

Decision Notice  
& Finding of No Significant Impact  
**Expired Special Use Permits**  
USDA Forest Service  
Barlow Ranger District, Mt. Hood National Forest  
Wasco County, Oregon

## **Decision and Reasons for the Decision**

### **Background**

This decision includes the authorization of permits for the following facilities: Rock Creek Improvement District (dam, reservoir and conveyance ditches); Lost and Boulder Improvement District (irrigation ditches and pipes); Oregon Department of Fish & Wildlife (Cody Ditch); Oregon Department of Transportation Warm Springs Junction Maintenance Facility; and, Sportsman's Park Water Association (buried water line and storage tank). This action is needed because the facilities and their continued operations are still desired, but these occupancies and uses are not authorized by a current, valid special use permit. The environmental assessment (EA), upon which this decision is based, documents the analysis of the proposed action to meet this need.

### **Decision**

Based upon my review of the analysis, I have decided to implement Alternative 2, which proposes to issue 20-year Special Use Permits for all of the existing facilities mentioned above. No changes or improvements to any of the facilities or structures are included under this decision. Future developments or modifications to any of the structures would be reviewed under a separate analysis.

This alternative will meet the purpose and need of getting the existing uses into compliance with Forest Service special use policies; each facility and its operations will be under a current, valid special use permit. The interdisciplinary team identified issues related to scenic viewsheds within the project area, and concern for impacts to the Redband trout, a sensitive species in the White River Watershed. To address these issues, this decision includes mitigation measures to ensure all water diversions within fish bearing streams are screened, and, that the Oregon Department of Transportation (ODOT) continues to remain consistent with the Forest Plan Standards and Guidelines for Scenery Resource Management along Highway 216. This alternative meets requirements under the National Environmental Policy Act, the National Forest Management Act, the Mt. Hood National Forest Land and Resource Management Plan (Forest Plan), and all other applicable laws and policies.

### **Other Alternatives Considered**

In addition to the selected alternative, I considered a no action alternative. Under the no action alternative (Alternative 1), no new special use permits would be issued for the existing facilities, but they would continue to operate. I did not select the no action alternative because it would not meet the purpose and need for action.

## **Public Involvement**

A proposal to authorize permits on the above facilities was listed in *Sprouts*, the Schedule of Proposed Actions in the Summer 2003 issue. The Environmental Assessment was available to the public for review for a 30-day comment period beginning April 12, 2004. The time period for receiving public comments expired on May 12, 2004. No public comments were received.

## **Major Issues**

The interdisciplinary team identified several issues regarding the effects of the proposed action. Two main issues included a concern for impacts to the Redband trout, a sensitive species in the White River Watershed; and a concern for impacts to scenic viewsheds at the junction of Highways 26 and 216 (see EA page 2). To address these concerns, the Forest Service proposes mitigation measures to lessen the impact to Redband trout (Issue #1), and proposes authorizing permits (the action alternative) in order to effectively enforce permit compliance, including scenic viewshed requirements from the Forest Plan (Issue #2).

## **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. There will be no beneficial or adverse impacts from the proposed action. An interdisciplinary team including a botanist, fish biologist, wildlife biologist and archaeologist analyzed the effects of reissuing the permits and concluded that the proposed action would not result in any significant impacts (EA, pages 3-5).
2. There will be no significant effects on public health and safety, because no changes or improvements to any of the facilities are proposed (EA, page 2).
3. There will be no significant effects on unique characteristics of the area or ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers. There are no activities planned that will affect park lands, prime farmlands, wetlands or wild and scenic rivers. As far as heritage resources are concerned, the issuance of new special use permits to existing facilities without new development falls into the category of a non-undertaking (EA, page 5). With a permit and its requirements, the agency can better control the activities in the permit areas to provide protection for the resources; the permit enables the agency to enforce compliance with various laws and regulations, and Forest Plan standards (EA, page 4).
4. The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of the project. The interdisciplinary team analyzed the effects of reissuing the permits and concluded that the proposed action would not result in any significant impacts (EA pages 3-5).

5. We have considerable experience with issuing special use permits. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA pages 3-5).
6. The action is not likely to establish a precedent for future actions with significant effects, because the action is not something new to the Forest Service or the district and there will be no significant effects caused by the proposed action (EA pages 2).
7. There are no significant cumulative effects identified from the proposed action. All of the uses described in the EA have been occurring for over 30 years without undue impact to the various resources (EA page 5).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because no structures that are listed or eligible for listing in the project area (EA page 5). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because no changes or improvements to any of the facilities are proposed (EA pages 2).
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, because it was determined that the proposed action would have “no effect” to listed wildlife species or critical habitat. In addition, the proposed action would have “no effect” to listed fish or critical habitat at the ODOT facility and Sportsman’s Park water system, and a “may impact individuals or habitat, but not likely to contribute toward Federal listing or loss of viability to the populations of the species” call with regard to inland redband trout (EA pages 3, 4). Consultation with US Fish & Wildlife Service and/or NOAA Fisheries was not necessary due to the effects determination.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment; specifically the decision does not violate the National Environmental Policy Act, the National Forest Management Act, the Clean Air Act, the Clean Water Act, and the National Historic Preservation Act. The action is consistent with the Mt. Hood National Forest Land and Resource Management Plan.

## **Findings Required by Other Laws and Regulations**

This decision to implement Alternative 2, which proposes to issue 20-year Special Use Permits for all of the existing facilities, is consistent with the intent of the Mt. Hood National Forest Land and Resource Management Plan’s (Forest Plan) long term goals and objectives. The project was designed in conformance with the Forest Plan standards and incorporates appropriate Forest Plan guidelines for issuing special use permits (Forest Plan, pages IV-5; IV-129, IV-130).

## **Implementation Date**

This project will be implemented immediately after publication of the decision in the Oregonian.

## **Administrative Review or Appeal Opportunities**

This decision is not subject to appeal under 36 CFR 215, as no substantive comments were received during the comment period. The decision is subject to appeal by the permittees under 36 CFR 251, Subpart C. In order to appeal under 36 CFR 251, an appellant must file a notice of appeal (in accordance with 36 CFR 251.90) within 45 days of the date on the notice of the written decision. Appeals should be sent to the Regional Forester; ATTN: 1570 APPEALS; P.O. Box 3623; Portland, OR 97208-3623.

## **Contact**

For additional information concerning this decision, contact Doug Jones, Special Uses/Lands, Mt. Hood Ranger District, 6780 Hwy 35; Mt. Hood, OR, 97041; 541-352-6002.

*/s/ K. J. Silverman (for)*

---

**GARY L. LARSE**

Forest Supervisor

Mt. Hood National Forest

June 14, 2004

---

Date Decision Published

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.