

# DECISION NOTICE

And

## FINDING OF NO SIGNIFICANT IMPACT

for the

### **BATATAVILLA Fall Creek Road Closures**

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

#### **Introduction**

The Batatavilla Environmental Assessment (EA) documents the environmental analysis of a proposal to close 41 roads in portions of the Fall Creek and Little Fall Creek watersheds. The total mileage of these roads slated for closure is approximately 30 miles. Five of these roads with a total of approximately three miles were closed by the August 2003 Clark Fire rehabilitation process. These roads were closed for safety and environmental reasons. Following the fire rehabilitation process, a total of 36 roads (27 miles) remain for consideration to close. The roads would be closed within the next 5 years. The roads are located within the legal description of T18S and T19 S, Range 2E, 3E, and 4E.

The Batatavilla project was developed in accordance with direction provided in the National Forest Management Act, the National Environmental Policy Act, Willamette National Forest Final Environmental Impact Statement and associated Land and Resource Management Plan as amended by the Record of Decision for 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, signed April, 1994 (hereafter called the Forest Plan and N.W. Forest Plan) recognized that Transportation Management was critical to the management of a variety of forest resources. Using this direction the Middle Fork Ranger District Roads Analysis team designed a plan to analyze and specify which roads to retain, which roads to close and what will be the appropriate level of maintenance.

The analysis documents for this project are available for review at the Middle Fork Ranger Station, 46375 Highway 58, Westfir, OR, 97492; phone: (541) 782-2283.

I have reviewed the EA, related documents, and public input; my decision is based upon that review, and after that review I have found the analysis to be in full compliance with direction contained in the above documents.

## **Decision**

It is my decision to implement **Alternative B**, the *Action Alternative*. This action closes 36 roads on the Middle Fork district as outlined in the Environmental Assessment. The total length of roads closed is approximately 27 miles. All roads would be closed to motorized vehicles. The road closure method would vary by road. Road entrances would be closed with a combination of an earthen berm, deep ditch, and possibly boulders. Several roads that are already closed would have the closure improved. Most roads would have water bars (WB) cut into the road surface to direct water flow off of the road surface. Waterbars are diagonal ditches cut across the road, with an earthen berm placed downhill from the ditch to catch water. Many of the roads would have a water bar cut into the road on the downhill side of each culvert (CV). In the event the culvert becomes plugged with debris, water bars direct the water across the road, helping storm proof the road from erosion. Many culverts would have deep ditches (DITCH) cut in the fill directly above the culvert. This will allow the stream to stay in the same watercourse in the event the culvert becomes plugged and overtops the fill.

A total of 4 roads would have culverts completely removed from the road fill, and hauled from the site. There are a total of 8 culverts that would be removed from these 4 roads. The roads and number of culverts removed are as follows: Road 1830-414, 2 culverts removed. Road 1835-241, 2 culverts removed. Road 1839-372, 3 culverts removed. Road 1839-374, 1 culvert removed. In each case, the stream would be restored to a natural stream course. Several roads would have the cut and fill slope pulled back to decrease slide potential.

The work will be completed between July 16 and September 30. The streams should be at low flow, which will decrease sediment introduction to the stream from heavy equipment. During the work time, the affect on wildlife species would be either negligible or acceptable, as outlined in the Wildlife BE and Wildlife report.

The project would be completed during the summer months from 2003 through 2007.

## **Other Alternatives Considered**

### ***Alternative A: The No Action Alternative***

Under this action, the roads would remain as they are at the present time, and no roads would be closed. ( See page 10 of the EA for more information.)

### ***Alternative C: The Action Alternative: Modified***

- (1) Under this alternative, a smaller sub-set of the roads that are considered for closure in this EA would be closed. Only 26 roads would be closed totaling approximately 17 miles of length. (EA page 12)

## Comparison of Alternatives

Comparison of different Alternatives and resultant mileage and roads closed.

	<u>Alternative A No Action</u>	<u>Alternative B Action</u>	<u>Alternative C Action Modified</u>
<b># Roads Closed</b>	<u>0</u>	<u>36</u>	<u>26</u>
<b># Miles Closed</b>	<u>0</u>	<u>27</u>	<u>17</u>
<b># CV Removed</b>	<u>0</u>	<u>8</u>	<u>2</u>

## Reasons for the Decision

It is my judgement that **Alternative B** best meets the following Purpose and Need, as stated in the EA (pages3&4). The reasons for closing this group of roads are outlined in the documents referenced as follows:

Willamette National Forest Final Environmental Impact Statement and associated Land and Resource Management Plan as amended by the Record of Decision for 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, signed April, 1994 (hereafter called the Forest Plan and N.W.Forest Plan) recognized that Transportation Management was critical to the management of a variety of forest resources.

The Forest Plan and other referenced documents related to the management of forest resources offer guidance and direction for management and closure of roads for resource protection, road maintenance, road re-vegetation, habitat protection/enhancement, budget, etc. The purpose of this action is to bring these sections of road toward more closely meeting resource direction, and to bring the ability to perform adequate road maintenance to within existing budgetary constraints. The following information summarizes input from these documents.

**FW 312 (N.W. Forest Plan)** “Existing roads determined not to be needed for current or future use shall be permanently closed to motor vehicles and have vegetation cover reestablished on the roadway and areas where the vegetation cover has been disturbed by the construction of the road.”

**RF -2 (N.W. Forest Plan)** “...Minimize road and landing locations in riparian reserves. And minimize disruption of natural hydrologic flow paths including diversion of streamflow and interception of surface and subsurface flow.”

Most stream crossing culverts and many of the relief culverts on these roads are located on class 4, 3 or 2 streams. These streams and therefore culverts are located within the riparian reserves for each stream. Removal of culverts or potential damage situations resulting from road surface erosion, failure, etc. into the riparian reserves is desirable as outlined by the Forest Plan.

**National Roads Analysis:** “Balance benefits of access with the costs of road-associated effects to ecosystem values.

**Fall Creek Watershed Analysis 1995:** “Roads known to be sediment sources or without funding for maintenance should be decommissioned, obliterated, or weatherized so they are self-maintaining.”

The designed life span of corrugated metal pipes (CMP’s) is twenty years. Most of the road system in Fall Creek and Little Fall creek area was built between 20 to 50 years ago. Many of the roads are beginning to show damage that indicates a greater potential for failure.

**FW308 NW Forest Plan:**

“The development, maintenance and management of the Forest development road system shall be continued as needed to respond to resource management objectives. Many road-related activities will occur in support of the timber management program with additional projects undertaken to facilitate recreational use, Forest administration and resource protection.”

The road maintenance budget for the Middle Fork Ranger District has dropped to a level one third of what it was 10 years ago. This budget decrease necessitates closing roads to allow maintenance of the existing road system within budgetary constraints. Actions must be initiated to protect resource interests in light of the decreasing budgets for road maintenance. Future budget projections show further decreases in road maintenance budgets over time.

**The Mid-Willamette Late-Successional Reserve (LSR)  
Assessment, August 1998:**

“Within each LSR, there are likely to be specific sites where high road densities cause significant adverse effects to late-successional forests and associated species. These sites should receive special consideration for treatment to reduce or eliminate those adverse effects.” The Fall Creek watershed has the highest number/percentage of roads recommended for treatment in this analysis. There are 386 miles of road in the Fall Creek LSR, and 180 miles are slated for treatment. Thirty three of the 36 roads considered for closure in this EA are within the Fall Creek LSR.

The passages discussed above offer management direction suggesting the need for closure of the roads in the watershed areas discussed in this EA. Closing these roads will lead to the potential improvement of resource values in the watersheds as discussed in detail in this EA. The budget for maintenance of roads on the Middle Fork District is projected to decrease over time. The district will likely not have the financial or personnel resources to manage all roads that are presently on the road system. Decreased road maintenance suggests the potential for an increase of sediment input into nearby and connected aquatic systems on the district. Potential mass wasting and road and fill failures are a likely to occur, if roads are not maintained to the standard in which they were designed.

Each of the roads being considered for closure in this EA was analyzed through the Roads Analysis process. Roads Analysis evaluates each road in light of the impacts either closure or leaving the road open would have upon the following resource categories: **Public Use, Administrative Use, Aquatic Resources, and Terrestrial Resources.** Each road considered for closure is assessed utilizing a series of criteria in each of these categories. All roads in this EA were assessed and recommended for closure under this evaluation system.

## Consistency with Laws, Policies, and Other NEPA Decisions

I have reviewed this project and compared it to the applicable laws, policies, previous decisions, and other analyses and have determined, for the reasons discussed in the **Environmental Consequences** section of the EA (page16), that this project is in full compliance with all the applicable direction.

## Public Involvement

The scoping document for this project was mailed in February 2003 to individuals and organizations known to have expressed interest in this area or these types of projects. (See the project file in the Middle Fork office for a list of individuals/agencies).

One public meeting was held with the Mayor of Lowell on March 24, 2003. The concerns and issues that were determined to be significant that were derived from this meeting were the drivers for the development of **Alternative C-Action Alternative-Modified**. Several other comments were received via phone conversation from local public participants. Though no significant issues were developed from these comments, all concerns discusses with these individuals are felt to be fully covered within Alternative C.

The project was included in the "Willamette National Forest Schedules of Proposed Actions" (Forest Focus) in all issues from summer of 2002 through spring of 2003. The EA was made available for public review on April 19, 2004. We received one comment by mail.

A notice of availability of this EA for public review was sent to the list of people and organizations listed on pages 39&40 of the EA, as per CFR 217 requirements, on April 20, 2004. Comments were received from Chandra LeGue of the Oregon Natural Resource Council and Josh Lockland of the Cascadia Wildlands Project and are addressed in the EA (page 40). None of these comments resulted in the revision of proposed actions or a change in the analysis.

## Finding of No Significant Impact

My review of the results of the environmental assessment indicates there would be no significant effects on the quality of the human environment if **Alternative B** is implemented as proposed. I have therefore determined that this action is not a major federal action which would significantly affect the human environment. An environmental impact statement is not needed and will not be prepared. This determination was made considering the following rationale.

## Context

These roads are a small subset of the total number of roads on the Middle Fork District. Closing these roads may have the effect of decreasing potential erosion and damage to stream systems that may occur if the roads are left in their current condition. The lack of budget/personel to maintain the roads may lead to a degradation of the surface and drainage systems of these roads, thus leading to further damage to the roads themselves, nearby stream systems, and aquatic and wildlife species in surrounding ecosystems.

## **Intensity**

*1) Consideration of Impacts that may be both beneficial and adverse.*

### **Proposed Action Alternative**

Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential adverse effects. The purpose this road decommissioning will decrease the likelihood of long term amounts of sediment generated by this road system.

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

### **Proposed Action Alternative**

Public health and safety will not be adversely affected. The roads will be closed during excavation and large equipment use. This will prevent hazardous situations for the public arising from large equipment in the road. The roads in this EA have been assessed by the Roads Analysis process, and have been identified as roads that are recommended to be closed. Public and Administrative use were two categories used by this process to determine if closing roads would impact the public or administrative uses.

*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.*

### **Proposed Action Alternative**

The Proposed Action is not on or near parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Therefore, the Proposed Action cannot have environmental consequences to these geographic features.

The Archaeological report addresses the proximity of the proposed action to historic or cultural resources (EA page 33).

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

### **Proposed Action Alternative**

Interdisciplinary review and public scoping found no controversy based on scientific or professional opinion.

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

Proposed Action Alternative

Road closure projects have been performed on this district many times in the past. The activities taking place during this project will not deviate from actions that have been performed in the past on similar projects. Therefore, there are no uncertain, unique, or unknown risks to the human environment.

*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.*

Proposed Action Alternative

The decision to carry out this action is confined to only this action and does not trigger or set a precedent for any other action that may have a significant impact.

*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.*

Proposed Action Alternative

An interdisciplinary review of the project area showed that there are no past, present or future actions that could have a cumulative impact. The environmental consequences section of the EA discusses the cumulative impacts related to each alternative. All impacts will be mitigated through seasonal restrictions relating to time of road closure.

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

Proposed Action Alternative

The Archaeological report addresses the proximity of the proposed action to historic or cultural resources. The report finds: That these activities (road closures) are specifically addressed in the 1995 P.M.O.A., under the Watershed restoration activities described in Appendix B (4) and Engineering and Transportation (1). Since the proposed project (road closures) would take place entirely within the road prism, and there are no known sites near any of the proposed project locations, it is recommended that it be excluded from case-by-case review, based on inspection and monitoring, in accordance with the 1995 Programmatic Agreement.

*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.*

This project should not significantly impact any wildlife or aquatic species or their habitat. See specialist reports in the EA (pages 20-34).

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

Proposed Action Alternative

The Proposed Action was evaluated to determine if there was an effect on any species or habitat that requires protection under federal, state or local law, or other protection requirements. It was determined that this project should not significantly impact any wildlife or aquatic species or their habitat and would not adversely affect water quality instream or in riparian areas. Project activities are not expected to result in adverse impacts to Survey and Managed or TE&S botanical species listed, or their habitat. See specialist reports in EA (pages20-34).

**Implementation**

This decision to close the roads as discussed in this EA is currently planned to be implemented in the months of July through September of the years 2004 through 2007.

**Administrative Review**

This decision is not subject to appeal pursuant to 36 CFR 215.8(a)(3), as no expression of interest has been received and this decision does not modify the proposed action.

**Contact**

For further information concerning the Batatvilla Road Closure project contact David Murdough at the Middle Fork Ranger Station; telephone number (541) 782-2283 during normal business hours.

Responsible Official:

/s/ Bill Pack

5/27/2004

For: RICK SCOTT  
District Ranger  
Middle Fork Ranger District  
46375 Highway 58  
Westfir, Oregon 97492  
Phone: (541) 782-2283

Date