

Indian Creek Aquatic Restoration Project

Decision Notice and Finding of No Significant Impact June 2005

**Siuslaw National Forest
South Zone District
Lane County, Oregon**

Lead Agency:	USDA Forest Service
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Project Background, Area, and Need

The Indian Creek Aquatic Restoration Project (the Project) includes actions designed to improve water function on National Forest System (NFS) lands by increasing the large-wood component of streams in the Indian Creek watershed.

The Project area includes about 13,000 acres of the Indian Creek 5th-field watershed near Florence, Oregon and is about 43 air miles west of Eugene, Oregon. The Project area is located in portions of Township 15 South, Range 10 West; and Township 16 South, Ranges 9 and 10 West; Lane County, Oregon. All proposed actions are in the riparian and late-successional reserve land allocations as prescribed in the Northwest Forest Plan.

The need to improve watershed function in the Project area was identified in chapter 1 of the Project environmental assessment (EA).

The decision to be made is whether to implement actions designed to address the watershed function problem by selecting Alternative 2 (place large wood in six streams), or to not conduct these actions by selecting Alternative 1 (no action).

My Decision

I have decided to implement all the actions described under Alternative 2 (place large wood in six streams) of the Project EA to improve watershed function. In making this decision, I have reviewed the Project EA, its appendices, and other project-file documents, including the associated biological opinions and the comments received during the 30-day public comment period. The following activities will be implemented under Alternative 2:

About 410 trees will be felled on nearby ridge systems. The felled trees will then be placed in six streams by helicopter, affecting about 8.4 miles of stream reach. The streams proposed for treatment have stream gradients less than or equal to 4 percent, less than 25 pieces of large wood per mile, and a contributing watershed area of less than 5,000 acres in size. Table 1 shows the prescriptions for each stream by sub-watershed.

Adding large wood to streams may begin as soon as October 1, 2005. Trees for large wood may be felled, after August 5, 2005.

Project design criteria, including mitigation and monitoring requirements (EA, appendix A), are included as part of the Project to ensure protection of natural resources.

Table 1. Large wood prescription for streams—Alternative 2

Sub-watershed	Stream	Maximum contributing acres*	Stream miles proposed for treated	Trees per mile to be added	Total number of trees to be added
Rogers	Rogers	2,250	2.6	50	130
Maria	Maria	3,074	2.1	38	80
	West Fork Indian		0.7	43	30
North Fork Indian	North Fork Indian	4,149	1.6	56	90
Herman	Taylor	3,538	0.7	57	40
	Gibson		0.7	57	40
Total			8.4		410

*The watershed area above the lowest treatment site.

Reasons for the Decision

Alternative 2 was selected because it meets the objective for improving watershed function that is described in chapter 1 of the Project EA. Alternative 2 was developed primarily in response to additional information collected from streams and public comments concerning increased sedimentation and property damage associated with placing wood into streams.

Project actions under Alternative 2 are designed to protect aquatic resources in the short term and maintain or enhance the quality and productivity of these resources in the long term. No unacceptable cumulative effects are expected. Many beneficial effects will accrue from implementing the Project, and the risk associated with any potential negative effects, discussed in chapter 3 of the Project EA, is low.

In my review of the Project EA, its appendices, and other project-file documents, I believe the information provided to me is adequate for a reasoned choice of action. I am fully aware that the selected alternative will have some unavoidable adverse environmental effects such as disturbance to wildlife (EA, page 40), irreversible resource commitments such as felling of mature trees for placing into streams (EA, page 41), and irretrievable commitment of resources such as placing trees into streams (EA, page 41). I have determined, however, that the benefits to aquatic resources justify the commitment of wood resources and the short-term disturbance of wildlife.

In making this selection, I have also reviewed information in the administrative record, including but not limited to the Siuslaw Forest Plan (1990), as amended by the Northwest Forest Plan (1994); the Indian-Deadwood Watershed Analysis (1996); the Late-Successional Reserve Assessment, Oregon Coast Province Southern Portion (1997); consultation files and records involving the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration’s NOAA Fisheries; public and other agency comments; and applicable laws and regulations.

Reasons for Not Selecting the Other Alternative

Alternative 1, the no-action alternative, does not create obvious negative effects, but it also does not meet the Project need. And, without some restorative actions, some watershed conditions—including water quality and fish habitat—would continue to degrade.

Alternatives Considered

Before selecting Alternative 2, I considered Alternative 1 (no action) and other alternatives that were eliminated from detailed study in the Project EA, including the initial proposed project.

Alternative 1, no action—Alternative 1 is fully described in chapter 2 of the Project EA, pages 8 and 9. The analysis of the effects of Alternative 1 is disclosed in chapter 3 of the Project EA. The no-action alternative forms the basis for a comparison between meeting the project needs and *not* meeting the project needs. This alternative provides baseline information for understanding changes associated with Alternative 2 and expected environmental responses as a result of past management actions.

Alternative 2, place large wood in six streams—Alternative 2 is fully described in chapter 2 of the Project EA, page 9. The analysis of the effects of Alternative 2 is disclosed in chapter 3 of the Project EA. Alternative 2 was developed partially in response to public comments on the Project.

Alternatives considered but eliminated from detailed study

Based largely on public comments, some alternatives were considered by the District Ranger. The following alternatives represent those that were considered, but for various reasons, were eliminated from detailed study.

The proposed project—The proposed project, as described in the December 19, 2003 scoping letter, was not fully developed. Placement of trees in the Indian Creek mainstem was eliminated due to the higher risk of movement of placed trees and the potential for impacts to the private lands below. In addition, considering the conflicting viewpoints from the different landowners, this portion of the proposed project was not ripe for analysis. Thus, about two miles of large wood placement in the mainstem of Indian Creek was removed from the proposed project.

Placement of trees in the downstream section of North Fork Indian Creek (Mann Creek) may cause the unstable banks there to erode. Local residents have expressed concern about this erosion potential. Thus, placement of trees in this section of stream, adjacent to Forest Service road 2116, was removed from the Project.

Place large wood in streams with ground-based equipment—To reduce costs, ground-based equipment was considered for placing large wood in the streams instead of a helicopter. Large wood pieces, with lengths greater than two bank-full widths of affected streams, are needed to ensure wood placed in streams will remain within the project area through most natural events (Doloff 1994, Robison and Beschta 1990, and Hilderbrand et al., 1998). However, large-wood pieces would be too long to be transported by truck and many placement sites are not accessible

to ground-based equipment because of steep slopes and lack of access roads. Thus, this alternative was not fully developed.

Help from the Public and Other Agencies

After considering the identified problem to be addressed with this project and developing a proposal to correct the problem, letters describing the actions considered in the proposed Indian Creek Aquatic Restoration Project were mailed to about 160 individuals, agencies, and organizations identified as potentially interested in the proposed project and analysis. Public comment on the proposed project was also solicited through the Siuslaw National Forest's quarterly "Project Update" publications, the Siuslaw News in Florence, Oregon, and at the Siuslaw Watershed Council general meetings. Scoping letters were mailed on December 19, 2003. Comments were requested by January 23, 2004.

Field reviews, including the Oregon Department of Fish and Wildlife, local landowners, Siuslaw Watershed Council members, and other concerned citizens, were conducted in the project area during the planning process. Several meetings were held with interested persons and groups to discuss the proposed project, beginning in January 2004.

Ten letters and two telephone calls were received in response to these scoping efforts. Public comments contained a wide variety of suggestions to consider. Comments not outside the scope of the project and not covered by previous environmental review or existing regulations were reviewed for substantive content related to the project. The comments reflect conflicting viewpoints over the movement of wood placed in streams and the potential for that wood to produce sediment that could be transported down the stream system. Thus, the issues of wood movement and sediment production were added to the need and associated problem identified on page 2. Based largely on public comment, some alternatives were considered, but eliminated from detailed study, while others were considered in detail. The alternatives are discussed in chapter 2. Comments, relevant to clarifying how the project will be implemented or disclosing the effects of implementing the project, are addressed in chapters 2, 3, or 4; the project design criteria (appendix A); or the project file.

The notice of availability for Indian Creek Aquatic Restoration Project Preliminary Analysis was published in the Eugene Register-Guard on May 14, 2005, informing the public that the preliminary analysis is available for a 30-day review and comment period. Copies of the preliminary analysis were made available at the Siuslaw National Forest Headquarters in Corvallis, and the District offices in Waldport and Florence. The comment period ended at the close-of-business on June 14, 2005. Copies of the preliminary analysis were mailed to those who commented on the proposed project or who requested a copy of the document. Letters, announcing that the preliminary analysis is available for a 30-day public comment period, were also sent to additional landowners in the Indian Creek watershed who own land in the North Fork, South Fork, and Yachats River floodplains. The legal notice and letters indicated the beginning and end of the comment period. The comment process was described and a Forest Service contact person was identified. Two persons responded to these requests for comments. Comments are summarized with Forest Service responses in appendix C of the Project EA.

The Indian Creek large-wood placement project was designed to meet the design standards in the Programmatic Biological Opinion for aquatic habitat projects issued by NOAA-Fisheries on February 25, 2003 (Reference number 202/01254). The Oregon Coast coho salmon are currently not listed under the Endangered Species Act. NOAA-Fisheries recently completed a review of the biological status of the Oregon Coast coho salmon, and on June 14, 2004, proposed to list the Oregon Coast coho salmon as a threatened species under the Endangered Species Act. As a species proposed for listing as threatened, the USDA Forest Service is required to confer with NOAA-Fisheries on any action that is likely to jeopardize the continued existence of the species. The biological evaluation for this project concluded that the project may impact individual coho or coho habitat but will not jeopardize the continued existence of the species.

Based on the Programmatic Biological Opinion for aquatic habitat projects issued by NOAA Fisheries on February 25, 2003, the project will not adversely affect Oregon coast coho and Chinook salmon essential fish habitat as described by the Magnuson-Stevens Act.

In their biological opinions of the Siuslaw National Forest programmatic biological assessments, the U.S. Fish and Wildlife Service (FWS) has concurred with our findings that the project will not jeopardize the existence of bald eagles, northern spotted owls, and marbled murrelets. The FWS terms and conditions will be applied to the project design criteria. The following biological assessments apply to this project:

- Programmatic Biological Assessment of Fiscal Year 2003-2004 Projects in the North Coast Province Which Would Modify the Habitats of Bald Eagles, Northern Spotted Owls, or Marbled Murrelets (FWS reference : 1-7-02-F-958).
- Programmatic Biological Assessment of Fiscal Year 2004-2005 Projects in the North Coast Province Which Might Disturb Bald Eagles, Northern Spotted Owls, or Marbled Murrelets (FWS reference: 1-7-04-F-1113).

Finding of No Significant Impact (FONSI)

Based on the site-specific environmental analysis documented in the Indian Creek Aquatic Restoration Project Environmental Assessment, I have determined that the activities described do not constitute a major Federal action and would not significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made in light of the following factors:

Context

1. This action is very small in terms of society as a whole. Project activities have been viewed and approved in a Regional context through the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA, USDI 1994). This action only affects a small portion of the Forest, which in turn, is a very small portion of the Region.

2. The site-specific activities that are authorized and guided by this decision are limited in scope and duration. Some minor adverse effects are expected. However, given the renewable nature of the resources and the high growth rates of coastal vegetation, these effects are expected to be short-term. No long-term adverse effects are expected.

Intensity

1. Project actions will have both beneficial and adverse effects. Adding large wood to streams or removing culverts and fill material from roads may be considered adverse effects. However, I have considered the benefits that the ecosystem will receive from implementing the Project actions and find that the overall beneficial effects to the ecosystem outweigh any short-term adverse effects. Further, I find that when considered alone, the adverse effects of this project are not significant (EA, chapter 3).
2. No significant adverse effects to public health or safety have been identified (EA, page 42).
3. The characteristics of the geographic area do not make it uniquely sensitive to the effects of project actions. Past actions of similar intensity in similar areas have not indicated any significant adverse effects (EA, chapter 3).
4. The Indian Creek Aquatic Restoration Project Environmental Assessment has disclosed direct, indirect, and cumulative effects to soil, water, aquatic and terrestrial species, and other components of the human environment. There are no significant direct, indirect, or cumulative effects anticipated from implementing project actions. Project actions will improve watershed function. The analysis of cumulative effects considered past, present, and reasonably foreseeable future actions on National Forest lands as well as for other ownerships in the affected watershed (EA, chapter 3).
5. Based on the pre-project survey and record search of the Project area, actions associated with the Project will have “no effect” (as defined in 36 CFR 800.5 [b]) on any listed or eligible heritage (cultural) resources. If a heritage site is discovered during project implementation, work will be stopped until the site is evaluated or the project has been altered to avoid the site (EA, pages 35 and 42; appendix A, page 5).
6. Based on the fisheries effects and wildlife biological evaluation prepared for the Project, the effects on Federally listed terrestrial and aquatic species are not found to be significant (EA, chapter 3; Wildlife Specialist Report for the Indian Creek Aquatic Restoration Project; EA, appendix A).
7. The Project is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment. The Project will meet or exceed State water and air quality standards and is consistent with the Oregon Coastal Management Program as required by the Coastal Zone Management Act (EA, pages 40 and 42; EA, appendix A, pages 4, 5 and 6).

8. The effects from the Project on the quality of the human environment are not found to be highly controversial in the realm of science (EA, pages 2 through 4).
9. The Project's environmental effects are not uncertain or unknown. Planned actions are similar to those already accomplished on similar lands on the Forest and several scientific studies have been conducted that support the Project's treatment strategies (EA, chapter 3).
10. Actions that will be implemented by the Project do not set a precedent for future actions, because similar actions have been implemented in the past (EA, page 8; EA, chapter 3, including pages 20 to 25, and 42).

Other Disclosures

All measures contained in the Project EA and appendix A will be incorporated to comply with the Record of Decision for the Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation published December 1988 and the subsequent Mediated Agreement of May 1989.

The Project will have no significant adverse effects on wetlands, floodplains, farmland, rangeland, parkland, wilderness, wild and scenic rivers, or inventoried roadless areas; minority groups, civil rights, women, or consumers; Indian social, economic, subsistence rights, or sacred sites; and heritage resources (EA, page 42).

Actions will be consistent with the scenic quality objectives for the planning area (EA, pages 35 and 39). Actions will be designed to prevent the spread of invasive plants, including noxious and undesirable weeds (EA, page 34). Cleaning of off-road equipment pursuant to Executive Order 13112, dated February 3, 1999, will be required. (EA, appendix A, page 6).

Findings Required By Other Laws

Based on the analysis in the Indian Creek Aquatic Restoration Project Environmental Assessment, I find the selected alternative to be consistent with the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Northwest Forest Plan (USDA, USDI 1994) and is designed to meet or exceed the objectives of the Aquatic Conservation Strategy as set forth in the Northwest Forest Plan (EA, page 40).

The selected alternative is consistent with the National Forest Management Act implementing regulations, including the seven management requirements listed in 36 CFR 219.27, a through g:

- a. *Resource protection*—The Project EA includes criteria designed to protect resources and will apply practices as described in General Water Quality Best Management Practices (BMPs), Pacific Northwest Region, November 1988 (EA, appendix A);
- b. *Vegetation manipulation of tree cover*—Mature trees will be removed from designated areas, based on the design criteria (appendix A) that were jointly established by the US Fish and Wildlife Service and the US Forest Service. These trees will be placed in

- streams to improve watershed function and fish habitat (EA, pages 1 through 4, 8 through 28);
- c. *Silvicultural practices that apply to timber harvest and cultural treatments*—Mature conifer will be selectively removed from nearby stands and placed in streams to improve stream function and fish habitat (EA, pages 1 through 4, 8 through 28);
 - d. *Even-aged management in the forest*—No even-aged management is proposed. (EA, pages 1 through 4, and 9);
 - e. *Riparian area protection*—Effects to existing shade will be minor in riparian areas. These actions are expected to improve water quality and fish habitat in the long term. (EA, pages 1 through 4, 8 through 28, and 36 through 42; EA, appendix A);
 - f. *Conservation of soil and water resources*—The Project is consistent with the Aquatic Conservation Strategy objectives and includes best management practices (BMPs) and other measures designed to protect, enhance, or minimize effects to soil and water resources. Actions are expected to enhance water quality in the long term. (EA, pages 1 through 4, 8 through 28, and 40; EA, appendix A); and
 - g. *Preserve and enhance the diversity of plant and animal communities*—By adding large wood to streams, the project is expected to improve habitat conditions for several plant and animal species. (EA, pages 1 through 4, 8 through 34, and 39; EA, appendix A).

Implementation Date

Implementation of this project may not proceed until five (5) working days after the close of the 45-day appeal filing period. Activities, including service contract preparation and solicitation of bids, may proceed immediately.

Administrative Review and Appeal

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215.7. Written notice of appeal must be postmarked or received by the Appeal Deciding Official, USDA Forest Service, PO Box 3623, Portland, OR 97208-3623 within 45 days of the date of publication of the notice for this decision in the Eugene Register-Guard (Eugene, Oregon). Individuals or organizations, who have submitted substantive written or oral comments during the 30-day comment period of the preliminary analysis, may file an appeal. The appeal must meet the content requirements of 36 CFR 215.14:

- The appeal must state that the document is an appeal pursuant to 36 CFR 215;
- The name, address, and telephone number (if applicable) of the appellant must be included, and must identify the decision by title, subject, date of decision, and name and title of the Responsible Official;
- The appeal narrative must be sufficient to identify the specific change(s) to the decision sought by the appellant or portions of the decision to which the appellant objects, and must state how the Responsible Official's decision fails to consider comments previously provided; and
- If applicable, the appeal should state how the appellant believes this decision violates law, regulation, or policy.

Appeals (including attachments) may be filed by regular mail, fax, e-mail, hand delivery, express delivery, or messenger service. The publication date of the notice for this decision in the newspaper of record is the sole means of calculating the appeal-filing deadline, and those wishing to appeal should not rely on dates or timelines from any other source. E-mail appeals must be submitted to: appeals-pacificnorthwest-regional-office@fs.fed.us, and must be in one of the following three formats: Microsoft Word, rich text format (rtf) or Adobe Portable Document Format (pdf). FAX appeals must be submitted to: 503-808-2255. Appeals may be hand-delivered to the Resource Planning and Monitoring Office, 333 SW First Ave., Portland, between 8:00 AM and 4:30 PM Monday through Friday.

Contact Person

For further information regarding this project, contact Paul Thomas or Paul Burns, South Zone District, Florence Office, 4480 Hwy 101, Bldg. G, Florence, OR 97439; or phone at (541) 902-8526.

Responsible Official:

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Date