Greetings:

You are invited to comment on a request we received from Mr. Roscoe Breedlove to construct 74 feet of low-standard road for access to his parcel of private land along Baxter Branch near Lake Monroe. We would like your comments on this proposal before completing our analysis and making a final decision.

The USDA Forest Service proposes to grant a special-use permit for Mr. Breedlove for the temporary right-of-way for road construction (labeled (1) on map). The road right-of-way would be for 20 feet clearing of branches and 10 foot driving surface width. The proposal is located within Management Area 2.4, Brownstown Ranger District. Mr. Breedlove would like to construct the road during the summer of 1997.

An alternative we are considering would be to access this parcel by constructing 1300 feet of low-standard road about 600 feet east of the proposed route (labeled (2) on map).

Two other alternative routes have been considered but not carried forward for analysis: (A) To access this parcel by using the route past the Paynetown repeater tower that would reconstruct about 1.5 miles of road across National Forest System land (not reasonable because of excessive length); or (B) to access this parcel by constructing a road on private land within 100 feet of Baxter creek (this route is not reasonable because it would likely be impassable with wet soil).

The purpose is allow Mr. Breedlove to use this road in the dry season to harvest timber from his land. There is no existing road access to the parcel; the only reasonable access is across National Forest System land. Federal law assures private owners of land within national forest boundaries of access for "reasonable use and enjoyment" of their land (PL 96-487). This permit would be contingent upon proof of access across other properties leading to the federal tract.

We will inspect the proposed route for sensitive plants, animals, and heritage resources. The decision to be made is whether to authorize Mr. Breedlove to construct the road as proposed, and if so under what conditions.

We would appreciate receiving your comments by April 4, 1997. Comments may be used to help us prescribe environmental protection measures. Please call or send written comments to Tom Krueger in this office. Thank you for your time.

Sincerely,

JAMES E. DENONCOUR
District Ranger

Enclosure: Map
Hoosier National Forest
Proposed temporary right-of-way for Mr. Roscoe Breedlove
T6N, R1E, NWSWNE section 30, along Baxter Branch.

Right-of-way alternatives
DECISION MEMO
TEMPORARY ROAD PERMIT, ACCESS TO PRIVATE LAND
BROWNSTOWN RANGER DISTRICT
MONROE COUNTY, INDIANA

I have decided to issue a temporary road permit to access private land located in the SW 1/4 NE 1/4 of section 30 of Township 8 North, Range 1 East. This permit will include approximately 75 feet of temporary access across an existing road on federal land. The access follows an existing road above the flood plain of the Monroe Reservoir in Baxter Branch. The road surface from edge-to-edge is approximately ten feet in width. It is cut into the sidehill and cross drainage flows down to Baxter Branch. A few small diameter, understory trees (3" diameter breast height) will be cut or pruned to allow clearing width of up to 20 feet (10 feet each side of centerline) for the trucks hauling logs from private land. Gravel surfacing may be required if the road ruts under the weight of the equipment. There is a 12% grade up the hill on federal land and it is steeper on the private land to the north.

Other possible access routes would require new road construction and/or the use of U.S. Army Engineer District administered lands within the flowage easement.

This use is consistent with the Hoosier National Forest Land and Resource Management Plan management objectives for this area (Management Area 2.4) and Forest-wide guidance for providing for a useable landbase (p. 2-20). It complies with federal law (Alaska National Interest Lands Conservation Act of December 2, 1980) which directs the Secretary of Agriculture to provide private landowners a right of access across National Forest System land in all states.

Scoping for this project included soliciting information and comments from Hoosier National Forest personnel, the Department Of The Army, adjacent landowners, and interested parties. An informal consultation with the US Fish and Wildlife Service determined this project is unlikely to affect any Federal Threatened and Endangered Species on the 75 foot federal parcel. A biological evaluation reflecting this conclusion is in the project file. There will be no impacts to heritage resources as the area has no known sites and soil impacts will be limited to compaction and erosion control work including waterbars.

Concerns about the temporary road include defining land lines to avoid encroachment. This was done in conjunction with the land owner requesting the permit and logger working for the private landowner. All land lines were agreed to in advance of the permit. Other environmental concerns include using the shortest road while protecting the environment. This will be a temporary road which will use an existing ten foot driving surface width for the roadway. Cross drainage will be constructed in the road right-of-way which allows for a 20 foot clearing width of understory trees. The roadway would be stabilized by constructing waterbars. There is private property on both sides of the federal land and access is controlled by the private land owners on either side of federal land. The road dead-ends in Monroe reservoir approximately one half mile to the southwest.

The permittee has proof of easement across other landowners for use of private land and roads leading from the area to the Swartz Road.
Implementation of this project on the Brownstown Ranger District is categorically excluded from further documentation in an environmental impact statement or environmental assessment under FSH 1909.15, Chapter 31.2, category 3, a category identified for, "Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land". I have reviewed the USDA Forest Service policy on extraordinary circumstances in Forest Service Handbook 1909.15, section 30.3 and have reviewed specialist reports on threatened and endangered species and heritage resources. These findings allow me to conclude that no extraordinary circumstances related to this proposal exist.

This decision, pursuant to 36 CFR 215.8(a)(4), is not subject to appeal and may be implemented immediately after legal notice of this decision is published in the Bloomington Herald Times, Bloomington, Indiana.

The project file for this project can be reviewed at the Tell City District office at 248 15th Street, Tell City, IN 47586.

For further information, please contact Tom Krueger at 812-547-7051.

JAMES E. DENENCOUR District Ranger Date 2/5/97