



Decision Memo City of Mitchell Municipal Water System Special Use Permit Reissuance

**USDA Forest Service
Ochoco National Forest
Wheeler County, Oregon**

Decision

I have decided to reissue a special use permit to the City of Mitchell for a municipal water system, including an 11,263-foot transmission pipeline, 3 spring boxes, and their associated fencing. These facilities are located within portions of T.12S., R.21E., sections 26, 34, and 35, Willamette Meridian. These facilities divert water from springs that are adjacent to tributaries to Bridge Creek. These facilities have been permitted since 1985 and the special use permit expired on December 31, 2005. There is a need to reissue this permit and allow the City of Mitchell to continue diverting water for municipal purposes. My decision does not authorize any new facilities.

The special use permit reauthorizes the existing facilities for the municipal water supply. The special use permit contains terms and conditions that authorize maintenance activities at spring boxes including: (1) driving on existing roads or right-of-ways to reach the project area, (2) cleaning spring boxes with shovels or other hand tools, (3) planting or removing shrubs and other vegetation at spring boxes, (4) reconstructing and repairing fences when needed, (5) felling hazard trees that may fall on spring boxes or fences with approval from the District Ranger, and (6) cutting small trees or shrubs with approval from the District Ranger.

Categorical Exclusion

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because it falls within a category of actions described in FSH 1909.15, Chapter 30, Section 31.2(15) and would not have any individually or cumulatively significant environmental effects. Category 15 describes issuing a special use permit to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment.

Extraordinary Circumstances

I considered the following resource conditions in making my determination that extraordinary circumstances related to the project did not warrant further analysis or documentation in an environmental assessment or an environmental impact statement.

Federally listed threatened or endangered species, designated critical habitat, species proposed for Federal listing, proposed critical habitat, or Forest Service sensitive species

A biological evaluation was prepared for wildlife, aquatic, and botany species. This section summarizes the information and analysis contained in the biological evaluation for this project. The project area contains habitat for several species listed as threatened, endangered, or sensitive. The following table summarizes the effect determination for each species with potential habitat in the project area.

Species	Status	Effect Determination
Bald eagle	threatened	not likely to adversely effect
Mid-Columbia River steelhead trout	threatened	may effect, but not likely to adversely affect
Redband trout	sensitive	may impact individuals or habitat
Columbia spotted frog	sensitive	may impact individuals or habitat
<i>Botrychium ascendens</i>	sensitive	may impact individuals or habitat
<i>Botrychium crenulatum</i>	sensitive	may impact individuals or habitat
<i>Botrychium minganense</i>	sensitive	may impact individuals or habitat
<i>Botrychium montanum</i>	sensitive	may impact individuals or habitat
<i>Botrychium paradoxum</i>	sensitive	may impact individuals or habitat
<i>Botrychium pinnatum</i>	sensitive	may impact individuals or habitat
Peck's mariposa lily	sensitive	may impact individuals or habitat
Interior sedge	sensitive	may impact individuals or habitat
Back's sedge	sensitive	may impact individuals or habitat

This project would have no impact on other threatened, endangered, or sensitive species because there is no habitat within the project area.

The spring boxes and a portion of the transmission pipeline are located within designated critical habitat for Mid-Columbia River steelhead trout. To reduce potential effects to steelhead trout, the following measures will be incorporated into the special use permit.

1. Within Riparian Habitat Conservation Areas (RHCAs), hazard trees that are felled will be left on site. Before felling any hazard trees within 100 feet of Maxwell or Bridge Creeks, the permit holder will consult with the Forest Service. If determined by the Forest Service to be necessary, site surveys will be conducted by a qualified fish biologist to ensure no steelhead trout are present prior to tree felling.

2. Before using ground-based equipment (i.e., heavy equipment such as backhoes or excavators) within RHCAs, the permit holder will consult with the Forest Service. Ground-based equipment that exposes soil to erosional processes will be restricted from February 15 to July 15.

3. Within RHCAs, motor vehicle use including off-highway vehicles (OHVs) is restricted to existing roads or Forest Service approved trails only.

4. Prior to entry on the National Forest, all equipment, including hand tools, used for repairs or maintenance activities will be clean and free of all soil and plant parts that could contain noxious weed seeds.

5. Ground-disturbing activities such as planting or removal of shrubs or vegetation for maintenance purposes at spring box locations, constructing or maintenance of fences around spring boxes, or pipeline right-of-way maintenance activities that may expose soils to erosional process are not allowed between February 15 and July 15 of each year.

6. In the event the special use permit for this water transmission system is terminated, revoked, cancelled, or abandoned, the structures and improvements shall not be removed until the effects to steelhead trout are considered.

Floodplains, wetlands, or municipal watersheds

There are no anticipated effects to wetlands or floodplains because the facilities are already in place. The project is outside of floodplains and wetlands. The water system improvements are located within the City of Mitchell's municipal supply watershed. The City of Mitchell will continue using and maintaining facilities to divert and transport water. Reissuing a special use permit and allowing the City of Mitchell to continue using their facilities would not individually or cumulatively result in significant effects to any municipal watershed.

Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas

There are no congressionally designated areas within the project area.

Inventoried roadless areas

There are no inventoried roadless areas (RARE II or Forest Plan) within the project area.

Research natural areas

There are no existing or proposed research natural areas within the project area.

American Indian and Alaska Native religious or cultural sites, archaeological sites, or historic properties or areas

Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this project. This project would not affect any known sites.

Public Involvement

A description of this project has been published in the Ochoco National Forest Schedule of Proposed Actions since the Summer 2005 edition. Letters were sent to potentially interested and affected individuals in March 2006. Scoping efforts did not reveal any concerns with this project.

Findings Required by Other Laws

This decision is consistent with the direction contained in the Ochoco National Forest Land and Resource Management Plan as required by the National Forest Management Act. This project is within Management Area F22, General Forest, which emphasizes the production of timber and forage while meeting Forest-wide standard and guidelines. Compatible special uses are permitted.

Implementation Date

This project may be implemented immediately.

Administrative Review or Appeal Opportunities

This decision is not subject to administrative appeal.

Contact Person

For additional information concerning this decision, contact Diana Hsieh, Ochoco National Forest, 3160 NE Third Street, Prineville, OR 97754 or via telephone at (541) 416-6500.

/s/ Arthur J. Currier
ARTHUR J. CURRIER
District Ranger

8/29/06
Date