Preliminary Decision Memo
2016 Midstate Electric Upgrades at Odell Lake and Crescent Lake
USDA Forest Service
Crescent Ranger District, Deschutes National Forest
Klamath County, Oregon

Background
The Crescent Ranger District is considering Midstate Electric Cooperative Inc. (MEC) request to upgrade its buried electrical lines and replace vaults near Odell and Crescent Lakes to improve service. Midstate Electric Cooperative Inc. maintains the utility lines that serve the Forest Service recreation residences and three Resorts along the west and north sides of Odell Lake and Crescent Lake.

Proposed Action
The Forest Service proposes the following actions to meet this purpose and need:

**Odell Lake**
**Site A:** replace existing direct buried power line, approximately 1200’ from MEC’s junction box located on the FS 5810-100 spur road up hill to the MEC junction box #OL-4 near Hwy 58. They plan to trench within their existing 10’ utility corridor.

**Site B:** Bore under Hwy 58 to install new feed for an existing service and connect to existing vaults on both sides of Hwy 58.

**Site C:** Install a new vault beside vault #OL3 for a new step-down transformer.

**Site D:** Install two vaults side by side on north side of Hwy 58, replacing the small cabinet currently there. Install a fiberglass vault beneath existing transformer located at Odell Lake Lot G-2.

**Site E:** Twenty feet from MEC Pole #17422 install a new vault. Dig a 350’ trench from new vault to existing vault (VT1).

**Crescent Lake**
**Site A:** Install a new pole 20’ from MEC pole #74043 at a depth of 6’ next to FS 60 road. Remove old pole. At base of new pole install a vault for new step-down transformer.

**Site B:** Install a new vault next to vault #C-1-A-1. Install new vault where vault #C1 is located. Dig a trench 20’ between new vaults and splice wires together.

The projects are located in Klamath County, Oregon, with a legal description of T23S, R6E, Sections 8; 14, 15, and 25; T24S, R06E, Section 11, Willamette Meridian (Figure 1).

**Reasons for Categorically Excluding the Decision**
Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.
**Category of Exclusion**
The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e)(2). This category is appropriate because the project involves “Additional construction or reconstruction of existing telephone or utility lines in a designated corridor.”

**Relationship to Extraordinary Circumstances**
In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**
   - Wildlife: It is anticipated that this project would have “No Effect” to any threatened or endangered species and “No Impact” to any R6 Sensitive wildlife species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
   - Plants: It is anticipated that this project would have “No Effect” to any threatened, endangered, and “No Impact” R6 Sensitive plant species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
   - Fisheries: It is anticipated that this project would have no disturbance or “No Effect” to fisheries as a result of this decision.

2. **Flood plains, wetlands, or municipal watersheds**
   Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.
   - This project would have no effect to either floodplains or wetlands.
   - There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

3. **Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas**
   The two Crescent Lake proposed sites are within the Crescent Creek Wild and Scenic River corridor. However, the work is in an existing utility corridor and above high water mark. The project will meet Deschutes Land and Resource Management Plan (LRMP 1990) Standards and Guidelines M17-4 and M17-5 for Recreation and Scenic Rivers. “Utilities: New transmission lines, gas lines, water lines etc. are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing right-of-ways. Where new right-of-ways are indicated, they will be required to protect or enhance the resource values identified for the river.” The project area is not located within any Wilderness, Wilderness Study Areas, or National Recreation Areas. The closest Wilderness Area to either lake is Diamond Peak Wilderness, which is approximately ¼ mile away and separated from the Odell Lake recreation residence tracts by the FS 5810 road and the railroad tracks and approximately ¼ mile away and separated from the Crescent Lake recreation residence tracts by the FS 60 road. The only potential wilderness impact would be from noise associated with project work; however, the noise level would not be more than that associated with normal recreation and railroad activities in the area and limited in duration (for the construction period only).
The closest project site, Crescent Lake Site B, is approximately three miles from the edge of the Oregon Cascades National Recreation Area (OCRA). There is no proposed activity in the OCRA.

4. **Inventoried roadless areas or potential wilderness areas**
The project is not located within any Inventoried Roadless Areas (IRA) or potential wilderness areas. The nearest Inventoried Roadless Area is the Maiden Peak IRA, which lies approximately ¼ mile north of Odell Lake Sites A, B, and C. The only potential impact would be from noise associated with project work; however, the noise level would not be more than that associated with normal recreation and Highway 58 activities in the area and limited in duration (for the construction period only).

The project is not within a potential wilderness area, nor will it affect any of the criteria for inventorying potential wilderness (ie. – no roads will be built and no timber will be cut).

5. **Research Natural Areas**
There are no existing or proposed Research Natural Areas in or adjacent to the project. The nearest Research Natural Area is the Gold Lake Bog RNA on the Willamette National Forest, which is approximately 2.7 miles to the north.

6. **American Indians and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas**
Consultation for this project would be covered under the 2003 Programmatic Agreement for the State of Oregon and a final determination of compliance with Section 106 of the National Historic Preservation Act, including any required field surveys, would be completed before issuance of a final decision memo.

Based on the final conclusions regarding the effects to the resources and conditions listed above, I will determine if the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

**Consistency with Deschutes Land and Resource Management Plan**
This project would be consistent with direction found in the Deschutes National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan. Biological Evaluations are being prepared for Sensitive, Threatened, and Endangered animal and plant species and will be located in the project file at the Crescent Ranger District. Also, the project will meet all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

This project is inside the Northwest Forest Plan boundary and will apply the Survey and Manage species list in the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.*

**Public Involvement**
Public scoping and Tribal consultation are being conducted in conjunction with the release of this preliminary Decision Memo.
Implementation
When the Decision Memo is signed, project implementation can begin once final approval is received from the Crescent District Special Use Administrator. The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

- For any ground disturbance work- if imported fill is utilized it must be from a culturally sterile source (meaning there is no possible contamination from fill originating from another buried archaeological site).

- If, prior to, or during construction work, items of archeological or historical value are reported or discovered, or an unknown deposit of such items is disturbed, the permit holder would immediately cease activities in the area affected. The Forest Service would be notified and ground disturbing activity would not resume until written authorization is provided.

- Equipment Cleaning - Actions conducted or authorized by written permit (contracts) require cleaning of all heavy equipment (i.e., bulldozers, skidders, and other construction equipment) prior to entering Forest Service lands. Equipment will be inspected on-site by the Forest Service project manager or the District botanist prior to start of work.

- All gravel, fill, sand stockpiles, quarry sites and borrow materials used for this project will be inspected for invasive plants before such material is transported and used within Forest Service lands. Any infested sources must be treated before use of pit material. Only gravel, fill, sand, and rock that are judged to be weed-free by District or Forest weed specialists will be used for this project (Requirement R6 Standard #7).

- Crescent Lake Site A: will require coordination between the District Botanist, District Special Uses Coordinator, and the permit holders and/or contractors two weeks prior to work commencing to allow botanist to treat the noxious weeds onsite.

- Odell Lake Site C: the preferred access to this site is between recreation residences G10 and G11. Wildlife and Botany will work together to flag off marshy/wet areas utilized by TES species.

- Odell Lake Seasonal Restrictions for Wildlife:
  - Sites A, B: January 1 through August 31 for eagle, March 1 through September 30th for NSO
  - Sites C and D: NSO restriction March 1 through Sept 30.
  - Site E: Osprey restriction April 1 through August 31

- Excess excavated/bored material that will not be used for backfill must be transported to an approved disposal site. **Moderately effective.** Poor-quality excavated subsoil should not be left on the soil surface. Native vegetation is slow to reestablish on exposed subsoil areas, and noxious weeds may occupy the disturbed areas. Bare and loose soils are prone to eroding and negatively impacting adjacent areas.

- Establish and enforce construction limits to the minimum necessary to safely and efficiently operate trenching machinery, excavators, and any other machinery required to accomplish the work. **Moderately effective.** Limiting the disturbance footprint will prevent additional detrimental soil impacts (compaction and displacement) that may occur from heavy machinery operation.
• All areas, outside of existing roads and hardened surfaces, that are trafficked by more than two passes of heavy machinery should be scarified to encourage infiltration and reestablishment of native vegetation. Using the teeth of an excavator bucket to roughen/loosen soil is sufficient to achieve this.

_Moderately effective._ Native soils are coarse-textured and have naturally-high infiltration rates. Scarifying and roughening the surface will loosen compaction from machinery, discourage surface erosion, and encourage quick recovery of minor soil impacts.

• An erosion control plan will be developed that covers all disturbed areas and stockpile areas. In the event that excavated soil is not immediately replaced or wasted (or any time a major precipitation event is forecasted), appropriate erosion control practices must be in place to prevent erosion and transport of displaced material.

_Highly effective._ Sediment and erosion control measures like silt fence, berms, geotextiles, and/or straw wattles can prevent offsite transport of sediment and unwanted impacts to adjacent soil areas.

• Work in seasonally wet soils will be limited to times when soils are dry (water tables are at least three feet below the soil surface). Work outside of the dry-soil window may be permitted if ground-protecting equipment pads or other methods/equipment are used that limit soil compaction and rutting in the work area.

_Highly effective._ Soils are particularly susceptible to compaction and rutting damage when wet. Ensuring that work occurs during the dry season, or using ground-protecting pads to limit machine impacts, will ensure that soil damage and erosion do not occur as a result of this work.

**Monitoring**

• For Odell Lake _Sites A, B, C, D, E_ and Crescent Lake _Sites A and B_ the trenching/excavation will require archaeological monitoring. Coordination will occur between the District Archaeologist, District Special Uses Coordinator, and the permit holders and/or contractors.

• For Odell Lake _Site D_, the botanist will fence the snag (to protect the snag and attached pin lichens) with construction fencing and attach ‘Sensitive Plant Site’ flagging so that there is no confusion as what must be avoided. The site will be monitored afterwards to verify that the snag was not disturbed.

**Best Available Science and Conclusion**

My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

**How to Comment and Timeframe**

Your comments about the proposed actions or other concerns are welcome and would be considered in the decision. They would be most helpful if received by June 17, 2016. Comments can be submitted to the address on the header of this letter, or by email to: comments-pacificnorthwest-deschutes-crescent@fs.fed.us. Written or oral scoping comments should include your name, address, and telephone number (if available). Include the title of the project (Midstate Electric Upgrades Project).

**Administrative and Appeal Rights**

The final decision is not subject to appeal or objection. 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].” As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

**Contact Information**
For additional information concerning this project, contact Meria Page, Special-Uses Administrator, at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, by phone at (541) 433-3200 or email mpage01@fs.fed.us

**Responsible Official**
The Responsible Official will be Daniel Rife, District Ranger, Crescent Ranger District, Deschutes National Forest.
Figure 1 – Midstate Electric Line Replacement along Highway 58 near Crescent and Odell Lakes Map