



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salem District Office

1717 Fabry Road S.E.

Salem, Oregon 97306

<http://www.or.blm.gov/salem/>



In Reply To:

1790 (084.0)

Hillock Project 2

EA# OR080-04-04

Date:

AUG 10 2005

Dear Interested Public:

As Field Manager of the Cascades Resource Area, I have made a decision to repair user caused damage adjacent to Helens Lake and to restore and prevent further damaged caused by unauthorized OHV use near Goat Mountain on forest lands in section Sections 14 & 36 of Township 5 South, Range 4 East, Willamette Meridian. This area is located in Clackamas County, approximately 20 miles east of Molalla, Oregon. I have enclosed a copy of the *Helens Lake Shore Area and Goat Mountain OHV Trail Restoration Decision Record*. This project was analyzed in the *Hillock Environmental Assessment* (EA # OR080-04-04), which can be can be obtained from the Salem District Office at above address.

Appeals Process: This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. I have also enclosed a copy of Form 1842-1.

If you appeal: A public notice for this decision is scheduled to appear in the *Molalla Pioneer* newspaper on August 10, 2005. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Cindy Enstrom, Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306 (See Form 1842-1).

If no appeals are filed, this decision will become effective and be implemented 30 days after the public notice of this Decision appears in the *Molalla Pioneer* newspaper. For more information, please call Patrick Hawe at (503) 315-5974.

Sincerely,

Cindy Enstrom

Cascades Resource Area Manager

Enclosures (2): Helens Lake Shore Area and Goat Mountain OHV Trail Restoration Decision Record
Form 1842-1

United States Department of the Interior
Bureau of Land Management
Oregon State Office
Salem District, Cascades Resource Area

DECISION RECORD

Helens Lake Shore Area and Goat Mountain OHV Trail Restoration

Environmental Assessment Number: OR-080-04-04
(Project 2 of Hillock EA)
Sections 14 & 36 of
Township 5 South, Range 4 East, Willamette Meridian.
Clackamas County, Oregon

A. Background

The Bureau of Land Management (BLM) proposes to repair user caused damage adjacent to Helens Lake and to restore and prevent further damaged caused by unauthorized OHV use near Goat Mountain. An environmental analysis was conducted and documented in the *Hillock Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)*, EA Number OR080-04-04. A copy of the Hillock EA and FONSI can be obtained from the Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays.

B. Decision

Based on the analysis contained in the Hillock EA, and management direction contained in the Salem District Resource Management Plan (RMP), I have decided to implement the proposed action of the Helens Lake project and the proposed action for the Goat Mountain Restoration, the proposed action as described in the EA, herein known as the “selected alternative”. The following is a summary of the selected alternative.

Helens Lake Shore portion of Hillock Project 2

The BLM proposes to remove litter, debris, stone fire rings and other unauthorized camping equipment; till compacted soil and revegetate bare soil to prevent erosion and runoff, reduce safety hazards, and set boulders throughout the shore area to prevent unauthorized dispersed camping and lakeshore parking. The area would be available for limited dispersed recreation with one tent site, one fire ring and parking for two vehicles, but no sanitary facilities or tables. Recent field reconnaissance found new OHV trails adjacent the proposed restoration area. I have decided to add this additional area to the restoration proposal, using the same design features as the rest of the project. The following is a summary of the project design features.

- Litter (including burned car parts), human waste, hardware, the partial portable toilet and other non-natural material would be removed from the site and disposed of properly.

- A barrier row of closely spaced boulders would be set adjacent to the existing road to prevent vehicles from entering the lake shore area and to allow roadside parking for two vehicles. Boulders would be obtained from existing rock quarries.
- Additional boulders would be placed throughout the impacted lake shore area to make vehicle access by alternate routes impossible, and to discourage camping except for a single tent site. A single manufactured fire ring would be installed adjacent to the tent site.
- All boulders would be set into the ground to prevent unauthorized moving of the boulders.
- Compacted soils would be tilled as needed to reduce runoff and prepare the site for revegetation. Tilling would include some reshaping to reduce erosion from runoff.
- Revegetation would be done with a combination of: seeding bare soil with native species and mulching with weed-free mulching materials; planting tree and brush species, and allowing adjacent vegetation to spread naturally. Native plant seed and transplant stock would be obtained from a variety of sources.
- Machinery operations off of the pavement would take place during dry soil conditions and under the direct supervision of BLM resource specialists. Anticipated machine operations include boulder placement with a track hoe or similar machine; boulder delivery with a dump truck or truck and trailer; some holes for large transplants may be dug by machine; tilling of compacted soils with the track hoe or other machinery as needed for seedbed preparation and to promote infiltration; and some shaping of the ground surface to control runoff and promote infiltration.
- Machinery would be cleaned free of weed seeds and plant parts prior to entering BLM lands.
- Educational and regulatory signs may be placed adjacent to the road.
- No toilet facilities or additional camping facilities are proposed as part of this project.

Goat Mountain OHV Trail portion of Hillock Project 2

The BLM proposes to stop OHV use on unauthorized OHV trails in the area and to repair damage already done so that natural processes can complete the recovery process. The project would include tilling compacted soil, reshaping erosion channels to drain runoff to stable slopes, revegetating bare soil with native species, and blocking access to the trails. The following is a summary of the project design features.

- The trails would be tilled to break up compaction, promote infiltration of rain water, and provide a seedbed for native plants.
- Drainage patterns would be modified by filling in ruts and shaping slopes, building waterbars, and other techniques to divert potential runoff onto stable, vegetated slopes.
- The existing profiles of the trails would be reshaped to prevent any potential use as an OHV trail.
- Woody debris would be placed on the trail to provide organic matter and to further discourage OHV use of the trails.
- Stream crossings would be shaped to minimize additional sediment input.
- The entrances, and identifiable potential entrances, to the trails would be obliterated and blocked with combinations of trench and berm, stumps, coarse woody debris, boulders, and vegetation.
- The above work would be done with machinery such as a track hoe or “spider” with appropriate attachments.

- All machine operations would be done during periods of dry soil conditions.
- Machinery would be cleaned free of weed seeds and plant parts prior to entering BLM lands.
- Bare soil would be seeded with native species. Some plants may be transplanted from adjacent areas. Weed free mulch may be used as appropriate to expected weather and other factors at the time of seeding.

C. Compliance with Direction

The analysis described in the Hillock EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). This project has been designed to conform to the *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District (EA p. 1). All of these documents may be reviewed at the Salem District office.

D. Alternatives Considered

For the Helens Lake Shore Area Restoration portion of this project, one unresolved conflict was identified by the IDT. The unresolved issue is: “Should limited parking and camping be provided for, or should parking and camping adjacent to the lake be essentially eliminated?” This led to two action alternatives for this portion of Project 2. The proposed action would continue to provide for limited parking and camping. Alternative Two would eliminate parking and camping adjacent to the lake.

For the Goat Mountain trail portion of this project, the alternatives considered in detail included the required “no action” alternative, and the proposed action.

E. Public Involvement, Comments, and Consultation

Scoping: In compliance with National Environmental Policy Act (NEPA), the project appeared in the March 2004, June 2004, September 2004, December 2004, and the March 2005 editions of the quarterly Salem District Project Update, which were mailed to over 1,000 addresses. A scoping letter dated September 30, 2003 was sent to 50 potentially affected and/or interested individuals, groups, and agencies. Three letters were received during the scoping period. A summary of the responses received was included in EA Appendix 3 Scoping Letter Comments.

Comment Period and Comments A copy of the EA and FONSI was made available on the Internet at <http://www.or.blm.gov/salem/html/planning>, and notices were mailed on May 19, 2004 to approximately 50 agencies, individuals and organizations. A copy of the EA and FONSI was also made available for review in the visitor area at the Salem District Office, Cascades Resource Area Office, 1717 Fabry Road SE, Salem, Oregon. A legal notice was placed in the Molalla Pioneer soliciting public input on the action on May 19, 2004. During the EA comment period, written comments on this project were received from ONRC and BARK The BLM response to substantive comments can be found in Appendix 1 of this Decision Rationale.

ESA Consultation

- **Wildlife:** This project will have no effects on T&E species. No suitable habitat for T&E species would be modified as a result of these projects, and both projects are of short duration with low noise levels. There are no known T&E sites within disturbance range of the projects, and no seasonal restrictions would be required.

- **Fish:** A determination has been made that this project would have “no effect” on listed fish species.

F. Reasons for the Decision

Considering public comment, the content of the Hillock EA, the supporting project record, and the management direction contained in the Salem District RMP, I have decided to implement the selected alternative, as previously described for the following reasons.

Less than a one quarter of the Helens lake's shoreline is currently impacted by camping and vehicle use. The selected alternative continues to provide for some recreational overnight use along the lake at an already hardened site, while still providing for a greater level of resource protection by limiting vehicle and camping access to the lake. Considerable thought was given to not providing parking and camping. Due to the areas’ popularity, proximity to roads and limited enforcement availability, the agency felt that new unhardened areas around or near the lake may be further impacted by not providing for some parking and overnight use. Following the restoration work, BLM will monitor the area's recovery to determine if additional restrictions to access are needed. Table 1 compares each alternative with regard to the purpose of and need for action.

Table 1: Comparison of Alternative by Purpose and Need

Purpose and Need (EA section 3.1)		No Action	Selected Alternative	EA Alternative 2
			Helens Lake, restoration with limited parking and camping. Goat Mtn., restoration and blocking OHV trails.	Helens Lake, restoration without parking or camping. Does not affect Proposed Action for Goat Mtn. OHV trails.
Helens Lake Shore Area	Repair damage, clean up, and revegetate.	Does not fulfill. The “No Action” Alternative would not comply with component 1, Riparian Reserves, of the Aquatic Conservation Strategy. Specifically the no action alternative would allow continued degradation of soils and vegetation within Riparian Reserves. Runoff and sedimentation would continue and accelerate as use increases without limitations.	Fulfills. Repairs damage that has occurred in the past and helps prevent further damage from occurring, thereby improving riparian reserve conditions.	Fulfills. Repairs damage that has occurred in the past and helps prevent further damage from occurring, thereby improving riparian reserve conditions.

Purpose and Need (EA section 3.1)		No Action	Selected Alternative	EA Alternative 2
			Helens Lake, restoration with limited parking and camping. Goat Mtn., restoration and blocking OHV trails.	Helens Lake, restoration without parking or camping. Does not affect Proposed Action for Goat Mtn. OHV trails.
Helens Lake Shore Area (continued)	Prevent reoccurrence of damaging activities.	Does not fulfill. See above.	Largely fulfills. Isolates and restricts camping and vehicle access to a small part of the hardened Helens Lake site.	Fulfills. Eliminates vehicle access and camping at the hardened Helens Lake site.
	Protect water quality in Helens Lake	Does not fulfill. See above	Fulfills. See above	Fulfills. See above
Goat Mtn. OHV trails:	Repair erosion damage and compaction, modify drainage.	Does not fulfill. The “No Action” Alternative would not comply with component 1, Riparian Reserves, of the Aquatic Conservation Strategy. Specifically the no action alternative would allow continued degradation of soils and vegetation within Riparian Reserves. Runoff and sedimentation would continue and accelerate as use increases without limitations.	Fulfills. Repairs damage that has occurred in the past and helps prevent further damage from occurring, thereby improving riparian reserve conditions.	Does not apply.
	Minimize or prevent sediment from entering streams.	Does not fulfill. See above	Fulfills. Minimizes sediment in short run, essentially prevents it in the long run.	Does not apply.
	Prevent reoccurrence of damage causing activities.	Does not fulfill. See above	Fulfills. Prevents continued use and expansion of existing OHV trails.	Does not apply.

G. Conclusion

I have determined it is not necessary to change the Finding of No Significant Impact (FONSI - May 2004) documented in the Hillock EA. The EA fully covers the project and there are no significant new circumstances or facts relevant to environmental concerns about the selected alternative or its impacts, which were not addressed in the EA. There are no site specific impacts that would require supplemental/additional information to the analysis described in the RMP/FEIS.

H. Right to Appeal

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1.

If you appeal: A public notice for this decision is scheduled to appear in the *Molalla Pioneer* newspaper on August 10, 2005. Within 30 days of this notification, a *Notice of Appeal* must be filed in writing to the office which issued this decision – Cindy Enstrom, Cascades Field Manager, Bureau of Land Management, 1717 Fabry Road SE, Salem, OR, 97306. A copy of the *Notice of Appeal* must also be sent to the BLM Regional Solicitor (see Form 1842-1). The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your *Notice of Appeal*. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Statement of Reasons: Within 30 days of the filing of the *Notice of Appeal*, a complete statement of reasons why you are appealing must be filed with the Interior Board of Land Appeals (see Form 1842-1).

I. Implementation

Implementation of this decision may begin 30 calendar days after the public notice of the Decision Record appears in the *Molalla Pioneer* newspaper. The public notice is scheduled to appear in the *Molalla Pioneer* on August 10, 2005.

J. Contact Person

For additional information concerning this decision or the appeal process, contact Carolyn Sands at (503) 315-5973 or Patrick Hawe (503) 315-5974, Cascades Resource Area, Salem District Office, 1717 Fabry Road SE Salem, OR 97306.

Approved by: Cindy Enstrom
Cindy Enstrom
Cascades Field Manager

8/10/2005
Date

Appendix 1: Response to Comments

Comments concerning this project were received from Oregon Natural Resources Council (ONRC) and BARK. The following table shows the substantive comments and the BLM response.

Submitted By:		Comments	BLM Response
ONRC	BARK		
X		<p>1. Falling of Hazard Trees: <i>“We recommend implementation of the proposed action with the exception of felling of hazard trees”</i> (ONRC Letter, p. 1).</p>	<p>No hazard trees are proposed for felling in the selected alternative; see pages 1-2 of this Decision Record, above.</p>
X	X	<p>2. Enforcement, Effectiveness of Restoration:</p> <ul style="list-style-type: none"> • <i>“One important component that appears to be missing from the Helens Lake restoration project is a commitment for a more robust law-enforcement presence. All the restoration activities planned around Helens Lake may very well be naught unless BLM commits to an increased law enforcement presence”</i> (ONRC Letter, p. 1). • <i>“We urge you to partner with local OHV user groups, if you have not already done that. ..if vested in the restoration aspects, might be more helpful in monitoring for responsible use and reporting in appropriate use.”</i> (BARK Letter, p. 14) 	<p>BLM has numerous law enforcement priorities and limited resources and will weigh protection of this area with all other priorities. Protecting the investment the agency makes in this site will be a priority. BLM will continue its regular patrolling of the area. In addition, BLM works cooperatively with the Forest Service and local county authorities in monitoring the area and responds to information provided by the public. The agency agrees that enforcement is a necessary component for the success of the restoration.</p> <p>BLM works with local OHV user groups as they are identified to advocate for responsible use and reporting inappropriate use. The agency will continue to make contacts with the areas’ users to reduce resource impacts.</p>
	X	<p>3. Select Alternative 2 (Helen’s Lake -No Parking, Camping): <i>“We commend you for addressing the ongoing degradation taking place in the Helen’s Lake and Goat Mountain areas. Although we usually support recreational use of our public lands, in this case we urge you not to create any designated parking or camping spots in this area. The level of destruction is such that the area desperately needs a respite”</i> (BARK Letter, p. 13).</p>	<p>See page 5 of this Decision Record, above.</p>