

FINDING OF NO SIGNIFICANT IMPACT PN FONSI -04-01

ENVIRONMENTAL ASSESSMENT FOR HENRY HAGG LAKE RESOURCE MANAGEMENT PLAN

Introduction

The U.S. Bureau of Reclamation (Reclamation) has completed a multi-year planning and public involvement program for the purpose of preparing a Resource Management Plan (RMP) for Henry Hagg Lake and the surrounding Reclamation lands, known as Scoggins Valley Park. The RMP program is authorized under Title 28 of Public Law 102-575. Reclamation has prepared an Environmental Assessment (EA) of the plan in compliance with the National Environmental Policy Act (NEPA) of 1969.

The purpose of the RMP is to manage natural and cultural resources, facilities, and access on Reclamation's lands at Henry Hagg Lake for the next 10 years. This RMP will also serve as guidance for Washington County's (WACO) management of Scoggins Valley Park, Reclamation's public entity, and non-Federal managing partner.

Alternatives Considered

The National Environmental Policy Act requires Reclamation to explore a reasonable range of alternative management approaches and to evaluate the environmental effects of these alternatives. Three alternatives are evaluated and compared in this document, including a No Action Alternative and a Preferred Alternative.

Alternative A - No Action - Continuation of Existing Management Practices. Management would be conducted according to the priorities and projects proposed under the preferred alternative in the 1994 EA for Scoggins Valley Park/Henry Hagg Lake Recreation Development, including camping. Reclamation would continue to adhere to all applicable Federal and State laws, regulations, and executive orders, including those enacted since the 1994 EA was adopted.

Alternative B - Minimal Recreation Development with Resource Enhancement. Alternative B accommodates the increasing demands for recreation at Henry Hagg Lake primarily by expanding and upgrading existing facilities. No camping is proposed under Alternative B. A number of wildlife habitat and vegetation enhancements are included within the alternative.

Alternative C - Moderate Recreation Development with Resource Enhancement (Preferred Alternative). Alternative C proposes the highest level of recreation development among the three alternatives. Provisions of this alternative include allowing for the development of an environmental education & research center and greater expansion of existing recreation sites, but excludes camping. A number of wildlife habitat and enhancement measures also are included under Alternative C.

Although the alternatives differ in many ways, several features are common to all three alternatives:

- Continue to operate and maintain Reclamation lands and facilities.

- Continue to adhere to existing and future Federal, State, and County laws and regulations and executive orders.
- Authorize special recreation events on a case-by-case basis.
- Continue to implement existing restrictions on vehicle use of the shore and drawdown zone.
- Prior to any ground-disturbing action, the appropriate level of site-specific NEPA analysis would be completed. Necessary cultural resources surveys, tribal consultations about traditional cultural properties (TCPs), site evaluation actions, and site protection or mitigation actions would occur when planning new actions. Tribal consultations to identify Indian sacred sites or Indian Trust Assets (ITAs) would also occur as part of planning such actions.
- Continue to follow the principles in Public Law 89-72, Federal Water Projects Recreation Act of 1965, as amended by Title 28 of Public Law 102-575, to share recreation development and fish and wildlife enhancement project costs with WACO.
- WACO continues to manage Reclamation lands under an agreement with Reclamation.
- Weed management through completion and implementation of the Henry Hagg Lake IPM Plan.
- Coordinate with law enforcement entities regarding Public Law 107-69, which authorizes Reclamation to enter agreements with State, Tribal, and local law enforcement agencies to carry out law enforcement on Reclamation land.
- Continue to consult with the Oregon State Historic Preservation Office (SHPO), affected tribes, and other interested parties about cultural resource management actions, consistent with the processes defined for the National Historic Preservation Act (NHPA) in 36 CFR 800.
- Compliance with current accessibility regulations and standards required at all new facilities and on retrofits of existing facilities.
- Implementation of an Elk Mitigation Meadows Maintenance and Monitoring Plan.
- All actions are dependent upon the availability of funding and must be within the authority of the applicable agency.

Recommended Alternative

Reclamation proposes to implement Alternative C, the Preferred Alternative, which would allow for protection and enhancement for natural and cultural resources while proposing a slightly higher level of recreation development than the other two alternatives. It also includes the proposed environmental education & research center at Nelson Cove and new facilities at the Recreation Area C Extension (Cove Area). This alternative also incorporates provisions for fish and wildlife enhancement, improvements and monitoring of elk meadows, and use of native plants for landscaping. Increased capacity is addressed by expansion of existing facilities. In addition, day use at Recreation Area A East is proposed. No camping is included under this alternative.

This alternative will consider the potential development of an independent equestrian trail to be constructed and maintained by equestrian groups to include a staging/parking area with sanitation facilities and parking for up to 25 vehicles/users.

Environmental Commitments

Reclamation will implement the following environmental commitments as part of the preferred alternative.

- Follow the best management practices (BMPs) found in Chapter 5.0 of the EA. The management actions identified in the Preferred Alternative as needed for proper stewardship of resources are also considered to be environmental commitments.
- Conduct cultural resource surveys to determine the presence of resources eligible for listing on the National Register of Historic Places (NRHP) in locations that may be affected by construction or operation of the proposed Plan.
- Complete consultation with the State Historic Preservation Officer (SHPO) if NRHP-eligible resources are found.
- Conduct surveys for listed or proposed threatened or endangered species, as necessary.
- Obtain permits under Section 404 of the Clean Water Act.
- Obtain State of Oregon permits for instream work.
- Initiate additional NEPA analysis and ESA compliance as necessary for any projects that exceed the scope of the EA.

Consultation and Coordination

Public Involvement

In the process of developing the RMP and concurrent NEPA analysis, Reclamation developed a dialogue with local stakeholder groups and agencies. The goal of the public involvement process was to make sure that all stakeholders, including the general public, had ample opportunity to express their interests, concerns, and viewpoints, and to comment on the plan as it was developed. By fostering two-way communication, Reclamation was also able to use the talents and perspectives of local user groups and agencies during the alternatives development process.

Reclamation's public involvement process involved the following four key components:

- **Newsbriefs** – A mailed newsheet was initially sent to more than 350-user groups, nearby residents, and agencies. The mailing list was continuously expanded as more interested parties were identified.
- **Public Meetings/Workshops** – Two public meetings are included in the RMP planning process. One was held prior to the release of the Draft EA. The final public meeting was held May 22, 2003 to take public comments on the Draft EA. The public meetings were held in Hillsboro, Oregon.
- **Ad Hoc Work Group** – This group consists of approximately 22 representatives from interested groups and agencies. They met four times throughout the RMP development process to identify issues and assist with the RMP and alternatives development.

- **RMP Study Web Site** – The newsbriefs, draft materials, and meeting announcements are continuously updated at a dedicated website on Reclamation's Pacific Northwest site: www.usbr.gov/pn.

Prior to the release of the Draft EA, Reclamation provided three newsbriefs, held one public meeting, and held three Ad Hoc Work Group meetings. A newsbrief announcing the availability of the Draft EA was sent to over 350 people. The Draft EA was mailed to 78 individuals. Seventeen responses were received.

Fish and Wildlife Service Coordination

Reclamation has consulted with and arranged for the U.S. Fish and Wildlife Service (USFWS) to provide a Planning Aid Memorandum (PAM) (Appendix C) under authority of the Fish and Wildlife Coordination Act (FWCA). Recommendations contained in the PAM have been incorporated in the final Preferred Alternative and evaluated in the Final EA.

National Historic Preservation Act

Reclamation examined records of prior cultural resource investigations to determine if additional surveys were needed to accurately assess impacts under the proposed alternatives. One area was surveyed, and SHPO consultations were completed. On August 21, 2002, the SHPO concurred that sites 35WN49 and WN 50 were "not eligible" for the National Register. SHPO consultations had previously occurred for prior surveys in existing recreational areas where improvements are proposed under the RMP. When implementing the RMP, as required in 36 CFR 800, Reclamation will consult with the SHPO, interested Indian tribes, and other interested parties prior to implementing actions that have the potential to impact historic properties. In letters dated January 15, 2002, Reclamation notified the Siletz Tribe and the Grand Ronde Tribes of the intention to prepare an RMP, and requested that they inform Reclamation if they were aware of cultural resources or other important sites on the reservoir lands. Reclamation received no response from those tribes related to these requests.

Coordination with Tribes

Reclamation sent letters to representatives of the Siletz and Grand Ronde Tribes explaining the EA process during the scoping phase. In the letters to the Siletz and Grand Ronde Tribes it was requested that they inform Reclamation if they were aware of Indian sacred sites within the study area and to identify ITAs. The notification and consultation processes were coordinated with the NHPA consultation process. The Tribes did not respond to Reclamation's requests.

The Draft and Final EAs were distributed to representatives from the Siletz, Warm Springs, and Grand Ronde Tribes. Tribal representatives that received the Draft and Final EA are listed in Chapter 7, Distribution List.

Public Comment Summary & Changes to the Final Environmental Assessment

Reclamation's Draft EA of the Henry Hagg Lake RMP was released for public review on May 5, 2003. The public was afforded 48 days to review and provide comments on the Draft EA. Overall, comments focused on four primary areas:

- Concerns about adverse effects to water quality from the proposed level of recreation development.
- Lack of support for allowance of camping at Recreation Area A East.
- Support for implementation of elk management plan.

- Concerns of the choice of Alternative C as the Preferred Alternative.

The general level of recreation development proposed in the Preferred Alternative (Alternative C) generated the greatest number of comments. Commenters were concerned with the potential effects of greater development and corresponding recreation use to water quality at Hagg Lake. Commenters also expressed a general concern about the number of visitors to the park associated with increased development. Associated with the overall concern of level of development was a specific concern regarding camping at Recreation Area A East. Some commenters felt that camping would lead to increased habitat degradation and combined with the potential overnight use at the environmental education and research center would lead to effects on lake water quality.

Proximity to the Portland Metropolitan area, input received during the RMP planning process, high levels of interest from the general public and favorable cost/benefit impacts on the WACO operating budget for Henry Hagg Lake clearly support further exploration of the development of an overnight tent and RV campground. While it is recognized that camping is a recreational opportunity that may be justified at Henry Hagg Lake, the investment that would be required to produce even a modest campground cannot be justified at this time due to the uncertainty associated with the possible dam raise. When specific plans for the dam raise are finalized, the development of tent and RV camping opportunities should be more fully explored and implemented at a suitable Henry Hagg Lake location.

In the Preferred Alternative for the Final EA camping was eliminated and Area A East would be open for day use only. The site is currently used for the staging of several special events in the park and related overnight use. This will continue under the Preferred Alternative.

The RMP was developed with the understanding that the potential dam raise project at Henry Hagg Lake may replace any affected recreation amenities (including structures, trails, parking, roadways, infrastructure, and land), as well as elk mitigation meadows on a like for like basis as part of the cost of that project. Such expenditure would not be subject to cost sharing by Reclamation. This RMP recognizes that it would not be in the public's interest to invest in any additional recreation development at Scoggins Valley Park that does not presently exist (January 1, 2004) and would need to be replaced if the dam were raised. Therefore recreational development improvements prior to the final decision on the dam raise will concentrate on elements that are portable and/or do not require large capital expenditures for permanent facilities.

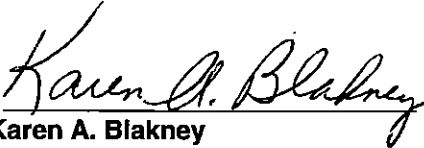
Finding

The evaluation of endangered species contained in this Final EA serves as Reclamation's biological assessment as required under the Endangered Species Act (ESA). It evaluates impacts to listed, proposed, and candidate species including bald eagles, Oregon spotted frog, and a number of plant species. Reclamation has determined that the Preferred Alternative will not affect or will have no adverse affect on any of these species. The USFWS and NOAA-Fisheries concur with this finding.

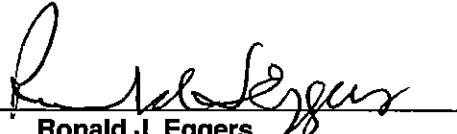
Implementation of the RMP may cause minimal short-term impacts on existing resources and in the long term will enhance natural and recreation resources. Reclamation and its contractors and management partners will use best management practices as described in Chapter 5 when constructing recreation facilities or managing vegetation and habitat and all environmental commitments identified in the final EA will be implemented.

CONCLUSION

Based on thorough review of the comments received, analysis of the environmental impacts as presented in the final EA, ESA Section 7 consultation, coordination with the various agencies, and implementation of all environmental commitments identified in the final EA, Reclamation has concluded that implementation of the preferred alternative would have no significant impacts on the quality of the human environment or the natural resources of the area. Therefore, this FONSI has been prepared and is submitted to document environmental review and evaluation in compliance with the National Environmental Policy Act of 1969 and an environmental impact statement will not be prepared.

Recommended: 
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Date: May 6, 2004

Approved: 
Ronald J. Eggers
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Date: May 6, 2004