

Decision Notice & Finding of No Significant Impact

Echo Staley Road Storage and Illegal Household Trash Site Management Project

USDA Forest Service
Willamette National Forest
Middle Fork Ranger District
Lane and Douglas Counties, Oregon

T23S R4E S 23, 29, 32; T24S R4E S 13, 15, 19, 21, 22, 30, 31, 33; T25S R4E S 4-6, 7, 16-18, 20, 21, 23-25; T25S, R5E S 19, 30; T20S R1E S 3, 12, 13; T20S R3E S 28, 33; T21S R2E S 1, T21S R3E S 1, 2, 5, 11, 12, 14, 34; T21S R4E S 6, 8. W.M.

Decision and Reasons for the Decision

Background

The Middle Fork Ranger District wants to improve undesirable resource conditions within the Echo Staley Road Storage and Illegal Household Trash Site Management project area. These undesirable resource conditions are as follows:

Potential for soil erosion, sedimentation, and road failure

The areas with potential for soil erosion, sedimentation, and road failure lie primarily in the Echo Staley portion of the project, which is in the Upper Middle Fork watershed. The Upper Middle Fork Watershed Analysis (USDA, 1996) identified the need and recommended the closure and storage of roads to reduce the environmental effects of the road system. A majority of the roads were constructed prior to 1980, using sidecast construction methods. Some of these roads have already started to fail and others are at risk for failure as a result of latent construction defects. In addition, a high percentage of the roads were built on steep, erosive soils, conducive to mass failures (WA, page 26). The road systems interrupt subsurface flow which expands the drainage network and delivers runoff to the stream systems within a shorter period of time. The road system intersects the stream network providing a conduit to funnel water and creates potential to deliver fine sediment from the road surfaces into the stream network. The intersections between the roads and stream systems also contribute to adverse impact to fish distribution and aquatic habitat functions. High road densities in this area cause disturbance to big game and create adverse impact to other terrestrial species habitat.

The district has not been successful in preventing illegal four-wheel drive (4WD) damage in the old Mule Meadow near the junction of Roads 24 and 2404. As a result, deep ruts created by 4WD vehicles are causing erosion and sedimentation.

The Middle Fork Ranger District Supplemental Roads Analysis (USDA, 2004) provides specific road closure recommendations for roads within this project area. The District road analysis evaluated each

individual road segment on the District with criteria relating to terrestrial, aquatic, administrative, and public use factors. Road closure recommendations for the District transportation system were made based on this rating system.

Illegal household trash dumping

There is a chronic illegal household trash dumping problem on certain roads and sites within the trash site portion of this project. The Middle Fork district has been working with Rural Secure Schools Act funds (PayCo), Youth Conservation Corps (YCC) crews, and Forest Service law enforcement officers to clean up these trash sites. However, normal cleanup activities are not effectively addressing this chronic problem. The garbage being dumped creates a visual blight on the landscape and has the potential to contaminate rivers and streams. There is a need to manage these roads and sites to reduce garbage dumping. Two of the roads proposed for year-round (Rd 2404) or seasonal closure (Rd 5828) to reduce trash dumping were recommended as key roads to keep open in the Forest and District Roads Analyses. Roads 2400019 and 5828101(not key roads) were also recommended to be kept open. However, the Roads Analysis process allows these designations to be changed and adjusted over time to respond to changing circumstances such as budgets, land management objectives, or other management opportunities. The chronic illegal household trash dumping problem is a changed circumstance that is driving the need to reduce access to certain roads, some of which were recommended as key roads to keep open.

Inability to maintain roads under current and projected budgetary constraints

One of the key findings of the Willamette National Forest Roads Analysis Report (USDA, 2003) was the dilemma of managing an extensive forest road system with limited operating funds. The Forest Road Analysis identified the need to manage a minimum road system that is safe and responsive to public needs and desires, is affordable and efficient, has minimal adverse effects on ecological processes and health, diversity, and productivity of the land, and is in balance with available funding for needed management actions.

Decision

Based upon my review of the EA and all the comments received on the project, I have decided to implement Alternative 2.

Echo Staley portion:

About 23.3 miles of roads with desired objective maintenance level 1 in the Echo Staley portion of the project area will be closed to all motorized vehicles. Of these miles, about 20.7 miles will have various treatments applied to place them in a maintenance storage condition for 10 or more years. The roads that are closed will remain closed and not be maintained for a minimum of 10 years. All of these 23.3 miles were recommended for closure in the Middle Fork District Roads Analysis, 2004. These roads will still be available for non-motorized activities such as hiking, hunting, camping, horseback riding, and bicycling.

The roads will be stored utilizing several different methods, depending on road location on the landscape, road condition, proximity to stream, and potential for failure or sedimentation to streams. Road entrances will be closed with a combination of an earthen berm, deep ditch, and in some cases, boulders. Most roads will have water bars cut into the road surface to direct water flow off of the road. Many of the roads will have a water bar cut into the road on the downhill side of each culvert. In the event the culvert becomes plugged with debris, water bars direct the water across the road, helping storm proof the road from erosion. Many culverts will have deep ditches cut in the fill directly above the culvert. This will allow the stream to stay in the same watercourse in the event the culvert becomes plugged and overtops the fill. One culvert will be completely removed and the stream restored to a natural stream course.

Trash Site portion:

About 33.4 miles of road and two dispersed sites in the trash site portion of the project area will be closed to all motorized vehicles with boulder or gate placement to prevent illegal trash dumping. Of these miles, about 17.6 miles of road will be closed year-round with gates or boulders, including the Rd. 2404 system; about 15.8 miles will be closed seasonally with a gate from Dec. 15 to July 1 (Rd. 5828 system); and two dispersed sites will be blocked with boulders (no road miles affected). Of the 33.4 miles, the District Roads Analysis recommended keeping open approximately 11.6 miles. It is my decision to close all 33.4 miles with either year-round or seasonal closures due to the chronic illegal household trash problem.

Restoration activities planned for site #10 (Salmon Creek shooting range) include soil ripping, movement of soil waste piles to create a berm, and placement of boulders. Shooting will not be prohibited but motorized vehicle access into the site will be prohibited.

The recommendation for key road 2404 and non-key road 2400019 will be changed from “open” to “close” and the recommendation for key road 5828 and non-key road 5828101 will be changed from “open” to “close seasonally” due to the chronic trash dumping problem.

Implementation:

Implementation will occur during the summer months in 2007. The streams should be at low flow, which will decrease sediment introduction to the stream from soil disturbance by heavy equipment operations. During the work time, the affect on wildlife species will be either negligible or acceptable, as outlined in the Wildlife Biological Evaluation (BE) and Wildlife Report located in the EA’s Project File.

All closures will be enforced with a CFR road closure order prohibiting motorized vehicle traffic. All closures will be year-round except the proposed gate on Rd. 5828 (site # 12), which will be closed Dec. 15 to July 1st.

Administrative Exceptions:

Verizon Wireless will be granted access to Rd. 5258 for cell tower maintenance as needed.

There will be administrative access for annual trail maintenance work in the spring each year.

Mitigation:

Because motorcyclists are allowed on Flat Creek trail, they will be allowed to ride up Rd. 2404 to gain access to the Flat Creek trailhead. Motorcyclists will not be allowed to go farther up Rd. 2404 or Rd. 2404-212, however.

See also section 2.3 in the EA, Mitigation Measures Common to All Action Alternatives.

Rationale for the Decision

When compared with other alternatives, Alternative 2 will block access to more illegal trash sites; store roads in the Echo Staley portion in a way that requires less future maintenance and is more cost-efficient, block access on Rd. 5828 during the season when the most trash dumping occurs and the most benefit to wildlife security will occur, while still allowing access for volunteer trail maintenance projects; and will block access to illegal off-road four-wheel drive activity in the old Mule Meadow near the junction of Roads 24 and 2404.

This alternative incorporated a public comment to acquire access to the Rd. 5828 system for volunteer trail maintenance annually in the Spring.

Alternative 2 proposes activities that meet the purpose and need for action described in Chapter 1 of the EA. The proposal is preferable because it:

1. Responds to the purpose and need to manage the road system in an environmentally sound manner and reduce the number of illegal household trash sites,
2. Maintains and enhance wildlife habitat, protect soil and water resource values,
3. Is responsive to public needs and desires, and
4. Is affordable and efficient and can be maintained within the current and projected forest financial abilities.

This project was developed in accordance with direction provided in the National Forest Management Act, the National Environmental Policy Act, Willamette National Forest Final Environmental Impact Statement and associated Land and Resource Management Plan as amended by the Record of Decision for 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, signed April, 1994 (hereafter called the Forest Plan and NW Forest Plan). Both of these plans recognized that transportation management was critical to the management of a variety of forest resources. Using this direction the Middle Fork Ranger District Roads Analysis team designed a plan to analyze and specify which roads to retain, which roads to close and what would be the appropriate level of maintenance. I have reviewed the EA, related documents, and public input; my decision is based upon that review, and after that review I have found the analysis to be in full compliance with direction contained in the above documents.

Each road to be closed was previously evaluated utilizing the Roads Analysis process. This process evaluates the impact that leaving a road open or closing the road will have on the following use categories: administrative use, public use, terrestrial and aquatic wildlife.

The selected alternative does not prevent the attainment of the Aquatic Conservation Strategy (ACS) objectives as outlined in the Forest Plan. Appendix C in the project file describes how the project will impact each of the nine ACS objectives at the project level. The project level impacts disclosed in Appendix C are also consistent at the watershed scale based on the analysis of the ACS objectives in the Upper Middle Fork Willamette Watershed Analysis (WA) and WA updates, Salmon Creek WA, North Fork of the Middle Fork of the Willamette River WA, and Lookout Point WA (EA, page 53-57). The long term impacts of the selected road treatments will maintain and restore the key biological and physical components of the watershed identified in the ACS objectives. The selected alternative is consistent with all Riparian Reserve standards and guidelines in the Forest Plan.

The project is in accordance with the 2001 Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (EA pages 63 and 66-70) and the BEs in the Project File).

My decision is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

Other Alternatives Considered

In addition to the selected alternative, I considered three other alternatives. A comparison of these alternatives can be found in the EA on pages 46-48.

Alternative 1 was the No Action alternative. No road storage or closures would be implemented under this alternative. The alternative provided a baseline of environmental conditions to which the action alternatives are compared.

Alternative 3 is the second action alternative. Alternative 3 is the same as Alternative 2 except the roads in the Echo Staley portion of the project area would not be closed to motorized vehicles. Instead, those roads would be treated with rolling drain dips to stabilize the roads and vehicles would be able to drive over them. Roads and sites in the trash site portion of the project area would be treated the same as in the trash site portion of Alternative 2.

Alternative 4 is the third action alternative. Alternative 4 would treat the roads in the Echo Staley portion of the project area the same as in the Echo Staley portion of Alternative 2. Roads and sites in the trash site portion of the project area would be treated the same as in Alternative 2 except the Rd. 2404 system and the Rd. 5828 system would not be closed. The chronic trash dumping problem would continue to be addressed by Forest Service law enforcement and public education efforts.

Public Involvement

The project was first listed in the Willamette National Forest's Schedule of Proposed Action (SOPA) starting in with the January-March SOPA of 2007. The SOPA is mailed out to a Forest mailing list of people interested in the management activities of the Forest. The SOPA provides one of the means of keeping the public informed of the progress of individual projects. The SOPA is also made available to the public on the Willamette Forest website.

The roads and sites being proposed for closure and road storage or trash site management were posted in the field with a public notice about possible changes in access during the fall and winter of 2006. The notices asked for public input, stating "Your Input is Needed...Road and trail access within this areas MAY BE CHANGED".

A Forest Service interdisciplinary team of resource specialists and Middle Fork Ranger District management staff defined the proposed action elements, identified preliminary issues and project opportunities, and identified potentially interested and affected individuals and groups during the project scoping process. Scoping letters summarizing the proposal and preliminary issues were sent to a mailing list of interested individuals, groups and organizations, elected officials, other agencies, and tribal representatives for comment during the scoping process. The scoping letters were mailed to the tribal contacts on February 23, 2007 and to the public and other agencies on February 26, 2007. The scoping letter explained the purpose and need for the project, a description of the proposed action and alternatives, provided a map of the project area, and solicited comments on the proposed action. The letters asked that comments be sent to the Project Team Leader by March 26, 2007 for timely input.

A copy of the scoping letter was placed on the bulletin board in the Westfir Post Office on March 5, 2007. An article was placed in the Dead Mountain Echo on March 15, 2007 summarizing the proposal and asking for public input.

Three written comment letters, four e-mails, and several phone calls were received as a result of these notifications. Copies of the letters and documentation of phone conversations can be found in the Public Involvement section of the Analysis File. The listing of individuals and organizations who submitted comments and a brief summary of the comments topics raised specific to the project can be found in the EA on page 15-16. The results of the scoping were used to guide the public involvement process, establish analysis criteria and explore possible alternatives and their probable effects. Information related to these concerns was either addressed in the discussion of the issues and environmental consequences or can be found throughout the different sections of the EA, Analysis File or Decision Notice.

The following state and federal agencies were contacted or consulted with during the course of this project: Oregon Department of Fish and Wildlife (ODFW), US Fish and Wildlife Service (USFWS), National Marine Fisheries Service, and the U.S. Army Corps of Engineers (USACE). No comments were received from ODFW and USACE. This project was covered under the Programmatic Disturbance BA/BO for FY 2006-2007 and a Letter of Concurrence was received from USFWS dated March 1, 2006. Consultation requirements for fisheries have been met through the Programmatic Biological Assessment with the USFWS and National Marine Fisheries Service (NFMS). The Confederated Tribes of Grand

Rhonde, Confederated Tribes of Siletz Indians, Confederated Tribes of Warm Springs, and the Klamath Tribe were notified of the project during the scoping of issues as part of the public participation process. No comments were received from these tribes in response to the scoping letter mailing.

On May 3, 2007, the EA was made available to the public and other agencies for a 30-day public review and comment period pursuant to 36 CFR 215, by legal notice in The Register Guard, Eugene, Oregon, the newspaper of record for the Willamette National Forest. A letter was also sent to people who have participated in the environmental analysis process notifying them of the 30-day public review and comment period. Ten people called with comments. Three of them needed clarification and then were supportive of the project. Four people (three of whom are disabled) use the roads in the Echo and Staley Creek drainages for hunting every year and are opposed to road closures in that area. One anonymous person was opposed to closing roads in general because it restricts access for hunters. One person was opposed to closing roads to prevent trash dumping. One person was opposed to road closures in general. A summary of the comments on the EA and responses is presented in the table below. A record of the comments received is filed in the Analysis File.

Comment # and Name of Individual or Organization	Comment Topic Summary	Response to Comment
1) Sam (voicemail, could not understand his last name, no contact information left in message)	Said it seems like the Forest Service (FS) is penalizing the hunters and praising the people that are dumping the rubbish.	The roads that are closed to motorized vehicles will still be open to non-motorized hunting access. Many of the roads being closed are short spurs and can easily be walked into. This project, in combination with foreseeable future projects, will only close a fraction of the roads in the affected watersheds (5.2% in Salmon Cr, 3.6 % in NFMF Willamette, 12.3% in MF Willamette/Lookout Point, and 17.9% in Upper MF Willamette). See Figure 3-4, EA page 53. A large majority of roads on the Middle Fork Ranger District will still be open and available for motorized hunting access.
2) Darrow Byrum	Likes to hunt in the Echo Staley area. He is a disabled veteran and feels like the FS is discriminating against all veterans that are disabled by closing off hunting areas in the Echo Creek areas.	This project, in combination with foreseeable future projects, will only close a fraction of the roads in the Upper MF Willamette watershed (17.9%), which includes the Echo Staley area. See Figure 3-4, EA page 53. A large majority of roads on the Middle Fork Ranger District will still be open and available for motorized hunting access.
3) David Hughes	Is disabled and hunts and fishes above Hills Cr. Reservoir in the area the FS is proposing closures. Wondered why the FS doesn't find some way to trap the people that are dumping garbage up there instead of taking it out on the guys that hunt and fish up there? Said he was	The roads in the Echo and Staley drainages, above Hills Cr Reservoir are being closed because of potential for mass failure and sedimentation, not because of illegal trash sites. Closures that have already been implemented are outside the scope of this project. See the

Comment # and Name of Individual or Organization	Comment Topic Summary	Response to Comment
	opposed some other closures that had already been implemented. Named several other roads that he did not want to see closed in the future, none of which are planned for closure in this project.	response to comment # 2.
4) Voicemail, no name or phone number left.	Said he strictly opposes the road closure proposal. Said it looks to him like the FS is strictly against hunters.	See response to comment #1.
5) Amanda Mustgrove	Called about the dispersed site just past Salmon Cr Falls campground. They like to camp in the big opening at the jct of 2400018 and 2400019. When she learned that the FS is not proposing to close access to that site she was supportive. She was in favor of closing Rd. 240019 due to the trash dumping problem and for safety and security while camping at that site.	We are not closing the dispersed site at the junction of Roads 2400018 and 2400019.
6) Jim Moore	Said he was against closing roads because of trash dumping and potential for road failure and sedimentation. Said the FS should take money away from overhead and use it for road maintenance on the ground.”	There is insufficient funding for law enforcement patrols to find people illegally dumping trash and for trash cleanup when the sites are found. There is also insufficient funding for maintaining roads to prevent mass failure and erosion. Roads proposed for closure in the Echo Staley area were selected based on the risk to aquatic resources. Roads proposed for closure in the trash site portion were selected based on the frequency of trash sites and the difficulty in patrolling and cleaning up those sites.
7) Janice Owen	Rides horses. In favor of closing Rd. 2404 because of trash dumping, poaching, abandoned cars. Rides a lot up Salmon Creek trail. Rides down from High Prairie through the old mule meadow to Rd. 2404 to the Flat Cr. trail.	No response needed. Favorable comment.
8) Steve Barber	Said he is partly disabled. Has always hunted in Staley Creek and Loggers Butte. Said the FS is penalizing good people because of the bad ones that dump garbage. Said people will just go somewhere else to dump so the FS should put up a dumpster.	See response to comments 2 and 6. There is no funding available to maintain and empty dumpsters.
9) Jane McPherson	After seeing an “Input Wanted” sign, she was concerned that the FS might be closing the North Fork trail. After hearing this was not the case, she had no further	No response needed.

Comment # and Name of Individual or Organization	Comment Topic Summary	Response to Comment
	concerns.	
10) Jay Binford	He said he hunts Staley Creek and Simpson Creek, has been hunting up there for 20 years. He wanted to know why those roads were being closed. Said he didn't like to see roads closed because it limits hunting access.	See response to comment # 1 and 6.

Issues

Using the comments from the public, other agencies, and organizations, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included:

Access to roads for public and for fire suppression

Prohibiting motorized access to roads would limit access and recreational and forest activities that are based upon driving motorized vehicles on roads to access areas of public interest. Decreased access to some roads in the project area could potentially affect such activities as camping, pleasure driving on the forest roads, hunting, firewood gathering, berry picking, mushroom gathering. Verizon Wireless operates a cell tower in the project area. Access to this tower by Verizon could be affected if the road is not maintained. Fire suppression and other administrative access to roads that are closed with boulders or berms would be made more difficult. Boulders would have to be moved and heavy equipment would be needed to make roads drivable for fire access.

Water Quality

Culverts on certain roads in the Echo Staley area are getting plugged, causing erosion of soils and sedimentation in streams. Erosion and sedimentation is occurring in the old Mule Meadow near the junction of Roads 24 and 2404 from ruts caused by four-wheel drive (4WD) vehicles. This issue is analyzed in section 3.2.

To address these concerns, the Forest Service created the alternatives described above.

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. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Beneficial effects have not, however, been used to

- offset or compensate for potential adverse effects. The proposal of road storage will decrease the likelihood of long term amounts of sediment generated by these road systems.
2. There will be no significant effects on public health and safety, because roads will be closed to the public during the excavation work. This will prevent hazardous situations between the public and the large equipment working in the roadway. Mitigation and Design Measures which include best management practices will insure protection of water quality (EA, pages 45-46). Air quality will not be affected because the project has been designed to meet pollution and control programs (EA page 80 and Appendix A).
 3. There will be no significant effects on unique characteristics of the area, because the proposed action is not on or near parklands, prime farmlands, wetlands, or ecologically critical areas. (EA, page 84). Therefore, the proposed action cannot have environmental consequences to these geographic features. Two closure sites are located in the North Fork of the Middle Fork of the Willamette Wild and Scenic River corridor. There will be no significant effects on the the Outstandingly Remarkable Values (ORVs) that have been established for this river corridor, which are: Recreation, Vegetation, Scenic, Water Quality, Fish, Wildlife, Geological, and Historic. The sites are spur road 1910-698 (Site 6), which parallels the river and one dispersed site near the river (Site 7). These two closure sites will have a small negative affect on the recreation ORV in the area to the extent that vehicle based recreation will be limited and access to a dispersed camping site on the river will be reduced, however, both sites are immediately adjacent to the North Fork trail and their closure would improve the trail experience. There are other positive effects to ORVs as well. The main reason these areas are proposed for closure is the fact they have both been used for illegal dumping, which reduces the scenic value of the corridor. Both sites also are very close to the river and do on occasion produce the potential for sediment and trash to enter the river. Closure of these sites will also help prevent further introduction of non-native invasive plant species. Closure of these two sites will help to maintain the scenic, water quality, and vegetation ORVs.
 4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the project. Interdisciplinary review and public scoping found no controversy based on scientific or professional opinion.
 5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA Chapter 3). Road closure and road storage projects have been performed on this district many times in the past. The activities taking place during this project will not deviate from actions that have been performed in the past on similar projects. Therefore, there are no uncertain, unique, or unknown risks to the human environment.

6. The action is not likely to establish a precedent for future actions with significant effects, because the decision to carry out this action is confined to only this action and does not trigger or set a precedent for any other action that may have a significant impact.
7. The cumulative impacts are not significant. An interdisciplinary review of the project area showed that there are no past, present or future actions that could have a cumulative impact. The environmental consequences section of the EA discusses the cumulative impacts related to each alternative (EA, Chapter 3). All these effects are within the levels anticipated by the Willamette National Forest and the Northwest Forest Plans. The Upper Middle Fork Watershed Analysis (WA) and updates, Salmon Creek WA, North Fork of the Middle Fork of the Willamette River WA, and Lookout Point WA are incorporated by reference (EA, page 12). The WA's present a comprehensive analysis of the watershed conditions that provide a contextual basis of cumulative effects. No significant direct, indirect, or cumulative impacts to soil, wildlife, fuel loadings, air, water, fisheries, vegetation, recreation, and public safety or other components of the human environment are anticipated.
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 the action will also not cause loss or destruction of significant scientific, cultural, or historical resources (EA page 77). The Archaeological report addresses the proximity of the proposed action to historic or cultural resources. The report finds that these activities (road closures) are specifically addressed in the 2004 Programmatic Agreement, under the Watershed restoration activities described in Appendix B (5, 7 and 9). Since the proposed project will take place entirely within the road prism and there are no known sites near any of the proposed project locations, the project was excluded from case-by-case review, in accordance with the 2004 Programmatic Agreement. Activities in the vicinity of the historic Oregon Central Military Wagon Road (along Forest Road 21), will be monitored by the district archaeologist or cultural resource technician. (EA page 77)
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 the project takes place entirely within the road prism and will not affect habitat (EA pages 59-65, 66-70, and 75-77). Seasonal restrictions will be applied to avoid noise disturbances. This project will not jeopardize the continued existence of any TES species or result in a permanent adverse modification of their essential habitat; nor will they likely contribute to a trend towards Federal listing or cause a loss of viability to populations of species designated as R-6 Sensitive or as Management Indicator Species on the Willamette National Forest. (see Biological Assessments, Evaluations, and Opinions in Project Analysis File)
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA and Appendix A. The action is consistent with the Land and Resource Management Plan (EA pages 9-12). The proposed action meets State air and water quality standards and complies with all

regulations in the National Historic Preservation Act, National Environmental Policy Act, Endangered Species Act, National Forest Management Act, Clean Air Act, and Clean Water Act. This finding is based on how the environmental assessment was prepared in accordance to Forest Plan Management Areas and Standards and Guidelines, State air quality standards (EA, pages 80 and Appendix A), water quality and beneficial uses (EA, pages 53-57) Threatened, Endangered, and Sensitive species (EA pages 59-65, 66-70, and 75-77), and with various recent Executive Orders (EA, pages 80-85, and Appendix A).

Findings Required by Other Laws and Regulations

This decision to implement Alternative 2 is consistent with the intent of the Forest Plan's long term goal and objectives listed on pages IV-2 to IV-44. The project was designed in conformance with the Land and Resource Management Plan Standards and Guidelines and incorporates appropriate guidelines for the various Management Areas, where activities will occur implementing this decision (EA, pages 9-12).

This decision is consistent with all applicable Acts and Regulations such as the National Forest Management Act (NFMA) of 1976, National Environmental Policy Act (NEPA) of 1969, Endangered Species Act (ESA) of 1973, Clean Water Act (CWA) of 1972 and section 319 of the 1987 CWA, Civil Rights Act (CR) of 1964, Title VI and Environmental Justice (EJ) Executive Orders 11988 and 11990, the Preservation of Antiquities Act of June 1906 and the National Historic Preservation Act of October 1966, Executive Order 12962 on Recreational Fishing, and Executive Order 13186 on Neotropical Migratory Birds (EA Chapter 3 and Appendix A).

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service Regulations 36 CFR 215. Individuals or organizations who provided comment during the 30-day document review period may appeal this decision. The notice of appeal must be in writing and fully consistent with the requirements as described in 36 CFR 215.14.

An appeal may be mailed to Forest Supervisor, 211 E. 7th Avenue, Eugene Oregon 97440. Appeals may also be filed electronically at: appeals-pacificnorthwest-willamette@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 (.rtf), or portable document format (.pdf) only. E-mails submitted other than to the above address will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail. Appeals may be delivered to the Forest Service office at the street address listed above Monday – Friday (other than legal holidays), between 8:00 am and 4:30 pm. Appeals may be faxed to 541-225-6222, Attn. Forest Supervisor.

The appeal must be postmarked or received by the Appeal Deciding Officer (Forest Supervisor) within 45 days of the date the legal notice of this Decision is published in the Register Guard, Eugene Oregon. For further information regarding these appeal procedures contact Environmental Coordinator, Neal Forrester at 541-225-6436.

If this project is appealed, the Responsible Official (District Ranger) offers to meet with appellants to attempt to informally resolve the appeal.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. a

Contact

For additional information concerning this decision, contact Eric Ornberg at the Middle Fork Ranger Station; telephone number (541) 782-5217 during normal business hours.

/s/ Stacey Smith acting for Chip Weber

CHIP WEBER
District Ranger
Middle Fork Ranger District
Willamette National Forest

7/2/07

Date