

**Appendix I**  
**Public Comments**  
**and Responses**

# Table of Contents

Introduction . . . . .	I(1)-1
Response to Public Comments	
European Beachgrass . . . . .	I(2)-3
Biodiversity . . . . .	I(2)-6
Cultural Resources . . . . .	I(2)-10
Fish . . . . .	I(2)-11
Interpretation and Education . . . . .	I(2)-12
Law Enforcement and Compliance . . . . .	I(2)-13
Miscellaneous Comments and Responses . . . . .	I(2)-14
Noise . . . . .	I(2)-17
Planning Process . . . . .	I(2)-19
Plants . . . . .	I(2)-22
Public Involvement . . . . .	I(2)-28
Recreation . . . . .	I(2)-31
Research Natural Areas . . . . .	I(2)-40
Snowy Plovers . . . . .	I(2)-45
Social and Economic Setting . . . . .	I(2)-49
Water . . . . .	I(2)-52
Wetlands . . . . .	I(2)-54
Wild and Scenic Rivers . . . . .	I(2)-56
Wildlife . . . . .	I(2)-60
Habitat Protection . . . . .	I(2)-61
Wildlife and Recreation . . . . .	I(2)-62
Letters from Elected Officials and Agencies . . . . . I(3)-1	
Environmental Protection Agency . . . . .	I(3)-1
USDI - Office of Environmental Affairs . . . . .	I(3)-3
State of Oregon . . . . .	I(3)-4
Department of Agriculture . . . . .	I(3)-12
Natural Resources Division . . . . .	I(3)-13
Department of Fish and Wildlife . . . . .	I(3)-15
Department of Forestry . . . . .	I(3)-16
Land, Conservation and Development . . . . .	I(3)-17
Division of State Lands . . . . .	I(3)-26
Economic Development Department . . . . .	I(3)-29
Parks and Recreation Department . . . . .	I(3)-29
Department of Transportation . . . . .	I(3)-34
Water Resources Department . . . . .	I(3)-35
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians . . . . .	I(3)-36
Coos County . . . . .	I(3)-37
Douglas County . . . . .	I(3)-38
City of Florence . . . . .	I(3)-42
City of Reedsport . . . . .	I(3)-43



## APPENDIX I

# RESPONSES TO COMMENTS

### **Introduction**

This appendix contains three sections. Section I(1) is the introduction. Section I(2) contains a synopsis of comments about the Draft Environmental Impact Statement (DEIS) and our responses to those comments. Section I(3) contains comment letters from federal, state and local agencies, county governments, communities and tribes.

We received 4,171 comments regarding the DEIS for the Oregon Dunes National Recreation Area (Oregon Dunes NRA) Management Plan. A listing of commentors and comment letters is available for public review at the NRA headquarters in Reedsport. Each letter was read and considered as the Final Environmental Impact Statement (FEIS) was developed. Comment letters were, in part, a result of public involvement efforts associated with the planning process. A full discussion of public involvement is located in Appendix B.

Most of the comment letters came from individuals and families. A large majority of them had first-hand knowledge of the Oregon Dunes NRA, having visited the area at some time in the past. Responses were also received from businesses, clubs and organizations, chambers of commerce, other federal agencies, state agencies, counties and local communities. Most commentors were from Oregon, but many comment letters also came from California and Washington. Residents of many other states and British Columbia also submitted comments.

Comment letters varied from very brief, simple notes to several page, very detailed analyses. Comments addressed the full range of issues, concerns and opportunities discussed in the DEIS. Primary topics discussed in comment letters in approximate order of frequency include: off-road vehicles; encroaching vegetation/European beachgrass; non-ORV recreation; economics; wildlife, plants, and biodiversity; compliance; noise; research natural areas; Wild and Scenic rivers; and water. Many comments expressed strong emotional feelings toward the NRA, some specific aspect of the NRA and/or past experiences here. A minority of the comments were substantive, specifically addressing aspects of the DEIS. Every comment letter, regardless of form, content or length was read and cataloged.

Responses to Comments  
Introduction

Some substantive comments noted typographical, computational, grammatical or minor technical errors in the DEIS. We corrected many of those errors without mentioning the comments in this section. Some comments pertained to the Reader's Guide, an abbreviated version of the DEIS. Often the comment was addressed by information contained in the full DEIS. A group of comments were beyond the scope of this decision and were not responded to in this section. Examples of such comments include, concerns regarding Sand Lake off-road vehicle (ORV) riding area which is managed by the Hebo Ranger District and concerns about transferring management of the Oregon Dunes NRA to the National Park Service.

Other comments included requests for clarification, omissions in content, wrong information and suggestions. Those are listed by topic area in this section and each comment is followed with our response. In some cases we refer you to the portion of the FEIS that responds to the comment. In other cases, we respond directly to the comment. In many instances, we incorporated related comments from several letters into a single statement and responded to that "generic" comment.

## Beachgrass

- Comment** The table on page II-18 of the DEIS shows 100 acres of vegetation control for the Preferred Alternative, while the table on page II-33 shows 60 acres for the same alternative. Why the difference?
- Response** Management area objectives often overlap on the same piece of ground, but acres can be shown in only one management area in a given alternative. Even though 100 acres is slated to be treated to control vegetation, only 60 acres might show up in MA 10(I), Vegetation Removal, meaning 40 acres of land in other management areas would also be treated. In the FEIS, this situation now applies only to alternatives besides F. In Alternative F(PA), MA 10(I) was eliminated so that it is easier to refine the areas to be treated as more becomes known about methods and details of the control program.
- Comment** Include discussion of how the Forest Service's limited program of control was resolved with the county's expanded eradication efforts.
- Response** The county's program is focused on finding ways to control beachgrass with herbicides. The Forest Service has limited opportunities to use herbicides, and thus is focused more on physical control until more is known about other potential methods (see "Developing Vegetation Management Methods", Chapter II of the FEIS).
- Comment** The amount of beachgrass control proposed is inadequate, and should at least equal the annual loss of open sand. Efforts should also include other plants like gorse and Scot's broom.
- Response** Control methods are unproven (see "Developing Vegetation Management Methods", Chapter II, FEIS), so the Forest Service's strategy is to proceed cautiously until more is known about them. A specialist position was established at the Oregon Dunes NRA to study methods and develop a more detailed plan for vegetation control. The effort includes non-native plants besides beachgrass (see Figure II-11 and "Scope of Program", Chapter II, FEIS). The Forest has initiated experimental treatments of small plots of gorse and is monitoring the results.
- Comment** Don't use herbicides to control beachgrass if it harms native plants.
- Response** Herbicides is one possible method, but at present - as directed by the The Pacific Northwest Region's Plan for Managing Competing and Unwanted Vegetation - would not be considered for use unless no reasonable alternatives are available (see "Developing Vegetation Management Methods" and "Preparing a Strategy", Chapter II, FEIS).

Responses to Comments  
Beachgrass

- Comment** Report the overall cost of control and its impact on the federal deficit.
- Response** Costs for other agencies to control European beachgrass have reached as high as \$40,000 per acre (see "Developing Vegetation Management Methods", Chapter II, FEIS). Methods that will ultimately be used for control will depend on subsequent findings by the new vegetation management specialist (see "Preparing a Strategy", Chapter II, FEIS). The impact on the federal deficit is addressed annually by Congress when appropriating monies to the national forest system.
- Comment** Vegetation on the dunes is not natural and ORVs could keep the dunes in a more natural state. ORVs don't damage the environment and could be used to control European beachgrass. Areas closed to ORVs are being heavily overgrown with vegetation. Since the whole Oregon Dunes NRA has already been exposed to the beachgrass, its spread by ORVs is not important. It grows where it wants to.
- Response** Although ORV riding eliminates beachgrass in some limited, heavily-used areas, it has not proved to control beachgrass on a larger scale. The Oregon Dunes NRA will address this issue during the next year.
- Comment** The Siltcoos breach was successful. Remove the foredune and concentrate on getting more sand into the dunes.
- Response** This is one option that will be considered during the vegetation management effort.
- Comment** The Siltcoos breach was worthless, and other efforts to solve the problem in the past have not been serious. Other methods are waiting to be used or discovered - including controlled burning, bounties on beachgrass, herbicides, heavy grading, biocontrols from Europe, and hand pulling by volunteers or inmates from a prison placed at the Oregon Dunes NRA for that purpose. The \$40,000/acre estimate for control is too high considering these alternatives.
- Response** The \$40,000 per acre estimate was based on periodic pulling by hand by The Nature Conservancy in California, and does not apply to other methods. All these possible methods will be considered when refining the vegetation management control program (see "Developing a Strategy", Chapter II, FEIS).
- Comment** The DEIS does not fully disclose the extent of the problem. A more thorough impact study on control of beachgrass is needed.
- Response** Such a study will be conducted during the next year on the Oregon Dunes NRA (see "Developing a Strategy", Chapter II, FEIS).

**Comment** Cooperate with the state and stop all further planting of beachgrass. The Forest Service can be sued for continuing to plant it.

**Response** When sand stabilization or revegetation is necessary the Oregon Dunes NRA will follow the Region 6 policy on the use of native plants. This new policy became effective in April 1994.

**Comment** Recommended areas in which to control European beachgrass include along the South Jetty Road opposite Goosepasture; the wetlands between Horsfall Beach, Tenmile Creek, the foredune, and the open dunes; the South Spit of the Siuslaw River; and the area between the Siltcoos River and Tahkenitch Creek.

**Response** These areas were included in some alternatives (see Figure II-11, FEIS) and will be considered during the vegetation management effort.

**Comment** Breaching of the foredune could endanger Highway 101.

**Response** The objective of breaching would be to allow more sand to be recruited to the inland dunes near Highway 101. There is no firm evidence, however, that recruitment would be so great that dune migration would endanger the highway more than it does now.

**Comment** At present, control methods are too temporary, expensive, and undefined to be used on a large scale, so work should be confined to research and trials. A foredune with native vegetation could be reestablished as a demonstration.

**Response** These are some of the reasons why the vegetation management position was created to refine the proposed control program (see "Resource Objectives and Primary Treatment Areas" in the Vegetation Management portion of FEIS, Chapter II). A foredune with native vegetation was established by The Nature Conservancy on California dunes which are considerably smaller and more naturally vegetated than the foredunes at the Oregon Dunes NRA.

**Comment** There is no evidence that rapid succession with beachgrass is inevitable, and that sand intrusion is needed. Foredunes and stabilized dunes are natural.

**Response** This is a position maintained by some dune ecologists. Others disagree. This controversy is one of the main reasons why the new vegetation management position at the Oregon Dunes NRA was created. Part of the position's work duties is to consider these differences in opinion as much as possible in developing a strategy, and perhaps convene a symposium that would further examine the basis of these differences.

Responses to Comments  
Biodiversity

**Comment** Include a program that is funded by non-Forest Service monies to control vegetation south of Tenmile Creek and protect groundwater quality. Describe it in the table on page II-62 of the DEIS.

**Response** The Forest Service would consider allowing such a program south of Tenmile Creek if: (1) the current study by the Coos Bay-North Bend Water Board shows that pumping of groundwater is not damaging resources on the Oregon Dunes NRA; and (2) funding were provided by some group such as the county or Water Board. Some studies suggest that there is an inverse relationship between increases in vegetation and groundwater quality (see "Groundwater", Chapter II, FEIS), but this is not a great enough issue to justify including such a program in the alternatives at this time without a detailed proposal and firm commitment of funding.

## Biodiversity

**Comment** Wildlife management may not be a good practice; interference by humans can create worse results than no management. For example, beachgrass control may not be feasible and pulling shrubs in wetlands, but the shrubs could be good or bad.

**Response** Potential adverse effects caused by wildlife management projects were addressed in the Plant Communities and Wildlife Habitat section of Chapter IV, FEIS. Further, specific projects will require an environmental assessment that will analyze consequences of the proposed projects.

**Comment** Manage for waterfowl to compensate for habitat loss in other parts of the country. Habitat on Oregon Dunes NRA is important to waterfowl.

**Response** The Plant Communities and Wildlife Habitat section of Chapter II of the FEIS includes management options for wetland management that will maintain or enhance habitat for waterfowl. These types of projects will likely be accomplished through partnership programs that the Oregon Dunes NRA will actively pursue.

**Comment** Riparian habitats are important for ecosystem health. The DEIS is confusing in its description of special management acreages between alternatives. Create a table showing how acreage on the Oregon Dunes NRA is divided among habitat types and then describe how you would manage under each alternative.

**Response** This suggestion offers one method of performing an analysis. A different analysis method based on the data available is described in the Plant Communities and Wildlife Habitat Section, Chapter IV of the FEIS. Figure II-17 displays special habitat acres managed in each alternative.

- Comment** Ephemeral ponds found in the open dunes are unique and have an associated unique melanoid Daphnia. These ponds are threatened by ORVs and encroaching vegetation. The plan needs to consider maintenance of these unique systems in accordance with a biodiversity and ecosystem management approach.
- Response** Refer to the discussion in Plant Communities and Wildlife Section in Chapter IV of the FEIS. Successful vegetation management and restoration of a more natural dunal ecosystem in localized areas on the NRA would help maintain these unique dunal features.
- Comment** Increasing the occurrence of an endemic wetland habitat does not in itself enhance diversity. Manipulating wetland communities to increase the area or numbers of a habitat may actually eliminate some biological species thus reducing species diversity.
- Response** Emphasizing only one habitat type would indeed lead to decreased biological diversity. The discussion of diversity in the Plant Communities and Wildlife Habitat section of Chapter IV, FEIS, mentions that increased landscape diversity generally allows for increased species diversity. Implementation of the Management Plan will result in a high amount of habitat managed to maintain or increase diversity.
- Comment** Alternative A allows for the best ecosystem management method because it allows the space for innovative ideas. The ORV community is willing to help with strategies.
- Response** The environmental analysis of Alternative A (Chapter IV of the FEIS) shows that implementing this alternative would result in an overall poor condition of various plant communities and wildlife habitats. In addition, the amount of habitat managed to maintain diversity is low. These effects are not in keeping with the best ecosystem management method.
- Comment** The dunes represents a unique and limited ecosystem with far fewer acres than other types making it critical to preserve what remains. In addition, native fisheries, wildlife and plant communities should be restored as well as maintained.
- Response** Implementation of the Management Plan will result in maintaining the dunes ecosystem in an overall good condition while still allowing for recreational uses in keeping with Oregon Dunes NRA establishment. Restoration projects such as beachgrass removal and planting native species are described in Chapter II of the FEIS.

Responses to Comments  
Biodiversity

- Comment** Manage forested areas on the dunes for moderate fragmentation, high diversity and good forest health. Diversity may entail thinning to create clearings. Leave snags and wood debris in riparian areas. Maintain equal acres of various age classes to create the maximum vertical and horizontal diversity.
- Response** The Management Plan does allow for moderate fragmentation and high diversity. Management options for manipulating forested stands to promote vertical and horizontal diversity are described in Chapter II of the FEIS. In addition, Standards and Guidelines in Chapter III of the Dunes Plan prescribe actions intended to protect and promote diversity in forested areas.
- Comment** Access roads through forested habitats creates fragmentation. Only allow foot trails through forest habitats.
- Response** The Management Plan will allow trails through forested habitat. The Plant Communities and Wildlife Habitat section of Chapter IV, FEIS, acknowledges the moderate amount of fragmentation occurring when the management plan is implemented.
- Comment** Determine availability of ORV and non-ORV opportunities in order to determine realistic approach to biodiversity and PETS management so as not to create cumulative impacts from displacement of recreation users.
- Response** Some development is aimed at meeting the needs of displaced recreational users. However, measures to maintain biodiversity and PETS protection will also be implemented.
- Comment** Analyze the alternatives' effects on habitat fragmentation, edge intrusion, corridor maintenance, protection of the integrity of unique sites such as bogs to determine cumulative effects on biodiversity.
- Response** The Effects on Plant Community and Wildlife Habitat Arrangement and Diversity and Cumulative Effects discussions in the Plant Communities and Wildlife Habitats section of Chapter IV, FEIS, addresses the alternatives' effects on habitat fragmentation, arrangement and biodiversity. Isolation, edge intrusion and corridor maintenance are related. Standards and Guidelines (Dunes Plan, Chapter III) were modified to increase protection of unique sites.

**Comment** Identify special wildlife habitats, threats to key wildlife habitats and a determination of a threshold of impacts within one year of plan approval. Specific biological survey information is critical for determining carrying capacities which are used to determine "limits to acceptable change" and for justifying statements such as in the DEIS, page IV-41, that the proposed alternative is not expected to have any adverse direct or indirect cumulative impacts on redlegged frogs or western pond turtles.

**Response** An ongoing study will address special plant communities, threats and thresholds. Results are expected in 1994. Biological survey information would be valuable to use in management impact analysis. However, surveys are completed for site specific analysis. The role of the Forest Service is to manage habitats not populations. The modified Preferred Alternative reflects a philosophy that if the Oregon Dunes NRA is managed for a "good" overall habitat diversity and plant communities in "good" condition, that wildlife populations will in turn be maintained within normal variations of an acceptable carrying capacity. Research to determine these levels would be accomplished in partnership with State and Federal Resource agencies as long as funding and interest is present.

**Comment** Coordinate special habitat planning with USFWS who has expertise in inventory methods for documenting special wildlife habitats and is available to assist in a determination of the criteria for defining special habitats. Include inventories and special management strategies in the Plan/EIS.

**Response** Coordination with USFWS is described in Chapter II of the FEIS in the Plant Communities and Wildlife Habitats section, Chapter IV in the Consistency with Other Plans and Policies Section under the Plant/Fish/Wildlife Habitats portion and in various Forest Wide Standards and Guidelines (Dunes Plan, Chapter III). Coordination with USFWS for the Dunes Plan involved their comments on the DEIS and their review of a Biological Assessment analyzing effects of Plan implementation on federally listed species.

**Comment** The DEIS lacks specificity regarding proposed management of Threatened and Endangered (TES) plant species and inventories in particular. Do a thorough inventory of Oregon Dunes NRA for TES plant and animal species.

**Response** Proposed management of TES plant species is addressed in the Protective Measures discussion in the Plant Communities and Wildlife Habitats Section of Chapter II, in the Vegetation Management Section of Chapters II and IV, in the Plant Communities and Wildlife Habitat section of Chapter IV and under various Standards and Guidelines (Dunes Plan, Chapter III). The Modified Preferred Alternative, F(PA), now includes protection measures for globally significant plant communities.

Responses to Comments  
Cultural Resources

**Comment** There is no real synthesis made of far-reaching effects of each alternative on biodiversity. The FEIS should include an alternative comparison on this issue along with a discussion on regional implications of the plan on the coastal strip and broader coastal eco-region.

**Response** The Effects on Plant Community and Wildlife Habitat Arrangement and Diversity, and Cumulative Effects discussions in the Plant Communities and Wildlife Habitats section of Chapter IV of the FEIS addresses the alternatives effects on biodiversity. See the Overview in the Plant Communities and Wildlife Section of Chapter III for a discussion of diversity on the Dunes compared to the broader eco-region.

**Comment** The FEIS should focus on promoting biodiversity conservation in keeping with current direction. This discussion needs to include a functional ecosystem approach with a discussion of interrelatedness integrated into the plan and a fully developed desired future condition promoting natural communities in a natural landscape pattern. Include a graphic portrayal of how the plan is intended to function with management areas and boundaries described.

**Response** See sections described in the above response. A desired future condition has been added to the Standards and Guidelines in Dunes Plan, Chapter III. The Modified Preferred Alternative, F(PA), approaches ecosystem management through a maintenance of a diversity of habitats in both large (where present) and small tracts interspersed throughout the Oregon Dunes NRA. As Ecosystem Management is a new direction for the Forest Service, opportunities for understanding more about interrelatedness of all components of the Dunes ecosystem and what represents a natural landscape pattern abound.

## Cultural Resources

**Comment** Tribal members should have access to 1/4 mile on each side of all streams within dunes for access to historical and cultural sites in these areas.

**Response** Tribal members may access these sites at anytime except during seasonal closures aimed at protecting federally listed species. NRA staff are willing to work with tribal members should a conflict arise.

**Comment** Make a greater effort to identify ancestral Native American camping grounds or villages to protect them from encroachment or vandalism. Certain areas such as Native American religious, cultural and historical sites need to be reserved for tribal members and closed to the general public.

**Response** No Native American religious sites were found on the Oregon Dunes NRA during a study conducted on the entire Siuslaw National Forest nor in discussions with the Confederated Tribes during this planning effort. We would conduct a cultural resource survey of the site before proceeding with any ground-disturbing actions related to future projects.

## **Fish**

**Comment** Lake fishing should be included as a strategy component.

**Response** Varying types and amounts of opportunities for fishing in lakes were provided in the alternatives by including different mixes of facilities, access trails, and fish habitat at certain lakes included in Management Area 10(F). The range of opportunities varies between alternatives depending on the overall objectives and resource emphases. Alternative E provides the least opportunities; Alternative D provides the most of these opportunities. See "Fish Populations in Lakes and Estuaries", Chapter IV, FEIS.

**Comment** Stop stocking of predator fish.

**Response** Most fish in the lakes at the Oregon Dunes NRA, like yellow perch, bluegills and trout, prey mainly on invertebrates. Larger, fish-eating predators such as largemouth bass will not be stocked in the few lakes managed to produce young anadromous salmonids ready to migrate to sea. Otherwise, stocking of fish-eating species will be used to benefit overall fish community structure and fishing opportunities. See "Fish Populations", Chapter III, FEIS.

**Comment** There is no discussion of native versus exotic species, and the implications of management for exotics on the native fish fauna.

**Response** This is now addressed in "Fish Populations", Chapter III, FEIS.

**Comment** Analyze impacts of stocked fish on anadromous fish, and reduce stocking if needed.

**Response** This is now addressed in "Management Practices", Chapter III, FEIS.

**Comment** Overharvest of fish leading to reduced population viability is not acceptable. Include provisions to restrict harvest to avoid this.

**Response** This is now addressed in "Fish Populations in Lakes and Estuaries", Chapter IV, FEIS.

Responses to Comments  
Interpretation

- Comment** Salmon and steelhead in Oregon Dunes NRA lakes are relatively pure genetic strains. These runs and water quality issues related to their habitats should be addressed, including cooperation with upstream landowners.
- Response** This is now addressed in "Current Situation ", Chapter III and "Cumulative Effects", Chapter IV, FEIS.

### Interpretation and Education

- Comment** Signs are a necessary tool to educate and inform visitors. On the other hand, people who can own, operate, and maintain an all-terrain vehicle (ATV) don't need signs or classes to instruct them about riding or safety. In addition, a letter from the Forest Service to the two main ATV magazines would do a lot to speed up proposed changes such as lowering noise levels.
- Response** Signs are valuable tools to inform people about the natural history of the area, regulations and upcoming events as well as safety concerns. We plan to include them as one of many interpretive methods in order to meet our management goals and the needs of visitors as described in the Interpretation Section in Chapter II (FEIS) A letter or article to ATV magazines from the Oregon Dunes NRA is a good idea.
- Comment** Ban ORVs except for ranger-guided tours as a way of educating the public.
- Response** Allowing one type of group to ride ORVs within the Oregon Dunes is difficult to manage and unfair to the rest of the recreationists. However, it is feasible to consider using ORVs as one method in our interpretive program.
- Comment** More interpretive centers and a variety of trails into selected areas of interest would serve a growing population of recreationists by enhancing the education of visitors. Cover a wide range of subjects. Include interpretive trails with ORV opportunities. Don't hold instructional forest-led programs.
- Response** We are developing an interpretive strategy that will include a range of interpretive methods from highly interactive opportunities to unstructured sites offering opportunities for self-guided discovery.
- Comment** Fort Umpqua site can be interpreted from the south side of the Umpqua River where the site is visible from the parking lot at the entrance to the harbor at Winchester Bay Marina next to the Umpqua River.

- Response** The interpretive strategy (part of the Standards and Guidelines, Dunes Plan, Chapter III) will include methods for interpreting Fort Umpqua off-site.
- Comment** Provide interpretive signing about wildlife and camera blinds on trails along Tenmile, Tahkenitch and Siltcoos rivers.
- Response** These types of projects will get incorporated into the interpretive strategy and implemented when funding is available.

### Law Enforcement and Compliance

- Comment** Non-compliance with regulations is the result of inadequate law enforcement. If enforcement efforts and penalties were strengthened, the Forest Service would not need additional restrictions to address conflicts between recreation and other resources. The agency has a legal obligation to protect critical natural resources.
- Response** The Oregon Dunes NRA currently has the largest law enforcement program (staffing and funding) of any Forest Service management unit in the Pacific Northwest (Oregon and Washington). Figure III-8 in Chapter III of the FEIS shows the amount of law enforcement activity on the Oregon Dunes NRA relative to other Forest Service units with similar visitation levels. The NRA law enforcement program accounts for approximately 20 percent of the entire NRA budget. In spite of this, non-compliance with regulations and unacceptable resource impacts continue to be concerns on the NRA.
- Increasing the law enforcement program is not likely as agency budgets decline. Improved compliance and a reduction in the need for additional restrictions will have to come from increased self-policing by users and user groups as well as improved policies to minimize conflicts. If monitoring indicates that Forest Service enforcement and self-policing are not keeping resource impacts within acceptable limits, further changes in recreation uses may be necessary.
- Comment** ORVs should be banned from the Oregon Dunes NRA because of the cost and Forest Service inability to ensure full compliance by ORV users.
- Response** While it is always the objective, the Forest Service cannot ensure 100 percent compliance with regulations for any user group recreating on national forest lands. There are individuals in every activity group, including hikers, birders, picnickers, sightseers, etc., who do not comply with regulations and thus cause unacceptable resource impacts. We are not aware of any data indicating that ORV recreationists violate regulations any more frequently than other recreationists.

Responses to Comments  
Miscellaneous

Less than 100 percent compliance with regulations is not a rationale for banning specific outdoor recreation activities from national forest lands. Decisions to restrict activities are made on the basis of compliance monitoring. Monitoring standards set thresholds of "acceptable" levels of resource impact. When non-compliance causes impacts at or above threshold levels, additional actions (the ultimate being closure) must be implemented to improve compliance and bring impacts back within acceptable levels. Similarly, the agency has not historically managed only those recreation activities considered most economically efficient.

**Comment** Joint federal and state jurisdiction around estuaries and beaches complicates and hinders effective law enforcement.

**Response** The jurisdictional aspect of this issue is beyond the scope of Forest Service authority to resolve. Federal law has mandated which lands belong to the federal government versus the states. The Forest Service will continue to work cooperatively with the State of Oregon in enforcing beach and estuary regulations. Enforcement and education do not ensure 100 percent compliance with regulations. The monitoring strategy associated with the Oregon Dunes NRA Plan establishes thresholds of resource impact which will trigger additional management actions if enforcement and education cannot keep impacts within acceptable levels.

**Comment** The DEIS did not consider the use of citizen patrols to help monitor and enforce ORV regulations.

**Response** The Oregon Dunes NRA has historically relied on volunteer groups, including ORV recreationists, to help educate visitors and monitor activities. Use of volunteers is an administrative authority that we can use without specifically citing it in the FEIS. The Oregon Dunes NRA will continue to use such opportunities as self-policing by user groups becomes more important in ensuring compliance with regulations. Although volunteers have no authority to enforce federal regulations, they can assist in user education and monitoring efforts.

### Miscellaneous Comments and Responses

**Comment** The Plan does not incorporate any discussion of "grandfathered uses", specifically those lands administered by the Corps of Engineers or the Coast Guard at the time of enactment, that could continue to be used by such agencies to the extent required.

**Response** The FEIS and Management Plan do not supersede any provisions of the NRA Act. No discussion of this is required in the Plan since it is already covered in the Act.

- Comment** The FEIS should reference existing contingency emergency plans that would be implemented in the event of a potential toxic materials spill or a recreational mishap resulting in serious injury.
- Response** Anyone interested can review the Siuslaw National Forest Spill Plan which is located in the law enforcement office at the Oregon Dunes NRA headquarters. In case of serious injuries, two out of the three ambulance services located near the Oregon Dunes NRA are able to travel on sand. Otherwise, our law enforcement vehicles are equipped for first-aid.
- Comment** One concern is the Forest Service acquiring lands adjacent to the Dunes without a clear and public knowledge of the sites' proposed use. How about including a scenario for re-acquiring private lands on the Umpqua Spit?
- Response** The "Management of Lands and Special Uses" section in Chapter II of the FEIS describes our general policy regarding land acquisitions and re-acquiring the private lands on the Umpqua Spit fall within that policy. The final alternative in the FEIS equally emphasizes acquiring land with high recreation potential and/or high habitat and biodiversity value.
- Comment** Page III-31 of the DEIS is Historic Trends. Maps showing change in the habitats would help in the review of the document.
- Response** We didn't have adequate information to do a good comparison on a map.
- Comment** The DEIS makes no mention of any type of monitoring to follow the various proposed mitigation activities. Federal regulations also require that the Forest Service establish a program of monitoring off-road vehicle use. The cost of this monitoring should be in the budget before potentially damaging activities are allowed to proceed.
- Response** A monitoring plan is included in Chapter IV of the Oregon Dunes Management Plan which accompanies the FEIS.
- Comment** The FEIS should provide a discussion about the feasibility of obtaining the funding required to fully implement the alternatives as well as the process for establishing the funding levels.
- Response** The Oregon Dunes NRA will attempt to attract the funds needed to fully implement the management plan. Otherwise the FEIS will be implemented to the extent the available funds allow.

Responses to Comments  
Miscellaneous

- Comment** Please consider the family and the disabled when you make a choice.
- Response** Disabled access is an important missions within the Forest Service. Disabled access was inadvertently left out of the DEIS; however, it is included in the recreation portion of the FEIS. The interdisciplinary team recognized that for some people, the only way to experience the Oregon Dunes may be through ORV access.
- Comment** The small part of the thin strip of coastline that runs along the Pacific Ocean that is in public ownership should be managed very conservatively and in a way that protects the natural values that are concentrated along our coast.
- Response** According to the Act establishing the Oregon Dunes NRA, the Forest Service is responsible for the ". . . conservation of scenic, scientific, historic, and other values . . ." and that management will be ". . . in accordance with the laws, rules, and regulations applicable to national forest. . ." The Forest Service strives to protect natural values while also providing for recreation and the other values described in the Act.
- Comment** Congress intended and the Oregon Dunes NRA Act permits commercial uses. Therefore, the FEIS and plan must fully discuss which forms of commercial development are compatible with the Act and how they will be managed.
- Response** The FEIS discusses commercial uses (special uses) in Chapters II and III. Neither Congress nor the Act speak specifically to the types of commercial uses that should be permitted nor how to manage them. As a result, commercial use/special use activities are assessed on a case-by-case basis. As a general policy, such uses are permitted in accordance with the guidance provided in Section 1 of the Act. That is, in locations and to the extent that they do not unacceptably impact NRA resources nor compromise the general public's opportunities for recreation and enjoyment of those resources.
- Comment** The DEIS lacked a discussion of fire hazard as it relates resource protection and public safety.
- Response** The discussion of fire hazard and protection of Oregon Dunes NRA resources and public safety was increased and incorporated into the discussion of vegetation and vegetation management in Chapters II, III, and IV of the FEIS.
- Comment** It was incorrect to portray Alternative C as "No Action" because some elements discussed as part of "C", such as designated ORV routes through vegetated areas, do not exist on the ground.

**Response** Alternative C is the "No Action" alternative in the sense that it would keep the current Oregon Dunes NRA Management Plan in effect, even though some elements of that plan have not yet been fully implemented, such as designated routes through vegetated areas. "No Action" does not mean existing conditions on the ground, but rather that the current plan and all the elements it includes would be continued for the next planning period.

**Comment** Why include three additional alternatives after the development of the five draft alternatives?

**Response** The rationale, chronology and development of the eight alternatives analyzed is included in the "Alternatives Considered" section of Chapter II, FEIS, and in the Public Involvement Process, Appendix B of the FEIS.

**Comment** The mile-wide buffer of national forest land at the south end of the Oregon Dunes NRA should not be withdrawn from mineral entry because this would constitute a breach of the original intent of this land, which was to be a buffer between the Oregon Dunes NRA and adjacent industrial lands.

**Response** In the 20 plus years since the Oregon Dunes NRA was created, the vast majority of the public has encouraged and supported additional recreational access and facility development within these national forest lands. There was little or no opposition to such development by local industries, communities nor Coos County. There are also important habitats, such as globally significant plant communities and wetlands mitigation areas, associated with these lands. In considering withdrawal of these lands from mineral entry, the Forest Service is acting to protect the public's significant financial investment as well as the resource and recreation opportunities represented on these lands.

## Noise

**Comment** The Forest Service should be more active in the monitoring and enforcement of ORV noise standards on the NRA.

Responses to Comments  
Noise

**Response** The noise issue is discussed in the "Recreation" section of Chapters II and IV of the FEIS. Under all of the alternatives that include ORV use, the Forest Service would monitor and enforce noise standards to the extent that time, staffing and equipment permit. There is no way the Oregon Dunes NRA can monitor every entrance onto the dunes 24-hours a day to ensure that all machines meet noise standards before entering the area. Knowledge of and compliance with existing regulations, including noise standards, is primarily a responsibility of individual users and the industry that manufactures off-road vehicles and after-stock mufflers. Forest Service monitoring and enforcement can encourage, but not ensure, compliance with noise standards. If monitoring finds noise levels above thresholds identified in the monitoring strategy, additional management action to alleviate unacceptable impacts is required.

**Comment** A variety of strategies including buffers, curfews, and stricter noise standards (lower decibel limits) were suggested for addressing concerns with ORV noise.

**Response** A strategy for reducing noise impacts, including all of the suggestions above, is discussed in the "Alternatives Description" section in Chapter II and the "Recreation" section in Chapter IV, FEIS. Monitoring will determine how effective the strategy is in achieving the desired objectives and we will adjust the strategy if objectives are not met.

**Comment** ORV noise problems are the result of people moving too close to the Oregon Dunes NRA boundary. The Forest Service should discourage residential development in areas adjacent to ORV riding zones.

**Response** Some, but not all, complaints about ORV noise do come from nearby residents. The Forest Service has in the past and will continue to advise local planning and zoning jurisdictions (cities and counties) of potential conflicts between residential development and activities on adjacent Oregon Dunes NRA lands. Beyond this, the Forest Service has no authority on private lands outside the Oregon Dunes NRA boundary. Landowners are bound only by local zoning and other ordinances.

**Comment** ORV noise from South Jetty adversely effects the quality of life for Florence residents living near the Siuslaw River.

**Response** While acknowledging this position, the FEIS did consider alternatives that closed the South Jetty area to ORV use. The City of Florence and the Florence Chamber of Commerce did not advocate these alternatives and provided comments supporting the maintenance of ORV riding opportunities in this part of the NRA.

**Comment** ORV noise destroys the resources of quiet and serenity on the NRA.

**Response** The Recreation Section of Chapter IV, FEIS, acknowledges this impact from ORV use. The alternatives considered in the FEIS attempt to reduce or alleviate this impact by providing different areas and amounts of area that are closed to ORV use and the associated noise impact.

**Comment** Opening more area would spread ORVs over larger portions of the NRA and reduce noise impacts by drawing riders away from places where people live and camp.

**Response** Past experience indicates that this is not likely to be the case. In areas that are currently open for ORV use, concentrations of riders tend to be much higher in areas adjacent to roads, staging areas and campgrounds than in the more remote portions. Opening more area would probably not change this distribution pattern. The same pattern is observed in other, very different recreation settings, such as around trailheads in wilderness areas.

## Planning Process

**Comment** The DEIS failed to substantiate the need for the changes proposed in the preferred alternative.

**Response** Need for change is a subjective judgement likely to vary from person to person. The Forest Service reviewed and updated the Oregon Dunes NRA Management Plan for two primary reasons. First, during the Siuslaw Forest planning process many people expressed concern with and interest in revising Oregon Dunes NRA management. Second, the National Forest Management Act (NFMA) directs the Forest Service to periodically review and revise its plans. The existing NRA Plan was adopted in 1979. Public comments and analysis of the physical and biological resources at the Oregon Dunes NRA indicated the need for some changes from current management.

Direction to prepare environmental impact statements (EIS) for significant federal actions comes from the National Environmental Policy Act (NEPA). According to NEPA, an EIS is a disclosure document that provides information to help a decision-maker make an informed decision and that explains to the public the options considered and the environmental impacts associated with proposed actions/changes. It is not intended to substantiate or justify the need for change. Rationale for changes being undertaken at the Oregon Dunes NRA is provided in the Record of Decision that accompanies this document.

Responses to Comments  
Planning Process

- Comment** The range of alternatives is inadequate because five of the seven (excluding Alternative C, the no-action alternative) propose severe restrictions on ORV opportunities, yet there are no correspondingly severe alternatives to balance the reader's view.
- Response** We heard that the range of alternatives was adequate when we asked people that question in February 1992.
- Comment** Forest Service regulations state that in developing land and resource management plans, land officers shall meet with a designated state official and other representatives of federal agencies, local governments, and Indian tribes at the beginning of the planning process to develop procedures. Since coordinate means equal and not subordinate, local government land use plans should have the same weight in the decision-making process. Please clarify how you've coordinated with the above.
- Response** The interdisciplinary team and staff from the Oregon Dunes NRA consulted with all the officials and agencies mentioned above as described in the "Consistency with Other Plans and Policies" section in Chapter IV of the FEIS. All of the alternatives considered were found consistent with county comprehensive plans and no comments noting inconsistencies were received from the counties.
- Comment** The rules governing the planning procedure places responsibility upon the Forest Service for the protection of local economy and community stability by insuring that local community concerns are accepted as defined by those who are affected by the changes.
- Response** Local community concerns were sought on numerous occasions and through numerous methods during the scoping phase of the planning process. Before beginning alternative development we verified planning issues with planning-process participants, including many local residents, communities and counties. We incorporated many community, county and other participants' comments on the DEIS into the FEIS preferred alternative. We believe we have adequately addressed the responsibilities referenced.
- Comment** The maps were at an unusual scale of 1 inch equals 1.25 miles instead of a standard 1:62500 like US Geological Survey maps. Changing the scale would make the maps more useable. In addition, maps should include more surface features in order to show the interaction of Oregon Dunes NRA activities with nearby residents. Also need to show trails, campgrounds, lakes and other places like Honeyman and Umpqua Lighthouse.

- Response** The scale of the maps was the product of fitting the long shape of the Oregon Dunes NRA to a standard paper size to make printing as cost-effective as possible. The scale made it difficult to create a clean map that accurately depicts other landmarks. We will generate a final alternative map to accompany the FEIS which will keep the management areas as clear as possible yet include some landmarks.
- Comment** An error in Alternatives E and H was the exclusion of motorized vehicles which was and is part of the legislation that created the Oregon Dunes NRA in the first place.
- Response** Alternatives E and H represented the no-ORV portion of a range of motorized recreation on the Oregon Dunes NRA. The enabling Act of 1972 does not specify any particular recreation activity including motorized vehicles.
- Comment** Where is the documentation on the analysis and evaluation used in the Reviewer's Guide?
- Response** References used for the Reviewer's Guide and the DEIS are listed in the "Literature Cited" section in the back of the DEIS. Many of the references are available for review at either the Oregon Dunes NRA office of the Siuslaw National Forest Supervisor's Office in Corvallis.
- Comment** Develop new alternatives by recombining management areas from two or more of the existing alternatives and adjusting management area boundaries.
- Response** There are many possibilities to create new alternatives by recombining management areas and adjusting boundaries of the existing alternatives. The final Preferred Alternative was partly created in that manner. The purpose of the alternatives is to provide a range of potential future conditions which can be analyzed to determine potential environmental effects. New alternatives are not developed unless they create a combination that is substantially different from any of the existing alternatives, or adds reasonable proposals that are outside the range of the existing alternatives, thereby giving the possibility of further meaningful analysis of effects.
- Comment** The Oregon Dunes NRA needs to develop and consider another alternative for the designation of all roadless lands within the boundaries as wilderness.
- Response** A wilderness study for roadless areas within the Oregon Dunes NRA boundaries was completed in 1975. At that time, none of the lands within the boundaries were suitable for recommendation as wilderness. Refer to the section "Alternatives Not Considered in Detail" in Chapter II, FEIS

## Plants

- Comment** Specific plant species including *Abronia latifolia*, *A. umbellata* spp. *breviflora*, *Carex lenticularis* var. *limnophila*, *Carex macrocephala*, *Carex oederi*, and *Carex pansa* are declining because of European beachgrass encroachment and destruction of their habitats by off-road vehicles. What will the Oregon Dunes NRA do to ensure their survival?
- Response** As part of Monitoring Strategy outlined in the Dunes Management Plan, we will collect information on the location and status of the above populations, which will be the first step towards ensuring their survival. After collecting this baseline data, we will evaluate the populations and set management and monitoring goals and objectives. Also, one of the objectives of the vegetation management program in the preferred alternative, F(PA), is restoration of native plant habitats.
- Comment** Tree and shrub harvests should be prohibited or better managed. Natural plant succession is completely disrupted with indiscriminate digging, and most holes are not filled in.
- Response** An interdisciplinary team is analyzing environmental impacts associated with the harvesting of *Special Forest Products*, which includes the commercial collecting of tree and shrub seedlings in dune deflation plains on the Oregon Dunes NRA. Local nurseries collect these seedlings to sell to people who are interested in landscaping with native plant species. The interdisciplinary team will consider this issue in their analyses. Standards and Guidelines (Dunes Plan, Chapter III) impose some restrictions on collection of special forest products, including live transplants.
- Comment** Commercial and personal mushroom harvesting should be allowed to continue.
- Response** An Environmental Assessment of mushroom harvesting on the Oregon Dunes NRA was completed in September 1993. Based on this document, a mushroom harvest program was designed that will provide for public recreational enjoyment and conservation of the mushroom resources. The Forest Service's Pacific Northwest Research Station is working with the Oregon Dunes NRA to establish a mushroom monitoring program, which will allow us to better manage for sustainable mushroom harvesting.
- Comment** Tree islands, numerous types of wetlands and other special plant areas are vulnerable to destruction and long-term changes. Much flora and fauna has never been studied, although it is a living laboratory that has generated numerous class projects, studies and theses. All vegetation requires protection.

- Response** The public scoping process (described in Appendix B of the FEIS) identified that many people value the unique vegetation of the Oregon Dunes NRA and use the area to observe and enjoy plant species and communities which are limited to coastal ecosystems. Recognizing the uniqueness of this vegetation, we are allocating Tenmile Creek as a Research Natural Area and will manage for the protection of globally significant plant communities as described in Chapter III of the FEIS.
- Comment** Rare plant species such as sandverbena will perish if we continue to let off-road vehicles into the Oregon Dunes NRA.
- Response** We are taking several steps, including the allocation of Tenmile Creek as a Research Natural Area and allocating globally significant plant communities in MA 10(F), to ensure that we do not lose any rare plant species. The number of acres open to off-road vehicles is reduced and we have a monitoring plan which addresses collecting information on the location and status of specific plant species that are declining due to European beachgrass encroachment and destruction of their habitats by off-road vehicles. In 1993, we entered into a Challenge Cost-Share Agreement with Oregon Department of Agriculture for botanists to survey foredunes for pink sandverbena and yellow sandverbena, in order to assess the status of these species.
- Comment** I was disappointed in your description in the DEIS of the plant communities of the Oregon Dunes NRA. Lists of habitats and plants in the Oregon Dunes NRA, or expected in the NRA, with their distributions and degree of protection elsewhere, could have been made and presented. You should address unusual species which are present and how Alternative F will protect them compared with other alternatives.
- Response** New information on globally significant plant communities was added to Chapter III of the FEIS, providing information on distribution and degree of protection elsewhere. The modified Preferred Alternative allocates globally significant plant communities to MA10(F), which provides for active monitoring and management of these communities to maintain them in good condition. Protection of these unique plant communities will also help protect some of the unusual species listed by Wiedemann (1984) that are listed in Chapter III of the FEIS (dune-maritime endemic and uncommon dune plant species). Habitats are given for these unusual plant species, which allows readers to compare the effects on them by the different alternatives. Figure II-18 of the FEIS discusses environmental effects of the different alternatives on quality of different habitat types and on globally significant plant communities.
- Comment** Biological evaluation should include field surveys.

Responses to Comments  
Plants

**Response** They do. The first step of the Forest Service's Biological Evaluation process is to determine if potential habitat or documented occurrences of any threatened, endangered, or sensitive species occur within a proposed project area. If potential habitat occurs, then a field survey is conducted. Field surveys are required to be conducted by a specialist and at the appropriate time of year.

**Comment** The FEIS should provide a clear process for Siuslaw National Forest botanists to continue coordinating with the Department of Agriculture to protect threatened and endangered plants, especially the pink sandverbena, and to identify the possibility of potential new sites for translocating the plant.

**Response** As stated in Chapter II of the FEIS, Siuslaw National Forest botanists will continue to coordinate and work closely with Oregon Department of Agriculture botanists, as well as other botanists working for federal and private agencies. During the summer of 1993, Oregon Department of Agriculture botanists surveyed the foredunes of the Oregon Dunes NRA for pink sandverbena as part of a Challenge Cost-Share Project with the Siuslaw National Forest. Information obtained from these types of plant surveys improves our understanding of sensitive plant distribution, ecology and management needs.

**Comment** Siltcoos area should be considered for reintroduction of pink sandverbena (*Abronia umbellata* spp. *breviflora*).

**Response** Siltcoos area is one of the top priorities for removal of European beachgrass and reestablishment of native plant communities and snowy plover habitat. It is highly likely that pink sandverbena will be reintroduced into this area as part of that effort.

**Comment** You have a unique opportunity to prevent continued environmental disturbance and preserve species endemic to the dunes, such as pink sandverbena and yellow sandverbena.

**Response** Globally significant plant communities (see Chapter III of the FEIS), which have been identified since the DEIS was released in April 1993, are an important step towards preserving species endemic to Pacific Coast sand dunes. These communities have been designated Management Area 10(F). In addition, as part of the Oregon Dunes NRA Monitoring Plan, we will collect information on the location and status of species endemic to the dunes, such as yellow sandverbena, which will be the first step towards ensuring their survival. After collecting this baseline data, we will evaluate the populations and set management and monitoring goals and objectives.

**Comment** Off-road vehicles damage or destroy threatened, endangered, and sensitive plants, and alter soil conditions so that plant-available moisture is decreased, thereby killing or severely impacting native vegetation and promoting the growth of undesirable plant species.

**Response** The FEIS recognizes these effects in the portions of the NRA open to ORV use under the various alternatives. Every alternative closes some part of the NRA to such use, in part to mitigate these effects. Efforts we are making to protect native plant species and communities include allocation of the Tenmile RNA and globally significant plant communities to Management Area 10(F) as well as allocation of wildlife and fish habitat areas to Management Area 10(F), which will also give protection to habitats important to coastal plant species.

**Comment** Much of the open sand and beach from Tenmile Creek south to the North Spit area was incorrectly classified as wetland.

**Response** The vegetation and landforms of the Oregon Dunes NRA were mapped by Siuslaw National Forest ecologists using 1987 aerial photos and field surveys. Mapping of the management areas in this portion of the Oregon Dunes NRA was changed in response to this comment.

**Comment** You use number of acres open to off-road vehicles to evaluate effects on plants. It would be better to use geologic-biologic trend factors for each plant association to be used by off-road vehicles based on the last ten years experience of the use.

**Response** There are different ways to approach analyzing environmental effects, and we will consider this option in future analyses. The vegetation of the Oregon Dunes NRA is being classified into plant communities as part of a Challenge Cost-Share Project between the Oregon Natural Heritage Program and the Siuslaw National Forest. This information will allow us to more accurately map the vegetation and this project has identified globally significant plant communities that need to be protected.

**Comment** We appreciate the emphasis in the DEIS on maintaining the quality, abundance and diversity of the Oregon Dunes NRA's plant communities and wildlife habitat. We support the preferred alternative's designation of specific management areas for plant, fish, and wildlife habitat and other protective measures.

**Response** This designation allows us to better manage some of the unique species and communities, such as the globally significant plant communities as described in Chapter III of the FEIS.

Responses to Comments  
Plants

**Comment** The Forest Service should not allow permits for the collection of the native dune grass, *Elymus mollis*. This native species has become scarce on the Oregon Dunes NRA.

**Response** An interdisciplinary team is evaluating the environmental effects of harvesting *Special Forest Products* on the Siuslaw National Forest and will address this issue.

**Comment** We expect that off-road vehicle recreation is already managed to protect resources that have a shown need to be segregated from direct ORV use.

**Response** We are still learning information about Threatened and Endangered (TES) plants and globally sensitive plant communities. Some species such as yellow sandverbena, that may have been more abundant when the last management plan was written in 1974, are declining.

**Comment** We request that reference material (suggesting negative affects on vegetation due to off-road vehicle use) relate directly to the specific plants and animals that occur here (rather than citing references from studies done in other locations).

**Response** Research related to specific plant species and communities is limited because of shortages in funding. It is valid to make assumptions based on research done in other coastal areas as well as to rely on the professional judgements of our resource staff.

**Comment** We request that "potential" habitats be removed from consideration (when comparing the effects of alternatives) unless specifically required by stipulations in the Endangered Species Act.

**Response** The Forest Service is directed to manage for "sensitive" species, as well as for those species that are listed as threatened or endangered. A sensitive species is defined as "those plant and animal species identified by a Regional Forester for which viability is a concern." In line with this direction, Forest Service Manual 2672.42 requires that biological evaluations include "an analysis of the effects of the proposed action on species or their occupied habitat or on any unoccupied habitat required for recovery." In summary, we need to consider potential habitat for other species in addition to those which are officially listed as threatened or endangered.

**Comment** The "Point/Counterpoint" comparisons are inadequate and appear to be biased toward non-off-road vehicle uses. For example, the DEIS states that species (plants and wildlife) could be lost. How, why and where is the scientific data?

**Response** A species that could be lost because of ORV use is the pink sandverbena. Both ORVs and encroachment by European beachgrass have significantly altered its habitat. TES plant surveys for pink sandverbena on the Oregon Dunes NRA in 1993 did not locate any populations of this species. In fact, our two known populations no longer exist. The 1993 plant surveys raised serious concerns about the status of yellow sandverbena. This species, which was common on the Oregon Dunes NRA, may be declining from habitat alteration by ORVs and European beachgrass. Yellow sandverbena is now listed by the Oregon Natural Heritage Program on their List 3 (species for which more information is needed before status can be determined, but which may be threatened or endangered in Oregon or throughout their range).

Concerns have been raised about other plant species which are endemic to Pacific Northwest Coast sand dunes. The Oregon Natural Heritage Program's global database tracks information on plant species and communities, and provides a method for documenting the status of plant and wildlife species that may be declining.

**Comment** Do not allow harvest of plants, flowers and mushrooms.

**Response** Mushroom harvest management was evaluated under an environmental assessment. This program will continue to be monitored to ensure sustainability of the resource and the ecosystem. The program will be modified if sustainability is not being met. Management of other special forest products will be addressed in a Forest-wide environmental assessment with a similar monitoring program. Chapter II of the FEIS discusses the management of such special forest products in the "Lands and Special Uses" section.

**Comment:** We recommend that the Forest Service thoroughly inventory the entire Dunes NRA for TES species occurrences so as to have a better basis to make decisions regarding proposed projects. Inventories should include TES animals and plants.

**Response:** Forest Service Manual regulations require us to survey any proposed project areas for populations of TES animals and plants. Usually, these surveys are done on a project-by-project basis, though systematic surveys of large areas have been done. In 1991, approximately 800 acres of dune deflation plains were surveyed for TES plant species. In 1993, Oregon Department of Oregon Botanists, as part of a Challenge Cost Share Project with the Siuslaw National Forest, conducted a systematic survey for pink sandverbena by searching foredune and beach habitats on the Oregon Dunes NRA.

**Comment:** Species of concern are given relatively good coverage in much of the DEIS except in the section which describes the various alternatives. There is a lack of specificity regarding proposed management of TES plant species and inventories in particular.

Responses to Comments  
Public Involvement

**Response:** Please read the above comment and response. Inventories for TES plant species are required before any ground-disturbing activity is allowed to proceed. It is difficult to give specific information regarding proposed management because it may vary based on the plant species' biology and the types of threats affecting a located TES plant population. In general, measures would be taken to protect TES plant populations, regardless of the alternatives. Types of protection measures might be to barricade off-road vehicle access or to reroute hiking trails.

**Comment:** Wetland and aquatic habitats and open sand dune habitats should be targeted for protection for existing and potential plant populations, and should be the focus of any restoration activities undertaken.

**Response:** Many wetland, aquatic and open sand dune areas are protected through their inclusion in MA 10(F), Plants, Fish and Wildlife Habitat; MA 10(G), Wetlands Management; and MA 10(K), Research Natural Area. Restoration of open dune and wetland habitats are also included among several vegetation management objectives.

## Public Involvement

**Comment** Several comments addressed the composition of the interdisciplinary team, questioning whether team members were biased against ORV use or that ORV concerns were properly addressed.

**Response** The interdisciplinary team includes specialists trained in land and resource management planning with a variety of backgrounds. It works under the direction of the Forest Supervisor and the Dunes Area Ranger. Through public involvement, the team consulted with many people who are both "experts" and enthusiasts on the subject of ORVs. ORV supporters commented regularly, gave feedback and participated in planning workshops. Through our public involvement process, we developed issues, concerns and opportunities (ICOs--described in Chapter I, FEIS) affecting the Oregon Dunes NRA and then formulated alternatives addressing the ICOs. While people often have opposing views on the subject of ORVs, the team developed a full range of alternatives and incorporated DEIS comments to provide the deciding official with a reasonable set of alternatives from which to make a final decision.

**Comment** It is important to clearly state in the document how the Forest Service intends to involve the public when site-specific environmental analyses are prepared for projects following this EIS.

- Response** Forest Service direction for public involvement is outlined in a Forest Service NEPA (National Environmental Policy Act) handbook and is based on legal regulations. It is available for public review at the NRA headquarters.
- Comment** Congress recognized the need for a local citizen advisory council when establishing the Oregon Dunes NRA. Was the advisory council disbanded legally and since there isn't such a council, is the revised Management Plan in accord with statutory mandates?
- Response** The Federal Advisory Committee Act (FACA) of 1972 gave direction that any advisory committee established by an Act of Congress prior to January 5, 1973, be automatically terminated two years after that date, unless its duration is otherwise provided by law. The Oregon Dunes NRA Act did not specify a termination date. Therefore, the advisory council for the Oregon Dunes NRA was disbanded in accordance with the provisions of FACA.
- Comment** Making July 15, 1993, the cut-off date for input to the DEIS didn't allow for summer visitors to comment. It appears that input came from local communities and not from the large percentage of visitors from up and down the I-5 corridor from Canada to California or surrounding states.
- Response** The planning process began in March 1991 when the interdisciplinary team began identifying issues. The planning effort continued through two summer seasons with a constant invitation for people to add their names to our mailing list. More than 4,000 individuals and groups commented on the DEIS with enough variety to represent the different types of groups using the area. Other comment periods during different steps of the planning process brought in thousands of additional comments.
- Comment** You should have scheduled open houses in the middle of the comment period so the public would have a chance to obtain and study the DEIS and develop their questions before the open houses.
- Response** The open houses held in April were designed and scheduled early in the comment period to help people understand how to make a substantive comment on the DEIS rather than as a place to make comments. We concentrated on receiving comments by mail and phone instead of scheduling another round of open houses in the middle of the comment period. Appendix B in the FEIS contains a full description of the public involvement process used during this planning effort.

Responses to Comments  
Public Involvement

**Comment**

When the DEIS was released, the NRA's statement was: "We want people to tell us what is wrong with the DEIS, where we may have made mistakes." To expect the average NRA user to have the time and expertise to read such a thick document, understand it and all the government regulations, and tell you where you made mistakes is not realistic. When you refuse to give weight to 6,000 to 8,000 individually signed letters, when you say the letters you are receiving are not telling you what is wrong with the DEIS, you need to remove yourself from your occupation and try to understand that each and every letter from a motorized user is letter that required a great deal of effort to compose.

**Response**

All the letters we received were read and entered into the final decision. Each letter was considered as we developed the FEIS and Management Plan. Although the 6,000 to 8,000 individually signed letters contained exactly the same information, we did not discount that information in reaching a final decision.

## Recreation

**Comment** Provide more day-use and overnight facilities to reduce perceived overuse and crowding on the Oregon Dunes NRA. Other commentors suggested that the Oregon Dunes NRA should not develop additional facilities, especially campgrounds, because they compete with private sector businesses in the surrounding area. Some people suggested upgrading campgrounds to accommodate larger vehicles, provide showers and full hook-ups.

**Response** EIS alternatives as described in Chapter II considered a range of facility development levels for the Oregon Dunes NRA. Perceptions of crowding and overuse are time-dependent. While many Oregon Dunes NRA facilities are at capacity during summer holiday weekends, most are less-than-full the majority of the summer season and the balance of the year. FEIS, Figure III-6 displays year-round and summer occupancy rates for Oregon Dunes NRA campgrounds.

The modified Preferred Alternative, F(PA), focuses on developing day-use facilities in order to encourage private sector development of additional overnight capacity. This strategy is in keeping with local community desires that the Oregon Dunes NRA create and promote private sector business opportunities. We will assess upgrades to specific facilities on an individual project basis and consider potential competition with the private sector. Planned facilities on the Oregon Dunes NRA are intended to mitigate resource impacts or meet anticipated demands in rapidly growing outdoor recreation activities as identified in SCORP (Statewide Comprehensive Outdoor Recreation Plan) and other sources.

Since developed facilities such as roads, trails, day-use and overnight sites are conduits that introduce visitors into the Oregon Dunes NRA, we must examine their resource capability and capacity considerations. Perceptions of crowding and overuse are not the sole criteria in deciding if, when and where to provide additional facilities. Such an approach could lead over time to resource and recreation-experience deterioration. For example, when an area is managed for low-density recreation, it becomes inappropriate to build more roads and trails into the area, more campgrounds around the edges of the area, or more day-use facilities in the area such that the end result is an area no longer providing the desired low-density recreation opportunities. This consideration is reflected in the range of facilities and access proposed in the different EIS alternatives.

**Comment** Reducing ORV riding areas, as some alternatives proposed, would increase crowding and safety hazards in the areas remaining open.

Responses to Comments  
Recreation

**Response** If alternatives just reduced riding area without taking capacity into consideration this assessment might be correct. However, every alternative except the "No Action" (Alternative C) includes determination of capacity for whatever area is open to riding. Capacity determinations apply to all recreation settings at the Oregon Dunes NRA, not just motorized settings. Safety is an important factor considered in determining the appropriate capacity for a given area. Capacity is described in Chapter II of the FEIS.

**Comment** The Oregon Dunes NRA is a unique riding experience not duplicated elsewhere and many positive benefits result from ORV use on the Oregon Dunes NRA.

**Response** Use of ORVs on federal lands is recognized as a legitimate use. The final Preferred Alternative keeps portions of the Oregon Dunes NRA open to ORV use. Six of the 8 EIS alternatives recognize the benefits of ORV use and propose continuing it. The effects of ORV use are discussed in Chapter IV of the FEIS.

**Comment** Many people cited negative impacts that would result from totally closing the Oregon Dunes NRA to ORV use.

**Response** Only 2 of the 8 EIS alternatives proposed a total closure of the Oregon Dunes NRA to ORV use. This is not part of the final Preferred Alternative. The effects of the alternatives on ORV opportunities is discussed in Chapter IV of the FEIS.

**Comment** Proportionally allocate Oregon Dunes NRA acreage to recreational activities based on use levels.

**Response** Intuitively such a system sounds rational and fair, however Oregon Dunes NRA acres were not allocated based on use levels for several reasons. First, such a system does not recognize density dependent factors associated with different recreation activities. For example, wilderness hiking requires large acreages for relatively small numbers of visitors while car-camping requires relatively small acreages for large numbers of people.

Second, such a system does not recognize time dependent factors associated with different recreation activities. Allocations made at one point in time may preclude opportunities for new recreation activities that develop after the allocations are made. For example, how much area would be available for windsurfing or ORV riding today if the allocations had been made in 1950 before the activities developed.

Third, such a system does not recognize population-dependent factors associated with different recreation activities. For example, should acres be allocated at the Oregon Dunes NRA based on the on-site population, or as a "national" recreation area based on the entire U.S. population. If allocations were based on the current on-site population, about 30 percent of the area would be allocated for ORV riding. If the allocations were based on the U.S. population, only about 10 percent of the area would be allocated to ORV riding.

Fourth, such a system does not take into consideration resource impacts and land capabilities. For example, if current use by an activity is 50 percent of the total use, but it is causing significant resource damage, is it appropriate and sound management to allocate 50 percent of the acreage to such an activity. Because of considerations such as these, most recreation managers would not allocate acres based on use levels.

**Comment** Ban ORVs from the Oregon Dunes NRA because they are dangerous and people are killed riding them.

**Response** Part of the attraction of wildlands is the element of risk and danger associated with the place and the things people can do in these places. To only allow what are perceived as safe activities in wildlands would reduce part of their unique value and attraction. People die every year in outdoor recreation related accidents such as mountain climbing, hunting, swimming and boating. Historically, this is not a rationale for banning such activities from national forest lands. Some statistics indicate that ORV use is less likely to result in fatality than other outdoor activities, such as swimming.

**Comment** ORV use is increasing nationally and locally and, because of this factor, the Forest Service should expand riding areas on the Oregon Dunes NRA.

**Response** Statistics provided to the Forest Service by the Motorcycle Industry Council (MIC) and the Specialty Vehicle Institute of America (SVIA) indicate that ORV use is not increasing. Both use and sale of ORVs has declined by about 35 percent since 1976 in both the United States and the State of Oregon. For the counties that the Oregon Dunes NRA is located in, Department of Motor Vehicles data also shows a decline in all-terrain vehicle (ATV) registrations for Lane and Douglas counties between 1986 and 1991. Only Coos County showed increased ATV registrations for this period. The final Preferred Alternative allocates Oregon Dunes NRA lands to ORV use on the basis of environmental impact, past use, outdoor recreation trends, quality of recreation experience, and economic impact considerations.

**Comment** If wetlands and other sensitive areas are closed to ORV use, they should be "replaced" by opening additional sand areas to riding.

Responses to Comments  
Recreation

**Response** The alternatives considered do provide varying amounts of area open for ORV use. Limited use of wetlands and other sensitive areas applies to all recreation activities, not just ORV riding. (See management standards and guidelines for wetlands, habitats and other sensitive areas in Dunes Plan, Chapter III). All activity groups share the burden, in terms of reduced area and perhaps reduced opportunities, for protecting sensitive habitat areas. It is difficult to "replace" or offset areas lost by one group by further reducing the areas and opportunities of other groups.

**Comment** Managing wetlands, wildlife habitats, threatened and endangered species, and other "non-recreation" resources is inappropriate on a national recreation area.

**Response** Appendix A of the FEIS contains the Oregon Dunes NRA Act. The Act prescribes the conservation of resource values and provision of outdoor recreation as the two primary reasons for the establishment of the Oregon Dunes NRA. Additionally, as national forest land, the Oregon Dunes NRA is subject to many federal laws such as the Endangered Species Act and National Forest Management Act as well as agency regulations which provide direction beyond managing the Oregon Dunes NRA solely for recreation.

**Comment** The DEIS was misleading because it did not clearly state that all the lands on the Oregon Dunes NRA are open for non-ORV use.

**Response** The discussion of Motorized Undeveloped Settings in Chapter II of the DEIS states that ORV use areas are also open for non-motorized users. It also points out that while these areas are open to non-motorized users, they are in a "practical sense" closed because of management discouragement and self-sorting by most users to avoid inherent conflicts.

**Comment** The Oregon Dunes NRA should institute use fees as a way to improve compliance (people value something more when they have to pay for it) as well as to increase funding for law enforcement and operations and maintenance.

**Response** The authority to charge user fees is an administrative authority that the Forest Service already possesses for national recreation areas. Thus, it was not discussed or further considered in the FEIS. Before a decision to charge user fees is implemented, we must consider several factors such as the cost of administering the fee collection system versus the amount of fees that would return to the site as opposed to going into the federal treasury.

**Comment** The lack of quiet hours in some ORV campgrounds implies that the Forest Service wants to perpetuate the "bad reputation" of ORV users so they can eventually shut them down.

- Response** In the draft preferred alternative several campgrounds did not have quiet hours because some ORV users want to ride late into the night and quiet hours would preclude this opportunity. Based on DEIS comments, we changed riding-area curfews and all Oregon Dunes NRA campgrounds will have quiet hours. Most will be 10 pm to 6 am, but Spinreel and Horsfall will be midnight to 6 am to allow riding later into the night at the south end. This is discussed in the Recreation section of Chapter II in the FEIS.
- Comment** Commentors presented widely varying opinions as to how the changes to the current situation proposed in the preferred alternative would affect the types and amounts of recreation use. Many people tied the economic consequences of their predictions into their discussions.
- Response** Predicting these kinds of effects is extremely difficult because they are subject to many interacting factors. Factors could include, but would not be limited to: nationwide economic conditions, gasoline prices, annual population growth rates, supply of specific resource opportunities available, geographic distribution of that supply, amount of advertising and marketing done, and direct and indirect cost of the opportunity. Many of the factors and certainly many of the interactions between them are not well understood. As a result of this complexity, the FEIS analyzes the alternatives in terms of effects on recreation opportunities and setting capacities as opposed to trying to predict the absolute types and amounts recreation use (and economic impact) that would result.
- Comment** Include non-motorized areas for horseback riders and bicycle and walk-in camping opportunities at the Oregon Dunes NRA.
- Response** The modified Preferred Alternative proposes two small bicycle/walk-in camps. It also closes the area south of Horsfall Road, accessed from Wild Mare Horse Camp, to ORV use.
- Comment** The preferred alternative limits facilities and use, especially in light of nationwide increases in recreation demand.
- Response** The FEIS in Chapter III acknowledges that there is an upward statewide and nationwide trend for many outdoor recreation activities. In Chapter II, it also recognizes (in all the alternatives, not just the preferred) that the Oregon Dunes NRA has only limited capabilities to meet that trend. The essence of the FEIS is a disclosure that use causes impact and that at some point, there are limits to use if impacts are to be kept within acceptable levels.
- Comment** The preferred alternative would limit camping choices based on the type of recreation preferred.

Responses to Comments  
Recreation

- Response** Any person may camp in any Oregon Dunes NRA campground. Some activities, such as possessing a horse or operating an ORV are prohibited in some campgrounds. The intent of this policy is not to limit choices, but rather to separate incompatible uses and provide high quality camping opportunities for more people. This is not a change from the current policy.
- Comment** Riding ORVs on the sand dunes is one of the safer places to ride and is less an impact than riding on established trails in mountains.
- Response** While true that less environmental damage occurs on sand than in most other riding areas, the interdisciplinary team considered other issues and concerns such as meeting current legislation for the protection of wetlands, the effect of noise on other recreation visitors and landowners, and the safety issue of mixing ORVs and non-motorized recreation.
- Comment** Increasing the amount of ORV riding area would reduce the number of accidents.
- Response** Most ORV injury accidents on the Oregon Dunes NRA are single vehicle accidents. They result from operator errors, such as going too fast for the conditions or inadequate skill level for the riding situation. Providing more area would not alleviate this situation. Accidents between vehicles occur mostly in congested areas around staging facilities, campgrounds, or popular riding areas where people choose to congregate. Again, providing more riding area is not likely to change these distribution patterns.
- Comment** The DEIS did not consider cumulative effects on recreation at the Oregon Dunes NRA.
- Response** The cumulative effects on recreation at the Oregon Dunes NRA are discussed in Chapter IV of the FEIS.
- Comment** ORVs do not adversely impact wetlands because the vegetation is so dense that ORVs cannot operate in wetlands.
- Response** The effects of ORV use on wetlands and other vegetated areas is discussed in Chapters III and IV of the FEIS. In some wetland areas the vegetation is too dense for ORV riding, but in others there has been a proliferation of ORV trails.

**Comment**

The Oregon Off-Highway Vehicle Association (OOHVA) provided a detailed analysis and critique of the visitor use studies that were referenced in the DEIS. Their comments addressed four primary areas of concern: 1) bias in the methods used to collect visitation information; 2) errors in the processing of the collected information; 3) perceived discrepancies in results between two referenced studies; 4) under-representation of the percentage of Oregon Dunes NRA visitors who are ORV riders.

**Response**

The Forest Service began developing more detailed Oregon Dunes NRA visitor information in 1989 and 1990. Prior to undertaking this effort the agency contacted local communities, local chambers of commerce and NRA user groups, including the OOHVA, to determine what information existed on overall visitation, percentages of visitation by various activity groups (i.e. ORV users), other visitor demographic characteristics, and the contribution of NRA visitors to the local economy. The sources contacted were able to provide little information on any of the above subjects.

As a result of this lack of information, the agency undertook three interconnected efforts with the following objectives:

Refine the gross Oregon Dunes NRA traffic counter information going back to the early 1980s and, as part of this effort, determine rough percentages of visitation by primary recreation activity.

Develop demographic, trip profile and use pattern information for current Oregon Dunes NRA visitors by primary recreation activity.

Develop information regarding the contribution of the Oregon Dunes NRA to the local economy and roughly apportion this by primary recreation activity.

The traffic counter refinement or validation effort was done with Forest Service funding by the Oregon Dunes NRA staff. The visitor demographic and economic impact studies were contracted to the Southeast Forest Experiment Station, because they had extensive visitor survey experience and well-tested and validated survey instruments available. The work done by the Southeast Station was jointly funded by the Forest Service and Oregon Department of Transportation funds allocated through the All Terrain Vehicle Accounts Allocation Committee.

The agency intent in all three efforts was to improve the level of knowledge and understanding in these areas so that better (not perfect) information could be considered in assessing alternative effects and making decisions. It was not the intent to do a statistically rigorous study of Oregon Dunes NRA visitation and economic impact. That level of precision and accuracy was not necessary for the intended uses of the information (to help make planning and marketing decisions) nor was time, staffing or funding available for studies of that level or complexity.

Similarly, it was never the intent of the Forest Service to base decisions regarding the future management of the Oregon Dunes NRA solely, or even primarily, on recreation visitation or Oregon Dunes NRA economic impact information. This information is considered and contributes to a final decision, but it is not the only information used.

Maintaining that a decision is incorrect or invalid because it may be based in part on "imperfect" or incomplete information is a matter of opinion. Few situations exist where decisions are based on complete and perfect information. While it's desirable to have "perfect" or "more accurate" or "better" information in making decisions, we must weigh that desire against the intended uses and the cost of getting such information. Law (NEPA) and Forest Service planning regulations (36 CFR, Part 219) recognize these situations and as a result direct that decisions be based on the best information currently available, recognizing that it may not be perfect and also that decisions can be amended as additional information becomes available.

OOHVA concerns about bias in sampling methods may be valid. It is difficult to develop a sample design that eliminates all variables that could potentially "bias" the sample. Oregon Dunes NRA sampling was weighted and randomized to provide representative samples and to neutralize many variables that could bias the sample. While the intent was to collect objective, unbiased information, it is unlikely given constraints imposed by staffing levels, work schedules, funding and time that all sources of bias were totally accounted for. Indeed, OOHVA comments note several situations that "could" bias the sample. However, they offer no alternative data to indicate that samples are indeed seriously biased. While there is potential for bias in the sample design, sample sizes and randomization would theoretically "average out" much of that concern. To focus sampling at locations and days and times where ORV riders would be "better" represented would indeed bias the sample. Any additional information collected in an objective and systematic manner that could be added to and improve the current information would certainly be welcome and utilized to help make future decisions.

Mathematical errors in the traffic counter analysis were corrected based on the OOHVA comments. Some of the perceived analysis errors were based on comparisons of information from the traffic counter analysis and the visitor demographic, trip profile, and activity pattern study. Direct comparison of information from these two sources is difficult because of differences in the way that information was gathered and reported. For example, the traffic counter survey relied on random sampling while the visitor survey relied on targeted sampling to ensure an adequate sample for each of the activity groups surveyed. The traffic counter survey focused on and reported data for individual vehicles while the visitor survey focused on and reported data for onsite groups. Onsite groups may consist of people from several individual vehicles. Traffic counter survey information reflects year-round information while visitor survey information is focused primarily on the peak summer season use (because there were too few visitors to efficiently carry on the visitor survey during off-season periods).

OOHVA concerns that methodological and analysis errors resulted in under-representation of ORV use in the DEIS are difficult to assess without additional data to compare against. Part of this perception may result from the way information was collected and reported. The percentage of ORV use represents only those visitors that said ORV use was their "primary" reason for being at the Oregon Dunes NRA. It does not represent everyone who rides an ORV at some time during their visit to the Oregon Dunes NRA. For example, it does not include many of those who rent an ORV for an hour while they are in the area, because for many of these people ORV use is probably not their primary reason for being at the Oregon Dunes NRA. Part of the perception may also rise from the fact that some ORV users base their impressions of the entire Oregon Dunes NRA on those places they use and are most familiar with - the campgrounds and areas open to ORV use. Recent experience at entrance booths on holiday weekends indicates that a large proportion of visitors even in Horsfall and Siltcoos corridors are non-ORV recreationists.

In the absence of alternative data, relevant questions become "What is the proper percentage to ascribe to ORV use at the NRA?" "Acknowledging possible bias in the sample design and errors in some of the traffic counter analysis, are they of such a magnitude that ORV use percentages would be significantly different?" The answer to this question is probably not. Finally, "Was the decision so based on ORV use percentages that a change in this one factor (even if it was a statistically significant change) change the final decision on the NRA Plan?" The answer to this question is no for the reasons discussed above.

- Comment** Some commentors suggested that spreading ORV use over larger areas would reduce environmental impacts.
- Response** This may not be the case. Studies of non-ORV recreation have indicated that in some settings as little as the first 10 percent of total use can account for 90 percent of the total impact. In other words, most of the impact results from very low levels of use. If this pattern is also true of ORV use, spreading use over larger areas would mean more area impacted.
- Comment** Establish safety regulations in areas with mixed ORV and non-ORV use.
- Response** Standards and guidelines (Dunes Plan, Chapter III) require clear signing at all access points into ORV riding areas. We will also clearly mark hiking trails in ORV areas so all recreationists can use proper caution.
- Comment** Alternatives that emphasize ORV use do not close the Oregon Dunes NRA to all other uses nor open the entire area to unrestricted ORV use.

Responses to Comments  
Research Natural Areas

**Response** Such an alternative would probably not meet minimum legal requirements found in the Organic Administration Act, Multiple-Use Sustained-Yield Act, Oregon Dunes NRA Act, Clean Water Act (Section 404), Endangered Species Act, Executive Orders 11664, 11989, and 11990. Alternatives considered in detail must meet minimum legal requirements under which we manage.

**Comment** Reductions in acreage open to ORVs under the preferred alternative are unfair and excessive.

**Response** Approximately 70 percent of the apparent reduction in ORV open acres in the DEIS occurs in wetlands and vegetated areas. Many of these acres, while theoretically "open" are in a practical sense closed by dense vegetation or wet conditions. The apparent reduction is more a function of changes in the way acres are counted than a closure of actual riding area. Acres available for ORV use changed in the FEIS Preferred Alternative, F(PA).

**Comment** The DEIS says nothing about compatible and incompatible uses within management areas.

**Response** This information is presented in the Standards and Guidelines (Dunes Plan, Chapter III).

**Comment** There is a discrepancy in the DEIS because the acres open for ORVs do not equal the total acres within the Rural, Roaded Natural, and Semi-Primitive Motorized Recreation Opportunity Spectrum classes.

**Response** This is because only portions of the Rural and Roaded Natural ROS classes are open to ORVs. Refer to the Recreation Section of Chapter II (FEIS) for a detailed description of ROS classes.

### Research Natural Areas

**Comment** Existence of patented land in the potential Umpqua Spit RNA should not disqualify it from consideration. Manage the area around the patented land to maintain potential for an RNA in the future.

**Response** Despite the private land, the Umpqua Spit RNA was considered and included in some alternatives. It was not included in the final Preferred Alternative, and the area was allocated to MA 10(G) where it would be managed to enhance wetlands resources there.

- Comment** Not all RNAs are closed to ORVs; I know of one off the Oregon Dunes NRA that has an ORV trail through it.
- Response** The Forest Service Manual states that all roads in RNAs must contribute to the objectives of the RNA. The Forest Service is in the process of removing those roads that clearly do not meet the objectives. See "Current Situation", Chapter III, FEIS.
- Comment** No additional RNAs are needed. They would duplicate the Sand Lake RNA where no research is being done, and are not justified without a list of proposed research projects. Vast areas of the Oregon Dunes NRA are presently maintained in ways that make them suitable for research that might be proposed for an RNA. Overlap RNAs with other Management Areas so more area is available for recreation.
- Response** Sand Lake RNA contains an area where a huge parabola dune is encroaching on a forest, and the cells in it do not completely duplicate those in the potential RNAs at the Oregon Dunes NRA. Since RNAs also have objectives of maintaining gene pools and baseline environmental conditions (see "Overview", Chapter III, FEIS), research opportunities (as shown by a list of proposed research projects) are not the sole reason for their existence. In order to encourage research scientists to become involved in an area, there must be strong, long-term assurances that the area will remain intact. Overlapping of RNAs with other management areas is not usually possible, because they do not have compatible objectives and do not always occur in the same areas.
- Comment** It takes an act of Congress to remove an RNA designation.
- Response** Establishment of RNAs is an administrative action. The Organic Administration Act of 1897 authorized the Secretary of Agriculture to designate RNAs (see "Management", Chapter II, FEIS). It has recently been re-delegated to Regional Foresters.
- Comment** Public involvement has been inadequate. The decision on an RNA should be made in Oregon, not by some bureaucrat in Washington, D.C. The public has the right to review and comment on any research projects.

Responses to Comments  
Research Natural Areas

**Response** The issue of which areas at the Oregon Dunes NRA will be allocated for establishment as RNAs was identified early in the planning process through public involvement and listed as an "Issue/Concern/Opportunity" in Chapter I of the DEIS. Decision regarding establishment of RNAs has recently been delegated from the Chief's Office in Washington, D.C. to the Regional Forester's office in Portland. The Director of the Pacific Northwest Range and Experiment Station has the responsibility for approving research projects in RNAs, and for assuring that they meet objectives of the RNA.

**Comment** Has endemism of invertebrates in the tree islands on the NRA been studied?

**Response** Not to our knowledge.

**Comment** Does the Forest Service need additional authority to accomplish the purposes of the proposed RNA?

**Response** No additional authority is needed. The Regional Forester and Research Station directors are responsible for establishing a regional RNA committee to make recommendations and assist in preparing an establishment record. This determines if the RNA fits the proposed cells and meets National Heritage Program requirements (see "History", Chapter III, FEIS).

**Comment** Why is there no RNA in Alternative C, or in some other alternatives?

**Response** There are no RNAs in Alternative C, since it is the management plan adopted in 1979, or in alternatives that emphasize ORV use or other intensive recreational uses which are incompatible with RNAs.

**Comment** RNAs should be placed in pristine areas. The areas being considered are no longer natural, and have been modified by man to the point that they are no longer suitable as RNAs.

**Response** Ideally RNAs are in pristine areas. Standards for RNAs were lowered, however, because human influence has become so pervasive. RNAs are now being established to include the best examples of ecosystems as identified by a Regional RNA Committee (see "History", Chapter III, FEIS).

**Comment** RNAs would lock out all users and are incompatible with an NRA. What are the gains for research and the public that offset the recreational losses? What has been learned so far at Sand Lake, and what are the costs to administer an RNA?

**Response** Standards and Guidelines allow light, dispersed recreational use (see Dunes Plan, Chapter III). The key is to monitor such activities, so that use levels and their effects are kept within acceptable limits. Sand Lake RNA serves as a valuable baseline of undisturbed forest ecosystems and wetlands. Costs to administer the Sand Lake RNA were less than \$10,000 over the last year, including writing the Establishment Record, monitoring, and law enforcement.

**Comment** List the cells for each RNA.

**Response** They are summarized in "Current Situation", Chapter III, FEIS.

**Comment** The Oregon Dunes NRA Act supports its use for scientific purposes. Areas like RNAs are needed in which to develop ways to control beachgrass. Beachgrass could be removed from an RNA and the area then monitored. The existence of RNAs would help address issues on non-native vegetation, special habitats, and biodiversity.

**Response** Exotic species are usually not desirable in RNAs, and normally controlled or removed from an RNA. We will study and monitor efforts to control European beachgrass in other areas (see Management of Vegetation Removal, Chapter II, FEIS). RNAs can be a key to such efforts by serving as baselines from which to measure progress (see "Scope of Program" in Management of Vegetation Removal, Chapter II, FEIS).

**Comment** Is present recreation in the proposed RNA compatible with the objectives of an RNA, or will the NRA restrict recreation? Standards and Guidelines now conflict by saying "No human intervention, but some recreation is allowed". A clearer Standard and Guideline is needed.

**Response** Yes, present use is probably compatible with an RNA. Monitoring will confirm or reject this. The desired condition for MA 10(K) (see Dunes Plan, Chapter III) is for no human intervention, which means no fundamental human-caused change in natural processes. This is consistent with allowing light, dispersed recreational use that does not cause such fundamental change. Thus, the desired condition also states that some recreational uses compatible with natural systems, such as hiking and birdwatching, may occur.

**Comment** A commitment is needed to do timely establishment records for any proposed RNAs.

**Response** A Standard and Guideline requiring an establishment record within three years is in Dunes Plan, Chapter III.

Responses to Comments  
Research Natural Areas

- Comment** More documentation is needed for the RNA boundaries. There should be a 1/4-mile buffer to ORVs north of Tenmile RNA. Is the northern boundary of Tenmile RNA buffered in Alternative F? If so, why not place the buffer south of the present boundary? Extend the Tenmile RNA to Tenmile Creek. Does the size of an RNA needed depend on the research project?
- Response** Boundaries for RNAs are drawn so they are self-buffering. No additional allowances for buffers are intended or required. The larger the size of an RNA, the more options for research projects it provides. Nevertheless, RNA boundaries are determined on the basis of ecosystem boundaries, not with specific studies in mind.
- Comment** Include Umpqua Spit in the preferred alternative, since its cells (dunes grasslands are not available elsewhere. It is more remote from Highway 101 and ORVs, and has no tourist potential, unlike Tenmile RNA. The diversity provided by the two potential RNAs is important. A single RNA at Tenmile is inadequate to protect biological, scenic and geologic values.
- Response** The two RNAs are different, and which appears in an alternative depends on the emphasis of that alternative. Umpqua Spit RNA includes private land and extensive wetlands that could be managed for waterfowl and other aquatic values. Tenmile RNA is open sand with more potential for hiking and ORV use.
- One potential RNA at Tenmile would not protect all the values existing in other areas (see "Current Situation" in Chapter III of the FEIS). Grasslands with *Poa* and fescue are present in Sand Lake, Umpqua Spit and Tenmile. The grassland is dominated by red fescue only at Umpqua Spit. The other two are dominated by *Poa*.
- Comment** An even more complex RNA is needed, so include the Sutton area, which is isolated from recreation and closer to the universities.
- Response** The Sutton Area, particularly Lily Lake, was considered for an RNA for many years. After thorough review by Forest Service ecologists and RNA specialists, it was not recommended as an RNA (page III-102 in the Siuslaw Forest Plan EIS).
- Comment** Tree islands and other sites of high intrinsic value should also be included in the RNAs, where only low-impact research would be allowed.

**Response** It is not feasible to include all the small special areas in an RNA because of their wide-spread, fragmented nature. One tree island is included within the recommended Tenmile Creek RNA. Special areas like tree islands are included in MA 10(F), and this recognition can be used to prioritize activities and protect them. In the short term, the best we can do is to monitor these areas. If substantial damage does occur over the long term, we would change their status to provide more protection.

**Comment** Designation of the Umpqua Spit as an RNA should include a special provision to manage water bird habitat.

**Response** The final Preferred Alternative does not include the Umpqua Spit as an RNA because of the focus of the alternative. However, deflation plain wetlands in the area will be managed for waterfowl and shorebirds.

## Snowy Plover

**Comment** The Forest Service should ensure protection of snowy plover habitats from all types of recreationists.

**Response** Current and historic snowy plover nesting habitats were designated as snowy plover management areas, MA 10(E). Standards and Guidelines for MA 10(E) located in Dunes Plan, Chapter III outline actions designed to protect plovers and enhance their habitat.

**Comment** The snowy plover is not affected by ORVs and closing plover habitat to ORVs will allow the further spread of beachgrass.

**Response** Many human activities such as walking, jogging, running pets, horseback riding, beach raking, and ORV use are strongly believed to be major factors in the decline of snowy plover populations. The birds and their eggs are well camouflaged, leaving them vulnerable to trampling or being run over.

The periodic migration of stream mouths has maintained current snowy plover nesting habitat in an open sand condition. These areas were closed to ORV use several years ago. We don't expect that beachgrass will spread into these areas if they remain closed to ORVs because of the streams. If plover habitat is successfully created away from the streams' mouths, it is inappropriate to make the area open for ORV use for the reasons cited above.

**Comment** The Forest Service should increase acres managed for snowy plover and enhance habitat through beachgrass management and predator control.

Responses to Comments  
Snowy Plover

- Response** Acres with snowy plover management emphasis, MA 10(E), were increased in response to DEIS comments (See FEIS, Chapter II). Snowy plover habitat enhancement is the first priority for beachgrass removal. It is anticipated that beachgrass removal will increase available nesting habitat and dune habitat while reducing hiding cover (close to nests) for predator species. Predation will be monitored and actions taken as needed to reduce losses to predators.
- Comment** Remove potential PETS habitat from protection unless specifically required by the Endangered Species Act.
- Response** The Endangered Species Act requires managing agencies, such as the Forest Service, to protect Threatened and Endangered Species habitat. Also, the National Forest Management Act directs the Forest Service to manage wildlife habitat to maintain viable populations of all existing native vertebrate species.
- Comment** Snowy plovers use the beach about one mile north of Siltcoos outlet. It is open to ORV use and the birds are soon driven out. If it were protected, it could add to existing habitat.
- Response** The area will be monitored and use restrictions instituted if human activities, including ORV use, are adversely affecting plover use in the area.
- Comment** The FEIS should discuss how proposed management of snowy plovers fits with critical habitat designation or recovery of the species and that plover management strategies should be developed as soon as there is a Recovery Plan. This is relevant since USFWS (which has authority for threatened and endangered species) has not completed their review of proposed critical habitat designation nor adopted a recovery plan. Without proper USFWS review, including consideration of economic, social and other impacts in accordance with Endangered Species Act provisions, the Forest Service cannot base its decision on designated critical habitat.
- Response** The Oregon Dunes NRA Snowy Plover Management Area (10E), as depicted on the map of the final Preferred Alternative, reflects both current and historic plover nesting areas. The management area was designated in consultation with USFWS but pre-dates their delineation of official critical habitat. Management direction provided in the FEIS is for lands within the Oregon Dunes NRA boundary because designing goals for snowy plovers on all lands is beyond the scope of the proposed action in the FEIS. Management of critical habitat (after designation) will be coordinated with USFWS and the Dunes Management Plan amended, if necessary, to comply with future Recovery Plan and critical habitat.
- Comment** Some commentors provided ideas concerning management of snowy plover nesting areas.

- Response** Standards and Guidelines were developed to ensure protection of snowy plovers. We will restrict recreational activities as needed based on input from the Oregon Dunes NRA biologist and through coordination with the interagency Snowy Plover Working Team. Decisions will be based on monitoring snowy plovers and effectiveness of restrictions.
- Comment** Priority of vegetation management on Oregon Dunes NRA should be the maintenance and creation of snowy plover habitat at river outlets and Umpqua North Spit in coordination with other agencies. Areas need to be large enough to restrict predator access. Develop monitoring process for success of vegetation removal and other enhancement work.
- Response** The vegetation management strategy associated with the preferred alternative, F(PA), identifies snowy plover habitat enhancement as first priority for beachgrass removal. Site specific strategies will include maintenance and enhancement of existing snowy plover habitat (while looking at increasing size sufficient to deter predation). Potential habitat creation sites will also be planned for predator considerations. Monitoring will be an important part of this strategy since this is a new effort.
- Comment** The level of mitigation provided by the measures to partially reduce potential impacts to snowy plovers needs to be clarified. The extent of the unmitigated impacts needs additional detail to differentiate the relative merit of the alternatives.
- Response** Refer to the Standards and Guidelines appendix in the FEIS. They outline management for snowy plovers. AW-11,12 and 15 provide protection for nesting snowy plovers at any location on the Oregon Dunes and is applicable to all alternatives. Management Area 10(E) Standards and Guidelines outline management for these areas. The modified preferred alternative designates the most area in 10(E).
- Comment** The Preferred Alternative needs to incorporate flexibility to support recovery efforts for the snowy plover, including development of specific site plans for plover nesting areas.
- Response** Standards and Guidelines do incorporate flexibility to support snowy plover recovery efforts. Management of plover nesting areas will be reviewed seasonally in consultation with the interagency Snowy Plover Working Team.

Responses to Comments  
Snowy Plover

**Comment** The DEIS fails to adequately disclose the effect of the Preferred Alternative on certain wildlife species and has not made a genuine attempt to protect and provide for the needs of the snowy plover. The Plan is inconsistent with other wildlife management protection attempts in the Region. A scientifically derived conservation strategy must be developed prior to a new FEIS. This strategy must include providing for the viability of the snowy plover.

**Response** The effects of the modified Preferred Alternative, F(PA), on wildlife species, including PETS, are addressed in the Plant Communities and Wildlife Habitat Section of Chapter IV of the FEIS. We consulted with USFWS and ODFW biologists and used all information currently available as we evaluated the effects. A Biological Assessment of the Oregon Dunes NRA Management Plan was submitted along with formal consultation to the USFWS. This assessment addresses effects of implementation of the Oregon Dunes NRA Management Plan on PETS species. This process is consistent with PETS management in the Region.

**Comment** ODFW commented that we should protect snowy plover breeding and feeding areas and identify active restoration of habitat. Designate these areas as Snowy Plover Habitat Areas. Management of these areas should include seasonal human restrictions in isolated nesting areas with passive use allowed. Coordinate between affected agencies during monitoring effort as outlined in the Standards and Guidelines Section 10(E), Dunes Plan, Chapter III. Protected areas should include 1 mile north from Siltcoos outlet, Siltcoos outlet to 1 mile south of Tahkenitch outlet, North Jetty of Umpqua north along ocean and river for 1 mile, and 1 mile north and south of Tenmile outlet.

**Response** Snowy plover management areas were modified to reflect this comment except for a 1 mile north of Siltcoos outlet. However, Area wide standards and guidelines provide for protection of nesting areas found anywhere on the NRA. Refer to Dunes Plan, Chapter III. The modified preferred alternative proposes much more area for restoration projects.

**Comment** Trespass by vehicles and vandalism of a nest structure at Tenmile Creek are endangering snowy plovers. This type of abuse shows a need for banning ORVs completely.

**Response** We will monitor compliance with restrictions to determine future enforcement and other actions.

## Social and Economic Setting

**Comment** The DEIS did not discuss the social and economic impacts of the proposed Oregon Dunes NRA alternatives.

**Response** The DEIS discussion of social and economic impacts appeared in the "Social and Economic Setting" section of Chapter IV. This section was revised based on DEIS comments and appears again in Chapter IV of the FEIS with more citing of sources and analysis methods. Quantitative estimates of alternative effects on the surrounding area are summarized in Figure II-17 of the FEIS.

**Comment** The economic importance of ORV users to the local economy was greatly undervalued in the DEIS analysis due to: inadequate or flawed data on visitation and visitor expenditures by different types of Oregon Dunes NRA recreationists; faulty sampling techniques; incorrect assumptions used in estimating future recreation use and expenditures under the alternatives.

**Response** Perceived shortcomings of the visitation data used in the DEIS is described in the Recreation section of this appendix. We didn't receive alternative visitation or economic impact data to support critiques of data used for this planning effort.

NRA visitor expenditures were used to help determine economic impacts of alternatives. This information was collected through the use of a mailback questionnaire provided to sampled NRA activity groups. There was an overall 26 percent return rate on mailback surveys with the following numbers of responses for each activity group: ORV - 83; Camping - 55; Fishing - 32; Non-beach Day Use - 62; Other Recreation - 42. Concerns that sample sizes are small are valid, but there is no information provided to support the concern that small samples would somehow skew the expenditure information for some activity groups more than others. Comparison of NRA visitor expenditures to those reported by the Oregon Travel and Tourism Report (Runyan and Associates, 1989) indicates that NRA trip-expenditure amounts may be low across the board (for all activity groups). But again, it is not clear that reported expenditures of any activity group relative to any other activity group are skewed by small sample sizes.

Concerns that the sample instrument (the mailback questionnaire) did not provide opportunity for ORV users to adequately report their equipment-related expenses are unfounded. There is a section of the questionnaire (section d, page 16) which specifically addresses these types of expenditures.

Responses to Comments  
Social and Economic Setting

Concerns about faulty assumptions used in predicting effects and future use could be valid. To predict future income flowing to the surrounding area from the Oregon Dunes NRA, several assumptions had to be made regarding future visitation (and therefore expenditures), links between visitor expenditures and local firms and industries (as built into the IMPLAN model), and the influence of specific changes in the NRA's recreation opportunities on recreation demand for those opportunities. These assumptions were made with the best information available at the time and relying on the judgment of resource specialists familiar with the area and its use. They are listed in the Social and Economic Setting section of Chapter IV of the FEIS. As new information becomes available, the assumptions can be re-evaluated and the Plan adjustments made if appropriate.

The fact that assumptions are necessary indicates that reliable information or knowledge is not available. Suggestions for alternative methods of predicting effects, such as the use of focus groups and willingness-to-pay assessments, have validity, but also are not foolproof. Similarly, alternate assumptions or predicted effects offered by some commentators may or may not have any more validity than those used by the Forest Service.

IMPLAN is the primary economic model used nationwide by the Forest Service. Concerns about tourism multipliers used in the IMPLAN model are perhaps valid and could result in the undervaluing or overvaluing the economic impact of tourism to the NRA. But again, it is not clear that incorrect multipliers for tourism in general would skew economic impact for any one activity group more or less than for any other activity group.

As with concerns about potentially faulty visitation data, there may be a misunderstanding of how activity groups were defined. This could in turn lead to misunderstanding of how the economic impact of ORV visitors was determined. Activity groups are based on user-reported primary reasons for visiting the NRA. They do not necessarily represent every person that engages in a specific activity during their time on the NRA. For example, people who rent an ORV for an hour as a part of their visit may or may not indicate that ORV riding was their primary reason for visiting the NRA. Only those visitors who reported an activity, such as ORV riding, as their primary reason for visiting the NRA were included in the determination of economic impact from that activity group. If somebody rented an ORV, but said their primary reason for visiting the NRA was sightseeing, their expenditures and thus their economic impact would not be attributed to ORV use.

As with visitation data, there is dissatisfaction with methods and level of information used regarding economic impacts. The desire for better, more complete, more detailed information must be weighed against the intended uses of the information and the cost of gathering it. Economic impact is but one of several factors considered in evaluating alternatives and making decisions for the future management of the NRA. While commentors may disagree with methods and results, the Forest Service developed a level of information believed to be appropriate for the situation and consistent with the finite level of resources (time, staffing, funding) available for the effort. In the absence of any alternative data from commentors, it is the only and thus the best information currently available. This is what is required under the provisions of the National Environmental Policy Act (NEPA). It does not preclude the consideration of alternative data (if offered) nor modification of decisions at a future date should new information become available.

**Comment** The economic impact on local communities should have been given more weight as a factor in choosing the preferred alternative.

**Response** Evaluation of economic impacts of the Oregon Dunes NRA Management Plan is required by the National Environmental Policy Act and serves as a useful piece of information for the decisionmaker. However, it is only one of a large number of factors evaluated in deciding the management direction for the NRA for the anticipated life of this management plan. The National Forest Management Act requires the decisionmaker to select the alternative that provides the highest net public benefit (NPB). Net public benefit takes into account both market and non-market factors. Thus, the alternative that yields the highest NPB may not necessarily be the one with the highest net economic return.

Thus, while economic impact was considered, it was not the most important factor used in comparing alternatives or selecting a preferred alternative. Section 1 of the NRA Act describes the two primary purposes for which the NRA was established. Stated simply, they are to provide outdoor recreation opportunities and to conserve resources. A combination of these two factors and legal mandates, such as minimizing impacts in wetlands and protecting threatened species, weighed more heavily than economics in selecting a preferred alternative.

**Comment** One critique of the DEIS economic impact analysis procedure is that relative differences among the alternatives would be better demonstrated by limiting analysis to only those recreationists for whom the Oregon Dunes NRA was a primary destination, and not including those with multiple destinations.

Responses to Comments  
Water

**Response** The FEIS analysis was modified in response to this comment. Visitor survey data contained the necessary information regarding the proportion of individuals in each of the five recreation use groups who considered the Oregon Dunes NRA their primary destination: 31 percent of non-beach day users, 49 percent of other users, 97 percent of ORV users, 82 percent of anglers, 51 percent of campers. These percentages were used to re-estimate current (1990) income from the five recreation use groups, and to recalculate future total income under the alternatives. This information is presented in Chapter IV of the FEIS.

**Comment** The economic analysis did not include economic values directly associated with ORV use, such as injuries and medical expenses.

**Response** We don't have quantitative information on ORV use at the Oregon Dunes associated with injuries and medical expenses. The FEIS analysis included the economic impacts to local communities from recreationists' expenditures, national forest payments to counties, and the quality of life (congestion, property values and employment opportunities.)

**Water**

**Comment** Alternative F does not provide the Coos Bay-North Bend Water Board reliable access to existing wells and those new wells necessary for both residential service and responsible industrial development. The Oregon Dunes NRA Act mentions withdrawal of water to benefit uses outside the NRA. Cooperate with the Water Board and Coos County water supply planning efforts. Include the results, and benefits of pumping and economic costs of not pumping in the FEIS. (Values exist for the water and collection systems.) In particular, consider effects on the water supply for Weyerhaeuser. Also protect water rights in Tahkenitch and Siltcoos lakes for the plants in Gardiner, and in Tenmile RNA for the Water Board.

**Response** The Coos Bay-North Bend Water Board recently contracted for a study of historical changes in water levels in the area affected by pumping of groundwater. The Forest Service was able to provide input on direction and design of the study. The consulting firm doing the study is now starting to gather data. As stated in "Streams" and "Groundwater", Chapter III of the FEIS, provisions in the Oregon Dunes NRA Act protect continuance of pumping by the Water Board (as well as diversion of water by International Paper from the Siltcoos River and Tahkenitch Creek) provided other resources are not significantly degraded by drawdown. Results of the study will be used to determine if this is the case. Water rights in Tenmile Creek and the Tenmile RNA are an issue with the State of Oregon. See "Groundwater" and "Management Practices", Chapter III of the FEIS for reference to the economic benefits of pumping.

**Comment** The spread and increase of vegetation increases transpiration and loss of water, and its subsequent decay increases iron in the groundwater. The DEIS does not address quality of groundwater, so eliminate the word "surface" in most cases.

**Response** This is now addressed in "Groundwater", Chapter III, FEIS.

**Comment** The Standard and Guideline for MA 10(C)(ORVs on designated routes) that requires a buffer between lakes and ORV areas should be added to MA 10(B)(ORV open).

**Response** No such Standard and Guideline exists. Alternative C (the current management plan), however, does include closures to ORVs around lakes that have not been fully enforced.

**Comment** Threats to water quality from ORV spills need to be addressed further. Why is the risk of contamination of water greater in Alternative D than F, or H than E, when there would be more ORV use? Is it because more total visitors bring more disease?

**Response** As stated in "Changes in Water Quality", Chapter IV of the FEIS, threats to water quality from oil spills would be greater in alternatives that would encourage more ORV use, and least in Alternatives E and H, which would not allow ORV use. It was not stated that risk of contamination from oil or disease organisms would be greater in Alternative D than F. Risk of contamination of water from disease organisms would be greater in Alternative H than E because of greater visitor use.

**Comment** There is no discussion of consistency with the Safe Drinking Water Act.

**Response** Standards and Guidelines and other measures are included in the alternatives to meet state water quality standards. As discussed in "Groundwater", Chapter III of the FEIS, it is possible that increases in vegetation may contribute to higher levels of iron in the water. Preventing the spread of vegetation in the southern part of the NRA where groundwater is withdrawn for municipal purposes, however, has not been considered feasible.

**Comment** The Forest Service should estimate future needs for water supplies from the Oregon Dunes NRA and develop a strategy to either secure those supplies or mitigate the reductions in flows and groundwater that will result from supplying that water. An Standard and Guideline is needed to do this. Desired conditions for roadless areas and MAs 10(A) and 10(G) should include pumping facilities and allow use of motor vehicles to maintain them.

Responses to Comments  
Wetlands

**Response** Until the results of the current study financed by the Coos Bay-North Bend Water Board is completed, it is not clear that providing groundwater to the Board should be a desired activity since it could reduce lake levels and affect other resources. Motorized access to service existing wells is allowed by special use permits already issued by the Forest Service. This access is considered an administrative use, and is specifically allowed in the Standards and Guidelines.

**Comment** Pumping is lowering lake levels and the water table, as evidenced by previous studies and experience.

**Response** This has not been shown conclusively. See "Management Practices", Chapter III, FEIS.

**Comment** Destruction of the foredune could contaminate the aquifer with salt water.

**Response** To our knowledge, this has not been shown conclusively.

**Comment** Riparian buffers are not adequate to protect groundwater. "Very good" water quality in Alternative F only applies to surface water.

**Response** True. Buffers primarily protect surface water. There is no conclusive evidence, however, that any activity other than pumping is affecting quality or quantity of groundwater.

## Wetlands

**Comment** How effective will be designated ORV routes especially with the inevitable destruction caused by infractions and lack of adequate enforcement? Some wetland areas should not be accessible to the general public.

**Response** The final Preferred Alternative will provide a moderate level of wetland protection from recreation disturbance. Overall, wetland habitat is predicted to be good condition under this regime. Designated routes will lessen current impacts while allowing ORV recreationists access to open sand riding areas. Large wetland areas including the Umpqua North Spit and between Tahkenitch Creek and Siltcoos River will be closed to vehicle access and made relatively inaccessible to the general public. See also the discussion in the law enforcement section of this appendix.

**Comment** The Management Plan should take a broad ecosystem approach in managing and providing for a diversity of habitats. Why manage for wetlands over open sand when deflation plain wetlands were created through human intervention?

- Response** An ecosystem approach aimed at maintaining biodiversity is incorporated into the modified preferred alternative. Wetlands are particularly valuable habitats regardless of how they were created. Certain areas will emphasize wetland management; other areas will focus on recreating an open sand condition through beachgrass removal on the foredune.
- Comment** Continue active management of deflation plain wetlands to maintain a range of seral stages and enhance habitat values for waterfowl, shorebirds and other species. These habitats, created by the stabilization of the foredune represent the most biologically diverse and productive habitats on the Oregon Dunes NRA. Left alone these areas will succeed to uplands that are already abundant on the NRA to the detriment of wetland species. Wetland management strategies should emphasize an ecosystem approach directed toward maintaining habitat for the full range of native wetland dependent species. Although enhancement efforts to benefit individual species are appropriate in many areas, they should not be undertaken at the expense of existing habitat diversity.
- Response** Management strategies for wetlands and lakes were developed with goals and objectives described in the Oregon Dunes NRA Management Plan. The importance and value of deflation plain wetlands is recognized as is the need to maintain a diversity of seral stages. Discussion of wetlands management is included in Chapters II and IV of the FEIS.
- Comment** European beachgrass is being allowed to grow without consideration of the effects on sand dunes, wetlands or plover habitat. Keep areas already closed to ORVs that way and allow environmental groups to study wetlands. Wetlands are being made out to be so valuable that no one except experienced personnel are allowed to set foot in them.
- Response** A Vegetation Management strategy will address the control and removal of European beachgrass. To date, little data exists on how to control this species in a cost effective manner. Wetlands provide important habitat to many species. However, allowances have been made to provide ORV users access through wetlands in vehicle riding areas. Access, by foot, to many other wetlands is also possible.
- Comment** ORVs increase soil bulk density on finer wetland soils which will decrease groundwater recharge, increase erosion, runoff and sediment loads in runoff that can adversely impact wildlife, increase fugitive dust, decrease plant available moisture thereby killing or severely impacting native vegetation and promoting the growth of undesirable plant species and possibly increase soil temperatures that could have a variety of adverse impacts.

Responses to Comments  
Wild and Scenic Rivers

- Response** These impacts were considered in the Environmental Consequences Section of Chapter IV (FEIS) and led to the development of mitigation measures such as designated routes.
- Comment** Some commentors expressed concerns on managing specific areas, in particular managing wetlands for waterfowl species such as cackling and Aleutian geese.
- Response** The modified Preferred Alternative, F(PA), provides for additional potential waterfowl habitat through habitat enhancement projects. Comments concerning specific sites will be considered during project design.
- Comment** Recommend additional Standards and Guidelines for protection of wetlands and associated species including prohibiting overflow camping in wetlands and riparian areas, requirement for recreational facilities and roads to be set back from wetlands/riparian areas, provide buffer between lakes and motorized use areas, and provide buffer zones around wetlands and earlier plantings.
- Response** Standards and guidelines outlined in Dunes Plan, Chapter III are expected to provide adequate protection. Monitoring of wetland condition and restriction compliance will be used to assess effectiveness of these measures.
- Comment** Wetlands management designation is particularly important in the deflation plain between the NRA's southern boundary and Tenmile Creek, and on the south spit of the Siuslaw River.
- Response** These areas are designated as wetland management areas or ORV use on designated routes only in order to protect these important areas.
- Comment:** Provide protection for wetlands and their inhabitants through habitat integrity preserves.
- Response** Wetlands and other sensitive plant communities will be protected through Standards and Guidelines (see Dunes Plan, Chapter III) and a variety of mitigation measures listed in Chapter IV of the FEIS.

## Wild and Scenic Rivers

- Comment** Assure that existing domestic and industrial water rights are protected and that the International Paper Company's dam operations will not be adversely impacted.

**Response** The Wild and Scenic Rivers Act grants no special authority for the federal government to take or control water rights. Also, since the I.P. dams are located on private land upstream from the proposed boundaries, the Forest Service could not exercise direct control on the operation of those dams. The Wild and Scenic Rivers sections of FEIS chapters II, III and IV, and Appendix E were revised to clarify this information.

**Comment** Tenmile Creek is a potential source of water for aquifer recharge. Nothing should be done through the Wild and Scenic Rivers Act which would restrict that potential, particularly the inclusion of restrictive standards on utilities, before the hydrogeologic study is completed.

**Response** According to direction from the Wild and Scenic Rivers Act (see Appendix E, FEIS), if Tenmile Creek were designated and a water withdrawal project which was not expected to adversely affect the streams values were proposed upstream from the boundary, the federal government would not attempt to prevent the project. However, if there was a proposal to remove enough water that the outstandingly remarkable values would be directly and adversely affected, or if recreation, fish and wildlife values would be unreasonably diminished, the federal government would be required to try to stop it.

The Wild and Scenic Rivers sections of Chapter IV and Appendix E of the FEIS were revised to clarify this information.

**Comment** Wild and scenic river designation on Tenmile Creek could drastically reduce the uses now enjoyed on that stream. Coos County does not want to limit (1) use of its road that goes all the way to the mouth of the creek; (2) use of its property along the creek; and (3) fishing, camping and other activities which currently take place in the area.

**Response** If Tenmile creek becomes designated a wild and scenic river, there would probably not be any substantial reduction of existing uses. The management planning process would determine acceptable uses unless specific provisions are included in the legislation. Developing a management plan would involve the county plan.

(1) Depending on final management area allocations, the road would probably be allowed to continue, unless it created serious noise problems for people on the stream or T&E species at the mouth. In that case, there would probably be an attempt to relocate it (it could stay in its present location on county land unless the county consented to move it).

Responses to Comments  
Wild and Scenic Rivers

(2) Existing uses of the county's land would be allowed to continue if the county so desired. If such uses were causing serious adverse effects on stream users or T&E species, there would probably be an attempt to negotiate with the county to modify the uses. The county has some responsibilities under LCDC standards to pay special attention to such areas as a national recreation area and a national wild and scenic river and probably would not be proposing new uses which would be unacceptable.

(3) Such uses as camping and fishing would be allowed to continue. ORV riding would probably be an important discussion item during development of the management plan. If the stream would be designated at the wild level, there would probably be pressure to at least provide a setback from the stream for ORV use.

**Comment**

The three "streams" or "creeks" should not be designated because they do not qualify for inclusion in the wild and scenic rivers system for various reasons including tidal, slack water, will not be used by kayakers, act as drainage ditches through the sand, regulated by dams, historic roads and homesites.

**Response**

The studies which were done to determine the eligibility of the three streams under consideration are summarized in Chapter III and described in some detail in Appendix E of the FEIS. Based on criteria in the Wild and Scenic Rivers Act and federal regulations, all three streams were determined to be eligible. The presence of roads, homesites, or trails are acceptable in a designated wild and scenic river.

**Comment**

The Siltcoos, Tahkenitch and Tenmile streams should not be designated because that would conflict with existing recreation uses and cause more regulations and restrictions.

**Response**

It is unlikely that wild and scenic river designation would conflict with existing uses in any significant way. This won't be known precisely until after a management plan would be developed for any stream that Congress may designate. Any new regulations or restrictions would be primarily aimed at preventing new incompatible uses.

**Comment**

These streams should not be designated because there is no logical or compelling reason to designate them. Present management is acceptable so there is no need to designate.

**Response** In general, there are two main reasons for recommending any of these streams for designation: they exhibit unique characteristics, particularly in terms of hydrological/geological processes, which are not included any place else in the wild and scenic rivers system; and wild and scenic river designation provides some different types of protection of the streams' values (particularly their free-flowing condition) than is provided by the Oregon Dunes NRA legislation.

See Appendix E, FEIS, for new, more detailed, information on the benefits and problems with designation of these streams as wild and scenic rivers.

**Comment** All three streams should be designated in order to protect several stream related values (sensitive ecosystems, riparian and aquatic habitats, fishing, hiking).

**Response** While wild and scenic river designation can provide significant protection for ecosystems, riparian and aquatic habitats and recreation opportunities, these are not the values for which these streams are being considered for designation. Protection and management of these values can and will be provided by other management direction in the Oregon Dunes NRA management plan whether or not the streams are designated.

Also, see the response to the previous comment.

**Comment** Tahkenitch and Tenmile creeks, and maybe even the Siltcoos River, should be designated at the wild classification for wildlife, ecosystem, solitude, and other recreation opportunity reasons.

**Response** Portions of Tenmile Creek and nearly all of Tahkenitch Creek have been given a potential classification of "wild" based on their current conditions. Siltcoos River has a potential classification of "recreational" due to the parallel roads and recreation developments along its shores. Proposed classification depends on the suitability of the different streams which is based on a comparison of the costs and benefits of designation and classification. Because of this, a stream may be recommended for designation at a classification lower than its potential classification.

It is possible that a stream could be recommended for a classification higher than its potential classification. That action usually requires removal of roads and facilities as was proposed for the Siltcoos River in some of the alternatives.

Also, see the response to the previous question.

**Comment** Are ORVs considered incompatible with a recreation designated river?

Responses to Comments  
Wildlife

**Response** In each of the alternatives that recommends wild and scenic river designation, the Siltcoos River corridor would be closed to ORVs. This was a coincidental result of the alternative formation process rather than because ORVs were considered incompatible with wild and scenic river designation. Conversely, in Alternatives B and F(PA), both of which recommend Tenmile Creek for designation, the south side of the stream is open to ORV use.

**Comment** The State of Oregon is in general concurrence with the findings for the recommendations for designations. Coordination will be necessary during the preparation of wild and scenic river management plans to ensure that they provide for active restoration and enhancement of snowy plover habitat at Siltcoos, Tahkenitch and Tenmile Creek estuaries.

**Response** A management plan must be prepared for any stream which Congress designates and would be developed with the involvement of interested agencies, groups and individuals. We expect that the State would be heavily involved in the management planning process. Active restoration and enhancement of snowy plover habitat will be provided whether or not the streams are designated.

The Wild and Scenic Rivers section of Chapter II of the FEIS were expanded to describe the management planning process.

## Wildlife

**Comment** Provide better forage in all areas.

**Response** The management strategy outlined in the Oregon Dunes NRA Plan protects vegetated areas. Managing these areas in a natural condition will allow for support of a natural number of wildlife.

**Comment** Impact assessment needs to be done by clearly defining allowed use in a management area, listing known and probable impacts and assessing these impacts at a management area scale and then combining these to assess impacts over the entire Oregon Dunes NRA.

**Response** The impacts to various resources are described in Chapter IV of the FEIS. Cumulative impacts to these resources are also discussed in this chapter. Whether the evaluation is done by resource or management area the results are the same.

**Comment** Examine impacts from non-native predators.

**Response** This type of information would be valuable. However, gaining this knowledge would require funding and partnership with ODFW.

**Comment** There should be no hunting or fire arms allowed anywhere on the NRA.

**Response** The NRA Act specifies that hunting shall be allowed on the NRA, with some exceptions. Management of hunting regulations is outside the jurisdiction of the Forest Service. The Code of Federal Regulations allow people to have firearms in their possession on the Oregon Dunes NRA, but prohibits the discharge of a firearm within 150 yards of developed facilities, over a body of water, or where people may congregate.

**Comment** Outline the process for coordinated development of management techniques to be used within wildlife, riparian, lake and wetland management areas. Develop monitoring programs to evaluate success of management techniques.

**Response** Information on management techniques for wildlife, riparian, lake and wetland management areas are described in Chapter II of the FEIS. Specific projects will require separate environmental documentation. The Oregon Dunes NRA Management Plan, chapter IV includes a monitoring strategy.

**Comment** Provide discussion of monitoring for wetlands, fisheries, wildlife and water quality. Monitoring plan will demonstrate how well the Preferred Alternative identifies issues and concerns by measuring effectiveness of mitigation measures. Level of funding needs to be discussed. Include types of surveys, location, sampling frequency, parameters to be monitored, indicator species, budget, and procedures for using data or results in plan implementation.

**Response** The Oregon Dunes NRA Management Plan, Chapter IV contains a monitoring strategy.

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## Wildlife and Other Habitat Protection

**Comment** Protect delicate areas by keeping ORV users out of them. ORV users are uneducated about and have little appreciation for the impacts of their sport to fragile environments.

**Response** Mitigation listed in Chapter IV of the FEIS includes use of interpretive signs and information to inform visitors about sensitive plant and wildlife habitats. This measure would result in a slight reduction in adverse impacts. In addition, other active methods of limiting ORV damage to these areas, including buffer zones and designated travel routes, are expected to reduce impacts.

Responses to Comments  
Wildlife

**Comment** Avoid trampling of undeveloped land by providing more plant and wildlife viewing areas.

**Response** Several projects designed along these lines are included in the Implementation Schedule, Appendix G, FEIS.

**Comment** Provide habitat improvement and conservation for all wildlife within the area in order to make the area more aesthetically pleasing as well as giving people an opportunity to see wildlife in their natural habitat.

**Response** Chapter II of the FEIS addresses protective measures and wildlife emphasis and developments that will provide for improvement and conservation.

**Comment** The Oregon Dunes is an area of international significance for migrating shorebirds as declared by the Hemispheric Shorebird Network and should be managed as such. This management will also benefit marine mammals.

**Response** Shorebirds and marine mammals will benefit from a greater percentage of beaches closed to ORV use and no increased emphasis for other types of recreation as outlined in the Preferred Alternative, F(PA) (See Plant Communities and Wildlife Habitats Section in Chapter IV).

**Comment** Health of the ecosystem should be the main goal of any alternative and after meeting this goal, the Forest Service can then consider recreation. Alternative F doesn't meet this goal very well. The Forest Service must not consider human gratification over habitat destruction.

**Response** The modified Preferred Alternative is designed to meet several goals including providing recreation opportunities in ways that ensures perpetuation of a healthy ecosystem.

## Wildlife and Recreation

**Comment** Many commentors expressed views on the compatibility or lack thereof between wildlife and ORVs.

**Response** A discussion of this subject is in the Plant Communities and Wildlife Habitat section of Chapter IV, FEIS. The final Preferred Alternative, F(PA), takes into account impacts associated with ORVs. This alternative offers a blend of areas open and closed to ORV recreation. In addition, vegetated areas and sensitive species habitats will be managed with restrictions aimed at protecting these habitats.

- Comment** Wildlife populations will become overcrowded in areas closed to ORVs, better to open the whole area to ORVs.
- Response** ORV activity will displace some wildlife to areas with no or little activity. However, if these areas have a certain number of wildlife at the highest level the habitat can support, these animals will continue to move on or die. By opening the whole Oregon Dunes NRA to ORV use, those species which are sensitive to this use will be lost on the NRA. This action would be a significant adverse impact.
- Comment** Additional studies concerning ORV impacts to wildlife need to be added. Document studies showing adverse affects to wildlife.
- Response** Information concerning ORV impacts to wildlife is included in the Plant Communities and Wildlife Habitats Section of Chapter IV, FEIS. This information is not all inclusive, however it substantiates the analysis.
- Comment** Further research is needed on the interaction of ORV recreation, wildlife and other human uses. Recent research indicates impacts are overstated.
- Response** Additional research is always helpful in determining environmental consequences of management actions. Monitoring the interaction of ORVs with the environment will take place (see Monitoring Strategy in the NRA Management Plan) and can provide some information. However, research is generally beyond the scope of the Oregon Dunes NRA and would only be accomplished if partnership funding and interest from academia were available.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

JUL 15 1993

REPLY TO  
ATTN OF: WD-126

Michael Harvey, Project Leader  
Oregon Dunes National Recreation Area  
855 Highway Avenue  
Reedsport, OR 97467

Re: Oregon Dunes National Recreation Area Management Plan, Draft Environmental  
Impact Statement (DEIS), Siuslaw National Forest

Dear Mr. Harvey:

The Environmental Protection Agency (EPA) has reviewed the DEIS for the Oregon Dunes National Recreation Area Management Plan located in the Siuslaw National Forest. Our review was conducted in accordance with the National Environmental Policy Act (NEPA) and our responsibilities under Section 309 of the Clean Air Act.

The DEIS describes nine alternatives including the No-Action Alternative for managing the 31,500-acre recreation area. The alternatives range from emphasis of off-road vehicle recreation to allowing natural succession to proceed unimpeded with little management presence. Alternative F, the preferred alternative provides diverse recreation opportunities while emphasizing management of fish, wildlife, plants and unique geological features.

The DEIS is an informative, well prepared and comprehensive document. It addresses the management issues and potential environmental impacts that are identified. Although the information in the DEIS is generally sufficient, we have requested some additional information and clarification.

#### Public Involvement

The DEIS does a good job of describing the history of public involvement with this project. We commend your efforts with carrying out the extensive public involvement program. It is obvious you see the benefit of going beyond the minimum legal requirements for public involvement. However, we believe it is important to clearly state in the document how the Forest Service intends to involve the public when site-specific environmental analyses are prepared for projects following this EIS. For example, if an environmental assessment is prepared for a proposed action within

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2

the National Recreation Area will the public be notified before or after a Finding of No-Significant Impact is issued? Provide a discussion in the Public Involvement section (Appendix B) on the process which is anticipated to be used.

#### Monitoring

The DEIS makes no mention of any type of monitoring to follow the various proposed mitigation activities. As the DEIS points out the effectiveness for most of the proposed habitat improvement projects is unknown. Therefore, it is particularly important that the DEIS include a general discussion of monitoring for wetlands, fisheries, wildlife and water quality. A properly designed monitoring plan will demonstrate how well the preferred alternative resolves the identified issues and concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects. The likely level of funding for monitoring should also be discussed.

Generally, a monitoring plan should include types of surveys, location and frequency of sampling, parameters to be monitored, indicator species, budget, procedures for using data or results in plan implementation and availability of results to interested and affected groups. A helpful resource for the development of water quality and biological monitoring plans is:

*Rapid Bioassessment Protocols For Use in Streams and Rivers,*  
EPA/444/4-89-001, May 1989.

#### Priorities & Funding

EPA is concerned that six of the action alternatives require additional funding and we also assume staff level increases in order to fully implement the management directives encompassed by each alternative. Presently the average annual cost is \$1,500,000. The preferred alternative for example is estimated to cost \$2,100,000. The final EIS should provide a discussion about the feasibility of obtaining the funding required to fully implement the alternatives as well as the process for establishing the funding levels: Will the funding levels be known before the Record of Decision or will the Record of Decision be signed before adequate funding is requested? The final EIS should discuss what will be done if adequate funding is not available. Would particular management directives and goals be followed or would all directives and goals suffer to some extent? What are the priority areas or issues for the Siuslaw National Forest in managing the recreation area?

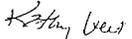
We have rated the Oregon Dunes National Recreation Area Management Plan DEIS EC-2 (Environmental Concerns - Insufficient Information). Our environmental concerns are primarily based on the need for greater funding and possibly staff support to implement six of the action alternatives including the preferred alternative.

3

Additional information is needed to describe the funding process and the contingency plans for each alternative if adequate funding is not available. An explanation of our rating system for DEISs is enclosed for your reference. This rating and a summary of our comments will be published in the Federal Register.

We appreciate the opportunity to review and provide comments on this DEIS. If you have any questions about our review comments, please contact Larry Brockman at (206) 553-1750.

Sincerely,



Kathy Veit, Chief  
Program Coordination Branch

Enclosure

SUMMARY OF THE EPA RATING SYSTEM  
FOR DRAFT ENVIRONMENTAL IMPACT STATEMENTS:  
DEFINITIONS AND FOLLOW-UP ACTION \*

Environmental Impact of the Action

LD--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA intends to work with the lead agency to reduce these impacts.

EN--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce those impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment

February, 1987



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control  
Atlanta GA 30333  
July 12, 1993

JUL 31 1993

James R. Furnish  
Acting Forest Supervisor  
Oregon Dunes National Recreation Area  
855 Highway Ave.  
Reedsport, Oregon 97467

Dear Mr. Furnish:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for the Oregon Dunes National Recreation Area Management Plan, Siuslaw National Forest. We are responding on behalf of the U.S. Public Health Service.

We have reviewed the Draft EIS for potential adverse impacts on human health. We believe our concerns have been adequately addressed, with one exception. Our review did not reveal a discussion or reference to existing contingency emergency plans that would be implemented in the event of a potential toxic materials spill (e.g. herbicide or petroleum) or a recreational mishap resulting in serious injury. The final EIS should address this issue either by reference to existing plans, or provide a discussion on how potential emergency situations would be handled in an effort to protect human health and safety and the environment.

Thank you for the opportunity to review and comment on this document. Please ensure that we are included on your mailing list to receive a copy of the Final EIS, and future EIS's which may indicate potential public health impact and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,

Kenneth W. Holt, M.S.E.H.  
Special Programs Group (F29)  
National Center for Environmental  
Health



United States Department of the Interior



OFFICE OF THE SECRETARY  
Office of Environmental Affairs  
600 NE Multnomah Street, Suite 100  
Portland, Oregon 97232-2036

July 15, 1993

ER 93/333

James R. Furnish, Acting Forest Supervisor  
Siuslaw National Forest  
4077 Research Way, P.O. Box 1148  
Corvallis, Oregon 97339

Dear Mr. Furnish:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Oregon Dunes National Recreation Area (ODNRA) Management Plan. The following comments are provided for your use and information when preparing the final documents.

GENERAL COMMENTS

Even though the Department supports the concept of reducing motor dependent activities in the Oregon Dunes National Recreation Area (ODNRA) and shifting emphasis to fish and wildlife management and low impact recreation activities, we do not believe the preferred Alternative R adequately provides for the future needs of fish and wildlife resources on the ODNRA. We believe that Alternative D best provides for the future needs of fish and wildlife resources on the ODNRA.

SPECIFIC COMMENTS

Page II - 6. Alternatives With More Detailed Implementation: It is stated that additional environmental analysis will be conducted on a case-by-case basis as decisions implementing project activities are made. If "significant adverse effects on the human environment" are identified, a site specific EIS would be developed for these project activities. Therefore, many of the future "strategies" for plan implementation will be relegated to tasks which would be accomplished after plan completion. While the Department recognizes the difficulties inherent in developing a more detailed plan, we find it difficult to evaluate impacts with this general level of information. Thus, our comments are also general and are open to discussion on a case-by-case basis during future planning efforts.

Page III - 26. Figure III-11: The final rule to list the Western snowy plover (*Charadrius alexandrinus nivosus*) as threatened (Federal Register Vol. 58, No. 42:12864-12874) was published on March 5, 1993.

Page IV - 42 to 43. Cumulative Effects: The level of mitigation provided by the measures to partially reduce potential impacts to snowy plovers needs to

be clarified. The extent of the unmitigated impacts needs additional detail to differentiate the relative merit of the alternatives.

Page IV - 54, Chapter IV, Plant and Wildlife Habitats: Designation of the Umpqua Spit as a Research Natural Area should include a special provision to manage water bird habitat.

Appendix C - 1, Area-Wide Standards and Guidelines, AM-2, Riparian Protection: Riparian areas should also be managed for habitat protection.

Appendix C - 2, AM-3, State Coordination: Protection of environmentally sensitive areas on the ODNRA needs a stricter standard for beach access than what the state of Oregon prescribes for off-road-vehicle (ORV) use on public beaches.

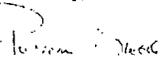
Appendix C - 2, AM-6, Dispersed Recreation: Restrictions are needed to protect special wildlife or plant areas.

Appendix C - 4, AM-28, Aquatic Area Management Strategy: The Department recommends a management strategy for all aquatic areas, including wetlands, in the ODNRA. Lake fishing should be included as a strategy component.

Appendix C - 4, AM-31, Special Habitats: We request that these planning efforts be coordinated with the Fish and Wildlife Service (FWS). The FWS has expertise in inventory methods for documenting "special" wildlife habitats, and is available to assist you in determining the criteria for defining "special habitat." Moreover, the inventories and various management strategies should both be included in the Comprehensive ODNRA Management Plan and documented in the final environmental impact statement.

Thank you for the opportunity to comment.

Sincerely,

  
 For Charles S. Polityka  
 Regional Environmental Officer

BARBARA ROBERTS  
 GOVERNOR



OFFICE OF THE GOVERNOR  
 STATE CAPITOL  
 SALEM, OREGON 97310-0370  
 TELEPHONE (503) 326-3111

July 13, 1993

Mr. Ed Becker, District Ranger  
 Oregon Dunes National Recreation Area  
 855 Highway Avenue  
 Reedsport, OR 97467

Dear Mr. Becker:

We have completed our review of the draft Environmental Impact Statement for the Oregon Dunes National Recreation Area Management Plan. Enclosed is the State of Oregon's coordinated response to that draft. All agencies found much to support in the preferred alternative. The state's comments include those issues that must be addressed and the minor text amendments or revisions that would strengthen the document.

The state commends the EIS team for their efforts, including work sessions with state agencies and considerable public involvement, as well as substantial gains toward developing a plan that balances resource and recreational use.

Your planning efforts reflect the recognition that the Dunes National Recreation Area is a unique and wondrous environment that deserves very special care. The preferred alternative indicates sound guiding principles that should provide a strategy for such responsible management.

Mr. Becker  
July 13, 1993  
Page 2

Continued coordination with state agencies and communities is crucial to the success of the management plan. We are looking forward to many more collaborative efforts to achieve the balances outlined for resource and recreational use.

Sincerely,



Anne W. Squier  
Senior Policy Advisor  
Natural Resources

Enclosures

STATE of OREGON'S COORDINATED RESPONSE TO THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT for the  
OREGON DUNES NATIONAL RECREATION AREA MANAGEMENT PLAN

**Introduction**

We find the analysis of issues and the proposal developed as a preferred alternative sensitive to the often conflicting resource demands on the ODNRA. It is also reflective of a reasoned strategy to provide sustainable recreational use and long term protection to the ecological integrity of the dunes. It is important to note that these comments are in addition to several work sessions that have occurred between agencies during the review period. This response reflects consolidated comments appropriate to specific issues.

The overall goals that give rise to the guiding principles used for the preferred alternative are critical in the management of this unique area. Those goals include:

1. Set the NRA on a course to meet future needs.
2. Meet current laws and regulations including: the NRA Act, Wetland Protection Executive Order, the Endangered Species Act, the Wild and Scenic Rivers Act and ORV Management Executive Orders (Title 36 CFR, Part 295) and State law.
3. Reflect congressional intent for the NRA.
4. Address current problems and interests.

Managing lands and resources based on ecological principles is sound public policy. This practice is perceived to be not only biologically important, but also more in line with public expectations of doing a better job at managing our natural resources. It makes sense for programs and organizations to manage under a systems concept which includes: people, animals, birds, plants, soils, water and climate, with the processes of nature working together as a whole. The NRA is faced with many significant challenges to achieve such management not least of which is a defined area of resource base that has been significantly altered by man.

The state believes that the ODNRA has critically reviewed existing management and is proposing a strategy that has the potential to assist in the creation of a more ecologically sustainable, healthy, and resilient natural ecosystem. Meeting this objective is a difficult goal for the NRA, which has a wide range of micro-environments that is overlaid by a diverse range of recreation users. The state supports efforts to meet this challenge. We believe that by incorporating these final recommendations, the management plan will be able to continue to assure public enjoyment of Oregon's beaches and the unique Oregon dunes area while ensuring natural resource conservation and protection.

#### General Comments

Two items are recommended for easier use of the document.

1. The guiding principles should appear in the introductory chapter.
2. The planning map should have identified landmarks similar to the first draft alternative maps.

#### Primary Planning Issues

##### 1. Mix of recreation settings and opportunities provided at the NRA

The preferred alternative discusses and addresses the primary resource conflicts for identifying the recreation resource base in a balanced and accurate manner. Crucial to the decisions for determining the recreation mix were the identification of adjacent residential areas, wetland resources, snowy plover and wintering shorebird habitat and a review of the range of recreation settings and possible experiences that are available within the NRA. This alternative demonstrates a serious attempt to provide a diverse range of the recreation opportunity spectrum (ROS). There is an identification of the quality and quantity available of the recreational experiences and the resource base for these settings and facilities.

While the traffic study is adequate for determining existing use for the purpose of the DEIS; we recommend additional study, during the life of the management plan, to monitor visitation over time. Visitor surveys conducted at regular intervals and seasons should be able to detect changes in use and provide information about the success of proposed management. This historical analysis could also assist in determining user patterns and implementation of a reservation system or incentive program to change these patterns, i.e. a campground reservation program that has cost savings for midweek and off season use.

A more inclusive study querying citizens from Oregon, Washington, and northern California could assist in possible marketing decisions or additional changes in management. We are encouraged by the commitment to continue gathering and updating natural resource inventory information. This will be invaluable in determining carrying capacity capabilities for the area in the next 2 years.

The adjacent BLM, state and county facilities should be discussed as part of the available facility and resource base supply to more accurately represent what is available for the area. Handicap accessible facilities and opportunities should be discussed in greater detail.

##### 2. Recreation management in relation to resources, nearby residents, and other recreationists

Recreational development proposed in the preferred alternative for areas adjacent to snowy plover habitat should be modified as follows:

- A. If additional parking is needed when the parking lot on the north side of the Siltcoos outlet is closed, it should be relocated at least one mile to the north of the existing site.
- B. Horse use has been shown to negatively impact nesting snowy plovers by trampling eggs or young and by flushing incubating adults from nests. Drifwood II horse camping proposal is not compatible with the snowy plover habitat nearby. Instead, site horsecamps in locations that are not adjacent to significant snowy plover habitat areas.
- C. Direct human traffic away from snowy plover habitat by removing Waxmyrtle Road; closing the road from Spinreel to Tenmile and relocating this route to connect with the existing beach-access road approximately 1.5 miles south; and not designating the access area leading into Tenmile as a "developed corridor."

##### South Jetty Area

An adequate non-motorized buffer between residential areas and Honeyman Slate Park has been proposed. The development of a pedestrian corridor from the park to the ocean shore will assist in alleviating potentially hazardous situations in the identified motorized recreation area. We recommend a designated route from the residential area to the managed motorized area. Clear signage is the key. It is important to phase in development of new facilities as quickly as possible in this high use area.

##### Lagoon Campground

Recommend relocating campsites away from the water edge.

##### Wax Myrtle

Concur with relocation of trail that currently ends at snowy plover nesting site. There is excellent potential for viewing areas along a trail overlooking the wetlands.

##### Butterfield Lake

Support the reservation group campground and study facilities proposed for this area. This use should be monitored on a regular basis for adverse impacts.

#### Horsfall

Mapping of motorized recreation corridors more accurately reflects the wetland resource and residential buffer needs. Every effort should be made to maintain the Horsfall ORV day use area and campground. The area should be scrutinized for the possibility of maintaining a loop ride for that user group.

#### Appropriate level of access and facility development

We recommend that every effort should be made to relocate recreation facilities in appropriate sites as critical habitat needs are identified, especially as part of the snowy plover recovery plan. The identification of the carrying capacity of the area is critical to determine the feasibility of such relocation. Seasonal closures and essential recovery time for many heavily used areas should be identified in this assessment.

#### Beach and Dunes Access

Beach and dunes access corridor trails for hikers should be established from Honeyman and William Tugman Campground. These pedestrian trail corridors should be developed cooperatively between OPRD and the ODNRA to meet the needs of recreational users in these areas. OPRD will also need the cooperation of the ODNRA to provide a similar trail from Umpqua Lighthouse State Park.

### 3. Special Habitat Management

The preferred alternative (F) needs to increase the size of designated "Snowy Plover Habitat Areas" to provide an adequate land-base for species maintenance and recovery and provide additional standards for wetland-associated wildlife.

#### Snowy Plover

Effective April 6, 1993, the Pacific Coastal population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*) was listed as a threatened species under the Endangered Species Act due to the coastal population's declining abundance and limited distribution, coupled with continuing threats to its habitat. The ODNRA provides habitat essential to the conservation and recovery of the snowy plover. Currently, three of six sites on the Oregon Coast occur within the ODNRA. Siltcoos, Tahkenitch and Tenmile Creek estuaries and adjacent beaches contain snowy plover breeding and feeding areas.

It is critical that the management plan contain specific provisions to protect snowy plover breeding and feeding areas and identify areas for active restoration of snowy plover habitat. These areas should be designated as "Snowy Plover Habitat Areas." Management of these areas

may seasonally restrict human access in isolated identified sites to protect nesting, but the areas will generally still remain open to passive recreation. Initial recommendations for the extent of "Snowy Plover Habitat Areas" are:

- A. Approximately 1.0 mile north from the outlet of the Siltcoos;
- B. From Siltcoos outlet south to approximately 1.0 mile south of Tahkenitch Creek. This area is remote relative to most other Oregon beaches and has the potential to provide extensive area for snowy plover habitat restoration.
- C. From the North Jetty of the Umpqua River north along ocean and river a distance of 1.0 miles, or to the extent of state ownership. The combination of ODNRA lands and state lands presents opportunity for another extensive area for snowy plover habitat restoration and enhancement. It is important for snowy plovers nesting along the river to have access to the ocean beach to rear their young. In addition, this area is used by other threatened and sensitive species, including bald eagles, brown pelicans, and peregrine falcons. This area also includes a haulout area for harbor seals, a federally-protected species;
- D. Approximately 1.0 mile north and south of Tenmile outlet.

These recommendations will need to be further refined and coordinated as the Snowy Plover Recovery Plan is established.

#### Wetland, Riparian and Lake associated wildlife management areas

A process should be provided for the coordinated development of management techniques to be used within wildlife, riparian, lake and wetland management areas. Monitoring programs to evaluate the success of these management techniques should also be developed.

### 4. Maintaining/Enhancing biodiversity (diversity of plant, fish and animal communities)

#### Specific Additions

Page III-36 There is no discussion of native versus exotic fish species or discussion on the implications of management for exotic species (bass, perch, crappie, etc.) on the native fauna.

Page IV-43 There should be an analysis of the alternative's effects on habitat fragmentation, isolation, edge intrusion, corridor maintenance, refuge maintenance, protection of the integrity of unique sites (bogs, etc.) to determine cumulative effects on biodiversity.

Vegetation Management to maintain or enhance unique scenic, ecological, and recreational qualities associated with unvegetated sand dunes

Snowy Plover Habitat Restoration Techniques. The introduction of European beachgrass to stabilize sandy coastal soils facilitated foredune development and eliminated the flat, open habitats preferred by snowy plover for nesting and feeding. The priority for vegetation management in the ODNRA should be the maintenance and creation of habitat for snowy plover. The ODNRA should target selected locations including: Siltcoos River, Tenmile Creek, Tahkenitch Creek and Umpqua River spit. The location and extent of vegetation removal should be selected in cooperation with the USFS and the State Parks and Recreation Department and other affected agencies. Vegetation management areas should be large enough to restrict predator access. A process should be developed for monitoring the success of vegetation removal and other snowy plover habitat restoration efforts.

#### 5. Research Natural Areas

Providing areas where models can be developed to eradicate European beachgrass is critical for the Oregon Dunes. Also of great benefit are studies that provide information about the micro-environments of this dune system. While it is suggested that passive recreation will still be allowed in this area, the standards and guidelines (appendix C) specifically state that the desired condition is an area "without human intervention and that recreation activities such as hiking and birdwatching may occur." There are no clearly defined reasons for the size of acreage recommended. The amount of acreage for research areas should be reviewed to determine if it is either feasible or desirable to commit over 2000 acres to such use. At the minimum, there should be a standard developed to maintain the resource for passive recreation (hiking and wildlife viewing) and as research projects are identified, determination of the location and acreage for a successful project should be driven by the requirements of the known project.

#### 6. Education and resource interpretation

State supports the development of the South Jetty as an interpretive area.

#### 7. Wild and Scenic River Designations

The state is in general concurrence with the findings for the recommendations for designations. Coordination will be necessary during the preparation of Wild and Scenic River Management plans to ensure that they provide for active restoration and enhancement of snowy plover habitat at Siltcoos, Tahkenitch and Tenmile Creek estuaries.

#### 8. Impact on Local Communities

The discussion in Chapter III pages 7 & 8 demonstrate the strong economic interdependence between the ODNRA and the economic health of the surrounding communities. Careful monitoring of visitation over time should ensure the maintenance of this economy. Additionally, every reasonable effort should be made to maintain an adequate level of resource available for ORV access and use. ORV enthusiasts provide an economic benefit for the community. There has been expressed concern particularly in the Coos Bay area. Maintaining the Horsfall ORV day use and campground should provide the resource to support this element of visitation to the Coos Bay area and business patronage. This does not mean however, that there is not economic viability in supporting the larger public by providing a greater range of available resource base for a diversity of recreational pursuits. The 1991 ODNRA economic impact analysis suggests that a balance of motorized and non-motorized recreation best suits the tourist base, but that the trend may be away from motorized and toward non-motorized recreation over the next several decades.

The OEDD Film & Video Division has spent a significant amount of money on advertising promoting the Oregon Dunes as a place where film companies can find pristine sand dunes, with little vegetation, and little indication of human presence that could simulate sand dunes in the Sahara, Kalahari or similar deserts. The film industry provides a good deal of economic viability in communities where they work.

#### 9. Surface Water Management

The DEIS describes the streams, lakes and groundwater resources, refers to existing water rights and highlights some of the management considerations pertaining to the dunal aquifer. The DEIS also acknowledges that demand for water will continue to increase and notes the need to manage water quality and quantity on a long-term basis.

The DEIS needs to estimate the existing or future water supply needs on the NRA and suggest a strategy for either securing the needed supplies or for mitigating the impacts of diminished streamflows, lake or groundwater levels that may result. To address these concerns:

The DEIS should acknowledge that managing many of the NRA resources can involve managing water. The fish habitat and wetlands resources, rely on adequate water supplies. Developing a strategy to secure supplies is necessary for the success of these resources.

The ODNRA should continue to work with the USGS and the Coos Bay/North Bend Water Board in studies of the dunal aquifer. The ODNRA should also participate in Coos County's water supply planning effort. The water supply plan being developed for the county analyses a number of water source options, many of which could have some impact on the resources and water supply needs of the NRA.

#### 10. Enforcement

Implementation, monitoring and providing regular evaluations of the initial management steps should provide noticeable positive results in a very short length of time. These include: providing a clearer delineation between incompatible uses; setting and enforcing curfews for ORV use (10 pm - 6 am) in residential/campground zone of influence, maintaining and patrolling buffer areas; monitoring mufflers for legal decibel readings; and targeting critical habitat areas for increased patrols.

#### 11. Ongoing Coordination with state agencies

The success of the management of this area is highly dependent upon the continued coordination between the Forest Service, state agencies, local government, user groups and the communities. The final EIS should provide a clear process for coordination between the USFS, USFWS, BLM, and affected state agencies and interest groups. The following recommendations should be considered in addition to the listing of agencies in the Consistency Chapter IV. Issues that will require coordination include:

##### A. Snowy Plover Habitat

**Restoration Techniques.** The location and extent of vegetation removal should be selected in cooperation with the USFS and the State Parks and Recreation Department and other affected agencies. A process should be developed for monitoring the success of vegetation removal and other snowy plover habitat restoration efforts.

**Access restrictions.** Coordination between affected agencies will be necessary during monitoring effort as outlined in Habitat Standard and Guideline E.6 (Appendix C-12)

The management plan should acknowledge that snowy plover management strategies in the ODNRA will be developed once there is an adopted Recovery Plan for the species. ODNRA, OPRD, ODFW and USFW will continue to cooperate with interim management activities for the NRA and the Oregon Ocean Shores Recreation Area which will protect the bird and comply with the recovery plan once it is adopted.

##### B. Beach Closures

While the state supports the philosophy and intent of consistency in management of motorized use of the upland areas and the ocean shore, proposed closure of currently open for motorized use beaches requires that the ODNRA work with OPRD through the mandatory process identified in ORS 390.668 and also provide findings as identified in OAR 736-22-005.

##### C. Wild and Scenic River Management Plan Development

After designation, this process will necessitate coordination with all affected state agencies.

##### D. Environmental Assessments for Proposed Recreation Developments

Coordination with ODFW, DSL, and where applicable OPRD, WRD, and local governments.

E. Page III-4 under Land Ownership, should include the substitution of the following paragraph for the last paragraph of that section:

The State of Oregon is the owner of the beds and banks of navigable waters below the ordinary high water mark and all lands naturally subject to tidal influence that have not become vested in any person. On the ocean shore this includes all submerged and submersible lands up to the Mean High Tide. In addition the Division of State Lands (DSL) has determined that there is likely sufficient evidence to support a claim of navigability and State ownership for the beds and banks of the non-tidal reaches of the Siltcoos River, Threemile Creek, Tenmile Creek, and Tahkenitch Creek.

F. ODNRA should coordinate the development of a process with OEDD to ensure the maintenance of a resource base for the film industry. Filming is usually a short term occurrence that should be allowed with known standards and guidelines for short term use of the resource base.

G. Note continued coordination with the Department of Agriculture during their inventory and study of threatened and endangered plants for the Siuslaw National Forest. Of particular interest is the pink sand verbena and the possibility of potential new sites for translocating the plant.

H. The department of agriculture should be contacted if issues regarding confined animal feeding operations and container nurseries on private land or commercial oyster plats on state estuary lands ever occur during the life of the management plan.

I. Continued coordination will be required between the ODNRA and ODOT. As ODOT and local jurisdictions finalize and adopt coastal corridor transportation plans and begin implementation of those plans. As the ODNRA begins management plan implementation, it will be important to coordinate:

- safety of motorists at access points and along the highway,

- compatibility of maintenance practices relative to landslides, erosion and dune encroachment (some of these activities may require going off the right-of-way), and

- compatibility with treatment of natural, historic and scenic resources.

A coordination process should be developed between ODOT and the ODNRA.

J. Water Resources Department will be undertaking a major watershed restoration effort in the South Coast area in the coming biennium with the goal of avoiding the need to list additional species as threatened or endangered. This effort may include the Umpqua River. Coordination and cooperation will be requested from the ODNRA at that time.

#### K. Beach Enforcement Program

The ODNRA and OPRD will continue to cooperate and coordinate law enforcement actions in the Ocean Shores Recreation Area which are consistent with the needs of both agencies. Vehicle closures, estuary closures, recreation and visitor activities will be regulated and enforced as necessary to protect the public and the natural resources in this area. Monitoring for effectiveness of initial management steps including: increased presence in target areas, muffler readings and 10 pm to 6 am closures.

OPRD will cooperate with the ODNRA to work towards legislation, education and other possible changes that reduce the decibel levels over time. DEQ will provide technical assistance.

#### L. Fire Control and Abatement Program

Controlled beach fires are allowed on the Ocean Shores Recreation Area as long as they are supervised and not placed in driftwood. Controlled burning of beach grass may be necessary in the future for Snowy Plover habitat restoration. Such burning in the Ocean Shores Recreation Area should be coordinated with OPRD and other affected agencies. OPRD and the ODNRA office should review the potential for forest fire as shore pine forest continue to infill adjacent to state parks. This would include the development of an emergency response plan.

#### M. Oregon Coast Trail Development

Specific routes and signing have yet to be developed. ODNRA will need to continue to coordinate and cooperate with OPRD on this issue.

#### N. Cultural Resources

ODNRA will continue to coordinate with the State Historic Preservation Office for projects that involve either prehistoric or historic resources.

#### 12. Other Coordination

The method used to gain citizen participation in the planning process has provided greater access to organized ORV groups. We believe that this provides a potentially significant key to the success of the management area. Continued communication and coordination with these groups for dispersal of guidelines for properly maintained machines and development of safety classes for the user will assist in training responsible, safe users.

#### 13. Additions to Other Plans and Policies in Chapter IV

Add a reference on page IV-85. to the closure of Siltcoos, Tenmile Creek and Tahkenitch Creek estuaries from motor vehicle use per OAR 141-84-020, 141-84-030, and 141-84-040 (enclosed)

Note that the ODOT HWY 101 corridor plan is still in process and that it is the intent of the ODNRA to continue to coordinate management for safety, scenic resources and the preservation and enhancement of recreational, cultural, historic and archeological resources that support Hwy 101's designation as a scenic byway.

Figure IV-18 State Land Use Goal 5 should also include: federal Wild and Scenic and State Scenic Waterways and designated state trails.

#### 14. Consistency Chapter

Preliminary review by the state of a federal consistency determination occurs as part of the review of the DEIS. The final consistency determination review by the State of Oregon is made following release of the final environmental impact statement.

The description of federal consistency in Chapter IV will need to reflect the 1990 amendments adopted by Congress on federal consistency for federal activities. The "directly affecting" provision is no longer applicable. Federal agencies must now determine whether an activity has the potential to affect any land or water use or natural resources of the coastal zone. "Affecting" activities is to be interpreted to mean both direct, immediate impacts, cumulative impacts and indirect effects that occur later in time and at a distance from the action, but are reasonably foreseeable. The text and consistency analysis on pages IV-87 to IV-89 should be amended to reflect these legislative changes.

#### DLCD Consistency Conclusion

Based upon DLCD analysis and a review of comments received in response to the state's notice, it appears that the draft management plan for the ODNRA would be consistent with Oregon's coastal management program.

Official DLCD concurrence with the Forest Service's determination of consistency cannot be made at this time due to lack of specific documentation in the DEIS to justify a Goal 18 exception, and clear language that would ensure compliance with the applicable mandatory state authorities listed in the Oregon Coastal Management Program (OCMP).

For the purposes of its final federal consistency determination, the Forest Service will need to document in the final EIS how the selected management alternative complies with the goal requirements, or justify noncompliance according to the exceptions criteria, determine consistency with the enforceable policies of the acknowledged local plans, and clarify compliance with the statutory authorities and regulations of the OCMP.

The Consistency Section should be able to comply by providing the information needed for these recommendations:

#### Statewide Planning Goals

The Forest Service has generally characterized how the goals relate to the ODNRA management plan and their alternatives. Figure IV-18, entitled "LCDC Goals and Discussion," identifies those goals believed applicable to the ODNRA management plan. A brief discussion then identifies whether the alternatives meet the particular goal issues in question. Several inconsistencies with the goals for different management alternatives are noted in the table. The final EIS must clearly discuss the consistency of the final adopted management alternative with the goals.

An apparent inconsistency with a goal requirement was not noted in Figure IV-18. Statewide Planning Goal 18 prohibits foredune breaching except where necessary to replenish sand supply in interdune areas on a temporary basis in an emergency. Vegetation removal methods discussed in the management plan identify foredune breaching as a feasible measure for removing European beachgrass. The state supports this objective, but as outlined, is not consistent with Goal 18.

Vegetation removal projects which involve breaching or grading foredunes for purposes not allowed by the Goal will require an "exception" to that Goal requirement. The Forest Service must demonstrate that the goal exception requirements can be met. The justification would be similar to the current project proposed at Sutton Creek for Snowy Plover/Dune Breaching. DLCD will work with the ODNRA to prepare this goal exception justification for inclusion in the final EIS.

#### Acknowledged Comprehensive Plans

No inconsistencies with acknowledged land use plans and implementing regulations were identified by coastal city and county planning directors during the consistency review. However, in the section addressing consistency, the DEIS state that the uses and activities proposed in the alternatives were "generally consistent" with the county goals except for a minor inconsistency with a Coos County policy.

The federal consistency standard of review is whether the proposed management plan is consistent to the maximum extent practicable with the enforceable policies of the coastal program, not whether it is generally consistent. The referenced Coos County ordinance regarding the county's opposition to any new restrictions on the use of off-road vehicles should be considered an advisory policy, which states the position or preference of the county to retain the amount of public lands available for ORV use.

A decision regarding the allowable level of ORV use on public lands should not be made independent of the consideration of other resources, recreational needs or applicable law. The Forest Service should consider the county's position when analyzing the proposed management alternatives for the ODNRA but must also analyze the regional needs for ORV use, other recreational uses and needs, and SCORE. The management plan should provide opportunities for recreational uses, but must also be balanced with protecting Goal 5, 17 and 18 resources, and must enable the Forest Service to meet the requirements of the Endangered Species Act and other federal law.

Minor corrections include:

Page IV-89, Parks and Recreation Department, ORS Chapter 390. Goal 8 - Recreation Needs, State Comprehensive Outdoor Recreation Plan (SCORP)

Water resources department description (p.IV-89) should be changed to read:

Regulation of water use administered by the Water Resources Department (ORS Chapters 536 through 543)

Forest Service water use will comply with applicable WRD requirements. For example, water use permits may be required for recreation facilities and wetland projects.

#### 15. Appendix C Standards and Guidelines

AW-3. Water Strategy. Water withdrawal could adversely impact lakes, wetlands and streams. Development of a strategy with the Coos Bay/North Bend Water Board while supported is not

enough. A strategy for surface water management should also include an assessment of existing or future water needs within the ODNRA, and an analysis of the environmental impacts of meeting these needs. A standard and guideline should be adopted which requires preparation of this assessment and analysis within two years of plan approval.

AW-5. This standard is also applicable for Alternative F. It should include the addition of: "...where findings demonstrate warranted closure."

AW - 14. This standard should include: "...and reflecting the analysis of inventories to determine carrying capacities of the resources of the NRA."

AW Recreational Facilities and Roads. Wetlands and associated riparian areas provide key foraging, nesting and resting areas for wildlife. Wildlife use of wetlands and riparian areas is limited by adjacent recreational development and associated human use. Recommend additional standards:

1. A standard which prohibits "overflow" camping in wetlands and associated riparian areas;
2. A standard which requires that recreational facilities and roads be set back from wetlands and associated riparian areas.

Management Area 10(C), ORV's Restricted to Designate Routes. Recommend standards be amended to include:

1. A standard which requires a buffer between motorized use areas and wetlands, wherever possible.
2. A standard which requires a buffer between lakes and motorized use areas. Equivalent standards should be added to the Standards for Management Area 10 (B)), Off-Road Vehicle Open.

AW-33 Special Habitats. This requires identification of special wildlife habitats, threats to key wildlife habitats and determination of a threshold of impacts within one year of plan approval. Specific biological survey information is critical for determining the carrying capacities that are used to determine "limits of acceptable change" and for justifying statements such as the statement on page IV-41 that the proposed alternative is not expected to have any adverse direct or indirect cumulative impacts on redlegged frogs or western pond turtles.

MAY 11 1993

Oregon

DEPARTMENT OF  
AGRICULTURE

May 7, 1993

Michael Harvey, Project Leader  
Oregon Dunes National Recreation Area  
Siuslaw National Forest  
855 Highway Avenue  
Reedsport, OR 97467

Dear Mr. Harvey:

We have reviewed the DEIS for the Oregon Dunes National Recreation Area Management Plan with regard to special status plant species (i.e., rare, threatened, and endangered). The DEIS adequately addresses the protection of habitat and populations of special status plant species; however, we have the following comments.

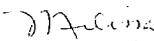
Appendix C, page 24, states that when habitat is present, a biological (field) evaluation will be performed for T&E and sensitive species. It is not clear if these evaluations include the use of botanical field surveys. We would like to stress the importance of such field surveys, and believe they should be included as part of the biological evaluation process.

In addition, please note that the Oregon Department of Agriculture is responsible for listing special status plant species, as stated in Appendix C, page 24, and should be noted as such in Chapter III, page 28.

We support Alternatives D and F which preserve and manage the greatest amounts of habitat for plant populations.

Thank you for the opportunity to comment. If you have further questions or comments, please contact me, or Thomas Kaye, at the number listed below.

Sincerely,

  
Melissa J. Kirkland  
Conservation Biologist  
Plant Conservation Biology Program  
Natural Resources Division  
503/737-2346

Barbara Roberts  
Governor635 Capitol Street NE  
Salem, OR 97310-0110

May 27, 1993

Marguerite Nabeta  
Oregon Parks & Recreation Dept.  
525 Trade St., SE  
Salem, OR 97310

Dear Marguerite:

I thought I'd follow up our phone conversation of May 26, on the draft Oregon Dunes National Recreation Area Management Plan EIS for the Siuslaw National Forest, with a letter. Our botanists have developed an agreement with the USFS to do an inventory and study of threatened and endangered plants that might occur in the 27,000 acres of federal forestland. Of particular interest will be the pink sand verbena. At the present time little is known about what rare plant species occur in this 40 mile strip from Coos Bay north to Florence. We are presently studying a pink sand verbena population on the beach at Port Orford but human vandalism is a serious problem. We'll be looking for potential new sites in the Siuslaw National Forest land here for translocating the verbena.

As the plan develops for this piece of the Oregon Dunes National Recreation Area our agency can be of help in dealing with issues that relate to confined animal feeding operations and container nurseries on private land, and commercial oyster plants on state estuary land.

Thank you for the opportunity to review the EIS. If I get some feedback from the three soil and water conservation districts in the area under review I will pass that information on to you.

Sincerely,



John Mellott  
Administrator  
Natural Resources Division  
378-3810

RECEIVED  
MAY 28 1993  
STATE PARKS AND  
RECREATION DEPARTMENT

DEPARTMENT OF  
AGRICULTURE

RECEIVED

JUL 9 1993

STATE PARKS AND  
RECREATION DEPARTMENT

Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFE

July 6, 1993

Ed Becker  
Area Ranger  
Oregon Dunes National Recreation Area  
Siuslaw National Forest

Dear Mr. Becker:

The Oregon Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Statement for the Dunes National Recreation Area (ODNRA) Management Plan, and offers the following comments.

The Department commends the ODNRA planning team for its efforts to develop a plan that balances resource and recreational use. The Department supports many aspects of the Proposed Alternative F, including:

- Development of South Jetty Corridor as an interpretive area;
- Continued access for hunting and fishing at current levels;
- Designation of a Research Natural Area north of Tenmile Creek. This designation would complement future efforts for snowy plover habitat restoration in adjacent areas;
- Protection for wetland-associated wildlife, including closure of riverside campsites at Lodgepole Campground, maintenance of remote deflation plain wetlands for wildlife at Siltcoos, Threemile and Tenmile Creeks, and the prohibition of overflow camping at Siltcoos;
- Limitations on recreational development adjacent to significant snowy plover habitat areas. Examples include the proposed closure of Siltcoos Beach parking lot, shortening of Siltcoos Road, conversion of Driftwood II to a RV campground, closure of Waxmyrtle and Lagoon campground to ORVs, closure of ORV staging areas at Driftwood II, Siltcoos and Horsfall campgrounds, and rerouting Waxmyrtle and Tahkenitch trails;
- Proposed ORV use restrictions in and adjacent to significant habitat areas, including the proposed non-motorized buffers around Horsfall, Sand Point, Spirit and Beale Lakes.

Although the Department supports many aspects of Alternative F, we are concerned that (as currently written) this alternative does not provide adequate protection for the federally threatened snowy plover. In addition, there is a need for additional standards and guidelines to protect sensitive habitat areas such as wetlands, riparian areas, and lakes. Our concerns are described below, with specific recommendations for modifications.



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400

#### Snowy Plover

Effective April 6, 1993, the Pacific Coastal population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*) was listed as a threatened species under the Endangered Species Act due to the coastal population's declining abundance and limited distribution, coupled with continuing threats to its habitat (Federal Register, 5 March 1993: 12864-12874).

The ODNRA provides habitat essential to the conservation and recovery of the snowy plover. Currently, there are only six remaining sites on the Oregon coast used by breeding snowy plovers (Oregon Department of Fish and Wildlife, unpublished survey data). Three of these sites occur within the ODNRA. Siltcoos, Tahkenitch and Tenmile Creek estuaries and adjacent beaches contain snowy plover breeding and feeding areas that are critically important to recovery of the species.

To facilitate recovery of the threatened snowy plover, it is critical that the ODNRA management plan contain specific provisions to protect snowy plover breeding and feeding areas from human disturbance. It is also critical that the plan provide for active restoration of snowy plover habitat, particularly in the beach areas between Tenmile Creek and the Siltcoos Estuary.

In Reproductive Ecology of Western Snowy Plover on the South Coast of Oregon (1992) Craig et. al. stated that: "We believe to establish and maintain a self-perpetuating Snowy Plover population comparable to the pre-1980 levels it will be necessary to create habitat areas large enough to disperse the present predation pressures and reduce the amount of human disturbance." (Page 18).

The Department recommends modifying Alternative F to increase the size of designated "Snowy Plover Habitat Areas" to provide an adequate land-base for species maintenance and recovery, as well as a buffer between human-use and plover-use areas. Our recommendations are based on documented historic and current use patterns during breeding and wintering seasons (Oregon Department of Fish and Wildlife, unpublished survey data):

1. The extent of "Snowy Plover Habitat Areas" should be modified to include the following significant habitat areas for snowy plover:
  - a. A minimum distance of 1.0 mile north from the outlet of the Siltcoos;
  - b. From Siltcoos outlet south to 1.0 mile south of Tahkenitch Creek. This beach is remote relative to most other Oregon beaches and has the potential to provide extensive area for snowy plover habitat restoration.
  - c. From the North Jetty of the Umpqua River north along ocean and river a distance of 1.0 miles, or to the extent of state ownership. The combination of ONDRA lands and state lands presents opportunity for another extensive area for snowy plover habitat restoration and enhancement. It is important for snowy plovers nesting along the river to have access to the ocean beach to rear their young. In addition, this area is used by other threatened and sensitive species, including bald eagles,

brown pelicans, and peregrine falcons. This area also includes a haul-out area for harbor seals, a federally-protected species;

- d. A distance of 1.0 mile north and south of Tenmile outlet.
2. Recreational development proposed in the Preferred Alternative F for areas adjacent to snowy plover habitat should be modified as follows:
    - a. The Department supports the proposed closure of the parking lot on the north side of the Siltcoos outlet as proposed in Alternative F. If additional parking is needed, the lot should be relocated at least one mile to the north;
    - b. Eliminate the proposed horse camping area at the Driftwood II campground. Horse use has been shown to negatively impact nesting snowy plovers by trampling eggs or young and by flushing incubating adults from nests. If a horse camping area is needed, alternative locations that are not adjacent to significant snowy plover habitat areas should be explored. The Department supports the proposed closure of Driftwood II Campground to ORVs;
    - c. Direct human traffic away from snowy plover habitat by removing Waxmyrtle Road;
    - d. Direct human traffic away from snowy plover habitat by closing the road from Spinreel to Tenmile. Relocate this route to connect with the existing beach-access road approximately 1.5 miles south;
    - e. Due its proximity to snowy plover habitat, the access area leading into Tenmile should not be designated as a "developed corridor."

#### **Standards and Guidelines**

1. *Area-Wide Standard and Guideline AW-3, Water Strategy (Appendix C-1).* Water withdrawal could adversely impact lakes, wetlands and streams. The Department supports Standard and Guideline AW-3, which requires development of a surface water management strategy with the Coos Bay/North Bend Water Board within two years of plan development. However, a strategy for surface water management should also include an assessment of existing or future water needs within the ODNRA, and an analysis of the environmental impacts of meeting these needs. A Standard and Guideline should be adopted which requires preparation of this assessment and analysis within two years of plan approval.
2. *Area-Wide Standards For Recreational Facilities and Roads (Appendix C-2).* Wetlands and associated riparian areas provide key foraging, nesting and resting areas for wildlife. Wildlife use of wetlands and riparian areas is limited by adjacent recreational development and associated human use. The Department recommends that the Area Wide Standards for Recreational Facilities and Roads be amended to include the following additional standards: 1) A standard which prohibits "overflow" camping in wetlands and associated riparian areas; and 2) A standard which requires that recreational facilities and roads be set back from wetlands and associated riparian areas.

3. *Standards for Management Area 10(C), ORV's Restricted to Designated Routes (Appendix C-7).* The Department recommends that these standards be amended to include the following additional standards: 1) A standard which requires a buffer between ORV use areas and wetlands, wherever possible. 2) A standard which requires a buffer between lakes and ORV use areas. Equivalent standards should be added to the Standards for Management Area 10(B), Off-Road Vehicle Open.

4. *Area-Wide Standard and Guideline AW-33, Special Habitats (Appendix C-2).* Standard and Guideline AW-33 requires identification of special wildlife habitats, threats to key wildlife habitats and determination of a threshold of impacts within one year of plan approval. Specific biological survey information is critical for determining the carrying capacities that are used to determine "Limits of Acceptable Change" and for justifying statements such as the statement on Page IV-41 that the proposed alternative is not expected to have any adverse direct or indirect cumulative impacts on red legged frogs or western pond turtles.

#### Other

*Western Pond Turtles (IV-41).* Recent western pond turtle research (Holland, 1991 data) suggests that the limiting factor for western pond turtles is nesting habitat in upland and riparian areas, not open water areas.

#### Ongoing Agency Coordination

The final EIS should provide a clear process for coordination between the U.S. Forest Service (USFS), Department, U.S. Fish and Wildlife Service (USFWS), Oregon State Parks and Recreation, the Department of Land Conservation and Development and other affected agencies and interest groups. Issues that will require coordination include:

1. *Snowy Plover Habitat Restoration Techniques.* The introduction of European beachgrass to stabilize sandy coastal soils facilitated foredune development and eliminated the flat, open habitats preferred by snowy plover for nesting. The top priority for vegetation management in the ODNRA should be the creation of habitat for snowy plover. Under the Preferred Alternative, habitat restoration would include removal of non-native beach grass in selected locations; including Siltcoos River, Tenmile Creek, Tahkenitch Creek and Umpqua River spit. The location and extent of vegetation removal should be selected in cooperation with the USFS and the State Parks and Recreation Department and other affected agencies. Vegetation management areas should be large enough to restrict predator access. A process should be developed for monitoring the success of vegetation removal and other snowy plover habitat restoration efforts.
2. *Access Restrictions.* Access restrictions/seasonal closures will be a critical component of snowy plover recovery. Management Area 10(E) Snowy Plover Habitat Standard and Guideline E-6 (Appendix C-12) indicates that disturbance will be monitored and more stringent access restrictions will be established if necessary. These seasonal closures would also benefit migratory shorebirds by providing undisturbed resting and feeding areas. Coordination between affected agencies will be necessary during this monitoring effort.

providing undisturbed resting and feeding areas. Coordination between affected agencies will be necessary during this monitoring effort.

3. *Wetland and Wildlife Management Areas.* A process should be developed for coordinated development of management techniques within wildlife and wetland management areas, and development of monitoring programs to evaluate the success of these management techniques.
4. *Wild and Scenic Rivers.* The Preferred Alternative recommends the Siltcoos River and Tahkenitch and Tenmile Creeks for designation as wild and scenic rivers. The Draft Wild and Scenic Eligibility Studies in Appendix E of the DEIS identify wildlife (especially threatened, endangered and sensitive species) as an "Outstandingly Remarkable Value" at these rivers [Appendix E-12 (Siltcoos River); Appendix E-26 (Tahkenitch Creek) and Appendix E-40 (Tenmile Creek)]. The Department supports the identification of wildlife as an "Outstandingly Remarkable Value". Coordination will be necessary during preparation of Wild and Scenic River Management plans to ensure that the plans provide for active restoration and enhancement of snowy plover habitat at Siltcoos, Tahkenitch and Tenmile Creek estuaries and adjacent beaches.
5. *Environmental Assessments.* Coordination is important during the preparation of Environmental Assessments for projects proposed in the management plan to ensure that recreational improvements are designed and located such that they reduce impacts to adjacent snowy plover habitat or other fish and wildlife habitat areas.

The planning team has done an outstanding job in its attempt to balance recreational use with natural resource conservation. As natural areas dwindle and recreational demand increases, this assignment becomes increasingly challenging. Proposed Alternative F has many aspects that the Department can endorse. We hope that you will incorporate our recommended changes to ensure protection for Oregon's fish and wildlife and their habitat while assuring continued public enjoyment of Oregon's beaches and the unique Oregon dunes area.

Sincerely,

*Jill Zarnowitz*

Jill Zarnowitz  
Assistant Director  
Habitat Conservation Division

- c. Goggans, Collins, Brown, Van Dyke, Cottam, Beidter

MAY 19 1993

Oregon

DEPARTMENT OF  
FORESTRY

STATE FORESTERS OFFICE

"STEWARDSHIP IN  
FORESTRY"

May 13, 1993

Oregon Dunes National Recreation Area  
855 Highway Ave.  
Reedsport, OR  
97467

Gentlemen:

We have received and reviewed the Draft Environmental Impact Statement for the Oregon Dunes National Recreational Area Management Plan (DEIS). We have the following comments concerning the forested areas.

We favor forest practices which will maintain a healthy forest habitat with moderate fragmentation and a high diversity. Diversity may entail the creation by noncommercial and commercial thinning to achieve small clearings in forests. Snags and woody debris should be left near waterways to provide habitat for the white-footed vole and other special needs animals. Maintaining approximately equal acres in all age classes, reproductive thru old growth in each of the three forest types would create the most vertical as well as horizontal diversity. However, a different approach would be needed if attempting to achieve historic acreage/diversity native vegetation patterns.

Fragmentation by access roads open to the motorized public which cut the forest up into small areas is not recommended. Foot traffic only trails are favored over roads.

Thank you for the opportunity to comment on your draft plans.

Sincerely,

*David H. Stere*  
David H. Stere, Director  
Forest Resource Planning

DHS/BB

2600 State Street  
Salem, OR 97310  
(503) 378-2560

-2-

In Oregon, state review of consistency determinations by federal agencies is carried out in accordance with Oregon Administrative Rule OAR 660, Division 35. Initially, preliminary review by the state of a federal consistency determination occurs as part of the review of the draft plan or project. The final consistency determination review by the State of Oregon is made following release of the final environmental impact statement on the adopted plan or project.

As part of the state's review process, notice of the federal agency's consistency determination is provided to affected local governments and state agencies.

To be considered valid, an objection to the federal agency's consistency determination must demonstrate that either:

- The federal agency has not provided sufficient or adequate information in the plan or project to establish consistency; or
- There is a conflict between the plan or project and one or more enforceable policies of the Oregon Coastal Management Program.

#### Federal Consistency and the Oregon Dunes National Recreation Area Management Plan

The Oregon Dunes National Recreation Area is on federal lands within the state's coastal zone. Although federal lands are technically excluded from the state's coastal zone boundaries, all of the proposed alternatives would affect land and water use and natural resources of the coastal zone, and consequently, federal consistency provisions apply. The Forest Service must demonstrate that the proposed management plan will meet the mandatory enforceable policies of the coastal program to the maximum extent practicable.

A discussion of federal consistency is included in the Environmental Consequences chapter (Chapter 4), of the Forest Service's draft EIS in the subsection on "Consistency with other agency plans and programs".

The description of federal consistency in this chapter does not reflect the 1990 amendments adopted by Congress on federal consistency for federal activities. The "directly affecting" provision is no longer applicable. Federal agencies must now determine whether an activity has the potential to affect any land or water use or natural resources of the coastal zone. "Affecting" activities is to be interpreted to mean both direct, immediate impacts, cumulative impacts and indirect effects that occur later in time and at a distance from the action, but are reasonably foreseeable. The text and consistency analysis on pages IV-87 to IV-89 should be amended to reflect these legislative changes. (A copy of the amended Coastal Zone Management Act is enclosed).

In April, 1993, DLCD sent a notice to the coastal city and county planning directors in Douglas, Lane and Coos counties and to the directors of affected state agencies requesting comments on federal consistency of the Forest Service's draft EIS for the ODNRA management plan.

#### DLCD Analysis

DLCD analysis of the management plan with the enforceable policies of the OCMF indicates the following.



MEMORANDUM

SUBJECT: Oregon Dunes National Recreation Area Plan  
TO: Marguerite Nabeta, Oregon Parks and Recreation Dept.  
FROM: Kevin Birch, Oregon Dept. of Forestry  
DATE: June 30, 1993

DEPARTMENT OF FORESTRY

STATE FORESTERS OFFICE



"STEWARDSHIP IN FORESTRY"

Thank you for the opportunity to comment on the Dunes Plan and for keeping us informed of about avenues for our input. We have no outstanding concerns with the Dunes Recreation Plan.



2600 State Street  
Salem, OR 97310  
(503) 378-2560



DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

July 7, 1993

TO: Marguerite Nabeta, Oregon Department of Parks and Recreation  
FROM: Emily Toby  
Glen Hale  
SUBJECT: Final DLCD Comments on U.S. Forest Service Draft EIS for the Oregon Dunes National Recreation Area Management Plan

The purpose of this memo is to provide the Department of Land Conservation and Development's (DLCD) comments on the U.S. Forest Service's proposed management plan for the Oregon Dunes National Recreation Area.

DLCD has participated in the state's interagency Oregon Dunes National Recreation Area (ODNRA) Management Plan review team. These comments have been prepared with the understanding that they are to be combined with those of other state agencies to form the state's coordinated response to the Forest Service ODNRA management plan.

Our Department's interest in the proposed management plan focuses on issues related to assuring the consistency of the management plan and subsequent management activities with Oregon's Coastal Zone Management Program (OCMP). We have focused most of our comments on the preferred alternative identified in the draft environmental impact statement (EIS).

Federal Consistency in Oregon

Under Section 307(c)(1)(A) of the federal Coastal Zone Management Act, as amended, any federal activity, within or outside the coastal zone, that affects any land or water use or natural resource of the coastal zone must be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of the state's federally approved coastal management program.

The mandatory enforceable policies contained in the Oregon Coastal Program are:

- 1. The Statewide Planning Goals as adopted by the Land Conservation and Development Commission
- 2. Acknowledged city and county comprehensive plans and land use regulations; and
- 3. The statutory authorities and regulations of selected state agencies.

Barbara Roberts  
Governor



1175 Court Street NE  
Salem, OR 97310-0390  
(503) 373-0050  
FAX (503) 362-6705

A discussion of how the county's policy was considered in the selection of the management alternative should be included in the Final EIS. Language regarding consistency with the local plans should be amended as discussed above.

If the selected management alternative is inconsistent with an enforceable policy of the coastal program, it must be demonstrated that it is either not practicable, that is, it is an action otherwise precluded by federal law. Documentation supporting this determination should be specifically included in the final EIS.

Statutory State Agency Authorities and Regulations

The Forest Service has concluded that it will either meet or exceed the applicable statutory authorities in the coastal management program or has identified a process to ensure compliance.

This approach is satisfactory for consistency purposes, provided, the state agencies responsible for administering those statutes concur with this determination in their reviews of the proposed management plan.

The Department does have several clarification questions regarding the language used in the coordination section with state agencies (p.IV-88 to 89). For the programs administered by the Parks and Recreation Department it is stated that activities will be "coordinated" with State Parks. How will coordination occur, and will permits be obtained? Under the Removal/Fill section it is stated that any NRA fill and removal operations will "meet DSL permit requirements." Again, will the permits actually be obtained by the Forest Service? The Forest Service will "comply" with applicable Department of Water Resources requirements through what process? The language of this section and the intent of the Forest Service should be clarified in the Final EIS.

DLCD Consistency Conclusion

Based upon DLCD analysis, and a review of comments received in response to the state's notice, it appears that the draft management plan for the Oregon Dunes National Recreation Area would be consistent with Oregon's coastal management program.

However, official DLCD concurrence with the Forest Service's determination of consistency cannot be made at this time due to a lack of specific documentation in the draft plan to justify a Goal 18 exception, and clear language that would ensure compliance with the applicable mandatory state authorities listed in the OCMP.

For the purposes of its final federal consistency determination, the Forest Service will need to document in the final EIS how the selected management alternative complies with the goal requirements, or justify noncompliance according to the exceptions criteria, determine consistency with the enforceable policies of the acknowledged local plans, and clarify compliance with the statutory authorities and regulations of the OCMP. Until such an analysis is conducted and incorporated into the final management plan, full concurrence by the state of Oregon on the Forest Service's consistency determination with the OCMP cannot be made.

For More Information

Please feel free to contact either Glen Hale (265-8869) or Emily Toby (373-0096) if you need more information or have questions concerning DLCD's comments on the draft management plan.

ET:GH  
<per>odnra.fc.prelim

Enclosures

cc: Dick Benner, DLCD  
Eldon Hout, DLCD

Statewide Planning Goals

The Forest Service has generally characterized how the goals relate to the ODNRA management plan and their alternatives. Figure IV-18, entitled "LCDC Goals and Discussion" identifies those goals believed applicable to the ODNRA management plan. A cursory discussion then identifies whether the alternatives meet the particular goal issues in question. Several inconsistencies with the goals for different management alternatives are noted in the table. The Final EIS should clearly discuss the consistency of the final adopted management alternative with the goals.

An apparent inconsistency with a goal requirement was not noted in Figure IV-18. Statewide Planning Goal 18 prohibits foredune breaching except where necessary to replenish sand supply in interdune areas or on a temporary basis in an emergency. Vegetation removal methods discussed in the management plan identify foredune breaching as a possible measure for removing European beachgrass. While the Department supports the objectives of restoring natural ecosystem functions and encourages further research into effective ways of removing beachgrass, foredune breaching, unless for specific purposes is not consistent with Goal 18.

Vegetation removal projects which involve breaching or grading foredunes for purposes not allowed by the Goal will require an "exception" to the Goal requirement. The Forest Service must demonstrate that it meets the goal exception requirements, which are mandatory enforceable policies of the coastal program. The justification would be similar to the one being prepared for the Sutton Creek Snowy Plover/Dune Breaching project currently being proposed by the Forest Service and the Oregon Department of Fish and Wildlife. The Department would be willing to work with the Forest Service to prepare the goal exception justification for inclusion in the Final EIS. (A copy of the goal exceptions requirements (OAR 660-04-020) are enclosed).

Acknowledged Comprehensive Plans

No inconsistencies with acknowledged land use plans and implementing regulations were identified by coastal city and county planning directors during DLCD's federal consistency review. However, in the section addressing consistency with city and county plans, the draft EIS states that the uses and activities proposed in the alternatives were "generally consistent" with the county goals and further, specifically identifies a minor inconsistency with a Coos County policy.

The federal consistency standard of review is whether the proposed management plan is consistent to the maximum extent practicable with the enforceable policies of the coastal program, not whether it is generally consistent. The referenced Coos County ordinance regarding the county's opposition to any new restrictions on the use of off-road vehicles should be considered an advisory policy, which states the position or preference of the county to retain the amount of public lands available for ORV use.

A decision regarding the allowable level of ORV use on public lands should not be made independent of the consideration of other resources, recreational needs or applicable law. The Forest Service should consider the county's position when analyzing the proposed management alternatives for the ODNRA but must also analyze the regional needs for ORV use, other recreational uses and needs, and SCORP. The management plan should provide opportunities for recreational uses, but must also be balanced with protecting Goal 5, 17 and 18 resources, and must also enable the Forest Service to meet the requirements of the Endangered Species Act and other federal laws.

DEPARTMENT OF LAND  
CONSERVATION & DEVELOPMENT  
DEC 18 1991  
SALON

COASTAL ZONE MANAGEMENT ACT OF 1972

(PL 92-583, 16 U.S.C. 1451 *et seq.*, October 27, 1972; Amended by PL 93-612, January 2, 1975; PL 94-370, July 26, 1976; PL 95-219, December 28, 1977; PL 95-372, September 18, 1978; PL 96-464, October 17, 1980; PL 98-620, November 11, 1984; PL 99-272, April 7, 1986; PL 99-626, November 7, 1986; PL 101-508, November 5, 1990)

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

- SEC. 302. The Congress finds that —
- (a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.
  - (b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.
  - (c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.
  - (d) The habitat areas of the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destructions by man's alterations. [302(a) amended by PL 101-508]
  - (e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost. [302(f) added by PL 96-464; amended by PL 101-508]
  - (f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great

- Lakes, territorial sea, exclusive economic zone, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters. [Former 302(f)—(i) redesignated as (g)—(j) by PL 96-464.]
- (g) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.
- (h) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.
- (i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.
- (j) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone. [302(k)—(m) added by PL 101-508]
- (k) Land uses in the coastal zone, and the uses of adjacent lands which drain into the coastal zone, may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from land use activities must be improved.
- (l) Because global warming may result in a substantial sea level rise with serious adverse effects in the

Oregon Dunes NRA - FEIS

Appendix I(3) - 19

## COASTAL ZONE ACT

S-882  
71:8003

Federal regulation of land use practices affecting the coastal and ocean resources of the United States; and

(6) to respond to changing circumstances affecting the coastal environment and coastal resource management by encouraging States to consider such issues as ocean uses potentially affecting the coastal zone.

## DEFINITIONS

SEC. 304. For the purposes of this title —

(1) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the outer limit of State title and ownership under the Submerged Lands Act (43 U.S.C. 1301 et seq.), the Act of March 2, 1917 (48 U.S.C. 749), the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 (48 U.S.C. 1681 note), or section 1 of the Act of November 20, 1963 (48 U.S.C. 1705, as applicable). The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise.

[304(1) amended by PL 101-508]

(2) The term "coastal resource of national significance" means any coastal wetland, beach, dune, barrier island, reef, estuary, or fish and wildlife habitat, if any such area is determined by a coastal state to be of substantial biological or natural storm protective value. The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.

(3) The term "coastal waters" means (A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(4) The term "coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa.

[304(4) amended by PL 96-464]

(5) The term "coastal energy activity" means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, on in close proximity to, the coastal zone of any coastal state:

- (i) Any outer Continental Shelf energy activity.
- (ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.
- (iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deep-water port, as defined in section 1(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10)).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be "in close proximity to the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

(6) The term "energy facilities" means any equipment or facility which is or will be used primarily —

- (A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or
- (B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.

## COASTAL ZONE ACT

S-882  
71:8005

## ADMINISTRATIVE GRANTS

[306 revised by PL 101-508]

SEC. 306. (a) The Secretary may make grants to any coastal state for the purpose of administering that state's management program, if the state matches any such grant according to the following ratios of Federal-to-State contributions for the applicable fiscal year:

(1) For those States for which programs were approved prior to enactment of the Coastal Zone Act Reauthorization Amendments of 1990, 1 to 1 for any fiscal year.

(2) For programs approved after enactment of the Coastal Zone Act Reauthorization Amendments of 1990, 4 to 1 for the first fiscal year, 2.3 to 1 for the second fiscal year, 1.5 to 1 for the third fiscal year, and 1 to 1 for each fiscal year thereafter.

(b) The Secretary may make a grant to a coastal state under subsection (a) only if the Secretary finds that the management program of the coastal state meets all applicable requirements of this title and has been approved in accordance with subsection (d):

(c) Grants under this section shall be allocated to coastal states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the program, population of the area, and other relevant factors. The Secretary shall establish, after consulting with the coastal states, maximum and minimum grants for any fiscal year to promote equity between coastal states and effective coastal management.

(d) Before approving a management program submitted by a coastal state, the Secretary shall find the following:

(1) The State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties and individuals, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303.

(2) The management program includes each of the following required program elements:

(A) An identification of the boundaries of the coastal zone subject to the management program.

(B) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(C) An inventory and designation of areas of particular concern within the coastal zone.

(D) An identification of the means by which the State proposes to exert control over the land uses and water uses referred to in subparagraph (B), including a list of relevant State constitutional provisions, laws, regulations, and judicial decisions.

(E) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(F) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, State, regional, and interstate agencies in the management process.

(G) A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(H) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including a process for anticipating the management of the impacts resulting from such facilities.

(I) A planning process for assessing the effects of, and studying and evaluating ways to control, or lessen the impact of, shoreline erosion, and to restore areas adversely affected by such erosion.

(3) The State has—

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone—

(i) existing on January 1 of the year in which the State's management program is submitted to the Secretary; and

(ii) which have been developed by a local government, an areawide agency, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (6) and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of those local governments and agencies in carrying out the purposes of this title; except that the Secretary shall not find any mechanism to be effective for purposes of this subparagraph unless it requires that—

(i) the management agency, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, shall send a notice of the management program decision to any local government whose zoning authority is affected;

(ii) within the 30-day period commencing on the date of receipt of that notice, the local government may

in that period, then the amendment shall be conclusively presumed as approved.

(3)(A) Except as provided in subparagraph (B), a coastal state may not implement any amendment, modification, or other change as part of its approved management program unless the amendment, modification, or other change is approved by the Secretary under this subsection.

(B) The Secretary, after determining on a preliminary basis, that an amendment, modification, or other change which has been submitted for approval under this subsection is likely to meet the program approval standards in this section, may permit the State to expend funds awarded under this section to begin implementing the proposed amendment, modification, or change. This preliminary approval shall not extend for more than 6 months and may not be renewed. A proposed amendment, modification, or change which has been given preliminary approval and is not finally approved under this paragraph shall not be considered an enforceable policy for purposes of section 307.

*Editor's note:* Sec. 6206(b) of PL 101-508 provides: "(b) Additional Program Requirements.—Each State which submits a management program for approval under section 306 of the Coastal Zone Management Act of 1972, as amended by this subtitle (including a State which submitted a program before the date of enactment of this Act), shall demonstrate to the Secretary—

(1) that the program complies with section 306(d)(14) and (15) of that Act, by not later than 3 years after the date of the enactment of this Act; and

(2) that the program complies with section 306(d)(16) of that Act, by not later than 30 months after the date of publication of final guidance under section 6217(g) of this Act."

#### RESOURCE MANAGEMENT IMPROVEMENT GRANTS

[306A added by PL 96-464]

SEC. 306A. (a) For purposes of this section—  
(1) The term 'eligible coastal state' means a coastal state that for any fiscal year for which a grant is applied for under this section—

(A) has a management program approved under section 306; and

(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (I).

(2) The term 'urban waterfront and port' means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 306 (d)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance, or for the purpose of restoring and enhancing shellfish production by the purchase and distribution of clutch material on publicly owned reef tracts.

[306A(b)(1) amended by PL 101-508]

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under section 305(b)(3) in the state's management program as areas of particular concern.

(3) The provision of access of public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 305(b)(7).

(c) (1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—  
(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas, but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; and

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

[307(c)(3)(A) amended by PL 101-508]

(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use or natural resource of the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with the enforceable policies of such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until—

[307(c)(3)(B) introductory text amended by PL 101-508]

(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) concurrence by such state with such certification is conclusively presumed as provided for in subparagraph (A), except if such state fails to concur with or object to such certification within three months after receipt of its copy of such certification and supporting information, such state shall provide the Secretary, the appropriate Federal agency, and such person with a written statement describing the status of review and the basis for further delay in issuing a final decision, and if such statement is not so provided, concurrence by such state with such certification shall be conclusively presumed; or

[(ii) revised by PL 95-372, September 18, 1978]

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) State and local governments submitting applications for Federal assistance under other Federal programs, in or outside of the coastal zone, affecting any land or water use of natural resource of the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with the enforceable policies of a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

[307(d) amended by PL 101-508]

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the

## COASTAL ZONE ACT

S-482  
71:8011

(vi) to provide financial support to coastal States for use for investigating and applying the public trust doctrine to implement State management programs approved under section 306.

(3) On December 1 of each year, the Secretary shall transmit to the Congress an annual report on the Fund, including the balance of the Fund and an itemization of all deposits into and disbursements from the Fund in the preceding fiscal year.

**COASTAL ZONE ENHANCEMENT GRANTS**  
[309 revised by PL 96-464; PL 101-508]

SEC. 309. (a) For purposes of this section, the term "coastal zone enhancement objective" means any of the following objectives:

(1) Protection, restoration, or enhancement of the existing coastal wetlands base, or creation of new coastal wetlands.

(2) Preventing or significantly reducing threats to life and destruction of property by eliminating development and redevelopment in high-hazard areas, managing development in other hazard areas, and anticipating and managing the effects of potential sea level rise and Great Lakes level rise.

(3) Attaining increased opportunities for public access, taking into account current and future public access needs, to coastal areas of recreational, historical, aesthetic, ecological, or cultural value.

(4) Reducing marine debris entering the Nation's coastal and ocean environment by managing uses and activities that contribute to the entry of such debris.

(5) Development and adoption of procedures to assess, consider, and control cumulative and secondary impacts of coastal growth and development, including the collective effect on various individual uses or activities on coastal resources, such as coastal wetlands and fishery resources.

(6) Preparing and implementing special area management plans for important coastal areas.

(7) Planning for the use of ocean resources.

(8) Adoption of procedures and enforceable policies to help facilitate the siting of energy facilities and Government facilities and energy-related activities and Government activities which may be of greater than local significance.

(b) Subject to the limitations and goals established in this section, the Secretary may make grants to coastal States to provide funding for development and submission for Federal approval of program changes that support attainment of one or more coastal zone enhancement objectives.

(c) The Secretary shall evaluate and rank State proposals for funding under this section, and make funding awards based on those proposals, taking into account the

criteria established by the Secretary under subsection (d). The Secretary shall ensure that funding decisions under this section take into consideration the fiscal and technical needs of proposing States and the overall merit of each proposal in terms of benefits to the public.

(d) Within 12 months following the date of enactment of this section, and consistent with the notice and participation requirements established in section 317, the Secretary shall promulgate regulations concerning coastal zone enhancement grants that establish—

(1) specific and detailed criteria that must be addressed by a coastal state (including the State's priority needs for improvement as identified by the Secretary after careful consultation with the State) as part of the State's development and implementation of coastal zone enhancement objectives;

(2) administrative or procedural rules or requirements as necessary to facilitate the development and implementation of such objectives by coastal states; and

(3) other funding award criteria as are necessary or appropriate to ensure that evaluations of proposals, and decisions to award funding, under this section are based on objective standards applied fairly and equitably to those proposals.

(e) A State shall not be required to contribute any portion of the cost of any proposal for which funding is awarded under this section.

(f) Beginning in fiscal year 1991, not less than 10 percent and not more than 20 percent of the amounts appropriated to implement sections 306 and 306A of this title shall be retained by the Secretary for use in implementing this section, up to a maximum of \$10,000,000 annually.

(g) If the Secretary finds that the State is not undertaking the actions committed to under the terms of the grant, the Secretary shall suspend the State's eligibility for further funding under this section for at least one year.

**TECHNICAL ASSISTANCE**

[310 added by PL 101-508]

SEC. 310. (a) The Secretary shall conduct a program of technical assistance and management-oriented research necessary to support the development and implementation of State coastal management program amendments under section 309, and appropriate to the furtherance of international cooperative efforts and technical assistance in coastal zone management. Each department, agency, and instrumentally of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position

## COASTAL ZONE ACT

S-482  
71:8013

(f) [Repealed]  
[312(f) repealed by PL 101-508]

[Editor's note: Section 9(b) of PL 96-464 provides: "(b) Within two hundred and seventy days after the date of the enactment of this Act, the Secretary of Commerce shall issue such regulations as may be necessary or appropriate to administer section 312 of the Coastal Zone Management Act of 1972 (as amended by subsection (a)\* of this section)."]

**RECORDS AND AUDIT**

SEC. 313. (a) Each recipient of a grant under this title or of financial assistance under Sec. 308 shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant and of the proceeds of such assistance, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall—

(1) after any grant is made under this title or any financial assistance is provided under section 308(d); and

(2) until the expiration of 3 years after—

(A) completion of the project, program, or other undertaking for which such grant was made or used, or

(B) repayment of the loan or guaranteed indebtedness for which such financial assistance was provided,

have access for purposes of audit and examination to any record, book, document, and paper which belongs to or is used or controlled by, any recipient of the grant funds or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if the grant funds or the proceeds of such financial assistance are being, or were, used in accordance with the provisions of this title.

[The second 313 was added by PL 101-508]

**WALTER B. JONES EXCELLENCE IN COASTAL ZONE MANAGEMENT AWARDS**

SEC. 313. (a) The Secretary shall, using sums in the Coastal Zone Management Fund established under section 308, implement a program to promote excellence in coastal zone management by identifying and acknowledging outstanding accomplishments in the field.

(b) The Secretary shall select annually—

(1) one individual, other than an employee or officer, of the Federal Government, whose contribution to the field of coastal zone management has been the most significant;

\*Subsection (a) revised Section 312 of this Act.

(2) 5 local governments which have made the most progress in developing and implementing the coastal zone management principles embodied in this title; and

(3) up to 10 graduate students whose academic study promises to contribute materially to development of new or improved approaches to coastal zone management.

(c) In making selections under subsection (b)(2) the Secretary shall solicit nominations from the coastal states, and shall consult with experts in local government planning and land use.

(d) In making selections under subsection (b)(3) the Secretary shall solicit nominations from coastal states and the National Sea Grant College Program.

(e) Using sums in the Coastal Zone Management Fund established under section 308, the Secretary shall establish and execute appropriate awards, to be known as the "Walter B. Jones Awards", including—

(1) cash awards in an amount not to exceed \$5,000 each;

(2) research grants; and

(3) public ceremonies to acknowledge such awards.

**ADVISORY COMMITTEE**

SEC. 314. [Repealed]

[314 repealed by PL 99-272]

**NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM**

[315 head amended by PL 101-508]

SEC. 315. (a) Establishment of the System.—There is established the National Estuarine Reserve Research System (hereinafter referred to in this section as the "System") that consists of—

(1) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

(2) each estuarine area designated as a national estuarine reserve under subsection (b).

Each estuarine sanctuary referred to in paragraph (1) is hereby designated as a national estuarine reserve.

(b) Designation of National Estuarine Reserves.—After the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985, the Secretary may designate an estuarine area as a national estuarine reserve if—

(1) the Governor of the coastal State in which the area is located nominates the area for that designation; and

(2) the Secretary finds that—

(A) the area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

## COASTAL ZONE ACT

5-882  
71:8015

tion under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c).

(g) Report.—The Secretary shall include in the report required under section 316 information regarding—

(1) new designations of national estuarine reserves;

(2) any expansion of existing national estuarine reserves;

(3) the status of the research program being conducted within the System; and

(4) a summary of the evaluations made under subsection (f).

[315 amended by PL 96-464; revised by PL 99-272]

COASTAL ZONE MANAGEMENT REPORT  
[316 head revised by PL 96-464]

SEC. 316. (a) The Secretary shall consult with the Congress on a regular basis concerning the administration of this title and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this title during each period of two consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved and a statement of the reasons for such action; (5) a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of this section; (6) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (7) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (8) a summary of a coordinated national strategy and program for the Nation's coastal

zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (9) a summary of outstanding problems arising in the administration of this title in order of priority; (10) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; (11) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (12) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and (13) such other information as may be appropriate.

[316(a) amended by PL 96-464]

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

(c) (1) The Secretary shall conduct a systematic review of Federal programs, other than this title, that affect coastal resources for purposes of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this title. Not later than 1 year after the date of the enactment of this subsection, the Secretary shall notify each Federal agency having appropriate jurisdiction of any conflict between its program and the purposes and policies of this title identified as a result of such review.

(2) The Secretary shall promptly submit a report to the Congress consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for changes necessary to resolve existing conflicts among Federal laws and programs that affect the uses of coastal resources.

[316(c) added by PL 96-464]

## RULES AND REGULATIONS

SEC. 317. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

## AUTHORIZATION OF APPROPRIATIONS

SEC. 318. (a) There are authorized to be appropriated to the Secretary —

[318(a) revised by PL 96-464; PL 99-272; PL 101-508]

## COASTAL ZONE ACT

5-882  
71:8017

of the Senate and to the Committee on Merchant Marine and Fisheries of the House, respectively.

(2) Any such final rule shall become effective in accordance with its terms unless, before the end of the period of sixty calendar days of continuous session, after the date such final rule is submitted to the Congress, both Houses of the Congress adopt a concurrent resolution disapproving such final rule.

(b) (1) The provisions of this subsection are enacted by the Congress—

(A) as an exercise in the rulemaking power of the House of Representatives and as such they are deemed a part of the Rules of the House of Representatives but applicable only with respect to the procedure to be followed in the House of Representatives in the case of concurrent resolutions which are subject to this section, and such provisions supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time in the same manner and to the same extent as in the case of any other rule of that House.

(2) Any concurrent resolution disapproving a final rule of the Secretary shall, upon introduction or receipt from the other House of the Congress, be referred immediately by the presiding officer of such House to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Merchant Marine and Fisheries of the House, as the case may be.

(3) (A) When a committee has reported a concurrent resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be highly privileged in the House of Representatives, and shall not be debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate in the House of Representatives on the concurrent resolution shall be limited to not more than ten hours which shall be divided equally between those favoring and those opposing such concurrent resolution and a motion further to limit debate shall not be debatable. In the House of Representatives, an amendment to, or motion to recommit, the concurrent resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such concurrent resolution was agreed to or disagreed to.

(4) Appeals from the decision of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a concurrent resolution shall be decided without debate.

(5) Notwithstanding any other provision of this subsection, if a House has approved a concurrent resolution with respect to any final rule of the Secretary, then it shall not be in order to consider in such House any other concurrent resolution with respect to the same final rule.

(c) (1) If a final rule of the Secretary is disapproved by the Congress under subsection (a)(2), then the Secretary may promulgate a final rule which relates to the same acts or practices as the final rule disapproved by the Congress in accordance with this subsection.

Such final rule—

(A) shall be based upon—

(i) the rulemaking record of the final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Secretary in accordance with section 553 of title 5, United States Code, in any case in which the Secretary determines that it is necessary to supplement the existing rulemaking record; and

(B) may contain such changes as the Secretary considers necessary or appropriate.

(2) The Secretary after promulgating a final rule under this subsection, shall submit the final rule to the Congress in accordance with subsection (a)(1).

(d) Congressional inaction on, or rejection of a concurrent resolution of disapproval under this section shall not be construed as an expression of approval of the final rule involved, and shall not be construed to create any presumption of validity with respect to such final rule.

(e) (1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this section to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than twenty days after the decision of the court of appeals.

(3) [Repealed]

[12(c)(3) repealed by PL 98-620]

(f) (1) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which the House of Representatives is not in session because of an adjournment of more

(6) Administrative coordination.—The establishment of mechanisms to improve coordination among State agencies and between State and local officials responsible for land use programs and permitting, water quality permitting and enforcement, habitat protection, and public health and safety, through the use of joint project review, memoranda of agreement, or other mechanisms.

(7) State coastal zone boundary modification.—A proposal to modify the boundaries of the State coastal zone as the coastal management agency of the State determines is necessary to implement the recommendations made pursuant to subsection (e). If the coastal management agency does not have the authority to modify such boundaries, the program shall include recommendations for such modifications to the appropriate State authority.

(c) Program Submission, Approval, and Implementation.—(1) Review and approval.—Within 6 months after the date of submission by a State of a program pursuant to this section, the Secretary and the Administrator shall jointly review the program. The program shall be approved if—

(A) the Secretary determines that the portions of the program under the authority of the Secretary meet the requirements of this section and the Administrator concurs with the determination; and

(B) the Administrator determines that the portions of the program under the authority of the Administrator meet the requirements of this section and the Secretary concurs with that determination.

(2) Implementation of approved program.—If the program of a State is approved in accordance with paragraph (1), the State shall implement the program, including the management measures included in the program pursuant to subsection (b), through—

(A) changes to the State plan for control of nonpoint source pollution approved under section 319 of the Federal Water Pollution Control Act; and

(B) changes to the State coastal zone management program developed under section 306 of the Coastal Zone Management Act of 1972, as amended by this Act.

(3) Withholding coastal management assistance.—If the Secretary finds that a coastal State has failed to submit an approvable program as required by this section, the Secretary shall withhold for each fiscal year until such a program is submitted a portion of grants otherwise available to the State for the fiscal year under section 306 of the Coastal Zone Management Act of 1972, as follows:

(A) 10 percent for fiscal year 1996.

(B) 15 percent for fiscal year 1997.

(C) 20 percent for fiscal year 1998.

(D) 30 percent for fiscal year 1999 and each fiscal year thereafter.

The Secretary shall make amounts withheld under this paragraph available to coastal States having programs approved under this section.

(4) Withholding water pollution control assistance.—If the Administrator finds that a coastal State has failed to submit an approvable program as required by this section, the Administrator shall withhold from grants available to the State under section 319 of the Federal Water Pollution Control Act, for each fiscal year until such a program is submitted, an amount equal to a percentage of the grants awarded to the State for the preceding fiscal year under that section, as follows:

(A) For fiscal year 1996, 10 percent of the amount awarded for fiscal year 1995.

(B) For fiscal year 1997, 15 percent of the amount awarded for fiscal year 1996.

(C) For fiscal year 1998, 20 percent of the amount awarded for fiscal year 1997.

(D) For fiscal year 1999 and each fiscal year thereafter, 30 percent of the amount awarded for fiscal year 1998 or other preceding fiscal year.

The Administrator shall make amounts withheld under this paragraph available to States having programs approved pursuant to this subsection.

(d) Technical Assistance.—The Secretary and the Administrator shall provide technical assistance to coastal States and local governments in developing and implementing programs under this section. Such assistance shall include—

(1) methods for assessing water quality impacts associated with coastal land uses;

(2) methods for assessing the cumulative water quality effects of coastal development;

(3) maintaining and from time to time revising an inventory of model ordinances, and providing other assistance to coastal States and local governments in identifying, developing, and implementing pollution control measures; and

(4) methods to predict and assess the effects of coastal land use management measures on coastal water quality and designated uses.

(e) Inland Coastal Zone Boundaries.—(1) Review.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, within 18 months after the effective date of this title, review the inland coastal zone boundary of each coastal State program which has been approved or is proposed for approval under section 306 of the Coastal Zone Management Act of 1972, and evaluate whether the State's coastal zone boundary extends inland to the extent necessary to control the land and water uses that have a significant impact on coastal waters of the State.

(2) Recommendation.—If the Secretary, in consultation with the Administrator, finds that modifications to

## DIVISION 4

INTERPRETATION OF GOAL 2  
EXCEPTION PROCESS

## Purpose

660-04-000 (1) The purpose of this rule is to explain the three types of exceptions set forth in Goal 2 "Land Use Planning, Part II, Exceptions". Except as provided for in OAR 660 Division 14, "Application of the Statewide Planning Goals to the Incorporation of New Cities" this Division interprets the exception process as it applies to statewide Goals 3 to 19.

(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.

(3) The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to:

(a) Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and

(b) Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide goal.

(4) When taking an exception, a local government may rely on information and documentation prepared by other groups or agencies for the purpose of the exception or for other purposes, as substantial evidence to support its findings of fact. Such information must be either included or properly incorporated by reference into the record of the local exceptions proceeding. Information included by reference must be made available to interested persons for their review prior to the last evidentiary hearing on the exception.

Stat. Auth.: ORS Ch. 197

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84

## Definitions

660-04-005 For the purpose of this Division, the definitions in ORS 197.015 and the Statewide Planning Goals shall apply. In addition the following definitions shall apply:

(1) An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or

situations; and

(c) Complies with the provisions of this Division.

(2) "Resource land" is land subject to the statewide Goals listed in OAR 660-04-010(1)(a) through (f) except subsection (c).

(3) "Nonresource land" is land not subject to the statewide Goals listed in OAR 660-04-010(1)(a) through (f) except subsection (c). Nothing in these definitions is meant to imply that other goals, particularly Goal 5, do not apply to nonresource land.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

## Application of the Goal 2 Exception Process to Certain Goals

660-04-010 (1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land. These statewide goals include but are not limited to:

(a) Goal 3 "Agricultural Lands," however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS Chapter 215;

(b) Goal 4 "Forest Lands";

(c) Goal 14 "Urbanization" except as provided for in paragraphs (D)(i) and (B) of this rule, and OAR 660-14-000 through 660-14-040;

(A) An exception is not required to an applicable goal(s) for the establishment of an urban growth boundary around or including portions of an incorporated city when resource lands are included within that boundary. Adequate findings on the seven Goal 14 factors, accompanied by an explanation of how they were considered and applied during boundary establishment, provide the same information as required by the exceptions process findings.

(B) When a local government changes an established urban growth boundary it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning", Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

(i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);

(ii) Areas which do not require a new exception cannot reasonably accommodate the use;

(iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through

OREGON ADMINISTRATIVE RULES  
CHAPTER 660, DIVISION 4 — LAND CONSERVATION AND DEVELOPMENT COMMISSION

or intensities of uses within an exception area approved as a "Reasons" exception, a new "Reasons" exception is required.

(4) Applicability of OAR 660-04-018. This rule applies only to plan and zoning designations and exceptions adopted by local government following the effective date of this rule.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1986, f. & ef. 3-20-86

**Goal 2, Part II(c), Exception Requirements**  
660-04-020 (1) If a jurisdiction determines there are reasons consistent with OAR 660-04-022 to use resource lands for uses not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply". The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

(b) "Areas which do not require a new exception cannot reasonably accommodate the use".

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified.

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is

not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

**Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)**  
660-04-022 An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in:

OREGON ADMINISTRATIVE RULES  
CHAPTER 660, DIVISION 4 — LAND CONSERVATION AND DEVELOPMENT COMMISSION

unit for a boat ramp or to allow piling and shoreline stabilization for a public fishing pier;

(e) Dredge or fill or other alteration for expansion of an existing public nonwater-dependent use or a nonsubstantial fill for a private nonwater-dependent use (as provided for in ORS 541.625) where:

(A) A County-wide Economic Analysis based on the factors in Goal 9 demonstrates that additional land is required to accommodate the proposed use; and

(B) An analysis of the operational characteristics of the existing use and proposed expansion demonstrates that the entire operation or the proposed expansion cannot be reasonably relocated; and

(C) That the size and design of the proposed use and the extent of the proposed activity are the minimum amount necessary to provide for the use.

(f) In each of the situations set forth in subsections (6)(a) to (e) of this rule, the exception must demonstrate that proposed use and alteration (including, where applicable, disposal of dredged materials) will be carried out in a manner which minimizes adverse impacts upon the affected aquatic and shoreland areas and habitats.

(7) Goal 17 — Incompatible Uses in Coastal Shoreland Areas: Exceptions are required to allow certain uses in Coastal Shoreland areas:

(a) These Coastal Shoreland Areas include:  
(A) Major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources and historic and archaeological sites;

(B) Shorelands in urban and urbanizable areas especially suited for water dependent uses;

(C) Designated dredged material disposal sites;

(D) Designated mitigation sites.

(b) To allow a use which is incompatible with Goal 17 requirements for coastal shoreland areas listed in subsection (7)(a) of this rule the exception must demonstrate:

(A) A need, based on the factors in Goal 9, for additional land to accommodate the proposed use;

(B) Why the proposed use or activity needs to be located on the protected site considering the unique characteristics of the use or the site which require use of the protected site; and

(C) That the project cannot be reduced in size or redesigned to be consistent with protection of the site and where applicable consistent with protection of natural values.

(c) Exceptions to convert a dredged material disposal site or mitigation site to another use must also either not reduce the inventory of designated and protected sites in the affected area below the level identified in the estuary plan or be replaced through designation and protection of a site with comparable capacity in the same area;

(d) Uses which would convert a portion of a major marsh, coastal headland, significant wildlife habitat, exceptional aesthetic resource, or historic or archaeological site must use as little of the site as possible, be designed and located and, where appropriate, buffered to protect natural values of the remainder of the site.

(8) Goal 18—Foredune Breaching: A foredune may be breached when the exception demonstrates an existing dwelling located on the foredune is experiencing sand inundation and the grading or removal of sand is:

(a) Only to the grade of the dwelling.

(b) Limited to the immediate area in which the dwelling is located;

(c) Sand is retained in the dune system by placement on the beach in front of the dwelling; and

(d) The provisions of Goal 18 Implementation Requirement 1 are met.

(9) Goal 18—Foredune Development: An exception may be taken to the foredune use prohibition in Goal 18 "Beaches and Dunes" implementation requirement (2). Reasons which justify why this state policy embodied in Goal 18 should not apply shall demonstrate compliance with the following:

(a) The use will be adequately protected from any geologic hazards, wind erosion, undercutting ocean flooding and storm waves, or is of minimal value; and

(b) The use is designed to minimize adverse environmental effects;

(c) The provisions of OAR 660-04-020 shall also be met.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDC 3-1984, f. & ef. 3-21-84; LCDC 4-1985, f. & ef. 8-4-85

**Exception Requirements for Land Physically Developed to Other Uses**  
660-04-025 (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.

(2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

Stat. Auth.: ORS Ch. 197  
Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

**Exception Requirements for Land Irrevocably Committed to Other Uses**  
660-04-028 (1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

(a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule.

(b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken.

OREGON ADMINISTRATIVE RULES  
CHAPTER 660, DIVISION 4 — LAND CONSERVATION AND DEVELOPMENT COMMISSION

**Appeal of an Exception**

660-04-035 (1) Prior to acknowledgment, an exception, or the failure to take a required exception, may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.830, or to the Commission as an objection to the local government's request for acknowledgment, pursuant to ORS 197.251 and OAR 660-03-000.

(2) After acknowledgment, an exception taken

as part of a plan amendment, or the failure to take a required exception when amending a plan, may be appealed to the Board, pursuant to ORS 197.620 and OAR 660, Division 18.

Stat. Auth.: ORS Ch. 197

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f & ef. 12-30-83

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P.2

**Oregon**

DIVISION OF  
STATE LANDS

STATE LAND BOARD  
BARBARA ROBERTS  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

July 9, 1993

Mr. Ed Becker  
District Ranger  
Oregon Dunes National Recreation Area  
Siuslaw National Forest  
855 Hwy Ave.  
Reedsport, OR 97467

Re: Draft EIS for the Oregon Dunes National Recreation  
Area management Plan

Dear Mr. Becker:

The Division of State Lands has reviewed the Draft EIS for the Oregon Dunes National Recreation Area (ODNRA) Management Plan. We find the analysis of issues and the proposal developed as a preferred alternative sensitive to the often conflicting resource demands on the ODNRA and reflective of a reasoned strategy to provide sustainable recreational use and long term protection to the ecological integrity of the dunes ecosystems. The only recommendation to enhance the preferred alternative would be measures to increase the sand dune habitat. These efforts could be in conjunction with efforts to enhance the habitat for western snowy plover. Minor changes to the preferred alternative by changing the designation of Off-Road Vehicle Open around the southern lake (see attached). We are particularly supportive of the emphasis on balanced use, wetland and snowy plover management, increased payments to the counties and increased investments in the local economy. The public involvement process and use of issues, concerns and opportunities to frame the management options is effective and useful.

The following specific comments should be considered in developing the formal EIS.

1. In Chapter III (Affected Environment). Page III-4 under Land Ownership, we suggest you substitute the following paragraph for the last paragraph on the draft:



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

The State of Oregon is the owner of the beds and banks of navigable waters below the ordinary high water mark and all lands naturally subject to tidal influence that have not become vested in any person. On the ocean shore this includes all submerged and submersible lands up to Mean High Tide. In addition, the Division of State Lands (DSL) has determined that there is likely sufficient evidence to support a claim of navigability and State ownership for the beds and banks of the non-tidal reaches of the Siltcoos River, Threemile Creek, Tenmile Creek, and Tahkenitch Creek.

2. Page III-7 Employment and Income. We would suggest you cite the coastal economic figures from Radke and Davis (1988) to more accurately portray the coastal economic contributions of Lane and Douglas Counties.
3. Page III-31 Historic Trends. Maps showing changes in habitats would help in the review.
4. Page III-36 Fish Populations. There is no discussion of native versus exotic fish species or discussion on the implications of management for exotic species (bass, perch, crappie, etc.) on the native fauna.
5. Page III-46 Tahkenitch Land Acquisition. The numbers on the figure not explained.
6. Page IV-43 Cumulative Effects. You should analyze the alternatives effects on habitat fragmentation, isolation, edge intrusion, corridor maintenance, refuge maintenance, protection of the integrity of unique sites (bogs, etc.) to determine cumulative effects on biodiversity.
7. Page IV-85 Other Plans and Policies. Please add a reference to the closure of Siltcoos, Tenmile Creek and Tahkenitch Creek estuaries from motor vehicle use (see attached).

We greatly appreciate the opportunity to comment on the ODNRA Management Plan. If you have any questions concerning our comments, please feel free to call.

Very truly yours,

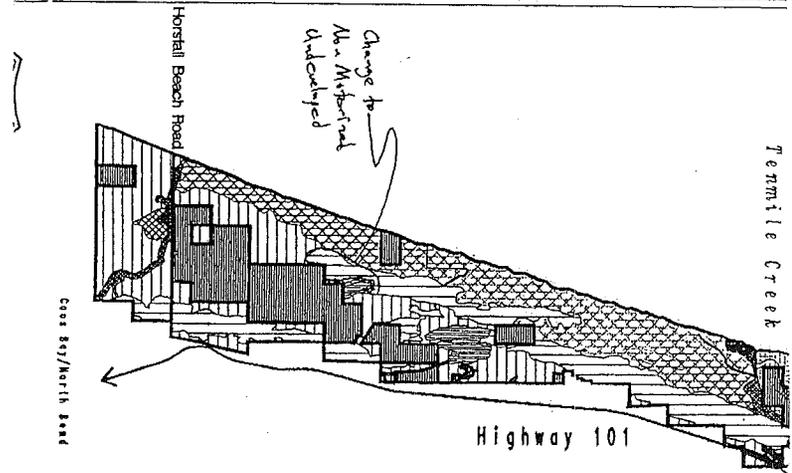
*Ken F. Lilly*

John E. Lilly  
Assistant Director  
Policy and Planning

JEL/dsh  
ken:469

Enclosure

cc: Margarite Nabeta, State Parks



Management Areas	
	10(A) - Non-Motorized Undeveloped
	10(B) - Off-Road Vehicle Open
	10(C) - Off-Road Vehicle on Designated Routes
	10(D) - Developed Corridors
	10(E) - Snowy Plover Habitat
	10(F) - Plant, Fish and Wildlife Habitat
	10(G) - Wetland Management
	10(H) - Plant, Fish and Wildlife Viewing
	10(I) - Vegetation Removal
	10(J) - Wild and Scenic River
	10(K) - Research Natural Area
	Private Lands
	Project Area Boundary

*The  
Economic  
Landscape  
of  
the  
Oregon  
Coast*

*Prepared by*  
Hans D. Radtke, Economist  
Shannon W. Davis, Planner

*Prepared for the*  
Oregon Coastal Zone Management Association, Inc. (OCZMA)

*Funding provided by the*  
Oregon Economic Development Department

OREGON ADMINISTRATIVE RULES  
CHAPTER 141, DIVISION 84 - DIVISION OF STATE LANDS

DIVISION 84

MANAGING STATE-OWNED  
SUBMERGED AND SUBMERSIBLE  
LANDS

Closure of Sand Lake Estuary

141-84-010 (1) All submerged and submersible land below Head of Tide within the Sand Lake estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.  
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).  
(3) The elevation of Mean High Tide corresponds to a tide stage of 7.5 feet (Mean Lower Low Water Datum). The Head of Tide in the Sand Lake estuary extends to the upper limit of the lake, (Sections 19, 20, 29, 30, 31 and 32 of Township 3 South, Range 10 West, Willamette Meridian.)  
Stat. Auth.: ORS Ch. 273 & 274  
Hitz: LB 3-1980, F. & cf. 5-5-80; LB 1-1987, F. & cf. 4-29-87

Closure of Silcoos River Estuary

141-84-020 (1) All submerged and submersible land below Head of Tide within the Silcoos River estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.  
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).  
(3) The elevation of Mean High Tide corresponds to a tide state of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Silcoos River estuary is approximately River Mile 3, at the Silcoos Lake Outlet (Sections 32, 33, and 34 of Township 19 South, Range 12 West, Willamette Meridian).  
Stat. Auth.: ORS Ch. 273 & 274  
Hitz: LB 12-1982, F. & cf. 12-20-82; LB 1-1987, F. & cf. 4-29-87

Closure of Tenmile Creek Estuary

141-84-030 (1) All submerged and submersible land below Head of Tide within the Tenmile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and

vehicles engaged in repair of fences and placement of bank protection material.  
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).  
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tenmile Creek estuary is approximately River mile 1.1, at the Tenmile Lake Outlet (Sections 22, 23, and 14 of Township 23 South, Range 13 West, Willamette Meridian).  
Stat. Auth.: ORS Ch. 273 & 274  
Hitz: LB 12-1982, F. & cf. 12-20-82; LB 1-1987, F. & cf. 4-29-87

Closure of Tahkenitch Creek Estuary

141-84-040 (1) All submerged and submersible land below Head of Tide within the Tahkenitch Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities and vehicles engaged in repair of fences and placement of bank protection material.  
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).  
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tahkenitch Creek estuary is approximately River Mile 1.2, at the Tahkenitch Creek Outlet (Sections 19 and 20, Township 20 South, Range 12 West, Willamette Meridian).  
Stat. Auth.: ORS Ch. 273 & 274  
Hitz: LB 7-1983, F. & cf. 6-20-83; LB 1-1987, F. & cf. 4-29-87

Closure of Berry Creek Estuary

141-84-050 (1) All submerged and submersible land below Head of Tide within the Berry Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.  
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).  
(3) The elevation of the Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum). The location of Head of Tide on Berry Creek is approximately the same as the line of Mean High Tide on the beach.  
Stat. Auth.: ORS Ch. 273, 274 & 390  
Hitz: LB 5-1984, F. & cf. 5-20-86; LB 1-1987, F. & cf. 4-29-87

Closure of Sutton Creek Estuary

141-84-060 (1) All submerged and submersible land

June 30, 1993

Marguerite Nabeta  
Oregon Parks and Recreation Department  
525 Trade Street S.E.  
Salem, Oregon 97310

RECEIVED

JUL 2 1993

STATE PARKS AND  
RECREATION DEPARTMENT

Oregon

ECONOMIC  
DEVELOPMENT  
DEPARTMENT



Dear Marguerite:

This letter is to communicate the Oregon Economic Development Department's comments on the Siuslaw National Forest's DEIS for the Oregon Dunes NRA Management Plan. OEDD is concerned that the reduction of ORV access to the Dunes NRA south of Tehmile Creek will have a detrimental impact on the economy of the coastal communities adjacent to the Dunes, particularly the Coos Bay area. OEDD is concerned that ORV use may have a greater impact on the economy and recreational opportunities of the Coos Bay area than is estimated by the Forest Service. Under the Forest Service's preferred alternative (alternative F), visitors and residents would have to drive to the mouth of the Umpqua River, near Reedsport, to gain access to an "ORV on Designated Routes" area in which there is surrounding vegetation. Visitors who formerly patronized Coos Bay businesses might shift their purchases to Reedsport. Residents may dislike the additional drive to the mouth of the Umpqua.

It would make sense to OEDD to maintain ORV access from the ORV campground in the Horsfall area to allow for a loop ride in the Horsfall area. This would provide a good reason for ORV users to visit the south end of the Dunes NRA and to patronize businesses in the Coos Bay area. This would also allow Coos Bay area residents to have reasonably convenient access to ORV use in areas with surrounding vegetation.

The OEDD Film & Video Division expects the Siuslaw National Forest to maintain in the Dunes a setting conducive to film and video uses. The Film & Video Division has just recently spent a significant amount of money on advertising that includes promotion of the Dunes as a place where film companies can find pristine sand dunes, with little vegetation and with no indication of human presence, for filming that could simulate sand dunes in the Sahara, Kalahari, or similar deserts. The Film & Video Division also expects that the Dunes will retain automobile access to film crews.

Sincerely,

Arthur Ayre, Economist  
Policy, Planning & Evaluation

c: Bob Warren

Barbara Roberts  
Governor



775 Summer St. NE  
Salem, OR 97310  
(503) 373-1200  
FAX (503) 581-5115

OEDD is an AA/EEOE and complies with Section 504 of the Rehab. Act of 1973

July 6, 1993

Ed Becker, District Ranger  
Oregon Dunes National Recreation Area Office  
Siuslaw National Forest  
855 Highway Avenue  
Reedsport, OR 97467

Oregon

PARKS AND  
RECREATION  
DEPARTMENT

RE: Draft Environmental Impact Statement for the Oregon Dunes  
National Recreation Area Management Plan

Dear Ed:

ODNRA staff have consistently included state agencies from start to finish in the extensive planning process that resulted in this document. We are looking forward to continuing this open dialogue and coordination while staff complete the next phase of carrying capacity studies.

Several of the proposed alternatives in this document reveal a commitment to responsible management that follows sound guiding principles. There are several management techniques that should provide noticeable positive results in a very short length of time. These include: providing a clearer delineation between incompatible uses; setting and enforcing off road vehicle closures (10 pm to 6 am) in residential/campground zone of influence; providing non-motorized trail corridors to the ocean shore from Honeyman and Umpqua State Parks; maintaining adequate noise buffers for residential and campground areas; and targeting critical habitat areas for closer management.

Crucial to the success of management of this area is the continued coordination between the Forest Service, state agencies, local government, user groups and the communities. We are looking forward to strong collaborative management of the areas adjacent to Oregon state parks and the ocean shore in the years to come.

I also urge the Siuslaw National Forest and the Region Forest Service Office to support and work with the state on an overall state ORV recreation resource plan. Appropriate areas for this recreation activity must be identified, supported and managed.



525 Trade Street SE  
Salem, OR 97310  
(503) 378-6305  
FAX (503) 378-6447  
734-886

Our department is generally supportive of the preferred alternative with minor modifications. Enclosed are detailed department comments. Ron Hjort, Region Supervisor, 269-9410, should be contacted if there are any questions.

Thank you again for the very good coordination efforts. Also, many thanks for our field trip and briefing session about NRA planning activities and coordination last Thursday.

Sincerely,



Bob Meinen  
Director

c: department staff  
Anne Squier  
Bob Warren

OPRD Response to 1993 DEIS for ODNRA Management Plan

GENERAL COMMENTS

The department is now known as: the Oregon State Parks and Recreation Department (OPRD). Please include our department (and all other agencies on the state response team) in the appendix that identifies planning document recipients.

As a department, we are supportive of every effort made to maintain and enhance this very unique national recreation area.

The guiding congressional acts, executive orders, and management principles should appear in the introductory chapter instead of in the following chapters. This will ensure that the user of the document will more clearly understand the basis for the final preferred alternative. The plan map should have identified landmarks such as towns, parks, lakes and rivers for easier use.

There should be a section, in addition to the Consistency Review, that lists the agencies with which continued coordination will be needed during the life of the plan.

We are encouraged by the commitment to continue gathering natural resource inventory information. This will be invaluable in determining carrying capacity capabilities for the area.

Response to Alternative F

Recreation Resources

This alternative demonstrates a serious attempt to provide a diverse range of the recreation opportunity spectrum (ROS). There is an identification of the quality and quantity available of the recreational experiences and the resource base for these settings and facilities. While the traffic study is adequate for determining existing use; we recommend additional study to monitor visitation over time. A visitor survey conducted at regular intervals and seasons will be able to detect changes in use and provide information about the success of proposed management changes. This historical analysis could also assist in determining user patterns and implementation of a reservation system or incentive program to change these patterns i.e. campground reservation program that has cost savings for mid week or off season use.

A more expansive study querying citizens from Oregon, Washington,

and northern California could assist in possible marketing decisions or facility augmentation. Possible questions could include:

What do you know about the Dunes?

Do you or your family visit the Dunes? Frequency?  
If not, why not?

What activities do you participate in when visiting?

What is expectation of quality and quantity of a diverse range of recreation settings?

The adjacent BLM, state and county facilities should be discussed as part of the available facility and resource base supply to more accurately represent what is available for the area. Handicap accessible facilities and opportunities should be discussed in more detail.

The preferred alternative discusses and addresses the primary resource conflicts in a balanced and accurate manner. Crucial to the decisions were the identification of adjacent residential areas, wetland resources, snowy plover and wintering shorebird habitat and a review of the range of recreation settings and possible experiences that are available within the NRA.

We recommend that every effort should be made to relocate recreation facilities in appropriate sites as critical habitat needs are identified, especially as part of the snowy plover recovery plan. The identification of the carrying capacity of the area is critical for determining the feasibility of such relocation. Seasonal closures and essential recovery time for many heavily used areas should be identified in this assessment.

The method used to gain citizen participation in the planning process has provided greater access to organized ORV groups. We believe that this provides a potentially significant key to the success of the management of the area. Continued communication and coordination with these groups for dispersal of guidelines for properly maintained machines and development of safety classes for the user will assist in training responsible, safe users.

#### Beach and Dunes Access

Beach and dunes access corridor trails for hikers should be established from Honeyman and William Tugman Campground. These pedestrian trail corridors should be developed cooperatively

between OPRD and the ODNRA to meet the needs of recreational users in these areas. A trail corridor should be established from the campground at William Tugman to Eel Creek Campground into the dunes, eventually providing access to the ocean shore. The beach access trail at Honeyman should be defined, signed and have formal ORV crossings established to protect both riders and hikers. User groups should be involved in the development of these corridors to insure needs are addressed and the trail can be successfully managed.

OPRD would like to develop a beach access trail at Umpqua Lighthouse state park. It is essential for the ODNRA to work cooperatively with the department for this project to be a success. The area is motorized crossings from the north and south between Windy Cove county campground and the ORV area south of Umpqua Lighthouse.

OPRD is mandated to encourage and support public access and use of the Ocean Shores Recreation Area. The department wants to continue to coordinate with and cooperate with your agency in this effort. We will continue to encourage the Dunes NRA to support public access, recognizing that access issues are affected by resource considerations such as: protecting sensitive habitat, conflicting uses and the other guiding principles of the management plan.

#### South Jetty Area

An adequate non-motorized buffer between Honeyman State Park has been proposed. The development of a pedestrian corridor (trail) from the park to the ocean shore will assist in alleviating potentially hazardous situations in the identified motorized recreation area, while safely providing a designated route for public access to the ocean shore. We recommend a designated route from the residential area to the managed motorized area. Clear signage is the key.

Recommend phasing in, as quickly as possible, additional facilities for motorized recreation campers as other sites need to be relocated because of habitat concerns. Horse group information should include the availability of beach access from the S. Jetty parking lot.

#### Lagoon Campground

Recommend relocating campsites away from the water edge. We are interested in continued literature reviews and assessments within the NRA that will assist in the determination of adequate buffers.

#### Wax Myrtle

Concur with relocation of trail that ends at snowy plover nests. There is very good potential for viewing areas along a trail that overlooks the wetlands.

#### Tennile

Our department expects continued close coordination in management of this area. Further scrutiny will be needed when the recovery plan for the snowy plover is established.

#### Butterfield Lake

Support the reservation group campground and study facilities proposed for this area.

#### Horsfall

Mapping of motorized recreation corridors more accurately reflects the wetland resource and residential buffer needs. Every effort should be made to maintain the Horsfall ORV day use area and campground. The area should be scrutinized for the possibility of maintaining a loop ride for that user group.

#### Wild and Scenic River Designations

OPRD is in general concurrence with the findings for the recommendations of designations. Such designations often afford a greater level of protection and enhancement for the resource.

#### Research Natural Areas

OPRD is very much interested in models for European beach grass eradication, determination of carrying capacities for dune complexes, and water quality assessments. However, there are no clearly defined reasons for the size of acreage recommended. Our department concurs that the area should continue to provide a large resource base for dispersed passive recreation. As research projects are identified, determination of the area needed for a successful project should be driven by the requirements of a known project. Until such projects come forward, the area should be managed for passive recreation.

#### Consistency with Other Plans and Policies

Figure IV-18. State Goal 5 also includes: federal Wild and Scenic and State Scenic Waterways and designated state trails.

This section would be strengthened by a statement in the Oregon Coastal Management Program introduction that includes these items:

1. USFS will acquire necessary permits from state agencies.
2. USFS will demonstrate that state standards have been met.

Minor corrections on IV-89 include: Parks and Recreation Department, ORS Chapter 390. Goal 8 - Recreation Needs, State Comprehensive Outdoor Recreation Plan (SCORE).

#### Appendix C Standards and Guidelines

AW - 5. This standard is also applicable for Alternative F. It should include the addition of: ... "where findings demonstrate warranted closure."

AW -14. This standard should include: ... "and reflecting the analysis of inventories to determine carrying capacities of the resources of the NRA."

Continued Coordination with OPRD will be required for the duration of the management plan for the following:

#### Snowy Plover Habitat Management

The management plan should acknowledge that snowy plover management strategies in the ODNRA will be developed once there is an adopted Recovery Plan for the species. ODNRA, OPRD, ODFW and USFW will continue to cooperate with interim management activities for the NRA and the Oregon Ocean Shores Recreation Area which will protect the bird and comply with the recovery plan once it is adopted.

#### Beach Enforcement Program

The ODNRA and OPRD will continue to cooperate and coordinate law enforcement actions in the Ocean Shores Recreation Area which are consistent with the needs of both agencies. Vehicle closures, estuary closures, recreation and visitor activities will be regulated and enforced as necessary to protect the public and the natural resources in this area.

Monitoring of initial management steps which include: increased presence in target areas, muffler readings and 10 pm to 6 am

closures for effectiveness, should be regularly reviewed for effectiveness.

The department will cooperate with the ODNRA to work towards legislation, education and other possible changes that reduce the decibel levels over time. This should reduce the noise that affects nearby residential areas and recreation users of the dunes.

#### Fire Control and Abatement Program

Controlled beach fires are allowed on the Ocean Shores Recreation Area as long as they are supervised and not placed in driftwood. Controlled burning of beach grass may be necessary in the future for Snowy Plover habitat restoration. Such burning in the Ocean Shores Recreation Area should be coordinated with OPD and other affected state and federal agencies. OPD and the ODNRA should review the potential for forest fire as more or denser shore pine forest are established within the ODNRA adjacent to state parks. This could include establishing such precautionary measures as firebreaks, controlled burns and the development of an emergency response plan.

#### Beach Closures

Proposed closure of currently open for motorized use beaches requires that the ODNRA work with OPD through the mandatory process identified in ORS 390.668, providing findings as identified in OAR 736-22-005 (enclosed). Closing additional beaches is an involved public policy issue with public hearings and much scrutiny by the Parks and Recreation Commission. The department will make every effort to assist in this public process to ensure consistent ORV use of the beach and uplands where findings support such consistency is warranted.

#### Oregon Coast Trail

OPD and the ODNRA have discussed this issue over the past 10 years. In general the route is along the beach throughout the NRA. Specific routes and signing have yet to be developed, but should continue to be considered in the preparation of the management plan.

#### Coordination with State Historic Preservation Office

Continue to coordinate with the state archaeologist on all projects proposed for the ODNRA as identified. Please list this office in the recommended new section of all state agencies coordinated with on a regular basis throughout the life of the management plan. The SHPO should be contacted for both prehistoric and historic resources, i.e. archaeological sites and/or projects that may impact such historic resources as the coast stagecoach trail.

8

## PARKS; RECREATION; WATERWAYS; TRAILS

390.725

390.660 Regulation of use of lands adjoining ocean shores. The State Parks and Recreation Department is hereby directed to protect, to maintain and to promulgate rules governing use of the public of property that is subject to ORS 390.640, property subject to public rights or easements declared by ORS 390.610 and property abutting, adjacent or contiguous to those lands described by ORS 390.615 that is available for public use, whether such public right or easement to use is obtained by dedication, prescription, grant, state-ownership, permission of a private owner or otherwise. (1967 c.601 §7; 1969 c.601 §16)

390.665 (Formerly 274.100 and then 390.740; repealed by 1971 c.743 §432)

390.668 Motor vehicles and aircraft use regulated in certain zones; zone markers; proceedings to establish zones. (1) The State Parks and Recreation Department may establish zones on the ocean shore where travel by motor vehicles or landing of any aircraft except for an emergency shall be restricted or prohibited. After the establishment of a zone and the erection of signs or markers thereon, no such use shall be made of such areas except in conformity with the rules of the department.

(2) Proceedings to establish a zone:

(a) May be initiated by the department on its own motion; or

(b) Shall be initiated upon the request of 20 or more landowners or residents or upon request of the governing body of a county or city contiguous to the proposed zone.

(3) A zone shall not be established unless the department first holds a public hearing in the vicinity of the proposed zone. The department shall cause notice of the hearing to be given by publication, not less than seven days prior to the hearing, by at least one insertion in a newspaper of general circulation in the vicinity of the zone.

(4) Before establishing a zone, the department shall seek the approval of the local government whose lands are adjacent or contiguous to the proposed zone. (Formerly 274.090 and then 390.730)

390.670 (1967 c.601 §8; 1969 c.601 §13; repealed by 1971 c.780 §7)

390.680 (1967 c.601 §9; 1969 c.601 §17; repealed by 1973 c.732 §5)

390.685 Effect of ORS 390.605, 390.615, 390.668 and 390.685. Nothing in ORS 390.605, 390.615, 390.668 and 390.685 is intended to repeal ORS 836.510 to 836.525. (Formerly 274.110 and then 390.750)

390.690 Title and rights of state unimpaired. Nothing in ORS 390.610, 390.620 to 390.650, 390.690 and 390.705 to 390.770 shall be construed to relinquish, impair or limit the sovereign title or rights of the State of

Oregon in the shores of the Pacific Ocean as the same may exist before or after July 6, 1967. (1967 c.601 §10)

#### (Special Permits)

390.705 Prohibition against placing certain conduits across recreation area and against removal of natural products. No person shall:

(1) Place any pipeline, cable line or other conduit across and under the state recreation areas described by ORS 390.635 or the submerged lands adjacent to the ocean shore, except as provided by ORS 390.715.

(2) Remove any natural product from the ocean shore, other than fish or wildlife, agates or souvenirs, except as provided by ORS 390.725. (1969 c.601 §20)

390.710 (Formerly 274.065; 1969 c.601 §2; renumbered 390.605)

390.715 Permits for pipe, cable or conduit across ocean shore and submerged lands. (1) The State Parks and Recreation Department may issue permits under ORS 390.650 to 390.658 for pipelines, cable lines and other conduits across and under the ocean shore and the submerged lands adjacent to the ocean shore, upon payment of just compensation by the permittee. Such permit is not a sale or lease of tide and overflow lands within the scope of ORS 274.040.

(2) Whenever the issuance of a permit under subsection (1) hereof will affect lands owned privately, the State Parks and Recreation Department shall withhold the issuance of such permit until such time as the permittee shall have obtained an easement, license or other written authorization from the private owner, which easement, license or other written authority must meet the approval of the State Parks and Recreation Department, except as to the compensation to be paid to the private owner.

(3) All permits issued under this section are subject to conditions that will assure safety of the public and the preservation of economic, scenic and recreational values and to rules promulgated by state agencies having jurisdiction over the activities of the grantee or permittee. (1969 c.601 §22)

390.720 (Formerly 274.070; renumbered 390.615)

390.725 Permits for removal of products along ocean shore. (1) No sand, rock, mineral, marine growth or other natural product of the ocean shore, other than fish or wildlife, agates or souvenirs, shall be taken from the state recreation areas described by ORS 390.635, except in compliance with a rule of or permit from the State Parks and Recreation Department as provided by

31-197

OREGON ADMINISTRATIVE RULES  
CHAPTER 736, DIVISION 22 — STATE PARKS AND RECREATION DEPARTMENT

DIVISION 22

OREGON SHORE VEHICLE  
USE ZONES POLICY

Policy

736-22-005 (1) To assure safe public use, protect scenic and recreation values, and conserve marine life and intertidal resources of the ocean shore, zones shall be established on the ocean beaches where vehicle use will be restricted or prohibited.

(2) Establishment of zones on beaches where vehicle use may be restricted or prohibited will be determined after evaluating the relative significance of public and agency concerns for safety, scenic and recreation values, seashore resources, and beach management:

(a) Safety — The following concerns will be considered to promote safety for all beach users:

(A) Beach Use — To assure the safety of beach users, added concern will be given to times and locations of heavy use by the general public;

(B) Beach Space — Beach areas that are too limited in usable space to serve both pedestrian and vehicular uses may be closed to vehicles;

(C) Hazardous Conditions — Beach areas with restricted visibility or hazardous conditions for vehicular use may be closed to vehicles;

(D) On-Shore Residents — Vehicular use on beaches may be restricted or prohibited at times and locations where the safety of on-shore residents or property has been significantly affected by such beach use.

(b) Access Concerns — The public need for vehicular access onto the beaches will be evaluated for each beach and region of the coast:

(A) Need — The need for vehicular use on individual beaches will be considered. The availability and convenience of existing on-shore parking and pedestrian access and facilities will be a factor in determining the need for vehicular parking or recreational travel on the beach itself;

(B) Wood Gathering — Adequate opportunities need to be assured for non-commercial gathering of wood consistent with the State Beach Log Removal Policy.

(C) Disabled Persons — Adequate opportunities need to be assured for disabled persons to have reasonable beach access and use.

(c) Scenic and Recreation Values — Zones will be established to best utilize and protect the outstanding scenic and recreation resources of the coast:

(A) Scenic Values — Consideration will be given to retaining the natural attraction of outstanding scenic features. Vehicle use on beaches immediately adjoining outstanding public viewpoints or scenic areas may be restricted;

(B) Recreation Interests — Evaluation will be made of the public's recreation interests and priorities at each beach and region of the coast. This will assist in accommodating a broad variety of beach use interests at the most logical locations.

(d) Natural Resources — Adequate protection will be afforded to significant natural resources at appropriate times and locations:

(A) Intertidal Marine Life — Protection will be afforded to significant marine garden areas and other marine life which would be vulnerable due to vehicular access;

(B) Clambeds — Protection will be afforded to clam propagation needs at significant areas;

(C) Wildlife Habitats — Protection will be afforded to significant coastal wildlife habitats where protection from vehicles is required;

(D) Coastal Vegetation — Protection needs will be evaluated where significant vegetation requires special protection.

(e) Beach Management — The public services involved in management of the beaches will be considered:

(A) Management Access — Adequate vehicular access will be required at some beaches for ocean shore patrols, law enforcement, control of fires, search and rescue, property protection, and control of litter and sanitation;

(B) Enforcement — The ability to adequately enforce vehicle use regulations at the beach will be considered. Where reasonable control would not be feasible, the beach may be closed to vehicles;

(C) Public Costs — Consideration will be given to the costs involved for government to effectively manage and enforce the beach proposal being evaluated.

(3) Establishment of zones on the ocean shore where vehicle use is restricted or prohibited will be determined by the Department of Parks and Recreation after consideration of public input, consultation with local governments and affected state and federal agencies, consideration of the above standards, and the provisions set forth in ORS 390.668.

(4) The above standards shall not apply to proceedings to establish a zone that were commenced prior to the effective date of this rule.

Stat. Auth.: ORS 183.545 & 390.668  
Hist.: 1 OTC 1-1979, f. & ef. 2-8-79; PR 9-1992, f. & cert. ef. 11-12-92

Oregon Shore Vehicle  
Permit Provisions

Provisions for Obtaining Vehicle Permit  
736-22-010 (1) Permits will be issued only from the offices listed below and only during normal working hours.

(2) Permits will be limited to daylight hours only.

(3) Permits will be issued for a specific person, vehicle, use and ocean shore area.

(4) Permittee must have permit in possession during time of use.

(5) Permits are not valid for commercial removal of driftwood.

(6) Granting of a permit by the State Parks Director for use of a vehicle on the ocean shore in no way authorizes the permittee to trespass on private property or to remove materials owned or controlled by others.

(7) Permittee agrees to hold the State of Oregon, its Parks and Recreation Commission, officers, agents and employees harmless for any damages, claims and suits or action in law or in equity arising from any operation under the permit.

(8) The State Parks and Recreation Commission may, at its discretion, require a certificate of insurance to cover any claims resulting from the activities of the permittee.

1 - Div. 22

(March, 1993)

5036279975  
SENT BY: BEAV KINKOS 627-9975 ; 7- 8-93 ; 22:28 ;

KINKOS- 503 378 6447:# 2/ 3

STATE OF OREGON

INTEROFFICE MEMO

ODOT - TDB 378-2940

July 8, 1993

TO: Marguerite Nabeta  
Parks and Recreation Department

FROM: June Carlson  
Coast Corridor Plan Project Manager  
ODOT

SUBJECT: Oregon Dunes National Recreation Area  
Review of Management Plan DEIS

I have reviewed the Draft EIS for the Oregon Dunes National Recreation Area Management Plan and submit the following comments for consideration as the Forest Service proceeds with ODNRA planning.

The Oregon Department of Transportation (ODOT) has begun a transportation facility plan for US 101 from Astoria to Brookings. Components of the plan include a corridor master plan which is currently underway, system plans for urban areas, and refinement plans for other specific-issue highway segments.

ODOT is mandated to conduct planning activities for transportation corridors throughout the state by ORS 184.618. This statute requires the Oregon Transportation Commission to develop and maintain a state transportation policy and a comprehensive long-range plan for a multi-modal transportation system for the state.

The State Agency Program identifies three types of transportation plans: the overall policy plan is the Oregon Transportation Plan; systems plans for each transportation mode such as the Oregon Highway Plan presents strategies for providing highway transportation services throughout the state; and facility plans which describe how statewide policies are implemented on a particular facility. The latter includes corridor plan, an example of which is in-process for the coastal US-101 corridor.

The Transportation Planning Rule is a component of the statewide planning program which identifies the three-part planning as the state component of transportation planning. The statewide planning program is part of the Oregon Coastal Management Program. The Coastal Zone Management Act requires coordination of federal planning with state coastal zone management programs.

The corridor master plan for the coastal corridor is halfway through its two-year process. Thus far we have established a 40-year vision for the corridor with goals and objectives.

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SENT BY: BEAV KINKOS 627-8975 : 7- 8-83 : 22:29 : KINKOS+ 503 378 6447: # 3/ 3

and evaluation criteria. Simultaneously we have completed the research and inventory tasks, and analysis of opportunities and constraints. We are currently conducting an analysis of alternatives, with a draft of alternative scenarios scheduled for Fall 1993.

This corridor master plan is emphasizing both constraints to providing transportation services and opportunities ODOT can develop to preserve or enhance scenic, recreational, historic, cultural and archeological resources. The entire corridor has been designated a scenic byway by the Oregon Transportation Commission and transportation projects are eligible for federal funding through the National Scenic Byways Program established in the Intermodal Surface Transportation Efficiency Act (ISTEA).

ODOT's planning has not yet progressed far enough to determine incompatibilities with the ODNRA alternatives. Because of this, continued interagency coordination is especially important as decisions are made on key issues:

**Safety** is the primary concern of ODOT and coordination is needed to establish or maintain safety of existing/future access points of roads and trails. Safety is also a concern in providing for growth in travel on the highway. Widening the highway, adding passing lanes, or other improvements may require right-of-way acquisition from adjacent property owners.

Preserving and enhancing scenic resources is a theme common to most segments of US 101 including views to and from the highway, improvement and development of waysides and pull-outs, and vegetation management.

**Highway maintenance** of US 101 is the responsibility of ODOT and on occasion maintenance activities may require going off the right-of-way. Landslides, ocean erosion, and dune encroachment are all potential issues of concern for long-term highway maintenance. Erosion of the dunes is also due in part, by use of all-terrain vehicles; the need for remedial measures can be minimized by discouraging ATV use near US 101 and other roadways. ODOT administers an ATV grant program within the Technical Services Branch serving public agencies and non-profit organizations; and will continue to coordinate with the ODNRA on projects within the recreation area.

Preserving and enhancing recreational, cultural, historic and archeological resources are important themes in the corridor plan because they are qualities for which the highway was designated a scenic byway.

July 6, 1993

RECEIVED

JUL 9 1993  
STATE PARKS AND  
RECREATION DEPARTMENT

Oregon  
WATER  
RESOURCES  
DEPARTMENT

MEMORANDUM

To: Marguerite Nabeta, Parks and Recreation Dept.  
From: Pam <sup>PH</sup> Homer, Resource Management Division  
Subj: Comments on the Oregon Dunes National Recreation Area Draft Management Plan and EIS

We appreciate the opportunity to review the draft EIS for the Dunes National Recreation Area Management Plan.

Two years ago we identified some municipal water use and water supply issues that we felt the plan should address. We appreciate that the plan describes the streams, lakes and groundwater resources, refers to existing water rights, and highlights some of the management considerations pertaining especially to the dunal aquifer. The plan also acknowledges that demand for water will continue to increase and notes the need to manage water quality and quantity on a long-term basis.

The plan does not attempt, however, to estimate the existing or future water supply needs on the NRA. Nor does it suggest a strategy for either securing the needed supplies or for mitigating the impacts of diminished streamflows, lake or groundwater levels that may result from efforts to meet growing water demands in the surrounding area. To address these concerns, we suggest the following:

- The plan should acknowledge that managing many of the Dunes NRA resources can involve managing water. The fish habitat and wetlands resources, in particular, rely on adequate water supplies, yet the plan does not estimate the need, nor propose any strategy for securing supplies.
- In addition to continuing to work with the USGS and the Coos Bay/North Bend Water Board in studies of the dunal aquifer, the Dunes NRA should also be involved in Coos County's water supply planning effort. The water supply plan being developed for the county analyzes a number of water source options, many of which could have some impact on the resources and water supply needs of the NRA.

The State of Oregon plans to undertake a major watershed restoration effort in the South Coast area in the coming biennium with the goal of avoiding the need to list additional species as threatened or endangered. This effort may extend north to the Umpqua River. To be



3890 Portland Rd NE  
Salem, OR 97310  
(503) 725-3230  
FAX (503) 258-8130

Marguerite Nabeta  
July 6, 1993  
p. 2

successful, partnerships and cooperation with a broad range of agencies, land managers, and interests will be essential. If the effort extends to some portion of the NRA, we hope that management of the NRA will reflect a willingness to cooperate and participate fully with the state and other parties in watershed restoration.

We have one specific wording change to suggest. In the section on Consistency with Other Plans and Policies on p. 89:

Regulation of water withdrawals use administered by the Water Resources Department of Water Resources (ORS Chapters 536 and through 543)

Forest Service water use will comply with applicable WRD requirements. For example, water use permits may be required for recreation facilities and wetland projects.

Again, we appreciate the opportunity to offer comments and hope they will be helpful. If you or any of the NRA planning team have questions about our comments, I can be reached at 378-8455, ext. 217.

cc: Al Cook, Southwest Region Manager  
John Drolet, District 19 Watermaster



CONFEDERATED TRIBES OF  
COOS, LOWER UMPQUA & SIUSLAW INDIANS  
455 S 4th • Coos Bay, OR 97420 • (503) 267-5194

JUL 15 1993

July 15, 1993

Mr. Ed Becker, Area Ranger  
Oregon Dunes NRA  
USDA Forest Service  
855 Highway Ave.  
Reedsport, OR 97467

Dear Ed:

As you are aware, the Confederated Tribes have never relinquished claim to our homelands and we still consider ourselves as co-managers with the Forest Service. We have some ideas on how the Forest Service might better manage the resources in the future.

The dunes have to be managed equally for all people. This means not bowing or catering to any one group's wishes or whims. The best plan would be to divide the dunes equally among nature and ATV's. How it is equally divided into specific usage areas are not really an issue to the Tribes.

The designated wetlands area between Horsfall Beach, Tenmile Creek, the sea wall and the open dunes needs to be restored to a natural condition which will allow new sand in from the ocean. Additionally, the same should be done for the South Spit of the Siuslaw River.

The beach grass and vegetation introduced by man rather than by nature must be removed as this is not natural and is fouling up the ecosystem. If the public agency had listened to the elders, this problem would not exist today. We realize this is a large expense and burden on your budget but with the efforts of environmental, ATV groups, and volunteer labor all working together, this could be accomplished.

To manage the impact of ATV's, the Forest Service needs to control their access. Three suggestions are as follows: (1) cut back the number of ATV access points, (2) enact an 11:00 p.m. to 7:00 a.m. riding curfew to enable neighbors and wildlife to sleep, and (3) set an 80 decibel daytime noise limit which could be tested at a 50' range with very stiff penalties for non-compliance. Penalties could include: a written



**CONFEDERATED TRIBES OF  
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warning for the first offense, \$150 fine for the second offense, and confiscation of the vehicle for the third offense.

The total area of the dunes is 31,500 acres of which 26,000 is managed by the Forest Service. 21,000 acres is set aside for nature and environmental issues, thus leaving 10,500 acres for ATV's. As for the nature side of this plan, we would like to see a 1/4 mile on each side of all streams and creeks leading through the dunes with tribal members still having access to historical and cultural sites in these areas.

One quick glance of the management plan shows an estimated 2,500 campsites; 1,500 would be ample for this area.

In regards to cultural resources, certain areas need to be reserved for tribal members and closed to the general public. This includes identified Native American religious, cultural, and historical sites, i.e. Fort Umpqua. Allowance would need to be made for motor transportation for tribal members. A similar agreement currently exists between the Umpqua National Forest and the Cow Creek Band of Umpqua Indians.

Last but not least, we do not like to see the Forest Service catering to any one group's desire or wishes just because of the spotted owl or timber issues. The Forest Service must not bow to every self interest group. The NRA was set aside for use by all people; 4-wheelers, ATV's, sand buggies, horses, hikers, campers, sightseers, bird watchers, and other related activities dealing with recreation.

With the impact of the forest issues, this area must have a diverse economy. We do not wish to turn away anything that could cause a hardship for our tribal members or their neighbors.

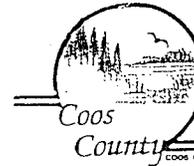
Until such time as there is an Environmental Impact Statement done on the restriction of acreage for ATV's, we feel that any plan that does not deal equally to all interest groups would set the scene for a lengthy court battle, causing tax payers an unnecessary expense.

Sincerely,

Skip Brainard  
Council Chairman

SB:ea

JUN 26 1993



**BOARD OF COMMISSIONERS**  
**JACK L. BEEBE SR. BEV OWEN GORDON ROSS**

COMMENTS TO THE FOREST SERVICE REGARDING THEIR  
PREFERRED ALTERNATIVE FOR MANAGING THE OREGON DUNES

We, the Board of Commissioners, have a few concerns about your preferred alternative "F". The Board feels that the following concerns are valid and need to be answered before we can endorse your plan:

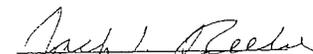
- I. There is no corridor to allow motorized vehicles to travel from Horsefall Beach to the BLM lands. This would make the Horsefall area less desirable and increase the congestion on Transpacific Parkway where there is already a problem. The Horsefall area was built at considerable expense and should be maintained for ORV users.
- II. The Wild and Scenic designation on Tenmile Creek could drastically reduce the uses now enjoyed on that stream:
  - a. The County has a road that goes all the way to the mouth of Tenmile and we are not at all interested in limiting the use of that road.
  - b. The County owns property on the dunes by Tenmile and we do not wish to limit the use of that land.
  - c. We wish to be sure that fishing, camping and other activities are allowed to continue in that area.
  - d. The County also owns two other parcels on which it appears you have restricted ORV use. We do not wish either of these parcels to be included in a limited use designation.
- III. Changing the set backs for camping from 200 to 500 feet would mean more intrusion into the area used by ORV's or, worse yet, into sensitive areas.
- IV. The cost of building the facilities such as at Horsefall and Bluebird will have been wasted if they are abandoned by the ORV users. Their use by backpackers and others would be minimal.

We feel that the preferred alternative is too restrictive to ORV uses and that if any changes are to be made to what now exists that those changes be to allow more areas to be used by ORV's preferably in the area just north of Tenmile.

Thank you for the privilege of presenting our comments.

BOARD OF COMMISSIONERS

  
Gordon Ross, Chairman

  
Jack Beebe, Commissioner

  
Bev Owen, Commissioner

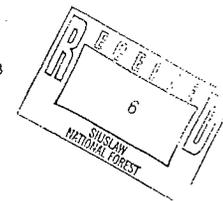


BOARD OF COMMISSIONERS

DOUG ROBERTSON      DORIS WADSWORTH      JOYCE MORGAN

Courthouse • Roseburg, Oregon 97470 • (503) 440-4201

July 14, 1993



James R. Furnish  
Acting Forest Supervisor  
Siuslaw National Forest  
4077 Research Way  
P.O. Box 1148  
Corvallis, OR 97339

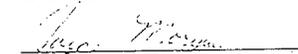
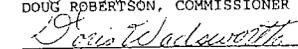
RE: Draft Environmental Impact Statement for the  
Oregon Dunes National Recreation Area Management Plan

Dear Mr. Furnish:

The Board of Commissioners for Douglas County, appreciates this opportunity to comment upon the "Draft Environmental Impact Statement for the Oregon Dunes National Recreation Area Management Plan". The Board has carefully reviewed the draft document and offers the comments attached hereto.

We have closely monitored the Reedsport/Gardiner/Winchester Bay Community Response Team's efforts on this issue and endorse their recommendations. We encourage you to coordinate closely with them to resolve the local communities' concerns.

Respectfully submitted  
BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
JOYCE MORGAN, CHAIR  
  
DOUG ROBERTSON, COMMISSIONER  
  
DORIS WADSWORTH, COMMISSIONER

COMMENTS OF THE  
BOARD OF COMMISSIONERS  
of  
DOUGLAS COUNTY, OREGON

on the

DRAFT ENVIRONMENTAL IMPACT STATEMENT  
for the Oregon Dunes National Recreation Area  
Management Plan

The Oregon Dunes National Recreation Area represents one of the most scenic ocean shoreline areas in the nation. An outstanding feature of this area is the presence of one of the largest areas of active coastal dunes in the world. It is this unique feature that led Congress to designate this area for special management and it is also this feature that the management plan should seek to maintain.

Recognizing the unique nature of this asset, the Board of Commissioners of Douglas County has enacted as part of its Comprehensive Plan specific provisions relating to this resource. It is our understanding that the Siuslaw National Forest has been in contact with Dave Cates of the Douglas County Planning Department to ensure coordination with the Douglas County Comprehensive Plan.

In addition to this comprehensive plan coordination the Board offers the following comments:

1. In 1972 when special protection was enacted for this area, the outstanding feature of the Oregon Dunes National Recreation Area was the presence of open sand dunes that were constantly moving. While this was the condition in 1972, the current invasion of introduced beach grass has radically changed this environment.

Unfortunately the proposed management plan/EIS fails to fully discuss the extent of this problem or the severe ecological change occurring.

Therefore the Board of Commissioners recommend that the draft EIS be expanded to fully discuss the current condition, desired future condition, ecological changes occurring, and the reasons for the change. This discussion is mandated by the provisions of 36

Page 1 - DOUGLAS COUNTY'S COMMENTS ON THE OREGON DUNES RECREATION  
AREA MANAGEMENT PLAN

CFR 219.12 and 36 CFR 219.27.

Until these items are fully discussed and the impacts of the various management programs fully revealed, the public can not knowingly comment upon the proposed actions.

2. Based upon the information currently available to the Board of Commissioners, we recommend a greatly expanded eradication program for the non-native plant species.

In the final EIS, the Forest Service must include a discussion of the proposed action of limited eradication efforts and the county's emphasis on an expanded eradication effort. The Forest Service must seek to resolve the conflict and explain how it was resolved the conflict. (40 CFR 1502.16)

3. The Oregon Dunes National Recreation Area legislation included a reference that lands administered by the Corps of Engineers or the Coast Guard at the time of enactment, could continue to be used by such agencies to the extent required. (P.L. 92-259 (5))

The legislative history reveals that the committee recognized the importance of the Corps of Engineers maintaining the jetties and navigation channels on the Siuslaw and Umpqua Rivers in or adjacent to the Dunes Recreation Area (1972 U.S. Code Cong Adm News 2108, 2124)

However notwithstanding this clear legislative intent and the importance of these navigation aids, the proposed management plan does not incorporate any discussion of these "grandfathered uses".

We recommend that the management plan be amended to incorporate a full discussion of these "grandfathered uses" and any other uses which received "grandfather" treatment in the enabling act. This discussion must include a clear statement of the Forest Service role relative to these lands.

4. In reviewing the management plan we fail to find any reference that commercial uses are compatible with the purposes of the Oregon Dunes National Recreation Area.

Our review of the original legislation reveals a clear Congressional intent that commercial uses were considered to be compatible with the purposes of the Act. Given this Congressional intent, the Management Plan must fully discuss which forms of commercial development is compatible with the purposes of the act and how these developments will be managed.

5. We note that the original Act creating the Oregon Dunes

Page 2 - DOUGLAS COUNTY'S COMMENTS ON THE OREGON DUNES RECREATION  
AREA MANAGEMENT PLAN

National Recreation Area designated certain lands as "Inland Sector" and "Dunes Sector", with differing management for each.

Notwithstanding this legislative directive we do not find these designations on any of the proposed maps nor do we find any discuss of why they are not included in the Management Plan.

6. In adopting the Oregon Dunes National Recreation Area, Congress recognized the need for a local citizen advisory council (P.L. 92-260 (12)). However the Management Plan and the public involvement process are devoid of any reference that this advisory council was ever formed or consulted relative to this management plan.

Among the purposes for which the advisory council was created was to consult with the Secretary relative to matters relating to management and development of the recreation area. Given this mandate to consult with the local advisory council we question whether the management plan has been promulgated in accord with the statutory mandates.

7. We are unable to find where in the EIS that the Forest Service analyzed the socio-economic impact of this proposed action. While the original Act was accompanied by an EIS that discussed these issues, the proposed document totally fails to discuss the social and economic impacts of the proposed actions.

In this case the socio-economic effects are interrelated to the physical and natural environment effects, therefore all of these effects must be discussed in the EIS (40 CFR 1508.14)

The absence of this information greatly inhibits the public's opportunities to review the proposed action and knowingly comment.

8. We note that under the provisions of 36 CFR 295.6, the Forest Supervisor is to annually review the off-road vehicle management plans and afford the public the opportunity to comment if the plan needs revision. Likewise we find in 36 CFR 295.2 the requirement that the Forest Service is to develop specific off-road vehicle management plans. Unfortunately we find no reference that these plans have ever been developed or the requisite reviews ever conducted.

9. Federal regulations also require that the Forest Service establish a program of monitoring off-road vehicle use (36 CFR 295.5). Notwithstanding this monitoring requirement we are unable to find any reference in the Management Plan that a monitoring program was ever established. This information would be valuable in ascertaining the need for the proposed actions. Without this information it is difficult if not impossible to have knowledgeable public comment.

Page 3 - DOUGLAS COUNTY'S COMMENTS ON THE OREGON DUNES RECREATION AREA MANAGEMENT PLAN

We strongly recommend that the Management Plan be revised to incorporate a monitoring program with specific items to be monitored clearly set forth. As part of the monitoring program a credible set of base line data must be developed.

10. While the management plan indicates that the review of off-road vehicle use is required by regulation, we find the management plan devoid of any discussion of the impacts of these activities. The plan merely sets forth a program to reduce these recreation levels.

The proposed reduction in recreational use is clearly arbitrary and capricious without a thorough discussion of the justification for the change (which discussion will require discussion of the established base line data, objectives, and an evaluation of the annual monitoring reports).

11. We are very disappointed in the failure to discuss the economic effects of the proposed plan. While the Outputs & Effects Section, Figure 3, contains a chart reference to "Effects on Local Communities", the chart does not discuss the local communities at all. The chart merely references payments to counties and total income - neither reference contains any detail or discussion.

12. We have been advised that the policies on camping within the Oregon Dunes National Recreation Area conflicts with the private and local government supplied camping facilities. Prior to adding any campgrounds a careful analysis must be conducted relative to the demand upon existing services and the availability of private enterprise to supply these expanded services.

If new facilities are needed, the Forest Service should work with local parties to privately develop these facilities. The Forest Service should not compete with the private sector in providing services.

The Forest Service should carefully review its camping programs to determine if it is competing with State, County or private activities. We understand that the Forest Service has not competitively priced its camping facilities in this area. Not only does this deprive local business of opportunities it deprives the county of Forest Service receipts.

13. We are unable to interpret your recreational demand projections due to the failure to incorporate a site specific analysis. We find that the demographics relied upon by the Forest

Page 4 - DOUGLAS COUNTY'S COMMENTS ON THE OREGON DUNES RECREATION AREA MANAGEMENT PLAN

Service in developing the management plan represented a statewide analysis and as a result were to general to provide a meaningful analysis for this area. The management plan should be revised to incorporate an analysis of the demand for recreation locally.

14. We are also concerned that the Forest Service's proposal to concentrate recreational parking and unloading (entry) in a few limited areas will result in increased user conflicts and concentrated environmental damage.

15. We are unable to determine how the management plan for the western snowy plover fits with the recovery or critical habitat designation for this species. The Management Plan should fully discuss these issues.

This is especially relevant in that the Fish and Wildlife Service has failed to a) conduct a NEPA review on its proposed designation of critical habitat and b) adopt a recovery plan.

We note that absent a proper F&W NEPA review the Forest Service can not tier its decisions to the critical habitat designation.

We also note that the F&W Service is still gathering information to identify areas that should be designated as snowy plover critical habitat. Once this information is gathered then the Service plans on analyzing the economic, social and other impacts of designating these areas as critical habitat. It is only if the Service finds that the biological benefits outweigh economic and other impacts will these areas be designated as critical habitat.

We are concerned that the management plan may be inadvertently eliminating one of the important checks and balances incorporated into the Endangered Species Act.

16. We are unable to find any justification for the expansion of the Research Natural Areas. Given the fact that large tracts of the recreation area are off-limits to most activities it seems that these research areas could have been overlapped and more areas made available for recreation usage.

be provided. Members serve for 2 year terms.

Suggestions for the list of candidates should be submitted no later than August 30, 1993.

Dated: July 22, 1993.

Abby J. Purde,

Director, Office of Cooperative Environmental Management.

[FR Doc. 93-18231 Filed 7-29-93; 8:45 am]

BILLING CODE 5640-20-M

[EPA-FRL-4622-2]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared July 12, 1993 through July 16, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1993 (58 FR 18392).

**Draft EISs**

ERP No. D-AFS-J61091-00 Rating EC2, Continental Divide National Scenic Trail Comprehensive Plan, Designation, Construction and Reconstruction, Implementation, Medicine Bow National Forest, Hayden Ranger District, WY to Rio Grande National Forest, Conejos Peak Ranger District, CO.

**Summary:** EPA expressed environmental concerns for potential impacts to water quality and wetlands. EPA felt that the DEIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment.

ERP No. D-AFS-J65204-MT Rating EC2, Tolian Creek Timber Sale, Harvest Timber and Road Construction, Tolian Creek, Bitterroot National Forest, Sula Ranger District, Ravalli County, MT.

**Summary:** EPA expressed environmental concerns regarding the adequacy of the monitoring program to measure adverse effects to aquatic habitat. EPA also recommended expanding the wetlands impact analysis and air quality analysis.

ERP No. D-AFS-L60198-OR Rating EC2, Oregon Dunes National Recreation Area, Land and Resource Management Plan Amendment, Siuslaw National Forest, Coos, Douglas and Lane Counties, OR.

**Summary:** EPA had environmental concerns primarily based on the need for greater funding and possible staff support to implement six of the action alternatives including the preferred alternative. Additional information was needed to describe monitoring plans, the funding process and the contingency plans for each alternative if adequate funding is not available.

ERP No. D-BLM-J65203-MT Rating EC2, Big Dry Land and Resource Management Plan, Implementation, Miles City District, several Counties, MT.

**Summary:** EPA expressed environmental concerns with the Bureau of Land Management's (BLM) Big Dry Resource Area Management Plan draft EIS. These concerns regarded: the generalized discussion of environmental impacts; the inadequacy of the cumulative effects analysis; the inadequacy of the air quality analysis; inadequate identification and description of livestock grazing best management practices; and inadequate water quality and fisheries monitoring.

ERP No. D-FHW-C40129-NY Rating EC2, NY-9A Reconstruction Project, Battery Place to 59th Street along the western edge of Manhattan, Funding and Approval of Permits, New York County, NY.

**Summary:** EPA expressed environmental concerns about the proposed project because of an inadequate secondary impacts analysis; lack of contingency measures for accidental hazardous waste spills; and the need for clarification with regard to assumptions made in the air quality analysis and the proposed project's compliance with the New York State Department of Transportation's congestion management system. Further, EPA recommended that an alternative be selected that does not result in a substantial noise level increase. EPA had requested that additional information to assess the above impacts/issues be included in the final EIS.

ERP No. D-FRC-L02022-AK Rating EC2, Yukon Pacific Liquefied Natural Gas (LNG) Liquefaction Plant Construction and Operation, Approval, Anderson Bay, Port Valdez, AK.

**Summary:** EPA expressed environmental objections based on the potential for air quality impacts, particularly ozone levels; intertidal wetlands loss; and violations of Alaska Water Quality Standards. Additional information was requested to describe the proposed project in more detail, expand and clarify the air quality impacts analysis, more fully evaluate a deep water disposal option for

excavated materials, develop a site-specific wetland mitigation plan, and better describe waste disposal options on the plant site.

ERP No. D-USA-A10066-00 Rating EC2, Theater Missile Defense (TMD) Comprehensive System, Research and Development, Active Defense Counterforce and Passive Defense, Implementation, United States.

**Summary:** EPA expressed environmental concerns regarding the lack of sufficient information pertaining to the no action alternative, criteria to be used for decisions regarding the component mixes of the proposed action, and the need to assess indirect and cumulative impacts. EPA recommended that the final FEIS include an evaluation of the impacts associated with the proposed action, and that subsequent environmental documentation include sufficient baseline data so that the comparative merits of each alternative can be evaluated.

**Final EISs**

ERP No. F-AFS-J65193-MT, Beaver-Dry Timber Sales, Harvest Timber and Road Construction, Implementation, Helena National Forest, Lincoln Ranger District, Lewis and Clark and Powell Counties, MT.

**Summary:** EPA supported the development and selection of a new modified preferred alternative but expressed concerns about water quality and fisheries impacts in Beaver, Dry, and Arastra Creeks.

ERP No. F-SFW-J28018-ND, Lake Ilo Dam and Reservoir Modification Project, Elimination of Existing Dam Safety Deficiencies and Section 404 Permit Issuance, Lake Ilo National Wildlife Refuge, Spring Creek, Dunn County, ND.

**Summary:** Review of the Final EIS was not deemed necessary. No formal letter was sent to the preparing agency.

Dated: July 26, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93-18232 Filed 7-29-93; 8:45 am]

BILLING CODE 5640-20-M

[EPA-FRL-4622-1]

**Environmental Impact Statements; Availability**

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075. Weekly receipt of Environmental Impact Statements filed July 19, 1993 through July 23, 1993 Pursuant to 40 CFR 1506.9.

adverse impacts to the endangered Indiana bat and the gray bat.

**ERP No. F-SFW-K50026-CA**

Tijuana Estuary Tidal Restoration Project, Implementation, Tijuana River National Estuarine Research Reserve, Section 10 and 404 Permits and Special Use Permit, San Diego County, CA.

**Summary:** Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing Agency.

**ERP No. FS-COE-E36035-MS**

Upper Steele Bayou Flood Control Plan. Updated information for Proposed Changes to the Unconstructed Portion of the Project, Bolivar, Washington and Greenville Counties, MS.

**Summary:** EPA's concerns regarding follow-up monitoring and necessary future management of mitigation properties acquired for the losses attendant to this project was addressed.

Dated: April 13, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

FR Doc. 93-8983 Filed 4-15-93; 8:45 am]

MAILING CODE 4160-10-0

**ER-FRL-4598-6]**

**Environmental Impact Statements; Availability**

**Responsible Agency:** Office of Federal Activities, General Information (202) 269-5076 or (202) 269-5075. Weekly Receipts of Environmental Impact Statements Filed April 5, 1993 through April 8, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930117, Draft EIS, FHW, OK, Poleau Bypass Corridor, Construction, US 59/US 271 Junction 4.3 Miles to the US 59/OK 112 Junction, Funding and COE Section 404 Permit, City of Poleau, LaFlore County, OK. Due: June 1, 1993, Contact: Bruce Lind (405) 221-4725.

EIS No. 930118, Draft EIS, FHWA, AZ, Pima Freeway (Loop 101) Corridor, Construction, Pima Road between the Superstition Freeway to Pecos Road, Funding and Right-of-Way Acquisition, Maricopa County, AZ. Due: June 1, 1993, Contact: Ken Davis (602) 378-3646.

EIS No. 930116, Draft EIS, AFS, OR, Paw Timber Sale, Harvest Timber and Road Construction, Implementation, Umpqua National Forest, Diamond Lake Ranger District, Douglas County, OR. Due: June 1, 1993, Contact: Rick Abbott (503) 498-2531.

EIS No. 930120, Draft EIS, FHW, MN, Markato South Route (Blue Earth

C.S.A.H 90) Roadway, Construction, TH 169/TH 60 on the west to TH 83, Funding, Right-of-Way and COE Section 404 Permits, Minnesota, Le Sueur and Blue Earth Rivers, Blue Earth County, MN. Due: June 1, 1993, Contact: James McCarthy (612) 290-3241.

EIS No. 930121, Draft EIS, AFS, MT, Tolan Creek Timber Sale, Harvest Timber and Road Construction, Tolan Creek, Bitterroot National Forest, Sula Ranger District, Ravalli County, MT. Due: June 15, 1993, Contact: David M. Campbell (406) 821-3201.

EIS No. 930122, Draft EIS, AFS, OR, Oregon Dunes National Recreation Area, Amendment to Land and Resource Management Plan, Sula National Forest, Coos, Douglas and Lane Counties, OR. Due: July 15, 1993, Contact: James R. Furnish (503) 750-7000.

EIS No. 930123, Draft EIS, COE, TX, NM, Roving Sands Joint Training Exercise Program and White Sands Missile Range, Implementation, 11th Air Defense Artillery Brigade, Site Specific, Fort Bliss, El Paso County, TX and Otero and Dona Ana Counties, NM. Due: June 1, 1993, Contact: Arver Ferguson, Jr. (817) 334-3248.

Dated: April 13, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

FR Doc. 93-8984 Filed 4-15-93; 8:45 am]

MAILING CODE 4160-10-0

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Agency for Toxic Substances and Disease Registry (ATSDR)**

**[ATSDR-64]**

**Availability of Final Toxicological Profiles; Correction**

A notice announcing the availability of the final versions of 28 of the 30 toxicological profiles in the fourth set of ATSDR's final toxicological profiles was published in the Federal Register on March 26, 1993, (58 FR 16410). This notice is corrected as follows:

On page 16410, in the third column, in the twelfth line of the last paragraph, "523" should read "5285."

On the same page, in the third column, in the fourteenth line of the last paragraph, "1-800-336-4700" should read "1-800-553-6847."

On the same page, in the table, in the eleventh line under the heading NTIS Order No., "PB/93/110752/AS" should read "PB/93/110732/AS" for Toxicological Profile no. 11, Cresols.

Dated: April 12, 1993.

Walter E. Dewdale,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

Certified To Be a True Copy of the Original,  
Carolyn Wilburn,  
Certifying Officer,  
FR Doc. 93-8924 Filed 4-15-93; 8:45 am]  
MAILING CODE 4160-10-0

**Centers for Disease Control and Prevention**

**CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI); Subcommittee on Improving Public Understanding of the HIV Epidemic; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee meeting.

**Name:** CDC ACPHI Subcommittee on Improving Public Understanding of the HIV Epidemic.

**Times and Dates:** 10 a.m.-7 p.m., May 4, 1993; 8 a.m.-4 p.m., May 5, 1993.  
**Place:** CDC, Executive Park Facility, 26 Executive Park Drive, Conference Room A, Atlanta, Georgia 30329.

**Status:** Open to the public, limited only by the space available.  
**Purpose:** The initial meeting of this subcommittee will provide subcommittee members with an orientation to the task and a comprehensive overview of CDC's programs to improve public understanding about HIV/AIDS.

Agenda items are subject to change as priorities dictate.

**CONTACT PERSON FOR MORE INFORMATION:** Connie Grunoff, Committee Assistant, Office of the Associate Director for HIV/AIDS, CDC, 1600 Clifton Road, NE, Mailstop E-40, Atlanta, Georgia 30333, telephone 404/639-2918.

Dated: April 12, 1993.

Ervin Hilyer,

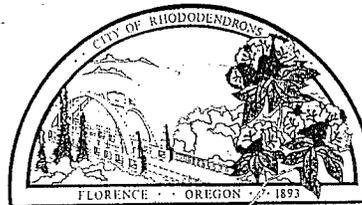
Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

FR Doc. 93-8928 Filed 4-15-93; 8:45 am]

MAILING CODE 4160-10-0

**CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI); Subcommittee on Preventing Risk Behaviors Among School Students; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease



JUL 1 1993

City of Florence

P.O. BOX 300

250 HIGHWAY 101 NORTH

PH. (503) 997-3436

FLORENCE, OREGON 971

July 14, 1993

Mike Harvey  
Oregon Dunes National Recreation Area  
855 Highway Avenue  
Reedsport, OR 96467

Dear Mr. Harvey:

The Florence City Council met in a Worksession with representatives of the Florence Chamber of Commerce, Port of Siuslaw and interested citizens to discuss their position regarding future use of the Oregon Dunes NRA.

The Council recommends the Forest Service adopt Preferred Alternative F with the following modifications:

1. Extend the area open to ORV's to the Siltcoos River and maintain Driftwood campground in its current condition. This would imply a new campground would not be needed for mitigation purposes on South Jetty Road.
2. Reduce the proposed no-ride ORV buffer on eastern boundaries to a minimum while still meeting the need of noise reduction at specific locations, reducing trespass on private lands, and resolving safety concerns especially with Honeyman State Park visitors.
3. Continue to allow access on Wax Myrtle Road and onto the beach during winter months to street legal vehicles.
4. Expand parking and staging areas for ORV's.
5. Adopt more vigorous vegetation removal (especially non-native species such as beach grass, scotch broom and gorse) program.

Sincerely,

*Roger W. McCorkle*  
Roger W. McCorkle, MAYOR

RWH:pg



COMMUNITY BASED RESPONSE TEAM  
(CBRT)  
RESPONSE TO THE DRAFT ENVIRONMENTAL  
IMPACT STATEMENT FOR THE OREGON DUNES NATIONAL  
RECREATION AREA MANAGEMENT PLAN

REEDSPORT - WINCHESTER BAY - GARDINER

July 15, 1993

VIA: HAND DELIVERY

Oregon Dunes National Recreation Area  
Area Ranger  
Ed Becker  
855 Highway Ave.  
Reedsport, OR 97467

Dear Mr. Becker:

Leadership groups from Reedsport, Winchester Bay, and Gardiner have joined together to respond to the Draft Management Plan Proposals for the Oregon Dunes National Recreational Area. (ODNRA) This Community Based Response Team (CBRT) is comprised of representatives of the Reedsport City Council, the Reedsport Planning Commission, the Lower Umpqua Economic Development Forum, the Lower Umpqua Chamber of Commerce, the Port of Umpqua, the Salmon Harbor Management Committee, and the Winchester Bay Merchants Association. These representatives have been empowered by their various parent organizations to address (for the benefit of the Lower Umpqua Area) issues of concern and make recommendations for additional planning considerations.

By way of background, we should first discuss the current situation for the Lower Umpqua Area. We are perhaps the most affected communities in the country by the current debate on timber supply and salmon management. Topographically the communities have a limited land base available for expansion. This limits our opportunities to diversify from a wood products and fishing based economy. The National Dunes Recreational Area controls a vast majority of ocean front property including potential development sites that would encourage tourism or other forms of economic diversification. The planning currently taking place at the Oregon Dunes National Recreational Area is critical to the future of our communities. With this response to the Draft Management Plans we intend to make the Siuslaw National Forest managers aware of our concerns and encourage them to join with us in collaborative

efforts to meet the needs of the ODNRA and our local communities.

First we would like to recognize the difficult position of the U.S. Forest Service in developing these plans. It is clear to us that the mission of the Forest Service is in a state of change, moving from the primary mission of timber production for harvest to a focus on tourism and environmental issues. Certainly these are emotional topics and people have strong opinions concerning the proper management of this and other public areas. We do recognize that the Forest Service has encouraged substantial public input and is attempting to integrate the important issues raised during the input process in their management plans.

In general the CBRT supports multiple use of the Oregon Dunes National Recreation Area. We believe every user group should be allowed the opportunity to visit and utilize the ODNRA. The key is to develop a plan that encourages a balance between user groups without hindering access to the Oregon Dunes NRA. We support designated areas for hikers, ATV use, non-motorized camping and sightseeing, etc. that do not conflict with each other. We believe that specific access corridors could be created that encourage multiple use on the dunes without conflict between user groups.

Of the alternatives developed to date the Preferred Alternative Management Plan contains the best mix of multiple use and protection options. After a review of the Preferred Alternative Management Plan the Community Based Response Team has developed the following specific recommendations and identified additional key planning considerations not included or inadequately addressed in that plan.

SPECIFIC RECOMMENDATIONS

1st & 2nd Parking Lot - Uplands & Beach Utilization  
Three Mile Road - Uplands & Beach Utilization  
Vegetation Control  
Research Natural Area/Wild and Scenic River Designation  
Water Rights for Gardiner Industry

KEY PLANNING CONSIDERATIONS NOT ADDRESSED OR INADEQUATELY ADDRESSED  
Economic impact to surrounding communities

Coordination with other governmental agencies  
Communities as a primary planning consideration  
Demographics/Market Study  
Access

SPECIFIC RECOMMENDATIONS

1st & 2nd PARKING LOT AND UPLAND AREA

The Preferred Alternative Management Plan includes a provision to coordinate management between the ODNRA and the State Parks to provide uniform regulations for the use of off road vehicles on both beach area and corresponding upland areas.

In general we agree with this planned coordination but we do strongly support the current and on-going closure of the beach area between the first, second and third parking lots to motorized traffic. This area is important to the local residents as well as visitors for pedestrian beach and dune access.

We would further suggest the closure of the uplands or dunes area adjacent to the first parking lot and a portion of the area adjacent to the second parking lot. This is the area that lies north of the parking lots and east of the road up to the scenic drive road. This would provide a pedestrian route to the Umpqua Lighthouse State Park and additionally would provide a noise buffer for the Coast Guard housing adjacent to the Umpqua Light House and civilian residential areas. A portion of the area addressed in this recommendation is under the management of the Oregon State Parks Department.

We recognize the current use of the land north of this designated area as being commercially used. We would support a commercial venture from the same location but restrict it to a multi-passenger opportunity. A 12-15 seat vehicle that could transport handicapped and older visitors into this spectacular view area. The current commercial application which includes the staging area for rental ATVs would be relocated to an area south of the Umpqua Lighthouse State Park Trail Head between the first and second parking areas,

close to the Second parking lot. This new staging area could be used for commercial use as well as non-commercial use. Funding could be generated from a joint venture between Forest Service and Off Road Vehicle Association.

Benefits for these planning recommendations are as follows:

1. To enforce issues of safety.
2. Provide a private property buffer area.
3. Address the access for the aging population and handicap population.
4. Additional access to the Dunes ie: new multi-passenger approach, new hiking area available, and a new staging area for ATVers.
5. Embraces a new commercial opportunity for additional private enterprise.
6. Meaningful and more frequent communications with involved State Agencies charged with much the same responsibilities.
7. Ease conflict between the two most diverse user groups.

#### THREE MILE ROAD - UPLAND & BEACH UTILIZATION

The foredune and beach area south of Threemile Road has traditionally been accessible to vehicular traffic for the purpose of recreation. Families from Reedsport/Winchester Bay/Gardiner have entered the area for years to fish, clam, sightsee and recreate on the beach. It is the only area with unobstructed motorized beach access in our community. If the beach and foredune is restricted to non-motorized use our community will loose an important opportunity for outdoor recreation. Due to the remoteness of the area and the length of the beach it is safe to assume that public access would virtually eliminated if restrictions are placed on motorized equipment.

We recommend that Preferred Alternative Management Plan be modified to allow the continued use of motorized equipment on the foredune and beach area south of Threemile Road. At a very minimum vehicle corridors need to be established that provide access to the beach and Barretts Landing on the Umpqua River.

#### VEGETATION CONTROL

The Community Based Response Team is most concerned with control of the European Beach Grass, as our dunes are rapidly being taken over by this species. Vegetation control is inadequately addressed in all proposed plans. Since the dunes have been managed by the U.S. Forest Service, various forms of plant life have been introduced, replacing native species, or allowing native species to become a problem. We believe without a concentrated and vigorous effort immediately our dunes are in jeopardy, and we will lose this valuable natural wonder.

The projected effort as detailed in Preferred Alternative Management Plan is to treat 10 acres of beach grass each year. We feel this is not sufficient. There is no time to experiment with such a minimal area considering the total acres vegetated at present, and considering the speed with which the plant spreads. We feel that a much more aggressive program with a diverse number of approaches needs to be initiated immediately. We support the use of mechanical, biological and/or chemical means to control this vegetation.

Controlling the vegetation by mechanical means appears to be the least controversial method and can be accomplished in a variety of ways. The mechanical breaching of the foredune by using bulldozers and physically pushing the foredune/beachgrass into the ocean has merit and appears to work. According to Forest Service personnel this has been moderately successful. By using short breach spans and facing them in the direction of prevailing winds, the wind can be funneled into these breaches carrying sand into the dunes. The existing test breach was constructed in 1985, some 200 yards wide, and is still open. Beach grass is just now encroaching on the ends of the test area. By using this method, the wetlands area that has formed behind the foredune can again become a part of the dunal process. We recommend continued use of the mechanical breach

method.

Another mechanical means of controlling vegetation is to allow ATV's access to the foredune area in selected sites. Traffic over the beach grass would slow or stop the encroachment and allow riders access to areas not currently available. We understand that a mature beach grass plant is hardy and can withstand punishment, but any reasonable control measure at present is needed and should be tried. The long-ranged goal in vegetation control should be putting fresh sand into our dunal system, and this would also allow another use while controlling the plants.

Some of the 10 acres projected by the ODNRA to be treated each year are intended to be treated by chemical means. Again we stress that this is not enough or will be too little too late. We feel there are areas that can be safely treated with respect to watershed, wildlife, wetlands, and recreation. Again, there is little time to experiment. Lets find something that works and use it aggressively. Again, sites to be chemically treated should be selected with respect to getting as much sand into the dunes as possible.

#### RESEARCH NATURAL AREA

We recommend the re-evaluation of the Research Natural Area (RNA) location and size with a focus on already protected habitat areas and consideration of the affect on future planning flexibility.

Question - Does the Forest Service need additional authority to accomplish the purposes of the proposed RNA or Wild and Scenic Rivers designation?

#### WATER RIGHTS FOR GARDINER INDUSTRY

We support the continual protection of existing domestic and industrial water rights on Tahkenitch and Siltcoos Lakes as granted by the State of Oregon prior to the establishment of the ODNRA. We place special emphasis on the industrial plants located in Gardiner, Oregon.

6

#### KEY PLANNING CONSIDERATION NOT ADDRESSED OR INADEQUATELY ADDRESSED

##### ECONOMICS

We recommend that Preferred Alternative Management Plan be re-evaluated with nearby community economic development as a primary planning issue. Under the current planning process this issue is only of secondary concern. Excluding the affect on local communities does not follow the intent of "the President's Initiative on Rural Development of 1990", the Forest Service policy on rural development, or Subtitle G of the 1990 Farm Bill.

Reedsport, Gardiner, Winchester Bay are significantly impacted areas by the current resource management plans being addressed by President Clinton, environmental groups and salmon management groups. We have had substantial job loss in the area. We have an increasing number of federal transfer payments into the area through welfare benefits, employment benefits, retraining benefits. The Forest Service should integrate in its plan comments and recommendations from other Federal, State and County agencies. The Economic Development Administration (EDA), social welfare agencies, job retraining program administrators and Coos, Curry, Douglas Business Development Corporation (CCD) along with local leadership groups could provide valuable input on rural economic considerations. There is little point in having the Economic Development Administration and others provide grants and personnel support for economic enhancement within the area if at the same time the Federal land managers of the area are simply dealing with land usage and not dealing with economic or other issues.

There are a number of job creation and economic enhancement opportunities that compliment the need for protection of fragile areas and fit within the Congressional intent in Public Law 92-260 that established the ODNRA. Out of approximately 31,000 acres of Oregon Dunes National Recreational Area under management several hundred acres or more should be designated for potential commercial use. Such commercial use should include leasing to local entrepreneurs for development of services for the visitors to the dunes. Such services should logically include: short stay lodging

7

facilities, restaurant facilities, viewing areas. The addition of strategically located commercial use areas will enhance the opportunity for people to enjoy the ODNRA from a non intrusive and passive sense. Visitors staying in lodging facilities with dunes/ocean views and with the use of viewing equipment could easily enjoy this area without disturbing fragile plant life and wildlife. It also would allow many members of the public to enjoy the ODNRA that otherwise are precluded because of physical ability or inability to ride off road vehicles. For a number of reasons both concerning the impact on the local communities and for meeting the basic goals of the congressional act establishing ODNRA we believe that planning for commercial services would be appropriate in support of increased visitation to these areas.

Other economic possibilities include the development of an interpretive center and increased commercial permits.

#### DEMOGRAPHICS

Preferred Alternative Management Plan and the current planning process has not included a thorough demographic and marketing study of future user groups. Such a study should be undertaken prior to any final management decision. The final Management Plan for the Oregon Dunes National Recreation Area should not respond just to current users but also to emerging user groups. For example, none of the identified alternatives in the Draft Management Plan take into consideration demographic trends that project an increasing senior population in the years to come. The final plan must respond to the needs of these less mobile users (as well as other potential user groups that might be identified). While it is understood that the very nature and geography of the dunes do not lend themselves to developed trails that might be more easily used by older and less mobile visitors, there are other ways to enhance the visits of older visitors, including:

1. Increased use of guided tours of the dunes by multi-passenger motorized vehicles. These vehicles could use the same areas open to ATVs or use designated "buffer zones" between non-motorized and ATV user areas.

2. More scenic viewpoints accessible by car, including viewpoints from Highway 101 so that both north and southbound travelers would experience the unique beauty of the dunes as they drive Highway 101. Currently, many travelers do not realize how close they are to the dunes because the dunes are hidden from view by a corridor of trees.
3. More interior access roads and/or a scenic loop drive that would allow motorized visitors to better see and more fully experience the uniqueness of the dunes.
4. An RV campground next to the dunes.
5. Lodges with dining rooms and overnight accommodations overlooking the dunes. There are many examples of this type of facility at national parks, including Crater Lake, Yosemite, Yellowstone, and Glacier National Parks.

#### ACCESS

The Preferred Alternative Management Plan does not provide sufficient access to both meet the growing demands of the public and satisfy the intent of the Act which was to provide opportunities for outdoor recreation and the use and enjoyment of the Oregon Dunes National Recreation Area (ODNRA). Preferred Alternative Management Plan actually proposes a reduction and consolidation of public access which we believe is contrary to the purpose of the ODNRA. If the ODNRA is to be used and enjoyed by the public then more effort should be made to provide safe and convenient access to all users including but not limited to foot traffic, the handicapped, small children, the elderly and motorized vehicles.

We are also concerned about the issue of safety and user conflicts as it relates to the consolidation of ATV access points and the mingling of various user groups. Additional access corridors for both motorized and non-motorized traffic should be designated in several key locations between Hwy 101 and the beach within and adjacent to the ODNRA. This would allow a separation of user groups and substantially reduce user conflicts. Also the addition

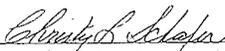
of access corridors could provide noise buffers. If private property is an issue in restricting access the Federal Government should consider purchasing the property as a mechanism to promote safe access to the dunes.

We appreciate your review and consideration of our recommendations and planning considerations. The communities represented in this response would appreciate a specific reply concerning these matters of such great importance to us.

We look forward to an ongoing collaborative involvement with the ODNRA Management Planning. We also request an invitation to the September 11, 1993 Action Workshop for each of the community organizations represented on the CBRT.

Sincerely,

  
Mr. David R. Davis  
Lower Umpqua Chamber of Commerce

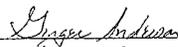
  
Ms. Christy Schafer  
Lower Umpqua Economic Development

  
Mr. Steve Reese  
Reedsport Planning Commission

  
Mr. Jeff VanderKley  
Salmon Harbor Management Committee

  
Mr. Bill Karcher  
Winchester Bay Merchants Assoc.

  
Mr. Jerry Noel  
Port of Umpqua

  
Ms. Ginger Anderson  
Reedsport City Council

CBRT would like to recognize the assistance of Mr. R.C. Hinman,  
Oregon State University Extension Agent

cc: Senator Hatfield  
Senator Packwood  
Congressman DeFazio  
Governor Barbara Roberts  
Senator Bill Bradbury  
St. Representative Jim Whitty  
Douglas County Board of Commission  
Mayors of Coos Bay  
North Bend  
Florence  
Dunes City  
Lakeside  
Oregon State Parks Department

