

Decision Notice and Finding of No Significant Impact

South Fork McKenzie River Enhancement Project

USDA Forest Service
McKenzie River Ranger District
Willamette National Forest
Lane County, Oregon

Legal Description: T.18S., R.5E., Sec. 25, 26, 36; T.18S, R.5 ½ E, Sec. 31, 32, 33; T.19S, R.5E, Sec. 1 and 2; Willamette Meridian.

Decision and Reasons for the Decision

Background

The South Fork McKenzie River Enhancement Project documents the environmental analysis (EA) of a proposal to implement watershed restoration in the South Fork McKenzie River watershed. The purpose for action is to enhance habitat and water quality conditions for spring Chinook salmon and bull trout to meet direction in the Willamette National Forest Plan as amended, and move toward recovery of both Threatened species as directed by the Endangered Species Act.

The need for action was documented in findings of the South Fork McKenzie Watershed Analysis where loss of early life habitat for bull trout and spring Chinook salmon in the upper South Fork McKenzie River and lower Roaring River was found. Recommendations from the South Fork McKenzie Watershed Analysis place highest priority on recovery of aquatic habitat in the South Fork McKenzie River. As a Tier 1 Key Watershed, the South Fork McKenzie River is highest priority under the Northwest Forest Plan for protecting and restoring aquatic habitat.

This project seeks to restore habitat prioritized by McKenzie sub-basin partners on the McKenzie Watershed Council (MWC). Sub-basin assessments conducted by the MWC found the lower McKenzie River and South Fork McKenzie River as highest priority for restoration through Ecosystem Diagnosis and Treatment evaluation.

Currently, a permanent trap-and-haul facility is planned by Army Corps of Engineers to collect adult spring Chinook salmon and bull trout below Cougar Dam. The facility will reconnect, through physical

transport, migrating spring Chinook and bull trout to the river above the dam. Utilization of naturally produced and migrating spring Chinook and bull trout is expected to benefit South Fork McKenzie specific fish populations and assist in perpetuating local adaptation. The Cougar Dam trap-and-haul facility is expected to be complete in 2009.

The South Fork McKenzie River Enhancement Project EA documents the analysis of one alternative to meet this need.

Decision

Based upon my review of the EA, I have decided to implement the action alternative (Alternative A). Alternative A proposes to place additional in-stream large woody material to improve aquatic habitat within an 8.5 mile reach of the South Fork McKenzie River and lower Roaring River. This project would place large diameter trees with root-masses attached into the stream channel to mimic natural log jams. Enhancement activities involve tipping into the river approximately 40 live trees that are adjacent to the river to serve as “Key Features”. Approximately 300 pieces of woody material would then be imported from other locations in the area to provide for log jam accumulations behind the key features. Previously-placed restoration material within this reach would also be repositioned.

To improve water quality, the proposed action includes the closure of 12 non-system, native surfaced road segments that currently access dispersed camping sites.

Implementation of this proposal would begin in the summer of 2007.

Mitigation Measures:

This decision implements mitigation measures described on page 17 in the EA. The proposal implements measures to ensure meeting the standards and guidelines for water quality and soil stability. These measures include protection of all streams channels with Riparian Reserves, erosion control measures, seasonal restrictions to protect wildlife and fish, and noxious weed control methods.

Tree tipping and in-stream wood placement methods are designed to minimize soil disturbance and remain within Forest Plan standards and guidelines. Seasonal restriction for noise producing activities will be implemented for heavy equipment and helicopter activities to avoid potential disturbance to northern spotted owl, as described under the terms and conditions in the Biological Opinion submitted by the US Fish and Wildlife Service. The restriction will be applied to heavy equipment operation and helicopter use which might occur within one-quarter mile of known spotted owl activity centers or un-surveyed habitat from March 1 through July 15.

Noxious weed control will require equipment be pressure-washed prior to entering project areas, treatment of disturbed soil sites through native seeding, planting and mulching, and weed removal to prevent new infestations.

Monitoring will occur at various points in time, during and following project implementation, to ensure mitigation measures are effective.

Decision Rationale

Alternative A is consistent with requirements of the amended Willamette National Forest Land and Resource Management Plan to restore Tier 1 Key Watershed. This project meets the purpose and need for action as stated above, by restoring habitat for Endangered Species Act listed salmon and trout species.

This alternative implements restoration priorities and recommendations from the South Fork McKenzie Watershed Analysis, specifically improvement of aquatic habitat complexity through restoration of in-stream woody material and improvement of aquatic habitat quality through closure of roads in sensitive riparian areas. Project actions are designed to maintain or enhance Riparian Reserves and will remain consistent with the Aquatic Conservation Strategy Objectives.

Significant Issues

Alternative A responds to the Significant Issues of Water Quality/Aquatic Resources; and Recreational Opportunity (EA page 9).

Water Quality/Aquatic Resources:

Alternative A includes specific mitigation measures that provide for the protection of soil, water, and fisheries resources, during and following project implementation. Measures to maintain or restore Riparian Reserve elements are incorporated into project design. Evaluation of project effect on available stream shade, sources of sedimentation and ESA aquatic species and habitat finds the project would maintain or improve water quality and aquatic resource conditions. Project direct, indirect and cumulative effects will meet Aquatic Conservation Strategy Objectives (EA pages 23-29).

Recreational Opportunity:

Project effects of **Alternative A** on human use within the South Fork McKenzie watershed would modify potential kayaking use of the restoration reach, and vehicle access to some dispersed campsites (EA pages 30-31). The kayaking experience along 8.5 miles of enhanced habitat would be modified through addition of large woody material and would be expected to be less attractive as a boating destination due to necessary portages. Closure of 12 non-system roads from Rd 19 along the South Fork McKenzie River would modify vehicular access to 12 dispersed campsites. Dispersed campsites will continue to exist and be available to recreation use by foot traffic, with vehicle parking off Road 19.

Other Alternatives Considered

No other action alternative was evaluated as the proposed action addressed all issues while meeting project purpose and need. A comparison of action alternative versus no action alternative can be found below (Table 1) and on page 18 in the EA.

Alternative B No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. This alternative allows low in-stream wood density and simplified habitat to continue untreated and dependant upon natural rates of input to replenish existing condition. Alternative B would

not affect recreational opportunity. The No Action alternative provided the basis for describing the environmental effects of the proposed action.

Public Involvement

The South Fork McKenzie River Enhancement Project preliminary analysis began in November 2005 when it was scoped among McKenzie River Ranger District staff and specialists. The project was first listed in the April 1, 2006 issue of the Forest Focus - the quarterly schedule of proposed actions (SOPA) for the Willamette National Forest.

On August 28, 2006, a scoping letter was mailed to individuals and organizations who have expressed an interest in similar projects on the McKenzie River District. Using the comments received from the public and other agencies, the interdisciplinary team developed a list of issues to address.

Comments received were related to the historic condition of the South Fork McKenzie River and recovery of spring Chinook salmon and bull trout in the South Fork McKenzie watershed. Mr. Cole Gardiner of Portland, Oregon provided a pre-management description of the South Fork McKenzie River channel. Mr. Gardiner had fished the South Fork McKenzie River as a youth in the 1930's and continued as an adult into the 1950's. His description of in-stream wood volume and angled species distribution support the findings of the South Fork McKenzie Watershed Analysis and watershed analysis recommendations for habitat restoration.

Comments supporting restoration of habitat for bull trout and spring Chinook were received from the McKenzie River Trust, ODFW and ACOE. The IDT considered all comments during issue development and analysis of the proposed action for this project.

On November 13, 2006, the South Fork McKenzie River Enhancement EA was made available to the public and other agencies for a 30-day public review and comment period pursuant to 36 CFR 215, by legal notice in the Register Guard, Eugene, Oregon, the newspaper of record for the Willamette National Forest. No letters or email comments were received. My decision was made considering all public comment received throughout the planning process.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety. Measures will be taken to ensure maintenance of Riparian Reserve values and water quality through application of mitigation measures during and following implementation.

3. The supporting documentation located in the EA and Project Record provides sufficient information to determine that this project will not significantly affect any known unique characteristics of the geographic area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas such as historic or cultural resources.

There are no park lands or prime farmlands in the project area. All wetlands will receive adequate protection during restoration activities to avoid diminishment of values.

The project is located within the South Fork McKenzie Wild and Scenic Study River and Oregon State Scenic Waterway. This action is designed to maintain the Outstandingly Remarkable Values of the South Fork McKenzie River Wild and Scenic Study River and Oregon State Scenic Waterway (EA pages 6-7 and Appendix A.). Consultation with Oregon Parks and Recreation Department has occurred and project effects were found to comply with state scenic waterway regulations.

A cultural resource survey has been completed on all proposed treatment areas. This action avoids or excludes known cultural resource areas from management activities. The proposal will have no adverse effects to cultural resources (EA, page 35). The surveys were conducted according to an inventory plan approved by the Oregon State Historic Preservation Office (SHPO). The inventory is consistent with an agreement between the USDA Forest Service R6/PNW, Oregon SHPO, and the advisory council on historic preservation. A provision will be included in project contracts to provide for protection of this resource in the event that new material is discovered during ground disturbing activities.

4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. In-stream wood restoration activities employing tree tipping, helicopter placement of imported wood, repositioning of previously placed woody material, and road treatments for watershed restoration are practices with effects that are well known. The effects of restoration activities on the South Fork and Roaring River were fully disclosed in the EA (pages 23-40) and are not significant in their controversy. This limited controversy does not satisfy the threshold for the preparation of an Environmental Impact Statement (EIS). The EA effectively addresses and analyzes all issues and environmental impacts associated with this project (EA, Chapter 3).
5. We have experience with the types of activities to be implemented with this decision. A similar project, the Upper McKenzie River Aquatic Restoration Project, was implemented during 2005 in the McKenzie River above Trail Bridge Dam. Similar wood placement activities occurred during 1996 and 1998 in the South Fork McKenzie River Aquatic Restoration Project. The effects analysis utilizes experience of similar projects in characterizing level of risk and magnitude of adverse effect associated with project activities. No impacts to the human environment that are highly uncertain or involve unique or unknown risks have been identified in Chapter 3 of the EA.
6. The action is not likely to establish a precedent for future actions with significant effects, because projects of this magnitude and complexity are commonly implemented. The proposed treatments

and connected actions are well established practices on the Willamette National Forest and McKenzie River Ranger District, and do not establish a precedent for future actions.

7. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Consequences section of the South Fork EA and find that this action will not have a significant cumulative impact on the environment EA, pages 35-36).
8. This action will not cause loss or destruction of significant scientific, cultural, or historical resources. An appropriate review has been conducted by this undertaking (as discussed in Item 3). Both previously known, and unknown significant cultural sites discovered in field surveys will be avoided. These measures resulted in a determination of **No Historic Properties Affected**. The Standard Case by Case Review and documentation to SHPO was completed in November 2006, with a finding of No Effect noted. Because cultural resources would not be affected by this action there will be no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. (EA, page 35).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973.

For the Northern Spotted Owl: Formal programmatic consultation with the U.S. Fish and Wildlife Service (USFWS) on effects to northern spotted owl was conducted in 2006. The project is included in formal programmatic consultation (Reference number 1-7-06-I-0179) for Biological Opinion for effects to northern spotted owls for fiscal year 2007-2008 activities. The Biological Opinion governing programmatic actions describes activity proximity and seasonal restrictions to minimize effects to northern spotted owl. The evaluation found the project would not likely jeopardize the continued existence of spotted owl and is not likely to destroy or adversely modify critical habitat for the spotted owl. The Biological Assessment describes the extent of effect as “may affect, but are not likely to adversely affect” northern spotted owls.

For Bull Trout and Spring Chinook Salmon: ESA programmatic consultation for listed fish was completed through programmatic consultation. Project implementation would likely have an effect upon the fish present in the channel at the time of implementation. Implementation timing would avoid the period adult bull trout and spring Chinook salmon are present in the restoration reach. However, the potential exists to impact juveniles rearing in the reach. The potential for harassment or harm of juvenile listed species is characterized as May Affect, Likely to Adversely Affect (LAA). While the likelihood of a tipped tree or helicopter-placed tree harming a juvenile is slim, a level of risk warrants an LAA assessment. The action alternative as designed is covered by programmatic Biological Opinion. The project meets the Project Design Criteria for Aquatic Habitat Projects described in the USFWS Biological Opinion regarding bull trout (April 11, 2003) and NOAA Fisheries Biological Opinion regarding spring Chinook salmon (February 25, 2003). The project findings are consistent with the findings of both Biological Opinions. An LAA assessment characterizes any enhancement action in which the wetted stream channel is entered or when listed species are present or turbidity is transmitted.

For Botanical Species. There are no listed Threatened or Endangered plant species on the

Willamette National Forest. Other rare plants, often not associated with older forests, are compiled on a Regional Forester's Sensitive Species list for the Willamette National Forest. These species and their habitats are often rare and limited in distribution. The list of species that have potential habitat within the planning area, and results of site-specific, pre-disturbance surveys of proposed activity areas can be found in Appendix D of the EA. No sensitive species were located in the planning area.

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Willamette National Forest Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

This decision to implement Alternative A is consistent with the intent of the forest plan's long term goals and objectives listed on pages IV-2 to IV-44. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for Management Areas 5a, 6c, 9d, 11a, 15; where activities will occur implementing this decision (EA pages 5-8) (Willamette National Forest Land and Resource Management Plan, pages 152 to 239).

This decision is consistent with all applicable Acts and Regulations such as the National Forest Management Act (NFMA) of 1976, National Environmental Policy Act (NEPA) of 1969, Endangered Species Act (ESA) of 1973, Clean Water Act (CWA) of 1972 and section 319 of the 1987 CWA, Civil Rights Act (CR) of 1964, Title VI and Environmental Justice (EJ) Executive Orders 11988 and 11990, The Preservation of Antiquities Act of June 1906 and the National Historic Preservation Act of October 1966, Executive Order 12962 on Recreational Fishing, and Executive Order 13186 on Neotropical Migratory Birds. (EA, Chapter 3).

In addition, the August 1, 2005, and the January 9, 2006, U.S. District Court orders in the Northwest Ecosystem Alliance et al. v. Rey et al. (NEA), Civ. No. 04-844, WD Wash. set aside the 2004 Record of Decision (ROD) to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines. The Court re-instated the January 2001 ROD for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as amended by the 2001 and 2003 Annual Species Reviews. The Order allowed projects to continue or be implemented if they complied with the 2001 ROD as amended. As described below, the South Fork McKenzie River Enhancement Project is in compliance with the 2001 ROD and does not rely on the 2001 or the 2003 Annual Species Review.

Subsequently, on November 6, 2006, the Ninth Circuit Court of Appeals in Klamath-Siskiyou Wildlands Center et al. v. Boody et al. (Klamath) No. 06-35214 (CV 03-3124 District of Oregon) held the 2001 and 2003 Annual Species Reviews regarding the red tree vole were invalid under Federal Land Policy and Management Act and National Environmental Policy Act as to the two Bureau of Land Management sales at issue in that case. Although the Klamath opinion is specific to the two named BLM timber sales, I believe it is prudent to assure you that I did not rely on the 2001 or 2003 Annual Species Reviews in developing the South Fork McKenzie River Enhancement Project because I completed all

required surveys as listed in the EA and their protection measures are included in the selected Alternative A as required by the 2001 ROD.

As a result, I conclude that the South Fork McKenzie River Enhancement Project complies with the January 9 NEA Order and the Klamath opinion by complying with all survey and manage requirements in the 2001 ROD for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines

Administrative Review or Appeal Opportunities

No comments expressing concerns with the South Fork McKenzie River Enhancement Project were received during the 30 day public comment period on the Environmental Assessment (November 13, 2006 – December 13, 2006). Therefore this decision is not subject to administrative appeal pursuant to 36 CFR 215.12.

Implementation Date

Implementation of this project may begin immediately following publication of the notice of this decision in the Register Guard, Eugene, Oregon.

Contact

For additional information concerning this decision contact Dave Bickford, Fishery Biologist, McKenzie River Ranger District, 57600 McKenzie Highway, McKenzie Bridge, Oregon; by telephone at 541-822-3381; or email at dbickford@fs.fed.us.

/s/ Mary Allison

MARY ALLISON
District Ranger

January 11, 2007

Date

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Table 1. Comparison of Alternative by Key Issue

Alternative A (Proposed Action)

Key Issue	Measurement Criteria	Project Proposal
Water Quality/Aquatic Resources	Riparian habitat altered (acres)	Less than 1 acre (including roads treatment)
	LWD volume (LWD/mile)	Increase to 80 LWD/mile
	Stream shade/temperature (°F)	Potential increase 0.007°
Recreational Opportunity	Number of non-system roads blocked	12
	Dispersed campsites not accessible by vehicle	1.4 sites per mile (12 dispersed campsites) No change in access to 14 dispersed campsites
	Length of channel modified (kayak opportunity)	8.5 mile reach

Alternative B (No Action)

Key Issue	Measurement Criteria	Project Proposal
Water Quality/Aquatic Resources	Riparian habitat altered (acres)	No change in riparian habitat
	LWD volume (LWD/mile)	Natural recruitment to supplement existing 29 LWD/mile
	Stream shade/temperature (°F)	No change in stream temperature
Recreational Opportunity	Number of non-system roads blocked	No change in non-system roads
	Dispersed campsites not accessible by vehicle	No change in 26 sites accessible by road in the project area
	Length of channel modified (kayak opportunity)	No project modification of channel

Figure 1. Alternative A – Project Area

