



Decision Memo

Heppner Administrative Site Adjustments

USDA Forest Service Heppner Ranger District Morrow County, OR

Background

The Heppner Administrative Sites in need of admin boundary adjustments are:

1. Black Mountain Communication Site, located at T 4S R 28E Sect. 14 SW/SE. This site currently consists of .46 acres of C1 and 1.81 acres of C4. This site houses several Special Use communication systems as well as the Forest and Cooperator radio equipment.
2. Madison Butte Lookout, located at T 5S R 27E Sect. 29 NE/NE. This site currently consists of 1.28 acres of C1 and .40 acres of C4. This is a fire detection lookout tower and Forest Cooperator radio repeaters.

Both of these administrative sites are designated in the 1990 Land and Resource Management Plan for the Umatilla National Forest. Over the years, trees have grown up surrounding the sites with a high potential for damage to the facilities as well as line of site obstructions for the lookout. In addition, there is an increased threat of wildfire and a need to protect the values at risk should wildfire occur in close proximity to these areas.

Decision

I have decided to approve the Administrative Boundary Adjustments to the new proposed lines. See Attached map.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 32.2 – Categories of Actions for Which a Project or Case File and Decision Memo are required as cited in FSH 36 CFR 220.66(15). This category of action(s) is applicable because of the land management plan provision of changing the designations of lands.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – No effect on Threatened and Endangered wildlife species or their habitat. None are known to occur at the sites. There would also be no impact on Region 6 Sensitive

wildlife species and their habitat. While Lewis' woodpecker, the fringed myotis (bat), and several invertebrate species (Johnson's hairstreak butterfly and western bumblebee) may be present (based on the presence of suitable habitat), the proposed activities would not impact these species or suitable habitat at the sites.

- Flood plains, wetlands, or municipal watersheds – none are present
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – none are present
- Inventoried roadless areas or potential wilderness areas – degree of effect is not significant
- Research natural areas – none are present
- American Indians and Alaska Native religious or cultural sites – The proposed project consists of an expansion of a smaller boundary for administrative purposes. The project area has been subject to multiple intensive cultural resource surveys. The project will not adversely affect any known American Indian religious or cultural sacred sites. The Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes reserved rights are protected. Consultation with Tribes helps ensure that these trust responsibilities are met. The Forest consulted via the NEPA scoping process with potentially affected Tribes (Umatilla and Warm Springs), and no significant effects were determined.
- Archaeological sites, or historic properties or areas – The proposed project has undergone a project review for Heritage Resources under the terms of the 2004 Programmatic Agreement (PA) among the USFS R6, Advisory Council on Historic Preservation, and Oregon State Historic Preservation Office. A clearance form has been completed which serves to document the Forest Service's commitment to carry out and conclude their responsibilities under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108). This project has been determined by a cultural resource specialist to meet the criteria listed in Appendix A, Stipulation A-19, of the PA as the undertaking has little to no potential to affect historic properties. This stipulation specifically addresses routine operations such as this, "Routine or preventative operation and maintenance activities on Forest Service facilities that do not affect historic structures or previously undisturbed ground."

Public Involvement

This action was originally listed as a proposal on the Umatilla National Forest Schedule of Proposed Actions and updated periodically during the analysis. This proposal was sent to the entire mailing list of people who have asked to be notified of projects. Two comments were received as well as two questions of clarification. One comment was of "Oral support in we as an agency need to be able to manage the property we have". The other comment was in writing, stating there is an advantage to clearing more acres for fire protection, with some concern of it only becoming of benefit to USDA. The two questions were to identify the differences between C1 and C4 land designations from the current forest plan.



Findings Required by Other Laws and Regulations

This decision is consistent with the Umatilla National Forest Land and Resource Management Plan (Forest Plan), Final Environmental Impact Statement (FEIS), and Record of Decision (ROD) dated June 11, 1990 and all subsequent NEPA analysis for Forest Plan amendments.

The project is in compliance with the Endangered Species Act, Clean Water Act, Safe Drinking Water Act, Executive Order 11988, Executive Order 11990, and other applicable laws (See Project file). There is no prime farmland, rangeland, or forestland within the project area.

This project is not expected to have any disproportional effects on consumers, civil rights, minority groups, women, or low income people because there would be no change in the long-term use of the area for these populations (Executive Order 12898).

Administrative Review (Appeal) Opportunities

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excluded ...under the National Environmental Policy Act [NEPA].” On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill) (Pub. L. No. 113-79). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA) (Pub. L. No. 102-381). The ARA’s implementing regulation was 36 CFR 215. The 2014 Farm Bill also directs that the pre-decisional objection process established in the Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities.

As a result of these two statutes, the Forest Service will no longer offer notice, comment and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects. To achieve an orderly shutdown of appeal opportunities under 36 CFR 215, the Chief directed that the Agency accept and consider all timely submitted public comments received in response to a Forest Service legal notice issued pursuant to 36 CFR 215.5 and published on or before March 5, 2014. Similarly, the Appeal Deciding Officer will accept and conduct an appeal review and disposition where legal notice of a decision memo was published in the newspaper of record on or prior to March 5, 2014. Since I have not published a legal notice of the decision memo in the newspaper of record, I cannot offer appeal opportunities for this project.

These legislative changes and new direction do not limit the public’s ability to comment on Forest Service projects and activities. The Forest Service will continue to offer public involvement opportunities for categorically excluded projects as provided for in its NEPA procedures found in 36 CFR 220. The Forest Service will continue to provide notice, comment and pre-decisional objections as provided for in 36 CFR 218 for proposed projects and activities that are documented with an environmental assessment or environmental impact statement.

Implementation Date

This project may be implemented upon signing of this decision.



Contact

For additional information concerning this decision, contact: Ann Niesen, District Ranger, Heppner Ranger District at P.O. Box 7, Heppner OR 97836. Phone 541-676-9187

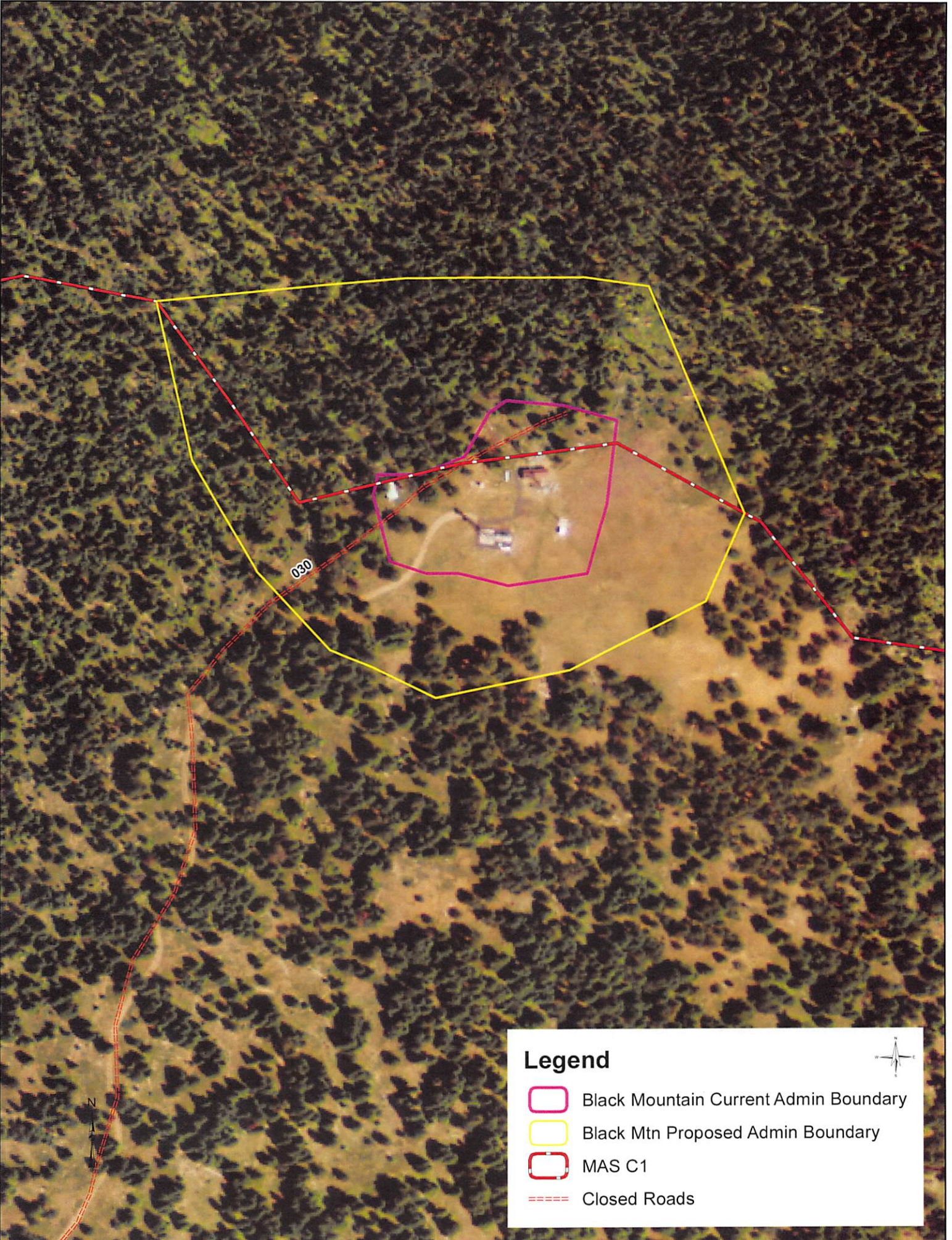
Genevieve Masters

3/22/11

Genevieve Masters
Umatilla National Forest Supervisor

Date





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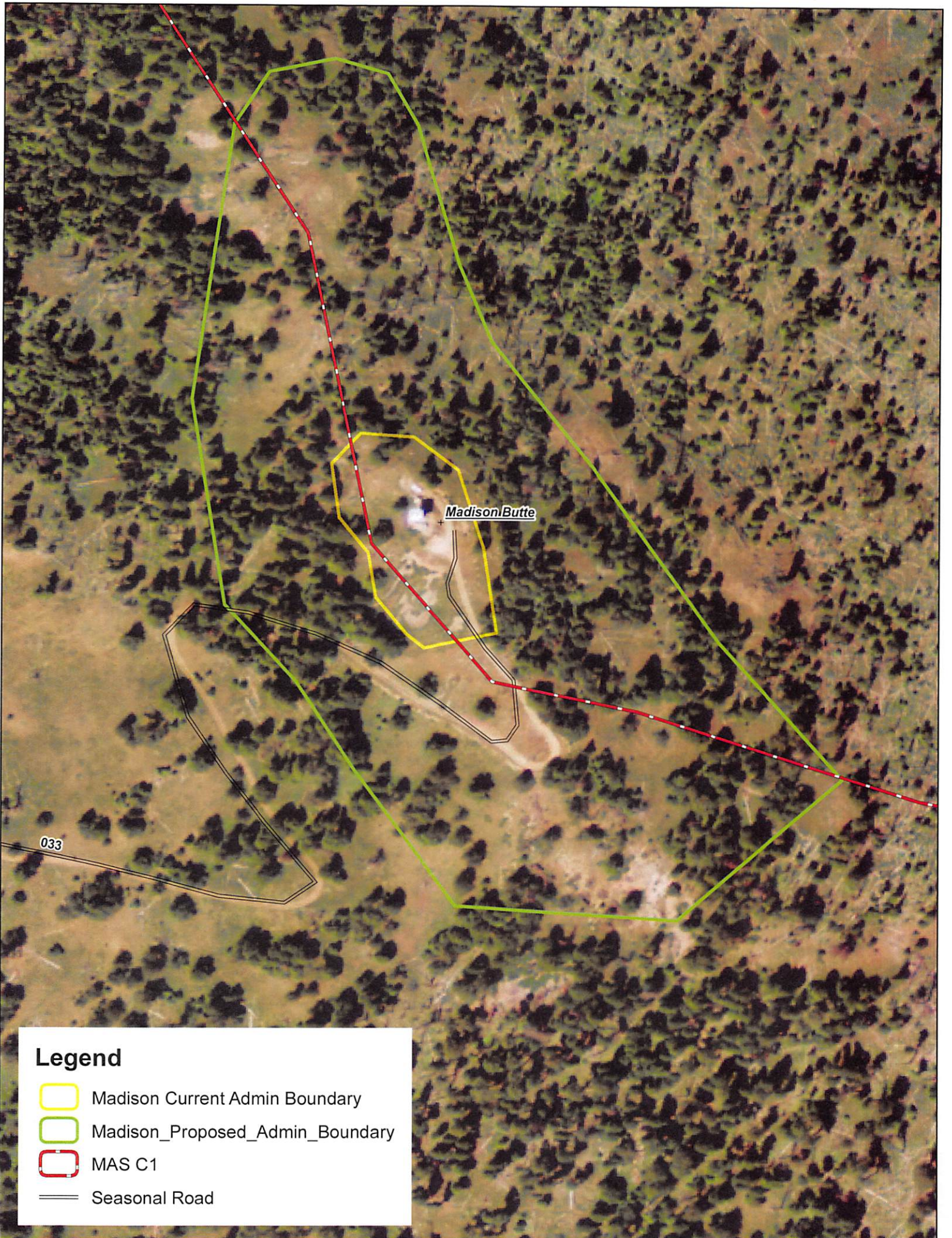


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Legend







-  Black Mountain Current Admin Boundary
-  Black Mtn Proposed Admin Boundary
-  MAS C1
-  Closed Roads



Madison Butte

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Legend

-  Madison Current Admin Boundary
-  Madison_Proposed_Admin_Boundary
-  MAS C1
-  Seasonal Road