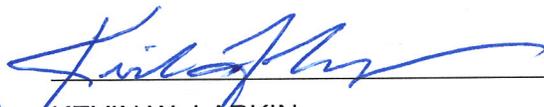
After evaluating the discussion in section 3.14.1, *Environmental Justice*, I have determined that there will be no discernible impacts from any of the Alternatives on Native Americans, women, other minorities, or the Civil Rights of any American citizen.

Administrative Review (Objection) Opportunity

Analysis has been completed and the Rim Butte Class II OHV Jeep Trail Environmental Assessment. A pre-decisional administrative review period pursuant to 36 CFR 218 subparts A and B ran from September 10, 2013 to October 24, 2013. No objections were received. I, Kevin Larkin, District Ranger, Bend/Fort Rock Ranger Station am the Responsible Official for this project. A copy of the Environmental Assessment and final Decision Notice and/or additional information can be obtained by contacting Peter Sussmann, Project Team Leader, at 541-383-5594.

Implementation

No objections were filed and implementation may start at any time on this project, trail layout is expected to begin in summer 2014.



for KEVIN W. LARKIN
District Ranger

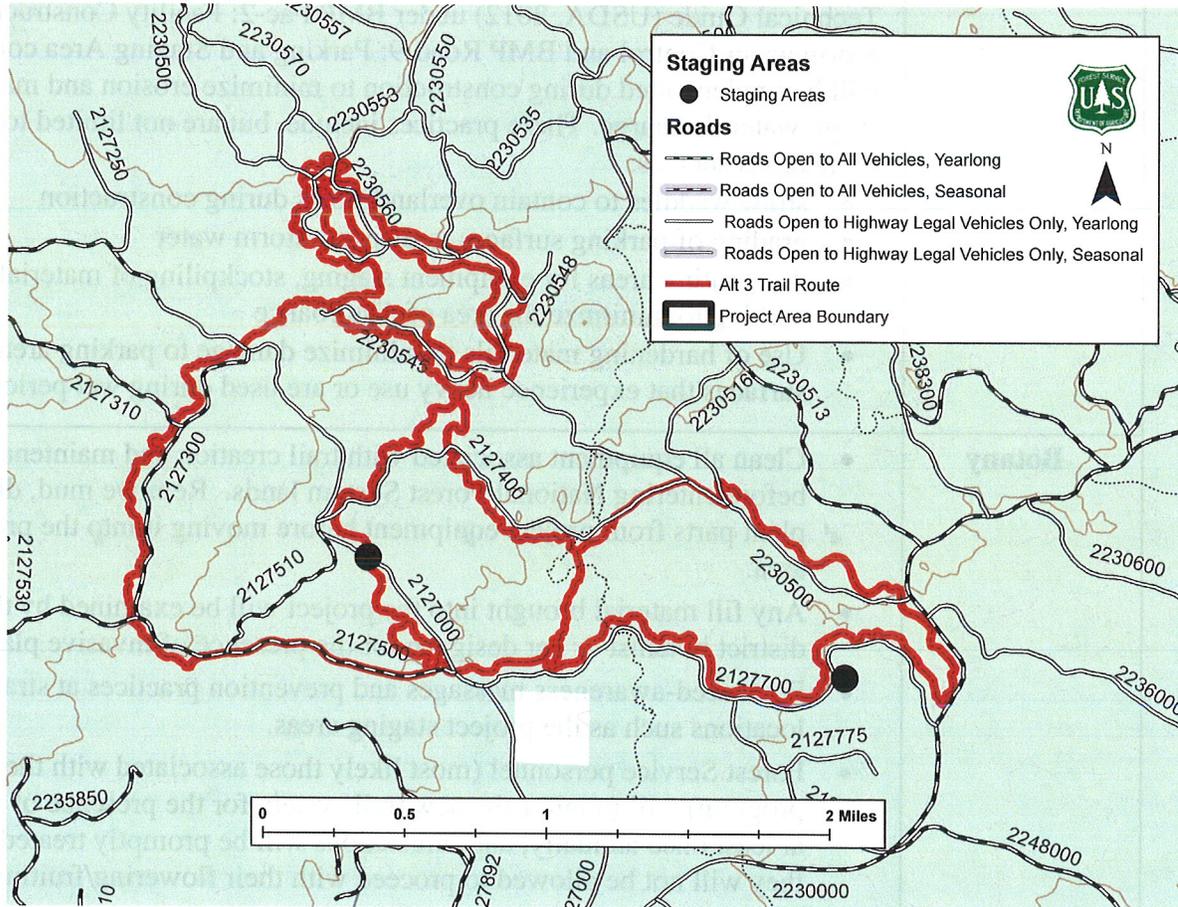
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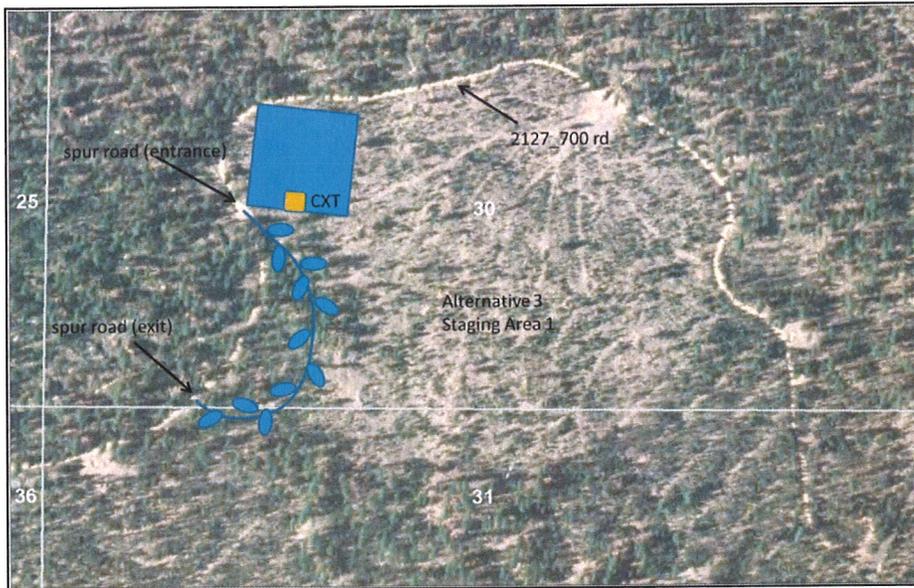
Appendix A – Resource Protection Measures & Monitoring

Discipline	Resource Protection Measure
Wildlife	<ul style="list-style-type: none"> • Do not conduct disturbing activities (tree removal, grubbing, blasting, etc.) within ¼ mile and/or line of sight from any active nest of the following species during the listed periods. <ul style="list-style-type: none"> ○ Northern goshawk: March1 – August 31 (WL-11) ○ Cooper’s hawk: April 15 – August 31 (WL-19) ○ Sharp-shinned hawk: April 15 – August 31 (WL-28) • Woodpeckers: because all woodpecker species are associated with snags the following resource protection measure is recommended, retain all snags of all species greater than 10” diameter at breast height unless they present a health or safety risk. • Northern Goshawk: do not conduct disturbing activities (tree removal, grubbing, blasting, etc.) within ¼ mile and/or line of sight from any active nest of the following species during March1 – August 31 (WL-11). Coordinate immediately with district wildlife biologist if any of these accipiter species is detected during project activities. • Cooper’s Hawk: do not conduct disturbing activities (tree removal, grubbing, blasting, etc.) within ¼ mile and/or line of sight from any active nest of the following species during April 15 – August 31 (WL-19). • Sharp-shinned Hawk: do not conduct disturbing activities (tree removal, grubbing, blasting, etc.) within ¼ mile and/or line of sight from any active nest of the following species during April 15–August 31 (WL-28). Immediately 2, 3coordinate with district wildlife biologist if any of these accipiter species is detected during project activities.

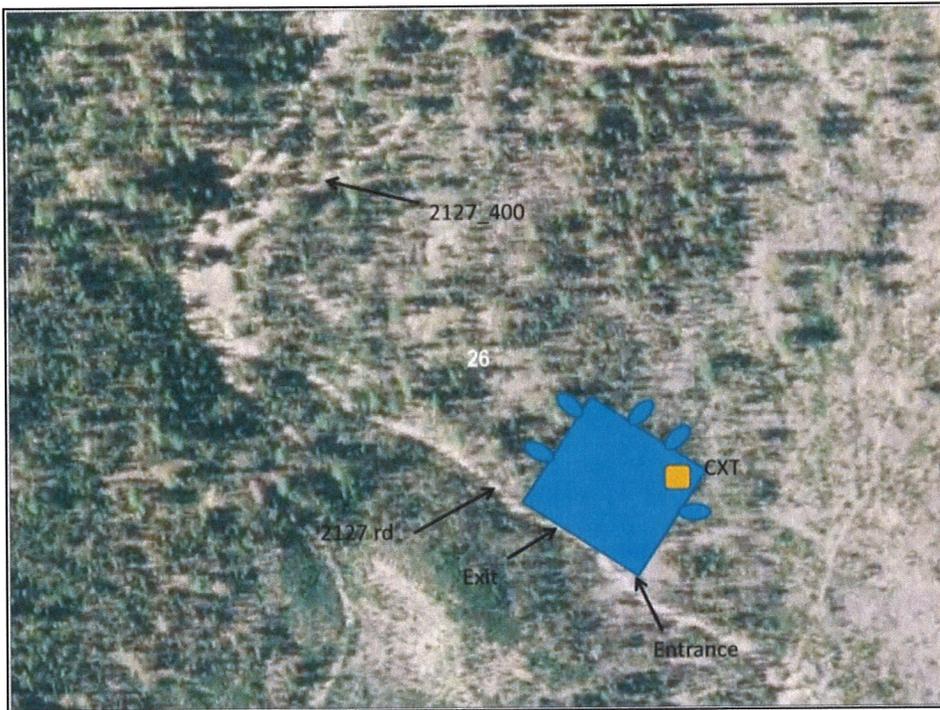
Discipline	Resource Protection Measure
Soils	<p>Practices listed in the National Core Best Management Practices (BMPs) Technical Guide (USDA, 2012) under BMP Fac-2: Facility Construction and Storm water Control and BMP Road-9: Parking and Staging Area controls will be implemented during construction to minimize erosion and manage storm water discharge. These practices include, but are not limited to, the use of methods such as:</p> <ul style="list-style-type: none"> • straw wattles to contain overland flows during construction • grading of parking surfaces to disperse storm water • designating areas for equipment staging, stockpiling of materials, and parking to minimize the area of disturbance • Use of hardening materials to minimize damage to parking area surfaces that experience heavy use or are used during wet periods
Botany	<ul style="list-style-type: none"> • Clean all equipment associated with trail creation and maintenance before entering National Forest System lands. Remove mud, dirt, and plant parts from project equipment before moving it into the project area. • Any fill material brought into the project will be examined by the district botanist or her designee for the presence of invasive plants. • Post weed-awareness messages and prevention practices at strategic locations such as the project staging areas. • Forest Service personnel (most likely those associated with the OHV program) will monitor the new trail system for the presence of weeds at least once annually, and infestations will be promptly treated (i.e. they will not be allowed to proceed with their flowering/fruitletting process).
Heritage	<ul style="list-style-type: none"> • The District Archeologist will review the proposed trail route and staging areas near road 2127-300 after the route has been staked and before it is constructed. • Site monitoring would occur for the sites near the trail. Monitoring would occur in coordination with Recreation specialists during trail layout.
Recreation Resources	<ul style="list-style-type: none"> • The use of staging areas and trails will be monitored by COHVOPS personnel and volunteers to gage the effectiveness of the system and identify resource disturbance off of designated routes.

Appendix B – Alt 3 Trail and Staging Area Maps





Alternative 3 aerial photo of western most staging area near 2127700 road will consist of a through road with 10 or 12 camping spots as nodes off of it for camping and a single vault concrete walled toilet (shown as a square).



Alternative 3 aerial photo of eastern most staging area near the 2127400 road will consist of a parking lot surfaced with crushed rock and five campsites around the perimeter with a single vault concrete walled toilet (square in northeast corner of staging area).

