



United States
Department of
Agriculture

Forest Service

Pacific
Northwest
Region



Appendices

Final Environmental Impact Statement

Oregon Dunes NRA
Siuslaw National Forest

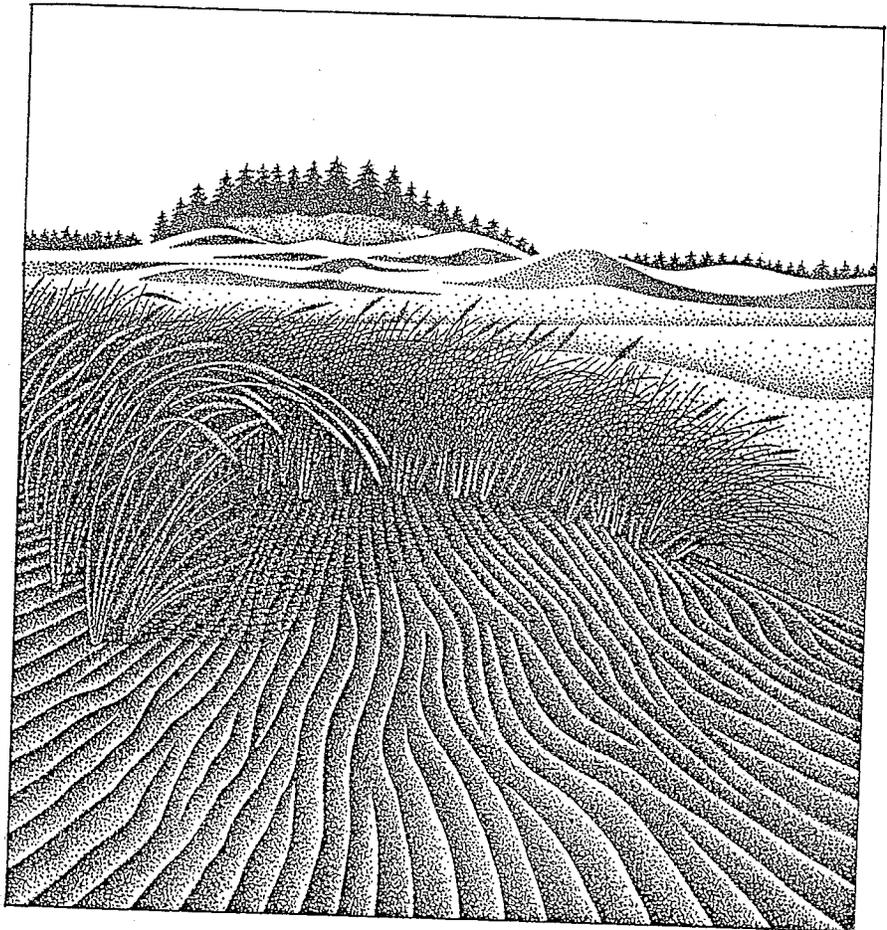


Table of Contents

Appendices

Changes Between Draft and Final	Intro
A - Oregon Dunes National Recreation Area Act, 1972	A-1
B - Public Involvement	B-1
C - Standards and Guidelines and Management Area Direction	C-1
D - Roadless Areas	D-1
E - Wild and Scenic Rivers	E-1
F - Species List	F-1
G - Activity Schedule	G-1
H - Landforms	H-1
I - Public Comments and Responses	I-1

Changes Between Draft and Final Environmental Impact Statement

**Appendix B
Public In-
volvement** The summary of public involvement for the Oregon Dunes NRA planning process was expanded to include descriptions on comments to the Draft Environmental Impact Statement, additional workshops held, summary of the comments, and a description of the content analysis.

**Appendix C
Standards
and Guide-
lines** We separated the standards and guidelines (S&Gs) into two sections. Appendix C of the FEIS contains only the S&Gs that are not applicable to the preferred alternative, F(PA). Those S&Gs applicable to F(PA) have been incorporated into the Dunes Plan, Chapter III.

Changes to S&Gs in Chapter III, Dunes Plan

Refer to Chapter III of the Dunes Plan for a complete description of the S&Gs. The section that follows highlights the changes made to the S&Gs in Chapter III.

Major Change **AW- 3. Water Strategy** - will be developed upon completion of the Coos Bay/North Bend Water Board technical study.

New **AW- 4. Municipal Watershed** - The dunes aquifer underlying the NRA south of Tenmile Creek may at times serve as a municipal watershed. Contact and cooperate with the Coos Bay/North Bend Water Board during scoping and implementation for any projects or ongoing activities that may affect the municipal watershed or Tenmile Creek, including but not limited to:

- a. Small and large construction projects or activities;
- b. Planning under NFMA and the NRA Act;
- c. Recreational activities;
- d. Vegetation control and management activities;
- e. Timber, mining, or other resource development activities;
- and
- f. Insect control programs (pesticide applications).

New **AW- 8. Dispersed Camping** - Prohibit dispersed camping within 200 feet from the edge of roads and developed facilities to protect scenery and public health.

Changes Between DEIS & FEIS

- New** **AW- 10. ORV Noise** - Enforce (via CFR sub-part B order and/or Administrative Rule) ORV noise goals of 95 decibels beginning in 1997 and 90 decibels in 1999.
- Change** **AW- 13. New Facilities** - exceptions are small facilities associated with fish, wildlife, cultural and recreation opportunities.
- New** **AW- 12. Snowy Plover** - Prohibit public use, when necessary, in snowy plover nesting habitat during breeding season (approximately 15 March - 15 September) either by signing or roping the area. Closure areas would be established through monitoring of plover activities and coordination with USFWS and ODFW. More stringent regulations will be established if monitoring results warrant.
- Dropped** **AW- 14. Acceptable Use** (located in the DEIS) was dropped.
- Dropped** **AW- 32. T&E Management** - (located in the DEIS) was dropped.
- Dropped** **AW- 44. Vegetation Removal Strategy** - (located in the DEIS) incorporated into the Dunes Plan.
- New** **AW- 43. Trails** - Meet the visual quality objective of Retention on all trails.
- Major Change** **B- 2. Curfews** - Close the South Jetty to Siltcoos area to ORV riding from 10 p.m. to 6 a.m. and the Tenmile to Horsfall area from midnight to 6 a.m. to reduce noise impacts to nearby residents and other recreationists outside of this management area.
- New** **B- 6. Dispersed Camping** - Allow dispersed camping by permit in designated sites only.
- New** **C- 4. Curfews** - Same as S&G B-2 above but applicable to MA 10(C) areas (ORVs restricted to designated routes)
- New** **C- 5. Dispersed Camping** - Same as S&G B-6 above but applicable to MA 10(C).
- New** **C- 6. Route Maintenance** - Maintain designated routes regularly to minimize wetland draining and other resource impacts.

- New** **C- 9. Non-Motorized Users** - Post signs where appropriate to inform non-motorized users about the intent and use of designated routes.
- Major Change** **D- 2. Curfews** - Enforce midnight to 6 a.m. quiet hours in Horsfall and Spinreel campgrounds. All other campgrounds have quiet hours from 10 p.m. to 6 a.m.
- New** **D- 10. Corridors/Facilities** - Meet the applicable visual quality objective in the following corridors and facilities. (specific designations listed in the Dunes Plan)
- New** **E- 4. Facilities** - Manage existing public access facilities (including parking lots and trails) to minimize potential impacts to breeding birds.
- Major Change** **E- 5. Habitat Enhancement** - Locate habitat enhancement sites away from trails accessing the beach to minimize conflicts between recreationists and plovers.
- New** **E- 9. Coordination** - Cooperate and coordinate management and monitoring with State agencies, USFWS and the Snowy Plover Working Team (or Recovery Team, when established).
- New** **F- 8. Interpretation** - Provide opportunities to learn about globally significant plant communities using methods that refrain from damaging the communities.
- New** **F- 14. Special Forest Products** - Prohibit gathering of special forest products in globally significant plant communities.
- New** **F- 15. Special Forest Products** - Prohibit gathering of matsutake mushrooms.
- New** **F- 16. Special Forest Products** - Permit collection of special forest products when such activity is neutral or beneficial to ecosystem health.
- New** **G- 6. Route Maintenance** - Maintain designated routes regularly to minimize wetland draining and other resource impacts.
- New** **G- 7. Special Forest Products** - same as S&G F-16 above.

Changes Between DEIS & FEIS

- Dropped** Management Area 10(I) Vegetation Removal was dropped from Alternative F(PA) because in this alternative, vegetation management is treated as an activity that may occur in any management area.
- Major Change** Management Area 10(L)-ORV Noise Control Buffer was added to Alternative F(PA) and incorporated into the Dunes Plan.

Appendix A
Oregon Dunes National
Recreation Area Act



An Act

To establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

Oregon Dunes
National Recreation
Area.
Establishment.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 1 of this Act.

Administration.

SEC. 3. The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

"Inland Sector."

SEC. 4. The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

Map.

Revision.
Publication in
Federal Register.

SEC. 5. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

Transfer of
Federal property.

86 STAT, 99.

86 STAT. 100

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries lying within the recreation area as described in accordance with section 4 of this Act.

Siuslaw National
Forest, boundary
extension.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

Land acquisition.

- (a) improved property as hereinafter defined;
- (b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided*, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. (a) Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

Southern Pacific
Railway right-
of-way.

(b) No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided*, That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

Owners of improved
property, reten-
sion rights.

(c) Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That, the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

Exclusion.

86 STAT. 100
86 STAT. 101

"Improved
property."

(d) The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Hunting, fishing,
and trapping.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the

recreation area in accordance with applicable laws of the United States and the State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto. Mining restriction.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided*, That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardiner, Oregon. Water utilization.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, transportation and storage in pipelines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act. Waste disposal.

(c) The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area. Additional easements and rights.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows: 86 STAT. 101
86 STAT. 102

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved; Advisory council. Establishment.

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon; Membership.

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

Area review;
report to
President.

SEC. 13. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsection of the Wilderness Act.

Federal-State
cooperation,

SEC. 14. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

Appropriation.

SEC. 15. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than \$2,500,000 is authorized to be appropriated for such purposes. For development of the recreation area, not more than \$12,700,000 is authorized to be appropriated.

Approved March 23, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-894 accompanying H.R. 8763 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 92-422 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 117 (1971): Nov. 4, considered and passed Senate.

Vol. 118 (1972): Mar. 6, considered and passed House, amended, in lieu of H.R. 8763.

Mar. 14, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 13:

Mar. 24, Presidential statement.