

Decision Memo

Chad Welch Access Road

USDA Forest Service
Minidoka Ranger District, Sawtooth National Forest
Cassia County, Idaho
Raft River Division, Utah; T.14 N, R.14 W, Sec. 27

Background

Mr. Chad Welch of Hyrum, Utah owns a 160 acre parcel of land surrounded by National Forest System Lands in the George Creek drainage of the Raft River Division, Minidoka Ranger District. He has applied for a special use permit to construct a seasonal access road of approximately $\frac{3}{4}$ mile across National Forest land to his property. Currently there is no road access to this property.

Mr. Welch, as a property inholder, has access rights through Section 1323 of the Alaska National Interest Land Conservation Act of 1980 (ANILCA); and Title 36 Code of Federal Regulations 251.110(c) states “Subject to the terms and conditions contained in this part and in parts 212 and 293 of this chapter, as appropriate, landowners shall be authorized such access as the authorized officer deems to be adequate to secure them the reasonable use and enjoyment of their land”. This access request is a proposal that involves approximately $\frac{1}{2}$ -mile of road construction within an inventoried roadless area (IRA). The IRA currently includes 6.7 miles of classified roads and 34.3 miles of unclassified roads. Opportunities for solitude are low because of the relatively small size of the Raft River unit and views of high levels of development outside the area from many locations within.

The Minidoka District completed a Roads Analysis and an IRA Impact Evaluation during consideration of the landowner’s request, in addition to reviews by specialists in wildlife, botany, engineering and heritage.

Decision

I have decided to issue a temporary special use permit authorizing the construction of an access road by Mr. Welch.

Mitigation Measures

- Construction standards for a Level 2 class road will be coordinated and monitored by our Forest Service engineering staff.
- Once the road is satisfactorily completed it will become part of the Sawtooth National Forest transportation system, and open to travel by the general public.
- Annual maintenance will be accomplished through a cooperative agreement with Mr. Welch.

Reason for Categorically Excluding the Action

This action is categorically excluded from documentation in an Environmental Impact Statement or an Environmental Assessment in reference to the Forest Service Environmental Policy and Procedures Handbook (FSH): FSH 1909.15, Sec. 31.2 (3), Approval, modification or continuation of minor special uses of National Forest System lands that require less than five (5) contiguous acres of land.

I considered whether there would be any significant effects on the character of the IRA. FSH 1909.15 states: "The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist." The Inventoried Roadless Area Impact Evaluation is contained in the project record. From this evaluation I have concluded that this road construction project will not negatively affect the overall roadless character of the Raft River IRA. Therefore I concluded there are no significant effects on resource conditions and thus, no extraordinary circumstances exist.

Public Involvement

This proposal was initially published in the Schedule of Proposed Actions September 13, 2004, and in subsequent quarters following. The proposal was also provided to the public and other agencies for comment during two scoping periods; August 20 – September 17, 2004 and May 6 – June 3, 2005 through publication in the local paper of record and direct mailings to interested parties. Two letters of comment were received and one individual visited the office to provide verbal comment, these are included in the project file. A local resident from Yost, Idaho near Raft River visited the office Aug. 27, 2004 and stated he has no concerns with the proposal. The two letters from organizations in Idaho and Utah both expressed similar concerns about effects on the character of the IRA and environmental impacts of road construction within this area. They raised questions about the level of NEPA required and whether a categorical exclusion is appropriate. These concerns were adequately addressed in the Roads Analysis and IRA Impact Evaluation and referencing the FSH 1909.15 outlining the appropriate level of NEPA required.

Findings Required by Other Laws

This decision is consistent with the Sawtooth National Forest Land and Resource Management Plan, as required by the National Forest Management Act. The project was designed in conformance with forest plan direction and specifically for Raft River, Management Area 18, Chapter III, page 296; MPC 4.1c, Number 1806 (Road Standard), "Road construction or reconstruction may only occur where needed... a) To provide access related to reserved or outstanding rights, or b) To respond to statute or treaty"

Implementation Date

This project may be implemented immediately.

Administrative Review or Appeal Opportunities

This decision is not subject to administrative appeal.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Glenn Lackey or Scott Nannenga, Minidoka Ranger District, 3650 S. Overland Ave., Burley, Id. 83318 by phone: 208-678-0430

/s/ SCOTT NANNEGA

March 6, 2006

SCOTT NANNEGA
Minidoka District Ranger

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.