



**United States  
Department of  
Agriculture**

Forest Service

Pacific  
Northwest  
Region



# **Diamond Lake Recreation Residence Special Use Permit Re- issuance**

**Umpqua National Forest**

**Diamond Lake Ranger District**

**Date: September 26, 2006**







## ***Introduction and Project Location***

The Diamond Lake Recreation Residence Tract is located along the western shoreline of Diamond Lake; south of the Thielsen View Campground and north of Silent Creek. The tract contains 102 Recreation Residences, some of which have been on the landscape since the 1920's. Many of these Recreation Residences have "off-lot" improvements along the shore-line of Diamond Lake where docks or boat slips have been constructed for recreational purposes. Numerous non-system roads provide access to the Recreation Residence lots or "off-lot" improvements. The vast majority of these roads were constructed decades ago without any design criteria; are not wide enough to permit travel by fire suppression engines; and some of these roads are minimally impacting the aquatic resources of Diamond Lake. The Recreation Residence Tract is located in portions of T28S R5E Sections 1, 12 and 13. The project is also located in Management Area #2 (Concentrated Developed Recreation) in the 1990 Land and Resource Management Plan (LRMP) for the Umpqua National Forest, and in lands allocated to Administratively Withdrawn and Riparian Reserves under the Northwest Forest Plan, which amended the LRMP.

### **PURPOSE AND NEED, PROPOSED ACTION**

The Purpose of this project is to provide for continued use of the 102 recreation residences within the Diamond Lake Recreation Residence Tract in accordance with the 1990 Umpqua National Forest Land and Resource Management Plan (LRMP), as amended by the 1994 Northwest Forest Plan, and all applicable Forest Service direction.

There is a need for the 102 Recreation Residences at Diamond Lake. The Chief of the Forest Service has determined that established recreation residences are a legitimate use of National Forests.

There is a need for the Diamond Lake Recreation Residence Tract, as a whole, to be consistent with all of the pertinent "standards and guidelines" contained within the LRMP and the Northwest Forest Plan. A "Determination of Consistency" with the LRMP and the Northwest Forest Plan, which amended the LRMP, has been completed in accordance with Forest Service Handbook direction. That document concluded that the Diamond Lake Recreation Residence Tract is, or can be made, consistent with the LRMP and Northwest Forest Plan "standards and guidelines".

There is a need for the Special Use Permits to cover all of the Recreation Residences at Diamond Lake. The existing Special Use Permits will expire on December 31, 2008. There is an additional need to identify what actions need to be undertaken so that these actions can be completed, or scheduled for completion prior to December 31, 2008.

Specific components of the Proposed Action include the following actions:

- no additional Recreation Residence lots, beyond the existing 102 units will be authorized;
- in any case where an individual Recreation Residence lot is not in compliance with the terms of their permit, a one-year permit will be issued to allow the permit holder time to bring the site into compliance

## ***Decision and Rationale***

Based on the analysis completed for this project during the past year, it is my decision to implement the components in the Proposed Action described above. This decision assumes that the current Forest Service standard terms will remain in effect. Should these terms change prior to issuance of the new Special Use Permits; they will be addressed before the permits are issued.

I have also reviewed the recommendations contained within the 1998 Diamond Lake/Lemolo Lake Watershed Analysis regarding those non-system roads and boat landings that are not contributing towards attainment of Aquatic Conservation Strategy objectives. Some of the non-system roads located below the Recreation Residence lots within the riparian reserve of Diamond Lake are contributing sediment into the lake itself. Of particular concern is the "lakeshore road", which in some areas is less than ten feet from the shoreline of the lake. Other non-system roads outside of the riparian reserve of Diamond Lake are rutted and in poor condition. While these non-system roads are not a part of the National Forest transportation system, it is important that they be maintained to a standard where they do not inhibit attainment of Aquatic Conservation Strategy objectives and are suitable for fire fighting access.

Earlier this year, at the annual meeting of the Diamond Lake Homeowners Association, a small working group of recreation residence owners were given the task to identify roads which could be removed from the landscape without impacting access to individual Recreation Residence lots. In late July 2006 this working group provided a map which identified those non-system roads that could be removed from the landscape that will move the Umpqua National Forest towards attainment of Aquatic Conservation Strategy objectives.

Forest Service resource specialists reviewed these recommendations and are in full support. I support these recommendations and am committed to completing this important restoration activity within the Diamond Lake Recreation Residence Tract.

As such I am modifying the Proposed Action to "actively" obliterate approximately 1.5 miles of non-system roads within riparian reserves along the shoreline of Diamond Lake. These roads will be obliterated in a manner that will provide the public the opportunity to use these former roads as non-motorized, non-system trails; while enabling the Umpqua National Forest to move in a positive direction towards attainment of Aquatic Conservation Strategy objectives. An additional 0.5 miles of non-system roads will be "passively" obliterated that will reduce the overall quantity of detrimental soil conditions within the Diamond Lake Recreation Residence Tract. Together the "active" and "passive" obliteration of non-system roads will reduce the quantity of detrimental soil conditions from 8.6% to 7.1% which is well below the threshold of 20% detrimental soil condition "standard and guideline" in the LRMP.

I have also determined that a revised "Diamond Lake Recreation Tract Operations Plan" be prepared that will address maintenance needs of these non-system roads as well as other mitigation measures needed to protect a variety of resources. A copy of this "Diamond Lake Recreation Residence Operations Plan" will be included as a part of the new Special Use Permits when they are re-issued.

The positive working relationship that the Umpqua National Forest has with the Diamond Lake Homeowners Association has been strengthened with this project, and I am confident that over time, all of this road obliteration work will be accomplished in a

manner that provides benefits to a variety of resources. These benefits include: adequate access, improvement of remaining non-system roads, obliteration of un-needed and duplicate roads, reduced erosion, and improved access for fire fighting equipment.

## ***Findings as Required by Law, Policy and Regulation***

### ***Finding of Consistency with Applicable Forest Service Management Direction and the National Forest Management Act***

Based on my review of the interdisciplinary analysis for this project, I find that the Diamond Lake Recreation Residence Tract is either consistent or can be made consistent with the standards, guidelines, and amendments of the Umpqua National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan and is therefore consistent with the National Forest Management Act. Specific items which need to be implemented in order for the Diamond Lake Recreation Residence Tract, as a whole, to be consistent with all pertinent standards and guidelines are disclosed in the "Consistency Review and Determination Checklist". This finding includes all of the following determinations documented in the specialists' reports for this project:

This project will not prevent attainment of the goals and objectives of the Aquatic Conservation Strategy.

This project is consistent with the Standards and Guidelines in the 1994 Northwest Forest Plan, as amended and the 1990 Umpqua National Forest Land and Resource Management Plan, as amended.

Therefore, I find that the Diamond Lake Recreation Residence Tract is consistent or can be made consistent with all applicable Forest Service management direction.

### ***Finding of Consistency with State Historic Preservation Office Policies***

Based on my review of the heritage resource report, I find that the Diamond Lake Recreation Residence Tract is consistent with the National Historic Preservation Act.

### ***Finding of Non-Jeopardy to Endangered, Threatened or Sensitive Species and No Adverse Effect to Species Covered Under the Fisheries Conservation and Management Act***

The District Fisheries Technician has determined that the Diamond Lake Recreation Residence Tract would have no effect on any threatened species or their critical habitat, no effect on Essential Fish Habitat, and no impact on any sensitive species. This project complies with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

The District Wildlife Biologist has determined that the Diamond Lake Recreation Residence Tract would have no effect on threatened or endangered species or their critical habitat, and no impact on Management Indicator or Survey and Manage Species. This project may impact individuals or their habitat, but will not likely contribute towards a Federal listing or cause a loss of viability to the population or species for any species on the R6 Regional Forester's sensitive species list. Therefore, I find that the Diamond Lake Recreation Residence Tract Project does not jeopardize the continued existence of any endangered or threatened species.

The District Botanist has determined that this project would have no effect on threatened or endangered species or their critical habitat, and no impact on Survey and Manage Species. This project may impact individuals or their habitat, but will not likely contribute towards a Federal listing or cause a loss of viability to the population or species for any species on the R6 Regional Forester's sensitive species list.

### ***Finding of the Absence of Adverse Effects to Extraordinary Circumstances***

Scoping to determine the presence or absence of potential effects on extraordinary circumstances occurred in the July 2005 Umpqua National Forest Schedule of Proposed Actions; one request for information or statement of interest was received from Umpqua Watersheds Inc. I have reviewed these comments and did not feel it was necessary to modify the project proposal based on the comments that they submitted. One of the comments submitted on the project from Umpqua Watersheds Inc. was centered on their opinion that "the Forest Service should buy back some of the special use permits and relocate these summer homes (recreation residences) further away from the lake and outside of riparian reserves". Since the Umpqua National Forest received comments from Umpqua Watersheds Inc. last year, the analysis team for this project has completed a thorough in-depth "Consistency Review and Determination" and have concluded that there is no need to relocate the recreation residences away from the lake and outside of riparian reserves. I have determined that it is appropriate to re-issue these 102 Special Use Permits for the next twenty years after they terminate on December 31, 2008. Based on my review of the interdisciplinary analysis, I find that this project does not adversely affect any of the extraordinary circumstances listed in 1909.15, 30.3(2). Specifically, I find that this project does not adversely affect: (a) endangered or threatened species or their critical habitats, or any Forest Service sensitive species; (b) floodplains, wetlands or municipal watersheds; (c) Congressionally designated areas such as wilderness or National Recreation Areas; (d) inventoried roadless areas; (e) Research Natural Areas; (f) Native American religious or cultural sites, or archaeological or historic properties and sites.

### ***Finding of Consistency with All Applicable Federal Laws and Regulations***

Based on my review of the actions associated with this project and all applicable specialists' reports, I find that the project is consistent with the Clean Air Act, Clean Water Act, Endangered Species Act, National Forest Management Act, and the National Historic Preservation Act. Therefore, I find that the Diamond Lake Recreation Residence Tract is consistent with applicable Federal laws and regulations.

### ***Finding of Exclusion from Further National Environmental Policy Act Analysis***

Based on my review of (1) the actions associated with this project; (2) the environmental consequences documented in the interdisciplinary analysis; (3) the consistency of this project with applicable laws, regulations, and management direction; (4) the non-jeopardy to endangered or threatened species or heritage resources; and (5) the absence of adverse effects to extraordinary circumstances; I find that this project is not significant in either context or intensity (40 CFR 1508.27) and that no extraordinary circumstances are associated with these projects (FSH 1909.15). I also find that this project will produce no adverse environmental effects, individually or cumulatively, on the physical, biological, or social components of the human environment. Therefore, I

find that the Diamond Lake Recreation Residence Special Use Permit Re-issuance Project is categorically excluded from analysis in an Environmental Assessment or Environmental Impact Statement (40 CFR 1508.4 and FSH 1909.15, Chapter 30.3, Part 1) and that the category of exclusion is Category 15 as identified in Forest Service Handbook 1909.15, Chapter 31.2.

### ***Appeals***

This decision is not subject to appeal pursuant to Forest Service regulations 36 CFR 215. Decisions for certain actions that are categorically excluded from documentation in an Environmental impact Statement or Environmental Assessment are exempt from administrative appeal (36 CFR 215.12(f)).

### ***Project Implementation***

This decision shall be implemented in accordance with Forest Service regulations contained in Title 36 CFR, Part 215. Implementation may occur immediately following the date of signature of this Decision Memo.

### ***Contact Person***

Additional information on the proposal or the appeal regulations can be obtained from Stuart Carlson, ID Team Leader, at the Umpqua National Forest Diamond Lake Ranger District, 2020 Toketee Ranger Station Road, Idleyld Park, OR 97447; (541) 498-2531 or via email at [slcarlson@fs.fed.us](mailto:slcarlson@fs.fed.us)

### ***Signature and Date***

/s/ \_\_\_\_\_

**John Ouimet  
District Ranger**

9/26/2006

**Date Signed**