



United States
Department of
Agriculture

Forest
Service



Decision Notice

Red Butte Cinder Pit Expansion Project

**Bend/Ft. Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon**

April 2015

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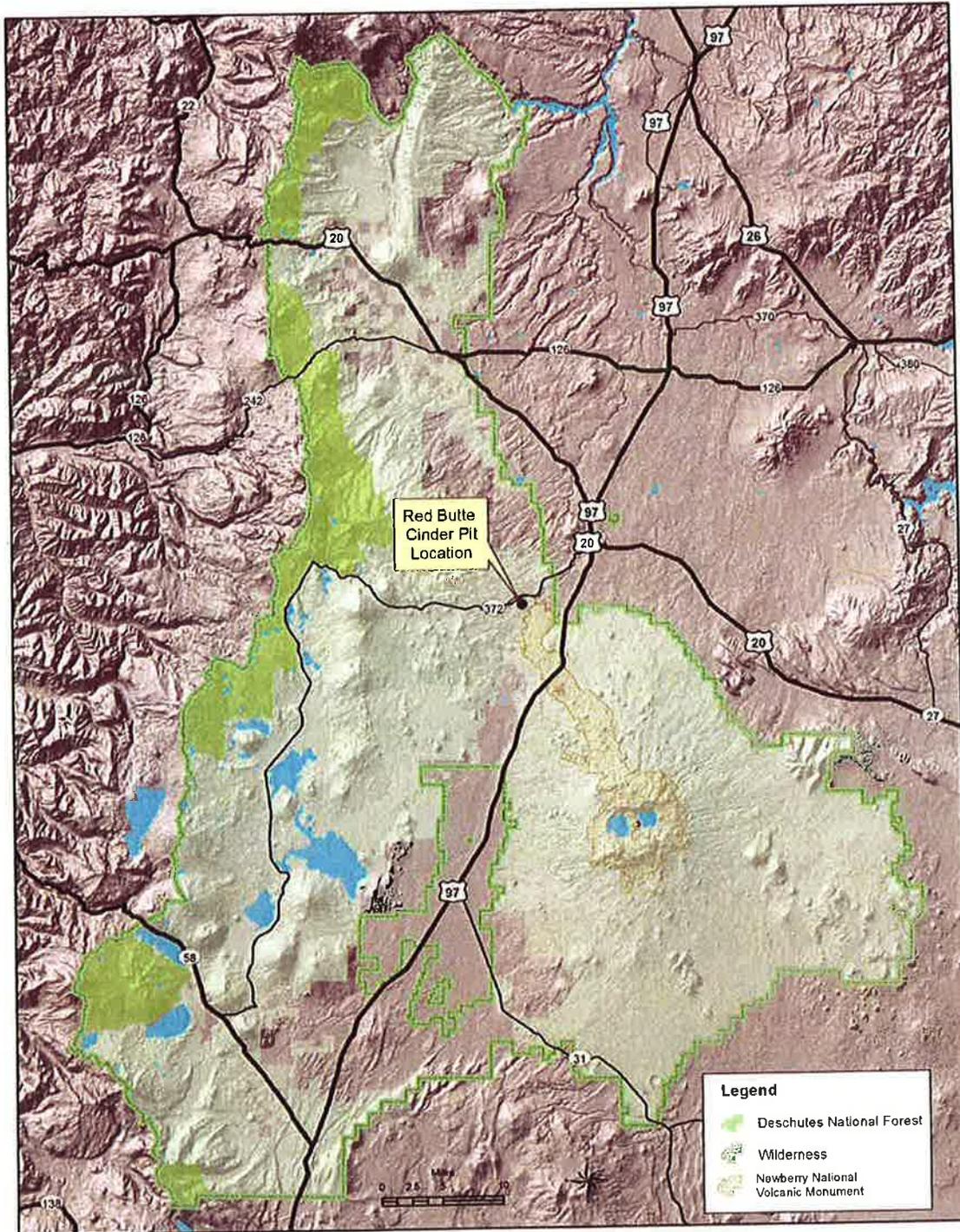


Figure 1. Location of the Red Butte Cinder Pit, Deschutes National Forest.

DECISION NOTICE

Red Butte Cinder Pit Expansion Project

USDA Forest Service
Bend/Ft. Rock Ranger District, Deschutes National Forest
Deschutes County, Oregon

Legal Location: Township 18 South, Range 11 East, Section 28, Willamette Meridian

Introduction and Background

This Decision Notice (DN) documents my decision and rationale for the selection of Alternative 2 of the February 2015 Red Butte Cinder Pit Expansion Project Environmental Assessment. This project will allow expansion of an existing cinder pit by 16 acres. The materials will be used by Oregon Department of Transportation for sanding aggregate during winter weather and will meet their needs for over 20 years.

The pit was originally developed in the early 1900s by Shevlin-Hixon timber company for road building to assist on log removal. The pit was acquired by the Forest Service in 1944 with a land exchange. It has been used since 1996 by ODOT. It is an ideal location for ODOT due to its proximity to their Mt. Bachelor Sand Storage Shed off the Cascade Lakes Highway.

Decision and Rationale

I have reviewed the EA and the information contained in the project file. I have determined that there is adequate information to make a reasoned choice among alternatives. It is my decision to select Alternative 2, including associated connected actions and resource protection measures as described in the EA (pp. 15-17).

Specifics of Decision

Expansion of the 8.9 acre pit by about 16 acres to encompass a total of about 24.9 acres.

Development includes:

- Removal of the timber. Timber may be sold in a timber sale, or may be stock-piled for use in fish habitat on the Deschutes River. Non-merchantable vegetation would be removed.
- Stripping of the overburden would occur as needed to minimize potential loss due to wind or runoff erosion while maintaining as much habitat as possible and lowering the impacts to the viewshed.
- Expansion is designed to use the existing natural topography and forest vegetation to screen the pit from view from the scenic highway.

The following project design elements are included in this decision:

Visual Quality Mitigation

ODOT will work very closely with the Deschutes National Forest office throughout the use and reclamation of this pit, in order to minimize the impact and to reclaim the pit to the appropriate standards.

Tree removal will be limited to the area required for the expanded mining area and the related haul road. Brush and grasses will remain within the expansion area after clearing of timber. This ground cover will be removed when a new portion of the expansion area is stripped of overburden soil to access underlying cinder material. In the period of time between timber removal and stripping of overburden soil, the visual change could be interpreted as meeting the M9-15 designation to provide a "strong textural element" within the visual resource area.

During active usage of the pit, soils will be stripped and stockpiled in berms around the outside edge of the actively mined area. As the mined area incrementally expands toward the eventual boundary, grasses and shrubs in these overburden soils will be allowed to re-vegetate naturally without additional seeding, the historically preferred approach, unless requested otherwise by the Deschutes National Forest offices. If the excavation encounters unsuitable or hard areas that effectively halt further development in a particular direction, the USFS and ODOT will evaluate the conditions and site use planning to determine the best approach to reclaim those slopes while continuing operations in other directions.

Once active mining is completed, slopes will be re-contoured to 2H:1V or flatter. Any crusher by-products, such as reject fines or scalpings stockpiled onsite, will be used to make steeper areas more gently sloping. The stockpiled soils will then be spread uniformly across the re-contoured slopes, amended as necessary, and vegetated with desired native plants (per Deschutes National Forest guidance and direction).

Wildlife

WL-RPM 1: Do not encourage use of the cinder pit during the Tumalo Winter Range Closure (also within the Ryan Ranch Key Elk Area) between December 1 and March 31 to reduce potential disturbance to big game.

WL-RPM 2: Restrict disturbance activities within ¼ mile of any newly discovered nests. This condition may be waived in a particular year if nesting or reproductive success surveys reveal that the species indicated is non-nesting or that no young are present that year. There are currently no known nest sites in the project area. The following is the potential raptors that may be encountered and their nest restriction dates in which habitat is identified within the project area:

- Cooper's and Sharp-shinned hawks: April 15 – August 31

Invasive Plants

The pit would be inspected prior to project initiation and any weeds would be removed, if found.

Any fill material brought into the project would be examined by the district botanist or designee for the presence of invasive plants.

Machinery involved in project activities must be washed prior to entry into the project area.

Cultural Resources

If previously unknown items of prehistoric or historical value are discovered or disturbed during construction, activities would cease in the area affected and the District Archaeologist would be notified. A mitigation plan would be developed in order to address the effects of the project on the resource.

Reasons for the Decision

This pit expansion will meet the purpose and need described in the EA. It responds to ODOT's request to expand the pit in order to utilize the mineral cinders. ODOT has a need for a long-term sanding aggregate source in the area. This project will provide a long-term, economical, and readily accessible source of aggregate material that meets quality standards for transportation projects while limiting resource effects to existing material source locations.

This project also complies with the Deschutes Forest Plan because it gives existing material sources priority for expansion over undeveloped sources. This project will also reduce some existing hazards in the pit where the current excavated slopes are in excess of 67% and considered unsafe.

There were no public comments received on this project, and no serious resource issues identified.

Other Alternatives Analyzed

Besides Alternative 2, the No Action alternative was analyzed in detail in the environmental assessment. No Action would not expand the Red Butte Cinder Pit; therefore there would be no long-term source for cinder material. It also would not address existing hazards at the site. I therefore did not select the No Action Alternative.

Public Involvement Conducted

The project was initially announced to the public in a letter mailed to about 100 individuals and organizations, including representatives of the Confederated Tribes of the Warm Springs, the Burns Paiute Tribe, and the Klamath Tribes, on August 16, 2013. It was subsequently published in the *Schedule of Projects for the Deschutes and Ochoco National Forests*. The scoping letter was also posted on the Deschutes National Forests NEPA project web site. No input was received on the proposed action.

The 30-day public comment period was initiated on February 23, 2015 and resulted in no written comments from any individuals or organizations.

Administrative Review

This project is not subject to pre-decisional administrative review because no timely, specific written comments regarding the project were received during any designated opportunity for public comment (36 CFR 218.4) for The full text of the rule can be found here: <http://federal.eregulations.us/cfr/title/5/28/2013/title36/chapterII/part218>.

Consultation with Government Agencies and Tribes

The following tribal governments were notified of the project proposal: Confederated Tribes of the Warm Springs, Burns Paiute, and the Klamath Tribes (EA p. 66). Government to

government conferences included discussions of this project. These Tribal governments did not express any concerns about this project.

The State Historic Preservation Office (SHPO) was consulted during project planning following guidelines in the Regional Programmatic Agreement among USDA-Forest Service, the Advisory Council on Historic Preservation, and the Oregon SHPO. A cultural resource inventory has been completed for the project area. In May 2014, 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 the selected alternative will have no adverse impacts because there are no historic resources present.

Formal consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service was not required and did not occur because the project does not adversely affect any habitat for threatened or endangered wildlife or fish species.

Legal Requirements and Policy

In reviewing the EA and actions associated with Alternative 2, 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 impact statement was undertaken to comply with NEPA.

The National Forest Management Act (NFMA)

We find this decision to be consistent with the long term management objectives as discussed in the Deschutes National Forest Plan as amended. The pit is located within the Scenic Views management allocation. Applicable standards and guidelines are discussed in the EA (pp. 63-64). A viewshed analysis was completed for the project. The expanded area will be visually noticeable from only a few locations as described in the EA p. 63. M9-83 allows these types of developments and acknowledges that scenic quality objectives may not always be met at these types of sites. A mitigation plan is included in this decision to minimize visual effects.

The Endangered Species Act of 1973, as amended

A Biological Evaluation was prepared to document the possible effects of the proposed activities to threatened and endangered wildlife species within the project area. The selected alternative is determined to have "No Effect" to the gray wolf, northern spotted owl or its critical habitat, Oregon spotted frog or its critical habitat, and California wolverine (EA pp. 20-21). It has been determined that implementation of all of the proposed activities will have no effect to any threatened or endangered fish or plant species and would have either no impact on sensitive wildlife species or associated habitat or may impact individuals or habitat but not cause a trend toward federal listing (EA pp. 21-36).

The Clean Air Act

The selected alternative will comply with the Clean Air Act. The Act prescribes air quality to be regulated by each individual state. The Forest Service will follow directions of the Oregon State Forester in conducting prescribed burning in order to achieve strict compliance with all aspects of the Clean Air Act and adherence to the Oregon Smoke Management Plan (EA p. 67).

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 the EA p. 69, I have determined that there would be no discernible impacts from any of the alternatives on Native Americans, women, other minorities, or the Civil Rights of any American citizen.

Implementation

Implementation is expected to begin in 2015. I reviewed the EA and associated appendices and believe there is adequate information within these documents to provide a reasoned choice of action. I am fully aware of adverse effects that cannot be avoided and believe the risks are outweighed by the benefits. Implementing the selected alternative will cause no unacceptable cumulative impact to any resource.

Finding of No Significant Impact

The project area totals about 19 acres within the 1,600,000-acre Deschutes National Forest and is immediately adjacent to an existing pit.

The following intensity factors were used to assess the potential for environmental effects to be significant.

1. *Impacts that may be both beneficial and adverse.* 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.
2. *Public health and safety.* Significant effects to public health and safety are not anticipated to result from implementation of Alternative 4 because implementation incorporates appropriate safety measures as required by OSHA smoke management will occur to ensure compliance with the Clean Air Act and these types of projects have not been shown to produce significant health or safety effects in the past.
3. *Unique characteristics of the area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the pit expansion project.
4. *The degree to which the effects area likely to be highly controversial.* The nature of potential effects of the activities proposed in this project is well established and not likely to be highly controversial in a scientific context. There is no known scientific controversy over the impacts of the decision.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The effects on the human environment from Alternative 2 are not uncertain and do not involve unique or unknown risks. All proposed actions are standard practices that have been previously implemented with known cause and effect relationships.

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 action will not establish a precedent for future actions with significant effects, because it conforms to all existing Forest Plan direction. Future undertakings are subject to NEPA procedures.
7. *Cumulative effects.* No significant cumulative effects have been identified (EA pp. 17-70)
8. *Degree action may affect sites listed in or eligible for listing in the National Register of Historic Places or may cause loss of destruction of significant scientific, cultural, or historical resources.* Eligible historic and cultural resources will be flagged and avoided during ground disturbing activities. A finding of "No Historic Properties Adversely Affected" was made for this project.
9. *Degree action may adversely affected endangered or threatened species or its habitat that has been determined to be critical under the ESA.* No threatened or endangered species or designated critical habitat exists within or adjacent to the project area. The Biological Evaluation considered the gray wolf, northern spotted owl and its critical habitat, and Oregon spotted frog and its critical habitat. There would be no effects to these species or their critical habitat.
10. *This action does not threatened a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* All applicable laws and regulations were considered in the planning of this project (EA pp. 11-13).

Contact Persons / Responsible Official

Project records are on file at the Bend/Ft. Rock Ranger District office. The EA and other project documents are available on the internet at http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=42639.

For additional information concerning the specific activities authorized with this decision, you may contact:

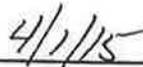
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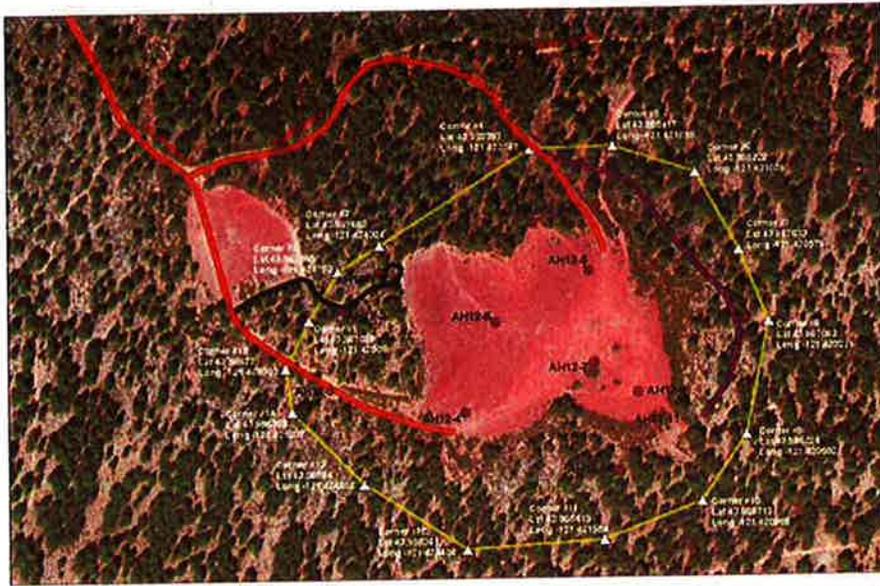
The District Ranger of the Bend/Ft. Rock Ranger District is the official responsible for deciding the type and extent of management activities in the Rocket project area.



KEVIN LARKIN
Bend/Ft. Rock District Ranger



Date



LEGEND

- Existing Cinder-Surfaced Roads Proposed for Mining and Stocking Use
- Proposed New Pit Floor Access Road
- Existing Bench Access Road
- Proposed Expansion Boundary, Yellow Solid Line, Area = 91.96 Acres (Flagged with Pale Pink)
- Proposed Expansion Boundary, Corner Locations with Corner # and Lat/Long Coordinates (Marked with LATH)
- * Complete Expansion Location

Note: All location coordinates shown are North American Datum 1983 (NAD83)

OREGON DEPARTMENT OF TRANSPORTATION
RED BUTTE #1 CINDER PIT (ODOT Source No. OR-09-108-4/USFS #1063)
 Century Drive Highway (Hwy. #372), MP 8.85
 NW1/4 Sec. 28, T.18S., R.11E., W.M.
 Staked and Flagged Expansion Boundary Map

0 250 500
 Feet

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