

DECISION NOTICE #2
And
FINDING OF NO SIGNIFICANT IMPACT

2007 Clackamas Restoration Projects

USDA FOREST SERVICE
MT. HOOD NATIONAL FOREST
CLACKAMAS RIVER RANGER DISTRICT
CLACKAMAS and MARION COUNTIES, OREGON

An Environmental Assessment (EA) has been prepared for the 2007 Clackamas Restoration Projects. The projects are located throughout the Clackamas River Watershed.

Projects have been grouped by type to more clearly discuss objectives, issues and effects. The proposed action involves several different types of restoration projects but because they have similar objectives, I chose to complete a single EA. Because of concerns raised during the 30-day comment period I have chosen to implement the projects through two decision notices.

This decision notice will deal with road decommissioning, road closure and unauthorized vehicle damage and will be referred to as Decision Notice #2. The other projects will be referred to as Decision Notice #1. The composite of these two decisions is described in the EA as Alternative B.

The following section has detail on the specific objectives for each project type.

Road Decommissioning

Some roads would be decommissioned where they pose resource risks and are no longer needed. This may involve the removal of gravel surfacing and culverts if present, and the deep scarification of road surfaces. It may also include pulling back unstable fill slopes to prevent future landsliding. Berms would be constructed to block vehicular access and disturbed soils would be revegetated.

Road Closure

Some roads would be closed to public access by the placement of berms or other devices. Also included is the repair of existing closure devices that have proven to be ineffective.

Unauthorized Vehicle Damage

Sometimes vehicles drive where they shouldn't. Areas that are being damaged by unauthorized vehicles including Off Highway Vehicles (OHV) would be blocked with berms and boulders and disturbed areas would be revegetated where appropriate.

The **purpose** of this proposal is to repair specific problem areas that have been identified as the most urgent. The objective is to have healthy functioning watersheds that provide clean water,

quality fisheries and wildlife habitats. Another objective is to provide a safe transportation system that meets resource objectives while providing access through the Forest. It is recognized that it may take many years of action and many years of “healing time” to totally restore these resources.

DECISION and RATIONALE

I have decided to implement Alternative B which includes the above projects. Details for these projects can be found in the EA.

Best Management Practices (BMPs) and Design Criteria from the EA are included with this alternative. No significant impacts were found that would require further mitigation.

It is my decision to select Alternative B over No Action (Alternative A) for the following reasons:

- It fully accomplishes the purpose and need.
- The concern about short-term effects to water quality and fisheries degradation from project implementation (Issue #1) has been resolved to my satisfaction.
- I recognize that some forest visitors use motorized vehicles on roads and other areas and do not want roads or areas used by OHVs closed to the uses they enjoy (Issue #2). I have chosen to make these closures and in some cases reinforce old closures that have been vandalized or circumvented. The Forest-wide Roads Analysis explains the Forest’s road situation: there are more roads than can be maintained with current budgets, motorized use can cause resource damage, and high levels of open road density cause stress to wildlife.
- My decision is based on a review of the record that shows a thorough review of relevant scientific information, and where applicable, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty and risk.

Description of Other Alternatives and Reasons for Non Selection:

- **Alternative A** is the no-action alternative. It was not selected because it would not provide any of the benefits described in the purpose and need.

FINDING OF NO SIGNIFICANT IMPACT (40 CFR 1508.27)

Based on the site-specific environmental analysis documented in the EA and the comments received from the public, I have determined that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination is based on the design of the selected alternative and the following factors:

- **THREATENED, ENDANGERED, AND SENSITIVE SPECIES** – These projects are consistent with the programmatic biological assessment titled “Activities with the Potential to Disturb Northern Spotted Owls, Willamette Planning Process - FY 2008-2009” that was prepared by an interagency team.

Consultation with NOAA Fisheries has been completed for a programmatic biological assessment and a programmatic biological opinion was issued (4/28/07). Threatened **fish** would have an effects determination of “Likely to Adversely Affect” and listed critical habitat would have an effects determination of “May Affect, Not Likely to Adversely Affect.” Essential Fish Habitat established under the Magnuson-Stevens Fishery Conservation and Management Act Recently would have an effects determination of “Not Adversely Affect.”

There will be no significant adverse effects to sensitive species. The project will not jeopardize the continued existence of any listed species nor will it cause a trend to federal listing or loss of viability for any proposed or sensitive species.

- **CONSISTENCY WITH MT. HOOD FOREST PLAN** – The selected alternative is consistent with direction found in the Mt. Hood National Forest Land and Resource Management Plan as amended (Forest Plan). Consistency with the Forest Plan is only applicable to the on-Forest side channel project.
 - It is consistent with standards and guidelines specific to the relevant land allocation and it is consistent with the applicable Forest-wide standards and guidelines.
 - **Aquatic Conservation Strategy (ACS)** - I have reviewed the relevant analysis contained in the EA. I find that the projects are consistent with ACS objectives.

I recognize that the projects will have short-term, site-scale impacts to water quality, sediment regime, and instream flows; however I am comfortable making a finding of consistency with ACS Objectives because of a number of factors.

- The site specific scope of activities which have the potential to result in impacts are extremely limited in geographic scope and environmental effect.
 - The duration of the impacts is of a relatively short time frame; even though the actions will occur during the low flow season, a sediment pulse may flush through quickly. Disturbed ground will have a vegetation response within a growing season.
 - The natural range of variability is so wide for key variables, such as sediment regime, that this clearly does not interfere with trend/condition in the watershed as a whole.
 - The project will have beneficial impacts for fish passage and fish rearing habitat and restoration of the natural sediment regime which contribute to a restorative effect of a majority of the ACS Objectives.
- It is consistent with **late-successional reserve (LSR)** objectives.
 - The surveys for **survey and manage** species are not required.

- **WATER QUALITY AND FISHERIES** - The analysis shows that the projects pose minimal risk. The proposed action meets Riparian Reserve standards and guidelines and state water quality standards and the Clean Water Act. All of these objectives, standards and laws were established to ensure there would be no significant reduction to water quality or fish habitats. Thinning in Riparian Reserves is designed to benefit riparian resources by accelerating the development of mature and late-successional stand conditions.
- **CUMULATIVE EFFECTS** - The analysis considered not only the direct and indirect effects of the projects but also their contribution to cumulative effects. No significant cumulative or secondary effects were identified.
- **CULTURAL RESOURCES** - Field surveys have been conducted. The heritage resource report concludes that there will be no effect to any properties on or eligible to the National Register of Historic Places. Documentation has been forwarded to the State Historic Preservation Office.
- **WILD AND SCENIC RIVERS** – Some of the projects are in the Clackamas Wild and Scenic River corridor. This corridor is also a State Scenic Waterway. The project is consistent with the standards and guidelines for this river and would protect the river’s outstandingly remarkable values.
- **OTHER** –The effects are not likely to be highly controversial and do not involve highly uncertain, unique, or unknown risks. This action will not set a precedent because other similar actions have occurred in the past. The project was not found to threaten a violation of any Federal, State, or local law. The project complies with Executive Order 12898 regarding environmental justice. No disproportionately high adverse human or environmental effects on minorities and/or low-income populations were identified during the analysis and public information process. No significant irreversible or irretrievable commitments of resources were found. The project will not affect public health or safety. Adverse and beneficial impacts have been assessed and found to be not significant. No significant effects to consumers, civil rights, minority groups, women, prime farmland, rangeland, forestland, wetlands, or floodplains were identified.

Comments:

The legal notice for the 30-day comment period for this project was published in the Oregonian on July 13, 2007.

Appeal Rights:

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Any individual or organization that submitted comments or expressed interest during the comment period may appeal. Any appeal of this decision must be in writing and fully consistent with the content requirements described in 36 CFR 215.14. The Appeal Deciding Officer is Linda Goodman, Regional Forester. An appeal should be addressed to the Regional Forester at any of the following addresses. Postal: ATTN.: 1570 APPEALS, P.O. Box 3623, Portland, OR 97208-3623; Street location for hand delivery:

333 SW 1st Ave, Portland, OR (office hours: 8-4:30 M-F); fax: 503-808-2255. Appeals can also be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us. Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. 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 all individuals and organizations to ensure their appeals are received in a timely manner. For electronically mailed appeals, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the appeal, it is the sender's responsibility to ensure timely receipt by other means.

The Appeal, including attachments, must be postmarked or received by the Appeal Deciding Officer within 45 days of the date legal notice of this decision was published in the Oregonian. For further information regarding these appeal procedures, contact the Forest Environmental Coordinator Mike Redmond at 503-668-1776.

Project Implementation:

Implementation of this decision may occur on, but not before, 5 business days from the close of the 45-day appeal filing period described above. If an appeal is filed, implementation may not occur for 15 business days following the date of appeal disposition (36 CFR 215.10).

The EA can be downloaded from the Forest web site at <http://www.fs.fed.us/r6/mthood> in the Projects & Plans section.

For further information contact Tom Horning, Estacada Ranger Station, 595 NW Industrial Way, Estacada, OR 97023. Phone: (503) 630-6861 Email: thorning@fs.fed.us

Responsible Official:

/S/ Andrei Rykoff

11/23/2007

ANDREI RYKOFF
District Ranger

Date Published