

Decision Notice and Finding of No Significant Impact

Upper McKenzie Boat Launch Projects

USDA Forest Service
McKenzie River Ranger District
Willamette National Forest
Lane County, Oregon

T.16S, R.6E, Section 1; Frissell Boat Launch); T.16S, R.6E, Section 9; (Paradise Boat Launch), and T.16S, R.5E, Section 19; (Bruckart Boat Launch); Willamette Meridian; Lane County, Oregon

Decision and Reasons for the Decision

Decision

It is my decision to select **Alternative 2** to relocate boat launch facilities at Frissell and Bruckart boat launch sites, and to reconstruct the existing boat launch at Paradise Day-Use Area, as analyzed in the Upper McKenzie Boat Launch Projects Environmental Assessment (EA). This decision is based upon my review of that analysis, consideration of comments received from the public during the 30-day comment period, and after reviewing Biological Opinions received from the USDI Fish and Wildlife Service on consultation for bull trout, and from USDC National Marine Fisheries Service on consultation for spring Chinook salmon (hereinafter referred to as “the Services”).

This project will provide for and maintain opportunities for river-oriented recreation activities on the upper McKenzie River, as directed by the amended 1990 Willamette National Forest Land and Resource Management Plan.

Decision Rationale

Alternative 2 best meets the need to improve safety and accommodate the current level of use at the three boat launch facilities. It provides the level of developed recreation opportunities commensurate with the projected need that is recognized the 1990 Willamette Forest Plan.

Frissell, Paradise, and Bruckart launch facilities are developed recreation sites that currently do not accommodate peak season use of the launch sites and often result in crowded ramp areas at times. The facilities have inadequate road access and approaches to the ramps, and lack designated vehicle parking. Large groups, primarily associated with permitted river outfitter-guides under Forest Service special-use permits, also place a heavy demand on these launch sites in the summer. Although the District has the ability to manage launch times and group sizes for the outfitter-guides through Operating Plans submitted for special-use permits, the three launch facilities are not adequate because they have not been substantially improved since implementation of the Willamette Forest Plan in 1990.

Alternative 2 best responds to the following significant issues identified during public scoping and through project analysis: **1. Recreation Capacity, 2. Safety and Access, and 3. Threatened, Endangered, Sensitive (TES) Fish, and Management Indicator Species (MIS) Fish.**

1. Recreation Capacity

Frissell: Alternative 2 provides no net gain of parking as compared to the current location of the Frissell launch. However, crowding at the launch site will be reduced by the addition of a formal staging area that is not currently available at the existing Frissell launch.

Paradise: Alternative 2 provides a designated place for people and crafts at Paradise launch with paved roadside parking at existing native surface parking areas. It also adds a second staging area and new pre-fabricated concrete ramp that is wide enough to serve as two ramps, allowing more than one craft to be launched at a time, and quicker dispersal of boating groups. The improvement of an access trail to the staging area below the ramp will reduce crowding at the shoreline.

Bruckart: Alternative 2 provides no net gain of parking as compared to the current location of the Bruckart launch. However, crowding at the launch site will be reduced by the addition of a formal staging area that is not currently available at the existing Bruckart launch.

2. Safety and Access

Frissell: Relocating the launch below Frissell-Carpenter Bridge will increase the safety of the users while accessing their river craft by reducing the grade of the ramp. The relocation site downstream of Frissell-Carpenter Bridge is on the inside of the river bend near the top of a small cobble bar. It creates conditions where the river bank is not as steeply entrenched and the river velocities are less than the current ramp location. All of these conditions make it possible to place a boat ramp at a relatively flat grade (12-15%) and improve access conditions.

Paradise: Since Paradise launch is at the bottom of a cobble bar in relatively quiet water, it is not as hazardous to launch from, but this alternative will increase safety for users by reducing the grade of the ramp, increasing the ramp width, and by providing a concrete surface.

Bruckart: Relocating the ramp to below Bruckart Bridge will increase the safety of the users while accessing their river craft by reducing the grade of the ramp. It will also improve conditions for landing craft at the launch. The relocation site downstream of Bruckart Bridge is on the inside of the river bend

near the top of a small cobble bar, which creates conditions where the river bank is not as steeply entrenched and the river velocities are less than current ramp locations. All of these conditions make it possible to place a boat ramp at a relatively flat grade (12-15%) to improve access conditions.

3. Threatened, Endangered, Sensitive (TES) Fish, and Management Indicator Species (MIS) Fish

Alternative 1, (no action) would require the continued placement of crushed rock at all three boat launch sites to replace rock lost during high flows. Alternative 2 will eliminate this need, which reduces the amount of sediment delivered to the river channel each year from the rock and fine sediment. Alternative 2 also moves Frissell and Bruckart boat launches to a location better suited for launching water craft because they are on the inside bends of the river, which are less erosive by nature. Alternative 3 would have maintained Frissell and Bruckart launches at their current locations, and the new designs as described in the EA (pages 20-21) requires extensive rip rap to armor the upstream side of the boat ramp. Of all alternatives, Alternative 2 has the least adverse effect on TES and MIS fish and their habitat because it eliminates the need for continued crushed rock placement, it locates Frissell and Bruckart launches at less erosive river locations, and it would not require rip rap in its design.

The analysis in the Biological Assessment considered the potential direct, indirect, and cumulative effects of this action on TES fish and their habitat (of the Endangered Species Act). After reviewing the status of ESA listed fish, their designated critical habitat, the environmental baseline for the action area, the effects of the proposed action, and cumulative effects, the Services concluded that the action, as proposed, is not likely to jeopardize the continued existence of ESA listed fish, and will not result in the destruction or adverse modification of designated critical habitat.

Actions Specific to Frissell Boat Launch

Alternative 2 relocates Frissell Boat Launch by constructing a new launch site on river-right, across the McKenzie River from the existing site and downstream from the Frissell-Carpenter Bridge, or Buck Bridge (EA Appendix F, Figure 3). A new pre-fabricated concrete ramp will be installed measuring approximately 16 feet wide by 40 feet long. The ramp will extend into the river approximately 10 to 15 feet. Approximately 12 to 20 red alder trees will be felled and spread in the floodplain to serve as down woody material where it is feasible to do so without creating greater disturbance.

This project will construct a new paved access road with a loop at the ramp, a staging area along the road, and a concrete pad to seasonally locate portable toilets on (EA Appendix F, Figure 4). The new road will require felling and removal of approximately 52 conifer trees and 4 hardwoods, which will be decked and used for in-stream fish habitat or spread in the riparian reserve to serve as down woody material where it is feasible to do so without creating greater disturbance.

Two pull-outs along Forest Road 2650 will be improved to provide parking for vehicles and trailers. Improvements include blading the existing shoulders to ensure proper drainage and safety, conducting some brushing, and adding aggregate.

The existing boat launch and pullout area are along the Santiam Pass-McKenzie Pass National Scenic Byway. The existing boat launch on river-left will be decommissioned and the river bank and a portion of the terrace will be restored (EA Appendix F, Figure 5). The buttress logs and cable will be removed from the site. The decommissioned boat ramp location and a portion of the highway pullout will be restored by shaping a berm to divert or contain runoff and seeding with native grasses. A portion of the existing pull-out access will remain for motor vehicles along State Highway 126. The large pull-out will be rehabilitated by importing topsoil and re-shaping the surface.

Upper McKenzie Wild and Scenic River – Frissell Boat Launch lies within a portion of the McKenzie River that is designated as a Wild and Scenic River (WSR). This segment has a “Recreation” River Class, because it possesses numerous outstandingly remarkable values (ORV) such as: prominent recreational opportunities, spectacular scenery, unique geological and hydrologic attributes, outstanding water quality, and diverse fish populations and habitat. In 1992, the Willamette National Forest completed the Upper McKenzie River Management Plan to comply with law established by the 1968 National Wild and Scenic Rivers Act (Upper McKenzie River Management Plan EA and DN/FONSI, January 1992). This comprehensive River Management Plan amended the 1990 Willamette Forest Plan.

Annual monitoring on the Wild and Scenic River portion of the river, from Olallie Campground Boat Launch to Scott Creek, indicates that river use has not reached the limit of acceptable change that would trigger management actions to reduce river use. The District has been monitoring river use on the Upper McKenzie River since the River Management Plan was completed in 1992.

The McKenzie River Boat Launches Project Wild and Scenic River Section 7 Assessment (EA, Appendix E) summarized the effects of the proposed project on the McKenzie River in a finding: “The proposed McKenzie River Boat Launches Project is consistent with Section 7 of the Wild and Scenic Rivers Act, and will have a direct effect on the river, but not an adverse effect on the values for which the river was authorized by Congress.”

The Upper McKenzie River Management Plan includes actions to help attain the desired future condition for the Upper McKenzie River. One action in the plan was the development of a Capital Investment Program proposal for the Buck Bridge dispersed recreation area (on the Frissell-Carpenter Road). As discussed in the Purpose and Need for action (EA page 3), proposals that were foreseen in the Upper McKenzie River Management Plan includes the “re-establishment of restroom facilities, consideration of building a new boat launch on the west side of the McKenzie River, and closing the boat launch on the east side of the river”, located along Oregon State Highway 126. This Action will help achieve the desired future conditions for this area, except for the construction of a permanent restroom facility. This project will instead provide a concrete pad suitable for portable toilets.

Actions Specific to Paradise Boat Launch

A new pre-fabricated concrete ramp that is wide enough to serve as two ramps will be installed at the existing ramp site, (EA Appendix F, Figures 6 and 7). The ramps will measure approximately 40 feet by 32 feet and will extend into the river 10 to 15 feet. The existing approach road to the concrete ramp will

be connected with a new asphalt apron. Twenty small boulders (16 inches to 24 inches in diameter) will be relocated so they will not block the use of the extended ramp width during low flow months.

An additional 130 feet of road-side parking in the day-use area near the ramp will be paved. The location is currently unpaved native surface and used by the public for parking.

An additional staging area will be designated with signing that is adjacent to the launch area at a historic camp site established by the CCC.

An existing user defined pathway within the bank-full width of the river will be improved. It is adjacent to and downstream from the boat ramp. The path is used to facilitate unloading large groups during “take out” activities.

Actions Specific to Bruckart Boat Launch

Bruckart Boat Launch will be relocated to a new launch site on the same side of the river (river-right) downstream from Bruckart Bridge (EA Appendix F, Figure 8). The new site involves the installation of a pre-fabricated concrete ramp measuring approximately 16 feet wide by 40 feet in length (640 square feet). The ramp will extend into the river approximately 10 to 15 feet. Approximately 12 to 20 red alder trees will be felled and spread in the floodplain to serve as down woody material.

A new paved access loop road will be constructed at the ramp. The road includes turnouts, parking stalls, a staging area, and a concrete toilet pad to seasonally locate portable toilets on at the new site (EA Appendix F, Figure 9). Construction of the access and loop road, staging area, and toilet pad requires the felling of approximately 47 conifers and numerous vine maple. Trees that are suitable for fish habitat enhancement projects will be staged at a location separate from the new launch location and used in future projects. Trees that are not suitable would be spread out in the terrace area to serve as down woody material. All stumps would be flush cut.

Two parking areas will be created along both sides of Forest Road 19 near the boat launch, by widening the shoulders with fill material and then paving. The areas are approximately 90 feet long by 10 feet wide, and 150 long by 10 feet wide.

The existing Bruckart Boat Launch, parking areas, and an existing native surfaced road that connects Bruckart landing to Forest Road 19 will be decommissioned (EA Appendix F, Figure 10). Decommissioning will include scarifying 2 to 4 inches deep and seeding with native grasses.

Mitigation Measures:

This decision implements the following mitigation measures for the three boat launch projects as described in the EA on pages 21 through 23. In addition to site specific measures identified in this document, this project would comply with all applicable Oregon State Water Quality statutes through compliance with Forest Plan Standards and Guidelines and General Water Quality Best Management Practices (USDA Forest Service, November 1988).

The General Water Quality Best Management Practices (USDA Forest Service, November 1988) requires an Erosion Control Plan. Prior to starting work, the Contractor submits a plan which sets forth erosion control measures to be used. Operations would not begin until the Forest Service has made

written approval of the plan. The plan recognizes mitigation measures required in the contract. All contracts specify that operations be scheduled and conducted to minimize erosion. These measures address Forest Wide Standard and Guideline FW-089.

Approval of the erosion control measures plan would be conducted using an interdisciplinary approach. The measures approved by the interdisciplinary team will be reflected in the contracts specifications and provisions. Monitoring and enforcement of the erosion control plan would be the responsibility of the Contracting Officer's Representative (COR). Watershed and fisheries specialists would be on the work site during in-river work.

In the case of a hazardous spill, the Willamette National Forest has a Hazardous Spill Control and Emergency Response Plan, which is consistent with S&G FW-091 (USDA Forest Service, Willamette NF, February 17, 2004). The plan requires the contractor to have two *Spill Response Kits* on the project site whenever equipment is operating. One spill response kit shall be sufficient to absorb 34 gallons of oil, and designed to float on the surface while absorbing oil and repelling water. Equipment shall be furnished on a fully operational basis, of modern design and in good operating condition with no fuel or oil leaks.

Reasonable and Prudent Measures: The implementation of this project will incorporate the reasonable and prudent measures included in the Biological Opinions issued by the Services, in order to avoid or minimize take that must be carried out for the exemption in section 7(o)(2) of the ESA to apply. (USDC National Marine Fisheries BO, page 21; and USDI Fish and Wildlife Service BO, page 65.)

Project Background

This project was initiated to address deteriorating conditions at these three ramps. The project was developed with guidance from the 1990 Willamette Forest Plan as amended, and public scoping began in January 2003. The action is intended to meet the purpose and need to provide and maintain opportunities for river-oriented recreation activities on the upper McKenzie River. The Willamette Forest Plan recognizes the need to provide access to the river in the form of boat launch facilities for whitewater rafting, kayaking, and drift-boating.

Other Alternatives Considered

In addition to the selected alternative, I considered Alternatives 1 (No-Action alternative) and Alternative 3.

Alternative 1

Alternative 1 would not implement improvements to any of the boat launches. It does not meet the purpose and need to provide and maintain opportunities for river-oriented recreation activities on the upper McKenzie River, as directed by the amended Willamette Forest Plan. The no-action alternative

would not take actions to improve the conditions of boat launches or move Frissell and Bruckart launches from their current location, and it did not improve existing parking or staging areas.

Ongoing annual maintenance of the boat ramps would continue because ramps structures at all boat launches would continue to require periodic maintenance to replace crushed rock, particularly at Frissell and Bruckart where they are more exposed to the main current of the McKenzie River.

Alternative 3

In Alternative 3, the launch sites would have remained in the same location where they currently exist, but they would be reconstructed to reduce safety hazards and improve access. The reconstruction design would have reduced maintenance needs by reducing the amount of crushed rock that is placed on the current ramps. However, these designs would likely require 20 cubic yards of riprap at both Frissell and Bruckart. Alternative 3 would not implement the recommendations found in the Upper McKenzie River Management Plan (1992)

Public Involvement

The Project was initiated in January 2003, and was first listed in the Willamette Forest Focus--the quarterly schedule of proposed actions (SOPA) for the Willamette National Forest in the spring of 2003 issue. Information on the project appeared in the local McKenzie River newspaper, The River Reflections, on February 12, 2003. The information appeared in the Register-Guard Discovery Magazine (May 22, 2003) requesting public input. Scoping letters were sent to interested parties including the Tribal Governments on February, 10, 2003 and May 29, 2003. A field trip was held for the public on Saturday, September 20, 2003, to review proposals and visit the launch locations. Several comments were received from letters during scoping and as a result of the field trip. These comments were considered and contributed to the design of the proposed action and to the development of Alternative 3. Interdisciplinary Team responses to comments are found in Appendix G. of the EA.

On February 26, 2007, the Upper McKenzie Boat Launch Projects 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. Four letters and emails with comments on the proposal were received. My decision was made taking these comments into consideration.

***Comment:** The Oregon Department of Parks and Recreation provided comments on the Section 7 WSR evaluation of the Frissell and Paradise boat launches (EA Appendix E). The letter provided a statement of support for the project, which is within the Upper McKenzie State Scenic Waterway (scenic classification), and commented that the projects do protect the values for the McKenzie River Scenic Waterway. The Department of Parks and Recreation supports the moving of the Frissell launch to the west of the river, and also supports the improvements at Paradise launch.*

***Comment:** I urge the Forest Service to develop a better means of documenting recreational use, and to think about developing indices of use (or overuse) to have some guidelines for the carrying capacity of the upper river.*

Developing a better means of documenting recreation use is beyond the scope of the analysis in the EA. The Forest Service developed a means of monitoring river use in the Upper McKenzie River Management Plan. This monitoring strategy provides the following: key indicators are identified to be monitored, it provides management standards, it provides triggering of management actions if standards are not met, and it provides a sampling frequency. The EA did not propose to amend the Upper McKenzie River Management Plan, but instead was developed to respond to the need for better access to launch sites, and to provide less hazardous facilities that can accommodate current use while protecting natural resources.

***Comment:** Recognizing the differences between different modes of river travel, their differing needs, and drawing up a plan to accommodate each user with a different set of needs and to utilize ramp space to the advantage of each user would go a long way in resolving future conflict. The present plan does not take any of the above into consideration.*

Managing the use of differing modes of river travel is outside the scope of analysis in the EA. The ramps are designed for universal modes of use. The issue of ramp space and conflicts between different river users can be addressed by operating plan requirements in Special Use Permits for commercial river outfitters and guides. The Forest Service could designate launch times and limit group size for outfitters in the operating plans, however, that action would be done independent of this decision. We will also explore the possibility of posting courtesy posters where conflicts exist, in cooperation with boating groups.

***Comment:** The River Plan specifies that the key monitoring indicator for river recreation is the encounters per trip with other float parties. The EA does not present any monitoring data on encounters per trip with other float parties. It acknowledges growing use of the upper McKenzie, but apparently no data exist on whether or not use is still within limits of acceptable change – critical information to have before improving boat launches, expanding parking lots, etc.*

Although monitoring information was not presented in the EA, regular river monitoring occurs each year as required by the Upper McKenzie River Plan, and that information was available to me from the analysis file. A process is in place to take action if monitoring results indicate that river use exceeds limits of acceptable change (LOC). However, monitoring information does not indicate that LOC have been met or exceeded to necessitate Phase II river management restrictions from the River Plan.

***Comment:** The project as proposed is not consistent the roaded natural requirement in standard and guideline MA-6d-01. The new boat launch at Frissell can meet this S & G by using a log ramp instead of a concrete ramp:*

Willamette Forest Plan MA-6d-01: “The area shall be made available for maximum use for a range of trail- and river- related activities that are consistent with maintaining the area conditions and providing Recreational river experiences. This management prescription shall provide an ROS physical setting for roaded natural recreation.”

The intent of the project is to continue to provide for recreational river experiences and related activities at current levels into the future. Uses include commercial and non-commercial boating. The poor access, steepness, and the deteriorating and unstable conditions were key factors influencing the proposed relocation of the Frissell boat ramp. We are considering adding dark tinting to the concrete mix

for the prefabricated pads so that they better blend in with the surroundings. Since the river corridor at this location (as viewed from the river and nearby McKenzie River Trail) will remain a mostly natural appearing environment, access points will continue to be provided for conventional motorized vehicles, and vegetation will be retained where possible for screening, the ROS physical setting will be maintained within the roaded natural class.

The McKenzie District Interdisciplinary team has responded in detail to relevant, site specific comments received on the EA during the 36 CFR 215 public comment period. Agency responses are included in the project record as the Comment Response Addendum, which is available for public review. To request a copy, contact the McKenzie River Ranger District office at 541-822-3381.

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). My conclusion is based on a review of the record that shows a thorough review of the best relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Specifically, the Upper McKenzie Boat Launches Fisheries Biological Assessment, which was rigorously reviewed by the Services during formal consultation on ESA listed bull trout and spring Chinook salmon and their designated critical habitat, was found to have used the best scientific and commercial information available as required by Section 7 (a) (2) of the Endangered Species Act. Thus, an environmental impact statement will not be prepared. I further base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. This action incorporates reasonable and prudent measures provided by the Services in their Biological Opinions that are intended to protect downstream habitat for ESA listed fish. Considering these measures, the mitigation measures listed in the EA (pages 21-23), and application of BMPs during implementation (EA page 50), this action will be in compliance with the Clean Water Act. Considering that the minor amount of slash burning from vegetation clearing at the three boat launches will be treated in a manner consistent with Forest Plan standards and guidelines for fuels treatments, this action will also be in compliance with the Clean Air Act. Thus, there will be no significant effects on public health and safety from implementation of this project.
3. The supporting documentation located in the EA and Project Record provides sufficient information to determine that this project will not significantly affect any known unique characteristics of the geographic area such as park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas such as historic or cultural resources.

There are no park lands or prime farmlands in the project area. Boat launch improvement

activities that occur within wetland areas will employ Best Management Practices to protect downstream resources from impacts.

Frissell Boat Launch is within Management Area 6d, the Upper McKenzie Wild and Scenic River. However, actions are consistent with standards and guidelines and allowable in the 1993 McKenzie River Wild and Scenic River Plan, which amended the Willamette Forest Plan. This action is designed to maintain the Outstandingly Remarkable Values of the McKenzie River Wild and Scenic River, as supported in the WSR Section 7 Analysis. (Appendix E)

Consultation with the State Historic Preservation Office (SHPO) for “No Effect” projects is facilitated by the June 2004 Programmatic Agreement among the Forest Service, the Advisory Council on Historic Preservation, and SHPO. Under the terms of that Agreement, concurrence authority for findings of No Effect has been delegated to the Forest Specialist. A concurrence of “No Historic Properties Effectuated” finding was received from Forest Archaeologist Cara Kelly (the designated Forest Specialist for the Willamette National Forest) on November 2, 2006.

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. Site clearing with tree removal, road construction, ramp placement, site rehabilitation would employ common practices and the effects are well known. The effects of these boat launch improvements are fully disclosed in the EA (Chapter 3) and are not significant in their controversy. The comments received consisted of one letter from Oregon State Parks and Recreation and three letters from the public. This limited controversy does not satisfy the threshold for the preparation of an Environmental Impact Statement (EIS). The EA effectively addresses and analyzes all issues and environmental impacts associated with this project.
5. We have considerable experience with the types of activities to be implemented with this decision. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. Similar types of tree removal and site clearing, road construction, developed recreation site construction, other connected actions have occurred previously on the Willamette and on other National Forests. No impacts to the human environment that are highly uncertain or involve unique or unknown risks have been identified in Chapter 3 of this analysis.
6. The action is not likely to establish a precedent for future actions with significant effects because recreation site development projects of this magnitude and complexity are commonly implemented. The proposed boat launch improvements, and connected actions employ well established practices on the Willamette National Forest and do not establish a precedent for future actions.
7. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the Environmental Consequences section of the Upper McKenzie Boat Launch Projects EA and find that this action will not have a significant cumulative impact on the environment (EA, pages 30, 41, 46, and 48).

8. Consultation with the State Historic Preservation Office (SHPO) for “No Effect” projects is facilitated by the June 2004 Programmatic Agreement among the Forest Service, the Advisory Council on Historic Preservation, and SHPO. Under the terms of that Agreement, concurrence authority for findings of No Effect has been delegated to the Forest Specialist. A concurrence of “No Historic Properties Effected” finding was received from Forest Archaeologist Cara Kelly (the designated Forest Specialist for the Willamette National Forest) on November 2, 2006. The concurrence form, documenting compliance with the National Historic Preservation Act, can be found in Appendix C. A provision will be included in the timber sale contract to provide for protection of this resource in the event that new material is discovered during ground disturbing activities.
9. The action will not have significant adverse affects on any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

For the Northern Spotted Owl: The boat launch areas are not currently providing spotted owl habitat, and therefore, Alternatives 2 and 3 will have no effect on the northern spotted owl. No formal or informal consultation was required with the USDI Fish and Wildlife Service on the northern spotted owl. (Appendix B - Wildlife BE).

For Bull Trout and Spring Chinook Salmon: In December of 2006, the Forest Service submitted a Biological Assessment (BA) in order to initiated formal consultation with the U.S. Fish and Wildlife Service (FWS - bull trout) and the National Marine Fisheries Service (NMFS – spring Chinook salmon).

On February 16, 2007, the Forest Service received a Biological Opinion (BO) from the FWS for bull trout (file no. 8330.F0076 (07)). The FWS made the following conclusion in the BO:

After reviewing the current status of bull trout, the environmental baseline for the action area, the effects of the proposed actions and the cumulative effects, it is the FWS’s biological opinion that the McKenzie River Boat Launches Project is not likely to jeopardize the continued existence of bull trout.

The FWS believes that the proposed actions can not reasonably be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of bull trout in the wild by reducing reproduction, numbers, or distribution. It is the FWS’s opinion that no action individually or in aggregate addressed in the consultation will appreciably impair or preclude the capacity of the Willamette River recovery unit from providing both the survival and recovery functions assigned to it in the context of the Distinct Population Segment.

After reviewing the status of ESA-listed salmonid considered in this Opinion (Upper Willamette River Spring Chinook Salmon), and its designated critical habitat, the environmental baseline for the action area, the effects of the proposed action, and cumulative effects, NMFS concludes that the action, as proposed, is not likely to jeopardize the continued existence of the ESA-listed salmonid, and will not result in the destruction or adverse modification of designated critical habitat. Although the proposed action will have some adverse effects to critical habitat at the reach scale, it will not cause further degradation of freshwater spawning, rearing, or migratory habitat or adverse modification of critical habitat PCEs (Primary Constituent Elements) at the

scale of the watershed or designation of critical habitat.

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, (pages 50-52). The action is consistent with the Willamette National Forest Land and Resource Management Plan (EA, page 51).

Findings Required by Other Laws and Regulations

This decision to implement Alternative 2 is consistent with the intent of the 1990 Forest Plan's long term goals and objectives listed on pages IV-4 to IV-44. The project incorporates appropriate land and resource management plan guidelines for Management Areas 6d, 5a, 11f, and 15 (EA pages 6-11, and Willamette Forest Plan, pages 152 to 239).

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 page 45).

Survey and Manage Species – Surveys were conducted for Survey and Manage and Protection Buffer Wildlife Species in all areas proposed for ground disturbing activities. No Survey and Manage mollusks, red tree voles, or great gray owls were found during these surveys (EA page 45). The Upper McKenzie Boat Launch Projects are in compliance with the 2001 ROD and does not rely on the 2001 or the 2003 Annual Species Review.

A pre-field review of the project area was conducted to determine the presence of potential habitat for former Survey and Manage species. Surveys were conducted in 2000, 2001, and 2006 in these potential habitats. No S&M vascular plants, lichens, bryophytes, or fungi were observed during the survey. See Appendix D Results from the pre-field review and surveys.

As a result, I conclude that the Upper McKenzie Boat Launch Projects complies with the January 9 NEA Order and the Klamath opinion by complying with all survey and manage requirements in the 2001 ROD for Amendments to Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines.

Compliance with Aquatic Conservation Strategy – A review of the standards and guidelines and Aquatic Conservation Strategy (ACS) objectives has been conducted for this project. The Proposed Action as designed, including all applicable Best Management Practices and mandatory Terms and Conditions provided by the USFWS and NMFS, will not prevent attainment of ACS objectives. The assessment of the Proposed Action on the ACS objectives is available upon request from the McKenzie River Ranger District.

Frissell Boat Launch lies within the Upper McKenzie Key Watershed. Paradise and Bruckart boat launches are within a non-Key Watershed. The new road construction proposed for Frissell Boat Launch would add approximately 0.1 mile of new road construction in the Upper McKenzie Key Watershed. Since 1994, other projects have cumulatively decommissioned approximately 11.14 miles of road in the Upper McKenzie Key Watershed, which compensates for new road construction at Frissell Boat Launch to meet the “No Net Increase” in roads in this Key Watershed as directed by the 1994 Northwest Forest Plan ROD (B-19).

Standards and Guidelines (S&Gs) for recreation management in Riparian Reserves were reviewed and actions were assessed to determine compatibility with the S&Gs. The S&Gs for recreation management focus on designing new facilities in a manner that does not prevent attainment of ASC objectives. For existing facilities the focus is to evaluate and mitigate impacts to ensure that these do not prevent, and to the extent practicable contribute to, attainment of ACS objectives. In addition, the S&Gs state that Forest Service should adjust dispersed and developed recreation practices that retard or prevent attainment of ACS objectives. Where adjustment measures such as for education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy.

This action is designed to move the project toward the range of natural variability by: (1) closing the existing Frissell and Bruckart launch sites, and reconstructing the Paradise launch, in order to reduce the amount of human derived sediment that reaches the river; (2) by preventing surface water runoff from Highway 126 from directly reaching the McKenzie River at Frissell and Bruckart; (3) by closing and rehabilitating existing user defined pathways (trails) that are on the river bank and terrace at Paradise; (4) and by compensating for vegetation removed at the new launch sites by planting vegetation at a 3 to 1 ratio along the McKenzie River.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Appeals can be submitted in several forms, but must be received by Forest Supervisor Dallas Emch, the Appeal Deciding Officer, within 45 days from the date of publication of notice of this decision in the Register Guard, Eugene, Oregon. The publication date in the Register Guard, newspaper of record for the Willamette National Forest, is the exclusive means for calculating the time to file an appeal. Attachments received after the 45 day appeal period will not be considered. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals may be:

- 1) Mailed to: Appeal Deciding Officer, Dallas Emch, Forest Supervisor; ATTN: Appeals, P.O. Box 10607, Eugene, OR 97440;
- 2) Emailed **only to:** appeals-pacificnorthwest-willamette@fs.fed.us. Please put APPEAL and UPPER MCKENZIE BOAT LAUNCH PROJECTS EA DECISION in the subject line;
- 3) Delivered to: Willamette National Forest, Supervisor’s Office at 211 E. 7th Ave, Eugene, OR 97401, between the hours of 8:00 am and 4:30 pm, M-F; or

4) Faxed to: Willamette National Forest, Supervisor's Office, ATTN: APPEALS at (541) 225-6222.

The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:30 pm, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to the email address above. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Implementation Date

If no appeal is filed within the 45-day time period, the USDA Forest Service will implement the Upper McKenzie River Boat Launch Project five business days after the close of the appeal period, which starts on the date the legal notice announcing the decision appears in the Register-Guard, Eugene Oregon. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

For additional information concerning this decision contact Ray Rivera, District Fisheries Biologist, McKenzie River Ranger District, 57600 McKenzie Highway, McKenzie Bridge, Oregon; by telephone at 541-822-3381; or email at rrivera@fs.fed.us.

/s/ Mary Allison
MARY ALLISON
District Ranger

June 14, 2007
Date

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