

DECISION NOTICE AND  
FINDING OF NO SIGNIFICANT IMPACT

**Government Mineral Springs  
Recreation Residence Special Use Permits Issuance**

USDA FOREST SERVICE  
GIFFORD PINCHOT NATIONAL FOREST  
MT. ADAMS RANGER DISTRICT  
SKAMANIA COUNTY, WASHINGTON  
T.5 N, R.7 E, Section 31 and T. 5 N. R 6. E. Section 25, W.M.

**SUMMARY**

The Gifford Pinchot National Forest prepared an environmental assessment (EA) to analyze issuance of 20-year recreation residence special use permits within the Government Mineral Springs Recreation Residence Tract located on the Mount Adams Ranger District, Gifford Pinchot National Forest.

The Forest manages the Government Mineral Springs (GMS) tract with forty-four (44) lots currently authorized under 20-year recreation residence special use permits. The tract is located along Trapper Creek, adjacent to the Trapper Creek Wilderness, within the Wind River Watershed, approximately 15 miles north of Carson, Washington in Skamania County. The legal description for the area is T.5 N, R.7 E, Section 31 and T. 5 N. R 6. E. Section 25.

Based on the information in the EA and supporting documentation, I have decided to implement Alternative 2, which will issue forty-three (43) 20-year recreation residence special use permits, offer the current permit holders of lot 55 an in-lieu lot, and implement restoration projects within the tract.

***Purpose and Need***

On December 31, 2008, all of the permits within the GMS tract will expire. Decisions whether to issue new recreation residence permits following expiration of the current permit require a determination of consistency with the Gifford Pinchot Land and Resource Management Plan (Forest Plan). A consistency review with the Forest Plan was completed for the GMS Tract in August 2007 and the consistency review findings were signed August 21, 2007. The proposed actions in the selected alternative address the consistency review findings.

***Summary of Problematic Consistency Review Findings***

An existing berm near lot 55, prevents high flows from spilling into side channels and floodplains, obstructing access to the flood channel for floods larger than 1-2-year return intervals. This obstruction increases stream power in Trapper Creek by up to 20-40% during 10-year to 25-year floods. The increase allows for higher frequency of channel scour and substantially increased shear stress and erosion on the channel bed and streambanks.

Bank revetments previously installed in Trapper Creek to protect individual cabins are negatively

affecting instream habitat and stream processes and causing secondary effects to adjacent stream reaches. The riprap and gabion walls on the banks near cabins 20 and 21 have constricted the channel, causing increased channel erosion and downcutting. As a result, channel incision has moved upstream and the river has begun undermining the upstream end of the gabion wall. The gabion baskets and rock are now partially filling the channel and reducing cross sectional area of the channel, degrading fish habitat and increasing velocities and erosion at this site and the downstream reach. Channel incision will continue to undermine the gabion wall and lead to additional gabion recruitment into the channel and subsequent bank failure. In addition, a culvert on Forest Road 5401 is undersized and does not allow for upstream fish passage.

Channel banks at cabins 2 and 25 are eroding, and without vegetative cover, will continue to erode during high flows. At cabin 25, the footings of an existing deck are within the bankfull channel and the channel banks are eroding around the deck piers.

Over time, woody debris has been removed from Trapper Creek or relocated away from cabins to protect individual cabins from localized scour caused by the debris. The loss of woody debris has degraded fish habitat by reducing pools, hydraulic variability and accumulation of spawning gravels; and has reduced stability of channels and overbanks. Removal of woody debris from vicinity of cabins may have preferentially reduced channel stability there more than other parts of the system, making these areas more vulnerable to erosion. Continued depletion of large woody debris from the channels and overbank areas will over time contribute to increased channel instability, erosion and migration.

## **DECISION**

Based upon my review of the analysis and alternatives, I have decided to implement Alternative 2 described in the Government Mineral Springs Recreation Residence Special Use Permit Reissuance EA.

Alternative 2 authorizes forty-three (43) new, 20-year recreation residence special use permits (SUPs) to current permit holders who are found to be in full compliance with the terms and conditions of their existing permits by December 31, 2008. The permits would be issued with an expiration date of December 31, 2028. Permit holders who are found not to be in compliance with the terms and conditions of their existing permits could lose all recreation residence privileges associated with the recreation residence special use permit on form FS-2700-5a.

Alternative 2 authorizes a 10-year non-renewable recreation residence SUP to the permit holder of lot 55. In accordance with FSM 2347.1, paragraph 6 and 2721.23(f), it offers the permit holder the opportunity to relocate to lot 48 as an in-lieu lot. The permit holder is allowed 90 days from the date of the inspection of the in-lieu lot or 90 days from the final disposition of all appeals of this decision not to issue a new permit for lot 55, whichever is later, to accept or reject the in-lieu lot (FSH 2709.11\_41.23d).

Additional actions included in this decision and explained in detail, below, include:

- Restoring river access to the side channel near lot 55 and 53;
- Improving instream habitat and river function near lots 20 and 21;
- Restoring fish passage through the removal of a culvert;
- Restoring streamside areas on lots 2 and 25; and,
- Restoring floodplain.

This alternative was developed to address the significant issue identified during scoping that reducing the berm and opening the side channel may undermine adjacent structures. It was concluded that a recreation residence on lot 55 could not be made consistent with the Forest Plan without incurring the risk of flooding. A 20-year recreation residence permit will not be issued on lot 55. The permit holders of lot 55 will be offered lot 48 as an in-lieu lot.

According to the terms of the recreation residence special use permit in section IX. A.2.b, and Forest Service Manual 2347.1(4) and 2721.23(a)(10), the permit holder of lot 55 would be issued a 10-year, non-renewable permit for lot 55.

In addition to authorizing new permits, the actions outlined below would be implemented by the Forest Service and by individual permit holders as part of their new permit conditions or the Government Mineral Springs Cabin Association (Association) for purposes of mitigating resource impacts from previous land management actions within the GMS tract and to address specific inconsistencies with Forest Plan direction and other laws and policy. Implementation of the restoration actions are expected within 1-5 years of the decision.

#### *Restore River Access to the Side Channel near Lots 55 and 53*

##### Forest Service Responsibility:

- Reduce height of the constructed berm at inlet to the side channel behind cabins 55 and 53.
  - Berm height would be reduced to the extent that bankfull and larger streamflow events access the side channel (approximately 3 feet in height--similar to other natural banks in the reach).
- Gabions immediately upstream and downstream of cabin to be left in place.
- Remove all crushed gravel from parking areas at cabins 55 and 53 that are potentially exposed to erosion when the side channel is activated.
  - Fill material to be removed from the site or re-used on other approved sites.
- Remove the culvert and associated fill in the driveway to cabin 53.
  - Flood channel widened to accommodate design flows.
- Reconstruct side channel to specified dimensions for handling overflows.
  - Side channel to be designed to efficiently convey flood flows.
- Construct grade controls through side channel reach to prevent excessive downcutting and capture of mainstem flows of Trapper Creek. Grade controls would consist of large river rock buried in the bed of the side channel to limit vertical erosion of the channel.
  - Construction would require approximately 4 trenches across the flood channel, spaced approximately 100 feet apart. Each trench would be approximately 3 feet deep. Trenches would be filled with large river rock and buried, and would serve to limit the extent of downcutting through the side channel.

#### Holder Responsibility:

- Remove all hazardous materials from floodprone areas in and near cabins 55 and 53 prior to implementation of the restoration actions.
- Adjust infrastructure to ensure it is not damaged during high water events. This may include removing and/or relocating water lines, propane tanks, septic systems, and other items out of the flood prone areas.
  - Inventory of infrastructure would be completed by cabin-owner and Forest Service.
  - Anything potentially mobile during floods would need to be removed or secured to stable features.
- Remove all improvements from lot 55 by the end of 10 years and restore lot to natural condition.

#### *Improve Instream Habitat and River Function near Lots 20 and 21*

##### Forest Service Responsibility:

- Remove failed wire basket gabions from the channel near cabin 20.
  - Remove baskets and dispose of them.
- Replace gabion baskets and riprap along channel margins at cabins 20 and 21 with more fish-friendly structure. This would entail re-positioning large rock to form barbs that would protrude from the streambank at the same location of existing riprap.
- Reshape slopes along the stream once the gabions are removed at cabins 20 and 21.
  - Lower the angle on adjacent slopes to allow for revegetation of the upper banks.
  - Banks to be laid back to stable angle, approximately 2:1 slope.
  - Reshaping the slopes along the stream would cause loss of approximately 20-30 feet of distance between cabins and stream that is currently occupied by gabions, riprap and fill material.
- Re-open high flow channel on the far side of the creek to reduce volume and energy of flows currently directed at riprap wall.
  - Reposition debris that has accumulated in the high flow channel on the right bank.

#### *Restore Fish Passage on Tributaries within the Tract*

##### Forest Service Responsibility:

- Replace fish passage barrier culvert on 5401 Rd (NC-3).
  - Replace with a larger culvert that provides for the bankfull width of the stream or greater width.

#### *Restore Streamside Areas*

##### Forest Service Responsibility:

- Plant and maintain vegetation along the disturbed stream edge of lots 2 and 25. (This may include some recontouring in conjunction with the vegetation to stabilize the slope at cabin 2.)

### *Restore Floodplain*

- Future proposals by permit holders for new improvements or modifications to existing structures that occur in the floodplain would need to be in compliance with Executive Order 11988 for Floodplains and other applicable Forest Plan policies.

### *Design Features/Mitigation Measures*

The following are design features and mitigation measures included in the decision. These can also be found on pages 24 and 25 of the EA.

1. All projects implemented by the Forest Service and the GMSCA must comply with the April 28, 2007 Section 7, Endangered Species Act, Programmatic Biological Opinion for Fish Habitat Restoration Activities in Oregon and Washington, Calendar Years 2007-2012 (National Marine Fisheries Service, 2007). Project design criteria are described in the Fisheries Biological Evaluation located in the Project File. Specifically, the following programmatic activity categories from the Biological Opinion would apply (the specifics of each of the categories and the associated measures are listed in the Fisheries Biological Evaluation in the project file):
  - Category #1: Large Wood, Boulder, and Gravel Placement
  - Category #2: Reconnection of Existing Side Channels and Alcoves
  - Category #3: Head-cut Stabilization and Associated Fish Passage
  - Category #4: Bank Restoration
  - Category #5: Fish Passage Culvert
  - Category #8: Floodplain Overburden Removal
  - Category #16: Riparian Vegetation Plantings
2. Project actions must follow all requirements (including permits) of the Clean Water Act for maintenance of water quality standards as described by Washington Department of Ecology. Best Management Practices (BMPs) must be used when conducting any work that has the potential to affect water quality. BMPs are methods of work intended to protect water quality and minimize disturbance of aquatic systems. BMPs can be developed by the project proponent or taken from any number of established sources, but they must be tailored to the specific work proposed and the environment in which the work is occurring. Some basic BMPs that would likely be employed on work conducted in the vicinity of the GMS tract include:
  - Schedule work to occur during summer months at low water
  - Minimize disturbance of channel bed and banks when conducting work in or near streams
  - Minimize disturbance of vegetation near the stream edge
  - Do not place fill or debris within flood prone areas
  - Protect disturbed soils from erosion by application of weed-free straw mulch, native grass seed, and/or other approved erosion control measures
3. A Pollution and Erosion Control Plan (PECP) must be prepared for each project that includes methods and measures to minimize erosion and sedimentation. The PECP would be included

in the construction contract or force account work plan. The PECP must be commensurate with the scale of the project and include a Spill Prevention Control and Containment Plan (SPCCP).

4. All disturbed areas must be treated for erosion control by application of native grass seed and weed-free straw mulch.
5. Each permit will contain a clause explaining the process for Inadvertent Discovery of heritage resources.
6. To prevent the introduction of noxious weeds into the GMS tract during restoration activities, all heavy equipment, or other off-road equipment used in the project will be cleaned to remove soil, seeds, vegetative matter, or other debris that could contain seeds. Cleaning will be done before entering National Forest lands, and when equipment moves from or between project sites, or areas known to be infested into any other area, infested or otherwise. Cleaning of the equipment may include pressure washing.

### ***Rationale for the Decision***

According to Forest Service policy, recreation residence is an accepted use of National Forest System lands. Where use is consistent, or can be made to be consistent with Forest Plan direction and other legal requirements, it is expected that permits will be issued for the existing recreation residences. The consistency review completed in August 2007 concluded that for the most part the GMS Tract was consistent with the Forest Plan and other legal direction. Therefore it makes sense to issue the majority of recreation residence SUPs along with the implementation of the restoration actions that will allow the tract to be consistent with the Forest Plan.

In order to be consistent with the Forest Plan, the berm needs to be lowered, which would allow high flows to access the side channel adjacent to cabins 53 and 55. Cabin 53 is located on a rise, above the floodprone area. While the restoration actions will affect driveway access to and parking at the cabin, the cabin is not expected to be directly affected by high flows or woody debris deposition in the side channel.

Although it is anticipated that the permit holders of lot 55 can continue to use and access their cabin after the berm is lowered and other stream restoration actions are taken, the permit holder would likely be inconvenienced and the cabin vulnerable if a large flood event was to occur. There is a history of flooding at lot 55 (both before and after the berm was erected). Large flood events occurred in 1972, 1974 and 1996 which spurred flood-erosion control measures. Riprap and gabions were approved and constructed in 1973 to address erosion issues from the 1972 flood, and the “rock wall” or berm was constructed at the bend in the river adjacent to cabin 55 following the 1996 flood. I anticipate the threat of flooding to continue at lot 55. Therefore, I believe it is appropriate not to issue a 20-year permit for lot 55, but rather offer them an in-lieu lot. Lot 48 is situated adjacent to Trapper Creek and the area in which the cabin would be located is not within the floodplain.

The agency is directed to give permit holders 10-years continued occupancy if a new permit will not be issued following expiration of an existing permit. I recognize it is likely the stream

restoration actions, including lowering the existing berm, will be implemented before the permit holders vacate lot 55. I understand this may cause an inconvenience to the permit holder or make the cabin vulnerable in a large storm event in the interim; however, lowering the berm while the cabin is still there will not exclude use of their cabin and the berm will still offer some protection from flood events because it will not be removed completely with this decision.

Many of the comments received during the 30-day comment period were in line with my concern over issuing a 20-year recreation residence permit to the permit holders of lot 55, while at the same time implementing restoration actions that would lower the berm and restore river access to the side channel adjacent to the cabin. Many commenters recognize that past bank armoring is outdated as a way to manage stream flow, yet are sympathetic to the affected cabin owners. Forest staff and Acting Forest Supervisor Lynn Burditt met with the permit holders of lot 55 on at least two occasions and had numerous conversations to discuss their concerns with the cabin's location and the lowering of the berm. This decision is not easy, as I recognize that my decision to relocate the current permit holder of cabin 55 will have an impact on the holder and their family. I have carefully considered the available information and while I remain very empathetic to the lot 55 holder, it is not possible to make a permit at this lot consistent with the Forest Plan given the past flooding and future risk of flooding to the cabin. I am confident that offering lot 48 as an in-lieu lot is the best long-term solution for both resource benefits and the security of the permit holders' improvements. I considered several potential sites to offer as in lieu lots. While not required, my desire was to offer the current permit holder a similarly situated opportunity. I found that lot 48 was the only lot similar to lot 55 in that it allowed for streamside access. It appears to be the most desirable lot available, yet is far enough from the streambank to avoid risk to riparian resources and safety issues to the permit holder.

Additionally, as part of this decision, the Forest Service will be responsible for reducing the berm and removing the fill material and culvert from parking areas at cabins 55 and 53. Some of these improvements, implemented by the permit holders, were not authorized by the Forest Service and removal costs could be the responsibility of the permit holder. I recognize that the permit holders of lots 53 and 55 will have costs associated with cabin infrastructure (water lines, propane lines, cabin removal, etc) and adding restoration costs would be an additional financial impact.

Finally, this decision emphasizes consistency with the Forest Plan. One area that deserves attention is the past practice of removing large woody debris. Over time, woody debris has been removed from Trapper Creek or relocated away from cabins to protect individual cabins from localized scour caused by the debris. Loss of woody debris has degraded fish habitat by reducing pools, hydraulic variability and accumulation of spawning gravels; and has reduced stability of channels and overbanks. Removal of woody debris from the vicinity of cabins may have preferentially reduced channel stability there more than other parts of the system, making these areas more vulnerable to erosion.

Forest Plan standards and guidelines state that "logs and other debris that have become a natural part of a stream channel should not be removed. Large organic debris in lakes and streams will be allowed to function naturally" (Forest Plan, IV-74). To be consistent with the Forest Plan, all current and future large woody debris should remain in place (EA, page 14). Any future

proposals to move large woody debris will be consistent with the Forest Plan and other laws and policy to benefit river processes and improve fish habitat.

### **Other Alternatives Considered**

In addition to Alternative 2, I considered two other alternatives.

#### *Alternative 1: Proposed Action*

The proposed action would have authorized the continued recreation residence use on 44 lots currently under permit within the GMS Tract for a 20-year period beginning January 1, 2009. Special use permits (SUPs) would be issued to current permit holders who are found to be in full compliance with the terms and conditions of their existing permits by December 31, 2008. The permits would be issued with an expiration date of December 31, 2028. Permit holders who are found not to be in compliance with the terms and conditions of their existing permits could lose all recreation residence privileges associated with the Recreation Residence special use permit on form FS-2700-5a. Permit holders may be offered a short-term permit extension on form FS-2700-4 pursuant to FSM 2721.23(c)(2)(b) to address compliance deficiencies.

In addition, all of the actions outlined in Alternative 2 above to mitigate impacts from previous land management activities would have been implemented as part of this alternative.

#### *Alternative 3: No Action*

Existing recreation residence special use permits would have expired on December 31, 2008. Twenty-year, recreation residence permits would not have been issued. According to Forest Service Manual 2347.1(4) and 2721.23(a)(10), the Forest Service is mandated to give holders at least 10 years continued occupancy if a new permit will not be issued following expiration of the existing permit term. Therefore, current holders would have been issued a ten-year, non-renewable special use permit.

According to the terms and conditions of the existing permit, holders would have had a reasonable timeframe to remove their structures and/or improvements from National Forest System lands and restore their lots.

The lots would have been restored to a natural condition by the holders or Association, as applicable: All non-native, man-made materials would have been removed from the lots; the need for additional restoration (such as the removal of septic systems, or revegetating sites) would be evaluated when the permits expire or as conditions warrant. Before removal of any structure or improvement, site-specific NEPA analysis would be completed.

In addition, all of the actions outlined in the proposed action to mitigate impacts from previous land management activities would have been implemented as part of this alternative.

### **Alternatives Considered but Eliminated from Detailed Study**

#### *Relocate Cabin 55 away from Trapper Creek on Lot 55*

The permit holders of lot 55 had expressed their preferences to keep their cabin on lot 55, allowing them to move the intact cabin from its current location to an undetermined location on the same lot away from Trapper Creek. The majority of lot 55 is suitable habitat for the northern



spotted owl, as well as habitat for many late-successional habitat dependent species. Many snags and dead-topped trees are present and would have to be removed to make space for the cabin. Additional hazard trees would also have to be removed. A semi-open area in what is currently part of the driveway was also considered, but could be subject to flooding once the berm is reduced in size. Hence, neither option on lot 55 was considered viable.

#### *Relocate Cabin 55 without Deconstructing*

The permit holder on lot 55 was also interested in moving the *intact* cabin from its present location to an in-lieu lot (lot 48). The general width of the driveway to lot 55 and Forest Road 5401 is approximately 15 feet. The narrowest dimension of cabin 55 is 25 feet in width. Moving the cabin intact would have required downcutting the banks of the driveway and removing all vegetation within the width dimension of the cabin to provide for passage of the cabin, as well as cutting a minimum of 10 old-growth cedar, hemlock trees and grand fir along the driveway and roadway. Because of the habitat loss, it was not carried forward as an alternative.

#### *Purchase Improvements for the Recreation Lodging Program*

One public scoping comment proposed that the Forest Service not reissue any 20-year term permits and purchase all improvements with the intent of renting the cabins to the public as part of its public recreation lodging program. This alternative was not feasible at this time; and, therefore not carried further in detailed analysis. This approach would be contrary to the Forest Service policy to continue recreation residence use and would not meet the purpose and need of the Forest Service proposal (Forest Service Manual 2347). The Forest Service typically utilizes the public recreation lodging program as a way to provide income to maintain desirable historic properties as well as provide the public with (fee-for-service) recreation opportunities. The program is often “subsidized” with allocated Forest Service funding.

The Gifford Pinchot National Forest has identified several future rental opportunities which include a small number of Forest Service buildings that offer unique experiences and have a broad appeal to the public. These are typically historic Forest Service buildings that the Forest would like to retain. Most of these buildings are either listed or eligible to be listed on the National Register of Historic Places. The Forest doesn't have the interest nor the capacity to convert the privately owned cabins of such a large tract of cabins into public facilities, as the endeavor would be quite costly. When a property is converted to a public recreation lodging rental, it must meet specific safety codes, which for older buildings can be expensive to bring them up to current standards. Also, the Forest Service is responsible for on-going lodging operations (i.e. cleaning) and maintenance of the structures over time. Fees from the public for use of these properties usually only cover a small portion of the cleaning and maintenance needs.

Perhaps most notably, it is unlikely that if the new recreation residence permits were not issued due to resource concerns, the Forest Service would convert them to rented cabins as part of the recreation lodging program. The Forest has identified resource concerns based on streamside cabin locations as part of the Consistency Review. These concerns would not be addressed or alleviated by simply converting these cabins into recreation rentals.

### *Reissue all Permits Without Implementing Restoration Actions*

Another alternative that was not analyzed in detail would have been to issue new permits for all of the expiring permits without implementing any of the identified restoration activities. This status quo alternative would not have addressed the acknowledged need to bring the area into compliance with laws, regulations and policies nor address resource concerns. This was not considered a viable alternative because it would not meet the purpose and need of the project of bringing the GMS tract into compliance and minimizing impacts to existing resources.

### **PUBLIC INVOLVEMENT**

The proposed action was included in the quarterly Gifford Pinchot National Forest (GPNF) Schedule of Proposed Actions, starting April 1, 2005, posted on the on the GPNF website. The Consistency Review checklist, findings, and proposed action were also available on the GPNF website.

Nancy Ryke, Mt. Adams District Ranger, and Forest Service staff met with permit holders for cabin 53 and cabin 55 to share the proposed action prior to any disclosure to the public on August 13th, 2007. Nancy Ryke, Julie Knutson and Lynn Burditt (then Acting Forest Supervisor) met with the Webers on July 10, 2008 to discuss the permit holders issues and concerns with the preliminary analysis and pending decision.

The Forest held a scoping meeting for holders and co-owners of recreation residence cabins on August 20, 2007 to review the preliminary consistency review findings and the proposed action. Twenty-nine individuals attended, representing 16 cabins.

A public scoping letter dated August 31, 2007 was mailed to all recreation residence permit holders and to other interested persons and agencies. Copies of the scoping letter and all responses are located in the project file.

On October 26, 2006, representatives from the National Marine Fisheries Service and the US Fish & Wildlife Service visited the area with Forest Service representatives to discuss the existing gabions and berm and their potential effects on increasing stream power in Trapper Creek during flood events and subsequent channel scour and erosion on the channel bed and streambanks and impacts to listed species; as well as the effect of hazard tree removal and noise disturbance on the spotted owl.

A letter, dated April 24, 2008, was sent to the Forest mailing list notifying them of the availability of the proposed action and preliminary environmental analysis and the start of the 30-day comment period. A copy of the preliminary environmental analysis was sent to all recreation residence permit holders with the same information about the 30-day comment period. The Forest received 11 comment letters during the comment period. Responses to each of the comments is included as part of Appendix A of the EA.

## **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. Significantly as used in NEPA requires considerations of both context and intensity. I base my finding on the following:

1. Beneficial and Adverse Impacts: Adverse and beneficial impacts have been assessed and found to be not significant. The analysis considered not only the direct and indirect effects of the projects but also their contribution to cumulative effects (EA, Heritage Resource, pages 33-36; Aquatic Resources, pages 51-71; Social, Economic and Recreation Analysis, pages 72-78; Soils, page 79; Wildlife, pages 80-98; Botany, pages 100-112; and Fuels and Fire, page 113). Adverse effects from the proposed action have been reduced or eliminated through project design and mitigation measures (EA, pages 24 and 25). My finding of no significant environmental effects is not biased by the beneficial effects of the action. Past, present and foreseeable future actions have been included in the analysis. No significant cumulative or secondary effects were identified.
2. Degree to which the action affects public health or safety: It is important to note that there is always a level of uncertainty when cabins are adjacent to an active stream channel; however, I find there will be no significant affects to public health and safety with this decision. Of the activities included in the decision, the only issue brought up during scoping that may affect public health and safety was reducing the berm and opening the side channel. It was determined that lowering the berm may undermine adjacent structures, specifically the cabin located on lot 55 by allowing high flows to access the side channel and potentially increasing the vulnerability of the cabin to damage during high flow events. In the short term, the current permit holders of lot 55 will be issued a 10-year, non-renewable recreation residence permit; however, issues associated with public health and safety are expected to be limited because they will have adequate time to vacate the cabin if the threat of flooding were to occur(EA, pages 22, 73). After 10 years, the cabin at lot 55 would be removed and the restoration work associated with lowering the berm and creating the overflow channel would not be expected to cause any further public health or safety issues.
3. Unique characteristics of the geographic area: I find there will be no significant effects on unique characteristics or ecologically critical areas, including historic or cultural resources, park lands, prime farmlands, rangelands, wetlands, or wild and scenic rivers. Although reconstruction of the side channel could have an effect on the historic setting of cabins 53 and 55, this action would not result in effects to historic properties (EA, pages 35, 36). There are wetlands in the project area; however, issuing the special use permits and implementing the restoration activities would not adversely affect these resources (EA, 65-70). There are no park lands, farmlands, or rangelands within the planning area.
4. The degree to which the effects on the quality of the human environment are likely to be controversial: 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. One comment letter received from the public indicated concern that the preliminary analysis did not support or defend the proposal with enough current science; however, no conflicting science was included with the letter (Oliver, pages 1, 6). In general, the comments to the EA indicate that the potential *effects* from this project are not considered to be controversial.

5. The degree to which the possible effects are highly uncertain or involve unique or unknown risks: The effects of this project are not highly uncertain, and do not involve unique, or unknown risks. Issuing new 20-year permits does not involve any new risks. The GMS track has been operating as a recreational residence since the early 1920s. In addition, the restoration actions included with the decision are routine restoration projects that have been implemented by the Forest Service over time.
6. The degree to which the action may establish a precedent for future actions with significant effects: I find that issuing recreation residence permits and implementing restoration actions are one of several similar actions undertaken on National Forest System lands and is not likely to establish a precedent for future actions with significant effects, or represent a decision in principle about a future consideration. The decision is consistent with Forest Service policy for recreation residence permit issuances.
7. Whether the action is related to other actions with significant impacts: A cumulative effects section was documented for each resource which evaluated the effects of this project in combination with the effects of other projects that overlapped in space and time. I find that the cumulative impacts are not significant. Cumulative impacts are addressed by issue in Chapter 3 of the EA (EA, Heritage Resources, page 36; Aquatics, pages 60-70; Social, Economic and Recreation, pages 73-77; Wildlife, pages 86-91, 93-96, 98; Botany, pages 111, 112; and Fuels and Fire, page 113).
8. The degree to which the action may adversely affect or cause loss or destruction of sites or objects associated with the National Register of Historic Places (NRHP): I find that the action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP. None of the actions associated with the decision will cause loss or destruction of significant scientific, cultural or historical resources. Cabin 55 was built in 1958, retains its historic fabric, and conveys the simple rustic vernacular style of architecture typical of recreation residences, but was not determined to be individually eligible to the NRHP; however, primarily because of its age and because of minor modifications to the roof on the main façade. Relocation of cabin 55 would therefore have no direct effect on historic properties (EA, page 36). Consultation with the Washington State Department of Archaeology and Historic Preservation has been conducted and the State Architectural Historian, on behalf of the State Historic Preservation Officer, has concurred that no historic properties will be affected (EA, pages 36 and 114, 115).
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat listed under ESA: I find 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.

The effects determination for northern spotted owl is *may affect and not likely to adversely affect* due to human presence and hazard tree felling around the cabins that preclude spotted owls from making full use of the habitat within the tract (EA, pages 86, 87). The effects of this project are covered under the *Programmatic Biological Assessment for Forest Management for the Gifford Pinchot National Forest* (August 2001) and the associated US Fish & Wildlife Service Biological Opinion, dated September 28, 2001, which has been renewed each year. Additional consultation with USFWS is not required (EA, page 114).

The actions associated with this decision would likely adversely affect lower Columbia River steelhead, lower Columbia River Chinook, and their designated critical habitat in the short term due to suspended sediment as a result of heavy equipment use within the stream channel; however, the actions are expected to have a long term benefit to fish populations (EA, page 59). The actions would not have any effect on any other listed, fish species because they are not present within the Wind River watershed. The restoration activities are covered under the Programmatic Biological Opinion for Fish Habitat Restoration Activities in Oregon and Washington, Calendar Years 2007-2012 (National Marine Fisheries Service, 2007) (EA, pages 55, 60, and 114).

Potential habitat for *Howellia aquatilis*, the only federally listed plant species suspected to occur on the Gifford Pinchot National Forest, were surveyed and no species were located, therefore it was found that the decision would have no effect to listed botanical species (EA, page 100).

10. Whether the action threatens a violation of Federal, State or local law or requirements:

I find that the action will not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA and drove the design of the proposed action and alternatives (EA, pages 9, 11-14).

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

The proposed action is consistent with Management Area goals, desired future conditions, and standards and guidelines identified in the *Gifford Pinchot National Forest Land and Resource Management Plan*, as amended (Forest Plan). The GMS Tract is located in a developed recreation land allocation. Consistency with the **Forest Plan standards** for floodplains, streamside management, riparian vegetation, fish passage and natural function of large woody debris were part of the purpose and need for the proposal (EA, pages 11, 14). The area is also in Late-Successional Reserve (LSR) land allocation according to the Northwest Forest Plan and the project is consistent with LSR objectives.

There will be no significant adverse effects to Forest Service, Region 6 **sensitive species**. The decision will have no effect on aquatic species because none are found within the project area (EA, 38, 58). Of the terrestrial species with potential habitat presence in the project area, there would be no impact to Pacific fisher because species were not documented in the project area;

there would also be no new impacts to Townsend's big-eared bat because there would be no changes to most of the cabins or other existing structures and cabin 55 does not appear to be a maternity site or an important hibernaculum (EA, pages 80, 91, 92). The decision may impact other sensitive species including: VanDyke's salamander, Cope's giant salamander, Cascade torrent salamander, Puget Oregonian, Burrington's jumping slug, warty jumping slug, Malone's jumping slug, and blue-gray tailed dropper because of increased sediment during restoration work, but this effect is short term and mitigations have been included to reduce the amount of sediment released (EA, pages 87-91). Botanical sensitive species (including *Tetraphis geniculata*, *Peltigera pacifica*, *Pseudocyphellaria rainierrensis*, *Dendrocopula intricatulum*, *Nephroma bellum*, and *Nephroma occultum*) may be impacted with this decision during restoration implementation or hazard tree removal, but the effect is expected to be minimal (EA, pages 100-104). There are a number of "survey impractical" lichens and fungi for which presence has been assumed. For these species, a determination of may impact individuals and habitat, but is not likely to contribute to a trend towards federal listing, or cause a loss of populations or species viability (EA, pages 104, 111).

I have considered the effects to **management indicator species** (MIS) as disclosed in the EA (EA, 90-94). MIS on the Gifford Pinchot National Forest include pileated woodpecker and other cavity excavating and late-successional species, elk, deer, wood duck, and goldeneye duck.

The project is consistent with the **Aquatic Conservation Strategy** (ACS) objectives, and the **Clean Water Act**. The nine ACS objectives are detailed on pages 65-70 of the EA. I find that the project "meets" or "does not prevent attainment" of the ACS objectives. The magnitude of the management of the GMS summer home tract in lower Trapper Creek within the Wind River watershed is small to the degree that the proposed action is considered neither a benefit nor a detriment at the watershed scale and a benefit at the local scale due to the restorative actions included in the decision (EA, page 65).

Executive Order 12898 (February 11, 1994) directs federal agencies to focus attention on the human health and environmental condition in minority and low-income communities. The purpose of the Executive Order is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations. The principle behind **environmental justice** is that people should not suffer disproportionately because of their ethnicity or income level. The issuance of new recreation residence permits does not create or sustain jobs or cause any human health or environmental concerns; therefore none of the alternatives would have a disproportionately high or adverse human health or environmental effect on minority and low-income populations (EA, page 113).

#### **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is subject to administrative review (appeal) pursuant to both 36 CFR § 215 and 36 CFR § 251. The written appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

Acting Regional Forester  
ATTN: Reviewing Officer 1570 Appeals  
PO Box 3623, Portland, OR 97208-3623  
FAX (503) 808-2255  
email: [appeals-pacificnorthwest-regional-office@fs.fed.us](mailto:appeals-pacificnorthwest-regional-office@fs.fed.us).

The office business hours for those submitting hand-delivered appeals are: 8:00 AM to 4:30 PM Monday through Friday, excluding federal holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), Word (.doc), or portable document format (.pdf). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. E-mails submitted to email addresses other than the one listed above, or in formats other than those listed or containing viruses, will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail.

Appeals, including attachments, must be filed within 45 days from the publication date of a legal notice of decision in the *Columbian*, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the *Columbian* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

#### **IMPLEMENTATION DATE**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

#### **CONTACT**

For additional information concerning this decision or the Forest Service appeal process, contact Erin Black, South Zone Team Planner, during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Mount Adams Ranger District office (Address: Hwy 141, Trout Lake, WA 98650; Phone: voice (509) 395-3411; Fax: (509) 395-3424; e-mail: [ekblack@fs.fed.us](mailto:ekblack@fs.fed.us)).

Recommended by:

*/s/ Nancy Ryke*

\_\_\_\_\_  
**NANCY RYKE**

District Ranger  
Mt. Adams Ranger District

*August 1, 2008*

\_\_\_\_\_  
**Date**

Approved by:

*/s/ Claire Lavendel*

\_\_\_\_\_  
**CLAIRE LAVENDEL**

Forest Supervisor  
Gifford Pinchot National Forest

*August 1, 2008*

\_\_\_\_\_  
**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.