



United States Department of Agriculture

1136 Spur Road Project

Decision Notice and Finding of No Significant Impact



Forest Service

Siuslaw
National Forest

Hebo
Ranger District

August 2015

Responsible Official:

Deborah Wilkins, District Ranger
Hebo Ranger District
Siuslaw National Forest
PO Box 235
31525 Hwy 22
Hebo, OR 97122
(503) 392-5117

For More Information Contact:

Lorena Wisehart, NEPA Planner
Hebo Ranger District
P.O. Box 235
31525 Hwy 22
(503) 392-5119
lorenamwieshart@fs.fed.us

U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication for program information (e.g. Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Summary of Proposed Project

The Hebo Ranger District is proposing to issue a permit for construction of a road to access private lands adjacent to National Forest System land in the Hebo Ranger District, Siuslaw National Forest. The proposed action would reopen and improve 1300' of existing non-system road and construct 700' of new permanent road.

Project Area

The project area is located in the Sand Lake Watershed, Township 3S, Range 10W, Section 6 NW ¼, Willamette Meridian, Tillamook County, Oregon within the Hebo Ranger District of the Siuslaw National Forest. The proposed project area is approximately 6 miles south of the unincorporated town of Netarts and 9 miles southwest of the City of Tillamook.

Background and Need for Project

The purpose and need for the project are to respond to Stimson Lumber Company's request for access across National Forest System lands. In 2010 Stimson Lumber Company began construction of an access road across their land. This route, consisting of side slopes from 60-90% would require full bench construction and a large fill over an unnamed intermittent drainage and has the potential for slope failure, even with a high level of engineering design and construction control. Because of concerns related to the stability of the route, and potential risk to a domestic water supply, the Cape Lookout Highway, and a fish-bearing stream, Stimson halted construction. As a result, Stimson seeks permission to access its property by crossing National Forest System lands.

The Forest Service is required to respond to a formal request for transportation and utility systems and facilities on federal lands (36 CFR §251, Subpart D). Title 36 of the Code of Federal Regulations (CFR), Chapter II, Subpart D - Access to Non-Federal Lands, establishes the procedures the Forest Service follows in evaluating proposals for access and defines the criteria, terms and conditions for the use of the access. The Hebo Ranger District identified a route providing adequate access to Stimson's property that utilizes an existing non-system spur road as well as 700 feet of new road construction.

The proposed 1136 Spur Road Project includes issuing a permit to Stimson Lumber Company to construct the proposed road. The project would reopen and improve 1300' of existing non-system road and construct 700' of new permanent road. The proposed route would be a spur road off Forest Road 1136, which is currently managed for administrative use only. The road would be used by Stimson Lumber Company to access their property and by the Forest Service to manage adjacent forest stands on National Forest System land.

The Hebo Ranger District prepared an Environmental Assessment (EA) for the project which considers the effects of implementing the proposed action (Alternative 2), as well as taking no action (Alternative 1).

Decision

It is my decision to proceed with Alternative 2, the proposed action, as described in the Project EA. In my consideration to proceed with Alternative 2, I have reviewed the Project EA, its appendices, and other project-file documents.

Proposed Actions

To meet the Project needs (EA pages 4-5), the actions outlined in pages 5-6 of the EA and as summarized below will be implemented. Project design criteria designed to ensure protection of natural resources will also be implemented (see EA Appendix A).

Alternative 2 of the EA includes issuing a special use permit allowing construction and use of a permanent system road across National Forest System land. The road would be approximately 2,000 feet in length from Forest Road 1136 to the boundary of Forest Service ownership. This road would be designed and constructed to Forest Service standards within a 50-foot wide right-of-way for construction. All of the proposed route would be on National Forest System lands. The proposed action includes new construction of approximately 700 feet of permanent roadway that mostly follows old tractor skid roads, and reconstruction of approximately 1,300 feet of existing rocked roadbed. The road would be constructed on a ridge top, in an existing Forest Service plantation, and would not cross drainages, seeps, or any sensitive habitats.

Reasons for the Decision

I intend to proceed with Alternative 2 because the actions proposed under this alternative best meet the needs identified in pages 4-5 of the Project EA and summarized on page 1 of this Decision Notice. Through review of the Project EA, its appendices, and other project-file documents, I have determined that the information provided to me is adequate for a reasoned choice of action.

I am aware that the selected alternative will have some unavoidable adverse environmental effects, including an increase in the risk of introduction and spread of invasive plants in the project area (EA page 31-32). However, I have determined that these effects and risks are relatively low, and are outweighed by the likely benefits to constructing the road on Forest Service land, compared to the risk of proceeding with the original route proposed on Stimson Lumber Company property. I have determined there will be no unacceptable direct, indirect, or cumulative effects to any resource. The effects of constructing a short portion of new road and reopening an existing road are relatively minor compared to the risk of disturbance due to Stimson Lumber Company proceeding with road construction across several miles of private land, over steep terrain, and crossing several streams.

All practical means to avoid or minimize environmental harm have been adopted in the design of the selected alternative. I have included all of the project design features and mitigation measures that I believe are necessary to avoid, minimize, or rectify impacts on resources affected by implementation of the selected alternative. My intention to proceed with Alternative 2 is based on a review of the record that used the best available science.

In making this selection, I have also reviewed information in the administrative record, including but not limited to the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Northwest Forest Plan (USDA USDI 1994a), the Late-successional Reserve Assessment for Oregon's Northern Coast Range Adaptive Management Area (USDA USDI 1998); consultation files and records involving the U.S. Fish and Wildlife Service; public comment; and applicable laws and regulations. I have determined that Alternative 2 is consistent with the Siuslaw Land and Resource Management Plan as amended by the Northwest Forest Plan.

Alternatives Considered

Prior to making the decision to proceed with Alternative 2, I also considered Alternative 1 (no action). Under Alternative 1, an access road would not be constructed on National Forest System land. I have determined that Alternative 1 would not meet the need for the project because Stimson Lumber Company would be precluded from accessing their land adjacent to the project area unless they pursued construction of a road on steeper slopes across their land (see page 1 of this decision).

Public and Agency Involvement

Public Involvement

This proposal first appeared in the Siuslaw's National Forest's quarterly "Project Update" in the Schedule of Proposed Actions (SOPA) in the Fall 2014 issue, and was updated periodically during the analysis.

The Hebo Ranger District solicited public input by mailing scoping letters describing the actions considered in the proposed project. Letters were mailed to neighboring landowners and other interested parties. Comments on the proposed project were requested by October 21, 2014. Through these scoping efforts, one person representing an organization responded.

Public comments within the scope of the Project and not covered by previous environmental review or existing regulations, were reviewed for substantive content related to the Project. Comments relevant to clarifying how the Project would be implemented or relevant to the effects of implementing the Project are addressed in the Project EA, chapters 2 and 3; the Project design criteria (EA, Appendix A); or the Project file. Agencies and individuals consulted are identified in the Project EA, chapter 4.

A legal notice, advertising the availability of the 1136 Spur Construction Project Draft Environmental Analysis for a 30-day public review and comment period, was published in the Tillamook Headlight Herald on May 27, 2015. Letters were mailed to interested parties notifying them of the availability of the Draft EA. The legal notice and letters indicated the beginning and end of the 30-day comment period, described the comment process, and identified a Forest Service contact person. Copies of the Draft EA were made available at the Hebo District office and on the Siuslaw National Forest website. No comments were received.

Endangered Species Act Consultation

USFWS was notified of the project during planning and analysis. Consultation with FWS for this project is completed, and the FWS concluded that this project would not jeopardize the continued existence of the northern spotted owl or marbled murrelet (EA pages 9-11).

Project actions included in Alternative 2 have been designed to have no effect on Oregon coast coho salmon (listed as Threatened under the Endangered Species Act) or designated critical habitat (EA page 25).

Finding of No Significant Impact (FONSI)

Based on the site-specific environmental analysis documented in the 1136 Spur Road Project Environmental Assessment, I have determined that the activities described will not significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made in light of the following factors (40 CFR 1508.27):

Context

Project activities have been viewed and approved in a Regional context through the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA USDI 1994a). This action only affects a small portion of the Forest, which in turn, is a very small portion of the Region.

The site-specific activities that are authorized and guided by this decision are limited in scope and duration. The proposed project may result in some adverse impacts, however, they are very limited in scope. The project area is relatively small, so impacts are very localized and risk for most impacts identified in the EA is temporary (EA pages 9-13, 17, 19, 24, 28, 31-33)

Intensity

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.

Although the proposed project may result in some adverse effects to resources, all of the impacts are relatively limited in scope. I have determined that the benefits to selecting Alternative 2 outweigh those of taking no action, but aside from that determination the potential risk of adverse effects from the proposed action are still not significant (EA pages 8-37).

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

No significant adverse effects to public health or safety have been identified (EA pages 8-37). Fuel loading and risk of a fire start may temporarily increase, but this increased risk is relatively minor and is mitigated by project design criteria (EA page 33). Furthermore, the road would increase ability of firefighting personnel to respond in the event of a fire (EA page 33).

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 characteristics of the geographic area do not make it uniquely sensitive to the effects of project actions. Past actions of similar intensity in similar areas have not indicated any significant adverse effects (EA pages 36-37).

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

The effects from the Project on the quality of the human environment are not found to be highly controversial (EA pages 37-38). Only one comment was received during scoping (EA page 37).

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

The Project's environmental effects are not uncertain or unknown. Planned actions are similar to those already accomplished on similar lands within the Siuslaw National Forest (EA pages 8-37).

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.

Actions that will be implemented by the Project do not set a precedent for future actions because similar actions have been implemented in the past (EA page 37).

7. Whether the action is related to other actions with 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.

The Project EA describes the direct, indirect, and cumulative effects to soil, water, aquatic and terrestrial species, and other components of the human environment (EA pages 8-34). There are no significant direct, indirect, or cumulative effects anticipated from implementing project actions (EA pages 8-34).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant, scientific, cultural, or historic resources.

The pre-project survey and record search of the Project area indicates that actions associated with the Project will have “no effect” (as defined in 36 CFR 800.5 [b]) on any listed or eligible heritage (cultural) resources (EA page 34). Implementation of Project Design Criteria (EA Appendix A) will ensure that if any sites are uncovered during project implementation, effects, if any, to cultural resources will be minimal.

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 wildlife report, botany report, and fisheries biological evaluation prepared for the Project indicate the project will not significantly affect any federally listed species or designated critical habitat (EA pages 8-11, 25, 27, 37).

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

The Project is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment (EA pages 36-37). The Project will meet or exceed State water and air quality standards and is consistent with the Oregon Coastal Management Program as required by the Coastal Zone Management Act (EA page 37).

Other Disclosures

All measures contained in the Project EA and Appendix A will be incorporated to comply with the Record of Decision (October 2005) for the Pacific Northwest Region Invasive Plant Program, Preventing and Managing Invasive Plants Final Environmental Impact Statement. Actions will be designed to prevent the spread of invasive plants, including noxious and undesirable weeds (EA pages 31-32, Appendix A). Cleaning of off-road equipment pursuant to Executive Order 13112, dated February 3, 1999, will be required (EA Appendix A).

The Project will have no significant adverse effects on wetlands, floodplains, farm land, range land, park land, wilderness, wild and scenic rivers, or inventoried roadless areas; minority groups,

civil rights, women, or consumers; Indian social, economic, subsistence rights, and sacred sites; and heritage resources (EA pages 35-37). Actions will be consistent with the scenic quality objectives for the planning area (EA pages 34-37).

Findings Required By Other Laws and Regulations

As required by the National Forest Management Act (NFMA) Section 1604(i), I find this project to be consistent with the Forest Plan (EA page 36). This decision is tiered to the 1990 Final Environmental Impact Statement for the Siuslaw National Forest Land and Resource Management Plan. Management direction comes from the *Siuslaw National Forest Land and Resource Management Plan* (USDA 1990) as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (USDA USDI 1994) and is designed to meet or exceed the objectives of the Aquatic Conservation Strategy as set forth in the Northwest Forest Plan (EA pages 26-27).

Administrative Review and Objection

This draft decision for the Project was subject to an objection process pursuant to Forest Service regulations at 36 CFR 218. No objections were filed during the 45-day objection filing period. This Decision is being issued no fewer than 5 business days after the close of the filing period (36 CFR 219.58(c)).

Implementation Date

Implementation of this project may proceed immediately.

Contact Person

For further information regarding this project, contact Lorena Wisehart at (503) 392-5119, Hebo Ranger District, 31525 Hwy. 22, PO Box 235, Hebo, OR 97122.

Responsible Official:



Deborah Wilkins
District Ranger
Hebo Ranger District
Siuslaw National Forest
31525 Hwy. 22
Hebo, OR 97122

Aug 25, 2015
Date