

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
FALL CREEK STREAM ENHANCEMENT
OF THE
FALL CREEK SPECIAL INTEREST AREA
FIRE RECOVERY PROJECT
ENVIRONMENTAL ASSESSMENT**

USDA Forest Service
Willamette National Forest
Middle Fork Ranger District
46375 Highway 58.
Westfir, OR 97492

The Fall Creek Special Interest Area (SIA) Fire Recovery Project Environmental Assessment (EA) documents the environmental analysis of the proposal to fall hazards trees into Fall Creek to enhance the fish habitat in the area burned by the Clark Fire in 2003. The project area is located in the Fall Creek watershed approximately 12 miles northeast of the community of Lowell, Oregon. The legal description of the area is T18S, R2E, Sections 26, 27 and 28 of the Willamette Meridian, Lane County, Oregon.

The Fall Creek Special Interest Area Fire Recovery Project was developed in accordance with direction provided in the National Forest Management Act, the National Environmental Policy Act, the 1990 Final Environmental Impact Statement for the Land and Resource Management Plan for the Willamette National Forest (Forest Plan) as amended by the 1994 Record of Decision for Amendments to Forest Service And Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (Northwest Forest Plan), and other appropriate laws and policies. The documents for this project are available for review at the Middle Fork Ranger District Office, 46375 Highway 58, Westfir, OR 97492, phone (541) 782-2283 or at the Lowell Service Center Office, 60 S. Pioneer St., Lowell, OR, 97452, phone (541) 937-2129. 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.

Decision and Reasons for the Decision

It is my decision to implement Fall Creek SIA stream enhancement component of Alternative C of the Fall Creek Special Interest Area Fire Recovery Project EA. The stream enhancement component of this alternative will fall about 70-90 hazards trees into Fall Creek to provide large woody debris structure to enhance the stream environment and fish habitat. I am making a separate decision on the stream enhancement component of Alternative C in order to facilitate the timing of the project before adult salmon are released above Fall Creek dam and migrate into the upper reaches of Fall Creek. Falling hazard trees eliminates the threat to public safety while leaving the fallen trees in place to maintain the recruitment of large wood into the stream channel. The stream enhancement project will be implemented July 2005 to avoid the adult salmon from being present in Fall Creek during the falling

operations, avoid the disturbance of the salmon as they begin to spawn, and to avoid any disturbance to the redds. These hazard trees are generally within 100-150' of Fall Creek but still present a threat to public safety because of their proximity to FS Road #1800, the bridge near Johnny Creek, and various dispersed recreation sites. The decision takes the opportunity to reduce the hazard and enhance the habitat at the same time.

The stream enhancement component of Alternative C proposes activities that meet the purpose and need for action described in Chapter 1 of the EA. This component of the alternative was chosen because it:

- Provides for public safety in portions of the area subject to the greatest use. Specifically it mitigates the known hazard trees in areas of concentrated public use such as FS Road #1800, the bridge near Johnny Creek, and various dispersed recreational sites along Fall Creek. This will substantially reduce the risk from conditions created by the fire for users of this popular recreation area.
- Protects salmon and improves aquatic habitat conditions. Specific stream enhancement activities will lead to restored stream conditions favoring salmon and many other species over the long term;
- Implements activities which move the post-fire conditions toward the desired condition as described in the Willamette Forest Plan as amended by restoring habitat conditions for forest associate species.

I have determined that the selected alternative is consistent with the Willamette National Forest Land and Resource Plan, as amended by the Northwest Forest Plan. This finding is based on the environmental analysis that was prepared in accordance to Forest Plan Management Areas and Standards and Guidelines, cited throughout the EA and documents in the Analysis File. This EA is essentially a listing of how these proposals, and their purposes, respond to the direction contained in the Forest Plan.

No hazard trees or fire-killed trees that have the potential to fall into Fall Creek will be removed from the riparian area in order to maintain the recruitment of large wood into the stream channel. A few exceptions may occur where hazard trees along main Fall Creek Road #1800 on the western and eastern edge of the project area will need to be removed as needed from these areas for the following reasons: 1) to eliminate threat to public safety; 2) to provide protection of infrastructure such as bridges; 3) to meet scenic quality objectives; 4) to promote vegetation recovery; and 5) to meet fuel loading objectives. Excess trees will only be removed after riparian and wildlife coarse woody debris habitat needs are met. These areas are located in the Riparian Reserve Management Area of Fall Creek where the main Fall Creek Road #1800 crosses or parallels close to the stream. The excess trees will be removed and hauled to a storage area for use in other stream enhancement projects, scattered in other areas as down woody debris, or use as log barriers to control off-road vehicle travel.

The stream enhancement project restores conditions which contribute to attainment of the Aquatic Conservation Strategy objectives (outlined in the 2004 Record of Decision Amending Resource Management Plans for Seven Bureau of Land Management Districts and Land and Resource Management Plans for Nineteen National Forests within the Range of the Northern Spotted Owl – Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy). By implementing associated mitigating measures, Best Management Practices, and Forest Plan as amended Standards and Guidelines, the proposal will insure protection of water quality and beneficial uses (EA pages 162 to 176).

Mitigating Measures

The proposal implements mitigating measures and Best Management Practices to ensure meeting the standards and guidelines for water quality and soil stability. These management practices include: protection of all streams channels with Riparian Reserves, and erosion control measures.

All large woody material will be left in place to promote habitat enhancement, where appropriate. Large woody material will be retained to ensure adequate nutrient cycling for maintenance of long-term site potential and valuable habitat structure for a diversity of species.

Seasonal restriction for noise producing activities will be implemented for a number of activities to avoid disturbance of breeding pairs of northern spotted owl. This restriction will be implemented for any noise producing activity (falling, removal, and hauling of excess trees) which might occur within one quarter mile of known spotted owl activity centers or un-surveyed habitat from March 1 through July 15.

Equipment used to remove excess trees will remain on the gravel or paved road surfaces of Road #1800 and parking areas. Excess tree will be hauled to a storage area for use in other stream enhancement projects, scattered in other areas as down woody debris, or used as log barriers in areas adjacent to Road #1800 and various dispersed recreation sites parking areas to prevent off-road vehicle travel. In the case where mineral soil is exposed in specific locations beyond threshold levels, the sites will be seeded and fertilized following completion of the activities.

Disturbed areas will be re-vegetated with weed-free native seed to mitigate the spread of weed species.

Monitoring will occur at many points in time during the implementation process of the project such as during hazard tree assessments and the falling operations. The project will also be included in the list of projects with the potential to be sampled by Forest, Provincial, and Regional monitoring teams.

Alternatives Considered

Four action alternatives were developed for this proposal, in addition to the No Action alternative. The action alternatives were developed around the significant issues of public safety, fuel loading, and spring chinook salmon. The alternatives evaluated in this EA are as follows:

Alternative A is the “no action” alternative where the proposed project does not take place. No further activities take place to treat the dead hazard trees standing along the roads, trails, dispersed recreation sites, and the developed (Johnny Creek) recreation sites. The No Action provides a benchmark or a point of reference for describing the environmental effects of the proposed action and other alternatives.

Alternative B is designed with an emphasis toward restoration without the commercial extraction of fire-killed trees. The alternative responds to the public safety issue and incorporated various public comments and publications, such as the Beschta Report (EA, pages 27, 205-206, and response in the Analysis File) that advocated for no removal of fire-killed trees. This alternative falls and leaves all hazard trees on site. The stream enhancement component of this alternative falls about 100-120 hazards trees into Fall Creek to provide woody debris structure for fish habitat.

Alternative D is identified in the EA as the original proposed action and designed to balance the resource trade-off between hazard tree removal, fuel loading, and spring chinook salmon. The stream enhancement component of this alternative falls about 70-90 hazards trees into Fall Creek to provide woody debris structure for fish habitat.

Alternative E is designed with an emphasis toward maximizing treatments to mitigate concerns about public safety and fuel loading. The stream enhancement component of this alternative falls about 150-170 hazardous trees into Fall Creek to provide woody debris structure for fish habitat.

The Fall Creek Special Interest Area Fire Recovery interdisciplinary (ID) team also considered several management alternatives that ultimately were not analyzed in detail.

1. Closure of Fall Creek Road #1800 – The Fall Creek Road #1800 provides the main access to the highly used recreation area. The road also provides important administrative access to the Fall Creek watershed for fire protection, law enforcement, resource management, and access to a parcel of private property. Road #1800 is identified in the Forest Road Analysis as a key road to be kept opened and maintained. Due to the high recreation use, key road designation, and need for administrative and private property access, this option was eliminated from detail analysis.
2. Topping of hazard trees – The topping of fire-killed trees was considered as an option to abate the hazards to public safety. Tree topping is regularly used to create wildlife trees or snags in harvest units. We would have had to climb and top most trees in the first year after the fire in order to maintain safe working conditions. There was no funding available to implement that practice at the appropriate time. Funding could be generated through a timber sale, but by the time the timber sale is completed and sale area improvement funding is made available, it will be 3-5 years after the fire and the tree bark will be too loose to safely climb the trees. Due to the timing and cost, this option was eliminated from detailed analysis.

Public Involvement and Scoping

The public involvement process and scoping started soon after the fire was controlled with a series of informal field trips with a variety of individual and organizations. The planning for this project was initiated with a scoping meeting on May 5, 2004. The scoping record and letters was sent out May 12, 2004 to a mailing list of specific individuals, organizations, agencies, and tribes identified as being interested or affected by the proposal requesting comments and additional information.

The Proposed Action was also published in the Willamette National Forest's Schedule of Proposed Action (SOPA) (Forest Focus) which is mailed out to a Forest mailing list of people interested in the management activities of the Forest. The proposal first appeared in the Winter Quarter/February 2003 issue. The SOPA provides one 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.

An Internet website was also created for the Fall Creek Special Interest Area project, linked from the Willamette Forest website. The website provided background information on the Fall Creek Special Interest Area, provided access to other Clark Fire recovery and restoration planning documents, and provided specific Fall Creek SIA project planning documents and process updates.

Twelve letters and electronic mail responses were received as a result of these notifications. A listing of these individuals or organizations and brief summary of the comments topics specific to the proposal can be found on page 19 of the EA. Copies of the letters are in the public involvement sections of the Analysis File. The interdisciplinary team and I reviewed all these comments and incorporated the concerns into the issues where applicable and appropriate. Issues raised about old-growth or spotted owl habitat were not considered as significant issues because the proposed action will only cut dead hazard trees. The fire-killed stands no longer meet the definitions of old-growth or spotted owl habitat. Some aspects of these issues were considered with other analysis issues because of the importance of the legacy of coarse woody debris. Alternative A-No Action and Alternative B are responsive to issues by eliminating commercial extraction of burnt timber or logging old-growth. The recommendations in the

Beschta Report (EA, pages 205-206, and response in the Analysis File) were generally followed in all the alternatives, with the exception of the coarse woody debris prescription in Alternative C, D, and E. Several comments on treating fuels in high risk area on private lands or non-federal lands, the investigation of the origin of the fire, and applicability of Forest Plan Standards and Guidelines are outside the scope of the proposed action.

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), and National Oceanic and Atmospheric Administration (NOAA) – Fisheries Division. The USFWS provided a letter of concurrence supporting a may affect but not likely to jeopardize the continued existence of the spotted owl and the NOAA – Fisheries MFS provided a letter of concurrence supporting a may affect but not likely to adversely affect spring chinook salmon during the informal consultation process. The Klamath Tribe and the Conferated Tribes of Grand Ronde, Siletz, and Warm Springs were also contacted during the planning process. No comments were received back from the Tribes or ODFW.

The interdisciplinary team reviewed all these comments and incorporated the concerns into the issues where applicable and appropriate. 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 or Decision Notice.

A public notice was published in the local newspaper requesting comments on the proposed actions and EA. The EA and a letter identifying the proposed action was also sent to people who have participated in the environmental analysis process.

After the 30 day comment period, the responsible official reviewed the substantive comments along with the supporting reasons before making the final decision.

A complete record of the public participation can be found in the Analysis File for the Fall Creek Special Interest Area Fire Recovery Project EA.

Responses to Substantive Comments

This decision was made with consideration of substantive comments received during the EA's 30-day public review period. For a listing of all comments and their responses, please refer Response to Comments document in the public involvement section of the Analysis File. A summary of the substantive comment topics are paraphrased below with a brief summary of the responses.

1. "Salvaging fire-killed trees is not appropriate in the Fall Creek Special Interest Area Management Area" – The project is consistent with the direction and standards and guidelines set forth in the Willamette National Forest Land and Resource Management Plan as amended (EA, page 10-12) for Management Area 5A – Special Interest Area and Forest-wide Standards and Guidelines for changed conditions which provide for salvage in this area.
2. "Retain snags and coarse woody debris (CWD) habitat" - The CWD prescription takes into consideration the primary purpose and need for public safety and balances the various resource objectives (fuel management, salmon protection, vegetation recovery, scenic quality, recreation access, and economics) with need to provide CWD for wildlife habitat. All proposed alternatives will meet or exceed the Forest Plan standards and guidelines for snags and CWD within the project area (EA page 135).
3. "Visual appearance of the fire-killed trees" - The Clark Fire created conditions in the Fall Creek Special Interest Area that do not meet the Forest Plan scenic standards and guidelines. The assumptions used in the scenic analysis are documented in the EA on page 107-113 and in the

Recreation Report located in the Analysis File. It summarizes the difficulty presented by the management direction, and public and professional opinions regarding how to meet the scenic and aesthetic objectives of an area impacted by a stand replacement wildfire. The selected alternative manages the visual characteristics and setting as close to the scenic standards as safety needs and post-fire conditions will allow.

4. “Public safety and ecological restoration” - The current stand conditions do not meet the safety standards. The primary purpose of the project is to provide for public safety and to be consistent with these safety standards by eliminating the hazard trees in the high recreation use area of the Special Interest Area and along the roadways while providing for the ecological values of the area.
5. “Fuel hazards treatments must focus on small diameter material” - The proposed actions are designed to manage both the fine fuels and large fuels over time at the appropriate levels around the given recreation facilities and roadways and to reduce the resource impacts of another fire in the Fall Creek SIA. The EA on pages 71-72 documents the characteristics of fuel models with fine and large fuels on fire spread and intensity. The valley bottom of Fall Creek SIA provides the strategic access and place to direct attack a fire and the fire salvage and fuel hazard treatments lowers the “resistance to control” which will help reduce the risk of fire spreading outside the project area to private property, the LSR, and to adjacent Forest Service land.
6. “Passive recovery is better than active management” - The EA evaluated several alternatives that apply aspects of passive recovery. Alternative A –No Action present the option for no action and therefore passive recovery. Alternative B was designed to respond to public safety and incorporated aspects of passive recovery advocated in publications such as the Beschta Report (EA, pages 205-206, and response in the Analysis File). Alternative C essentially takes the passive approach for restoration of the LSR portion of the project area. The Clark Fire post-fire analysis of the Fall Creek LSR documents the rationale for taking the passive approach to recovery and not salvaging fire-killed timber in the rest of the Clark Fire located in the LSR (EA, page 6). The Fall Creek Special Interest Area Fire Recovery Project Area represents a small proportion of the Clark Fire. The active management is concentrated in the Special Interest Area portion of the project area where the primary purpose of the action (EA, page 7-10) is to mitigate or eliminate the hazard trees in order to provide for public safety.

Several other comments were received relating to spotted owls, hiding cover for big game, natural range of variability, and the fire ecology interpretative site. These comments were responded to by making factual corrections in the EA. Comments evaluated to be non-substantive were either providing a ‘vote’ for a particular action or alternative without giving supporting rationale, lacked sufficient specificity, or were outside the scope of the project.

Significant Issues

The following issues are identified as the significant issues for the project area based on the scoping, public comments received and interdisciplinary team discussions. The significant issues were used to guide development of alternatives and tracked through the analysis process.

1. Public Safety - The fire has killed numerous trees adjacent to developed and dispersed recreation sites and along Forest Service roads. These roads and recreational facilities are within the Fall Creek Special Interest Area that is a heavily used recreation area. The public recreating in the fire-affected portion of Fall Creek could be injured or killed by falling dead trees or falling tops and branches of fire-killed trees. The risk increases for recreation activities with long residence

time, such as day-use or overnight camping, where the public is exposed to the danger over a longer period of time. The risk of dead trees falling and hitting someone using the recreation facilities, hiking the trails, or traveling along the roadways has created hazardous conditions to public safety and commercial and administrative use.

2. Fuel Loading - The future fuel loadings that will be created from the fire-killed trees will exceed the standards and guidelines established for fine fuels and coarse woody debris. The high recreation use in this area provides a potential ignition source for future fires that could burn with very high intensities and long durations given the expected build up of fuels over time as the fire-killed trees deteriorates. These future fuel loadings could cause an increase in fire intensities; increase the resistance to control; inhibit and the ability of the firefighters to fight fire safely; and increase fire spread which could threaten the safety of recreationists, the surrounding recreation facilities, private property; and impede the recovery of forest conditions.
3. Spring Chinook Salmon - Fall Creek contains and provides habitat for spring chinook salmon, a federally listed (threatened) anadromous fish species. The Forest Service is required, pursuant to the Endangered Species Act (ESA) of 1978, as amended, to consult with the Fisheries Division of the National Oceanic and Atmospheric Administration (NOAA- Fisheries) on the determination of effects for land management projects on anadromous fish species. The ESA requires that federal agencies shall ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat. Spring chinook salmon life cycles, such as spawning and rearing, can be disrupted by the presence of excess fine sediments and increases in stream temperatures. Proposed activities in the riparian reserves have the potential to impact water quality and fish habitat. In addition, large woody debris in stream channels aids in creating salmon habitat. The removal of the dead trees could adversely affect the current and future recruitment of large woody debris for fish habitat.

Several other issues were identified but were found not to be significant for the purposes of this project. Generally, non-significant issues are mitigated by standards and guidelines provided for in the Forest Plans, addressed through resource prescriptions, or decided upon by laws and regulations. These issues included recreation use capacity, vegetation recovery, damage to recreation infra-structure, snags and CWD habitat, threatened, endangered, and sensitive species, water quality, soil erosion and detrimental soil conditions, economics, noxious weeds, and cultural resources. The potential impacts of the alternatives on these issues and the environmental factors were analyzed in Chapter 3 of the EA.

Finding of No Significant Impact

My review of the results of the environmental assessment indicates there will be no significant effects on the quality of the human environment if the stream enhancement component of Alternative C is implemented as proposed. I have therefore determined that this action is not a major federal action which will significantly affect the human environment. An environmental impact statement is not needed, and will not be prepared. This determination was made considering the following rationale, starting with the context and intensity factors listed in the Code of Federal Regulations' definition of "significantly" (40 CFR 1508.27)

Context:

"The significance of an action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality.....in the case of site-specific actions (such as this one), significance would usually depend on the effects at the locale rather than the world as a whole".

The Fall Creek Special Interest Area Fire Recovery Project implements direction set forth in the Willamette National Forest Plan as amended by the Northwest Forest Plan. The Willamette National Forest is one of nineteen National Forests in the Pacific Northwest Region. The selected alternative will fall hazard trees along a 2-mile section of Fall Creek. The percentage of anadromous fish habitat that will be affected by the stream enhance component of the Fall Creek Special Interest Area Fire Recovery Project represents about 0.3% (2 out of 606 miles) of the Forest's habitat and about 12 % (2 out of 17 miles) of the watershed's habitat. The trees felled into or towards Fall Creek are intended to capitalize on the condition of the wood at this time and to provide habitat enhancement for spring chinook salmon and other aquatic organisms. Therefore, the effects of the action on the resources and species within the project area or at scales larger than the project area and are not significant as disclosed in Chapter 3 of the EA and will have a negligible effect upon the watershed's functions and values.

Intensity:

1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.

The effects of the proposed actions will be both beneficial and adverse, as documented in Chapter 3 of the EA, pages 53 to 206, but not significantly so. The action mitigates the known hazard trees and substantially reduces the risk from conditions created by the Clark Fire for users of this popular recreation area (EA page 60). The falling of hazard trees may create adverse effects on salmon if a felled tree were to strike a fish (EA, page 98). The proposal will have beneficial impacts to fish habitat by introducing large wood material into the stream channel (EA pages 98) The falling of hazards trees on the south side of Fall Creek will have an short term adverse effect of reducing the shaded area of the stream (EA, pages 170-171). The proposed action may cause short term adverse effects by dislodging minor amounts of sediment when the trees impact the stream channel or stream banks (EA, pages 173-174)

2) *The degree to which the proposed action affects public health or safety.*

The primary purpose and need for the proposed action was to mitigate or eliminate the hazard trees in order to provide for public safety around the recreation sites, and along the road and trails. The proposal mitigates the known hazard trees and substantially reduces the risk from conditions created by the Clark Fire for users of this popular recreation area (EA page 60). No impacts to public health or safety are anticipated. Water quality will not be significantly affected because beneficial uses of the streams will be fully protected in a manner consistent with the Aquatic Conservation Strategy outlined in the Northwest Forest Plan (EA page 179). Oregon Occupational Health and Safety Act regulations will be adhered to when the proposed action is occurring. Should tree falling operations present a hazard to affect public safety (especially in regard to the use of Forest roads), the areas in question will be closed or signed to minimize impacts to traffic safety.

The project will not result in any adverse human health and/or environmental effects that disproportionately impact minorities and low income populations as defined in Executive Order #12898 (EA page 204).

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no historic resources, park lands, prime farmlands, or wild and scenic rivers within, adjacent to, or affected by the project.

A cultural resource survey has been completed on all proposed treatment areas. The action will have no adverse effects to cultural resources (EA, pages 203-204) because no trees are being removed from these riparian areas. The surveys were conducted according to an inventory plan approved by the Oregon State Historic Preservation Office (SHPO). This inventory is consistent with an agreement between the USDA Forest Service R6/PNW, Oregon SHPO, and the advisory council on historic preservation.

Several special habitats consisting of a pond and ash swale are located in the project area. These wet areas will be protected by no cut 200' Riparian Reserves. These buffers meet the recommendations outlined in the Special Habitat Management Guide (EA, page 119). Therefore, no adverse effects to wet areas are anticipated as a result of the selected action.

The project area contains about 322 acres of Late Successional Reserves (Management Area 16B). The selected alternative will fall and leave hazard trees on about 5 acres along a short section of Road #1800 and around the trail bridges located in the Late Successional Reserve. These treatments will be consistent with the standard and guidelines of this management area.

The vegetation and topography of this area is typical of the Middle Fork Ranger District and no known ecologically critical areas occur. Due to the above reasons and conditions, there will be no significant impact to the human environment in regard to these unique geographic characteristics.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The Fall Creek Special Interest Area Fire Recovery analysis is based upon the site-specific data and the best available scientific information. Models and methods used to estimate the effects presented in Chapter 3 of the EA are widely used in similar analyses. I am not aware of any credible; peer reviewed scientific questioning of the methods used in this analysis, nor of its results.

The evaluations of the environmental effects of the actions utilize accomplished scientific approaches. The conclusions made in Chapter 3 of the EA incorporate many of ecological principles presented in the Beschta Report (EA, pages, 205-206, and response in the Analysis File) are derived from a vast amount of research literature, incorporate information from watershed analyses, and tier to the FEIS of the Forest Plan as amended, therefore the results and methods are not scientifically controversial.

I find that there is no known controversy surrounding the scientific basis for the estimation of effects of the proposed falling of hazard trees into Fall Creek as presented in the Fall Creek Special Interest Area Fire Recovery Project EA.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The predicted effects of the proposed falling hazard tree into Fall Creek are not uncertain, nor do they involve any unique or unknown risks. This lack of uncertainty is due in most part to the past stream enhancement and log placement projects that have occurred in the upper reaches of Fall Creek and in two large tributaries streams to Fall Creek, Portland Creek and Hehe Creek. This history of stream enhancements projects and monitoring of these projects allows us to predict with reasonable certainty, the impacts of the actions.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Given the history of stream enhancement in this watershed and the current Forest Plan land allocations, the selected actions will not establish a precedent for future actions.

The Forest Plan is the vehicle that makes decisions in principle about future considerations. Future projects to implement the Forest Plan direction will be analyzed in separate NEPA planning processes. Decisions based upon the Fall Creek Special Interest Area Fire Recovery Project analysis will not directly affect how such future decisions may be made.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The analyses presented in Chapter 3 of the EA constitute an evaluation of cumulative impacts of the Fall Creek Special Interest Area Fire Recovery proposed actions. The discussions include effects of past, present, future foreseeable actions in addition to those of the selected alternative (public safety and recreation (EA, pages 61-62, 64-66), fuel loadings (EA, pages 89-91), spring chinook salmon and fish habitat (EA pages 100-102), vegetation recovery and associated scenic condition (EA, pages 112-114), threatened, endangered, and sensitive species (EA, pages 120, 140-144, Biological Evaluations in Analysis File), noxious weeds (EA, pages 123-124), snags and coarse woody debris (EA, pages 134--135), land birds including neotropical migratory birds (EA, pages 151-152), big game habitat (EA, pages 157-158), cumulative watershed effects on stream temperature (EA, pages 175-176), peak flows (EA, page 176), and sedimentation (EA, pages 176-179), soil erosion and detrimental soil conditions (EA, pages 190-192), economics (EA, page 195), air quality (EA, pages 201-202)). All these effects are within the levels anticipated by the Willamette National Forest and the Northwest Forest Plans. The Fall Creek Watershed Analysis (WA) and the Winberry and Lower Fall Creek Watershed Analysis are incorporated by reference (EA, page 17). These WAs present a comprehensive analysis of the watershed conditions that provides a contextual basis of cumulative effects. No significant direct, indirect, or cumulative impacts to public safety, recreation, fuel loadings, fisheries, wildlife, water, soil, or other components of the human environment are anticipated.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.*

An appropriate review has been conducted by this undertaking, and no significant property (s), which may be eligible for inclusion in the National Register Historic Places, were found to be present in the project area.

This document meets the requirements of Section 106 and 110 of the National Historic Preservation Act.

Cultural resources have been surveyed (as mentioned in Item 3). The proposal will have no adverse effects to cultural resources (EA, page 203).

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.*

The Fall Creek Special Interest Area Fire Recovery Biological Evaluations (BE) and Biological Assessments (BA) address the effects upon endangered and threatened species and their habitat. The summary of the effects to threatened northern spotted owl is found in the EA (pages 137-139). The project area is located within the USF&WS designated Critical Habitat Unit (CHU) OR-18. The proposed action will not modify suitable habitat since the post-fire conditions no longer meet the definition of suitable habitat for spotted owl. The effects determination is a “may affect, not likely to adversely affect” northern spotted owls or its designated critical habitat (EA, page 139). The hazard tree removal and fire salvage operations will create a potential noise disturbance to owls during the nesting season that is mitigated with a seasonal restriction. Formal consultation with USF&WS as required by Section 7 of the Endangered Species Act was completed and a letter of their concurrence for this finding is located in the Analysis File.

Fall Creek contains and provides habitat for spring chinook salmon, a federally listed (threatened) anadromous fish species. Consultation for the stream enhancement portion of the Fall Creek Special Interest Area Fire recovery Project is covered under the 2002 Northwest Oregon Programmatic Biological Opinion from National Oceanic and Atmospheric Administration (NOAA) - Fisheries Division. The effects determination for the restoration portion of the project is a ‘may affect, likely to adversely affect’ (MA, LAA). The falling of hazard trees may create adverse effects on salmon if a felled tree were to strike a fish (EA, page 98). There are short-term impacts to water quality (EA, page 170-174) and beneficial impacts by introducing large wood material into the stream channel (EA pages 98) resulting in an overall long-term positive affect on spawning habitat. The purpose of a having a separate decision for the stream restoration component is to allow for the timing of the project to occur before the adult salmon are in this reach of Fall Creek.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

As mentioned in the EA on page 10, this project is in compliance with all Federal and State laws relating to environmental protection. A summary of how this project and the design of alternatives comply with the federal and state laws can be found in Appendix A of the EA. 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 Fall Creek Special Interest Area Fire Recovery Project environmental assessment was prepared in accordance to Forest Plan Management Areas and Standards and Guidelines, State air quality standards (EA, page 201), water quality and beneficial uses (EA, page 179) threatened, endangered, and sensitive species (EA, pages 102, 114-120, 135-144, National Forest Management Act requirements for suitability for timber growth (Silvicultural Prescription, page 28 in Analysis File), and with various recent Executive Orders (EA, pages 204, and Appendix A).

Administrative Review and Appeal Rights

This decision is subject to appeal pursuant to 36 CFR 215. Only individuals or organizations that submitted substantive comments during the comment period may appeal. Notice of Appeal must meet the requirements of 36 CFR 215.14. Appeals can be submitted in several forms, but must be received by the Appeal Deciding Officer, Forest Supervisor within 45 days from the date of publication of this notice in the *Register-Guard*, Eugene OR. Appeals may be:

- 1) Mailed to: Appeal Deciding Officer, Forest Supervisor; ATTN: APPEALS, P.O. Box 10607; Eugene, OR 97440;
- 2) E-mailed to: appeals-pacificnorthwest-willamette@fs.fed.us. Please put APPEAL and **name of project** in the subject line;
- 3) Delivered to: Willamette National Forest, Supervisors Office at 211 E. 7th Ave, Eugene, OR between the hours of 8 am and 4:30 pm, M-F; or
- 4) Faxed to: Willamette National Forest, Supervisors Office, ATTN: APPEALS at (541) 225-6222.

Implementation

This decision to enhance aquatic habitat by falling hazard trees into Fall Creek is currently planned to be implemented in July of 2005.

Number of hazards trees discussed in project documents are approximations based upon preliminary project design. Minor adjustments may be made to the number of hazard trees during hazard tree assessment. The Interdisciplinary Team which did the Fall Creek Special Interest Area Fire Recovery analysis will review any major differences between the specifications in the EA and the final number of trees to determine if the environmental effects or resulting environmental conditions will be different than those disclosed in the EA. If so, the procedures described in FSH 1909.15, section 18.4, Reconsideration of Decisions Based upon an EA, will be followed.

If no appeal is filed, the USDA Forest Service will implement the Fall Creek SIA Stream Enhancement from the Fall Creek SIA Fire Recovery Project five days after the close of the forty-five day appeal period, which starts on the date the legal notice announcing the decision appears in the *Register-Guard*, Eugene, Oregon. If an appeal is filed, implementation of this decision will occur 15 days following the date of the appeal disposition.

For further information concerning the Fall Creek SIA Stream Enhancement from the Fall Creek Special Interest Area Fire Recovery project contact Gary Marsh, Resource Planner at the Middle Fork Ranger Station; telephone number (503) 782-5233 during normal business hours.

Approved by:

/s/ Chip Weber

Chip Weber
District Ranger
Middle Fork Ranger District
Willamette National Forest

3/30/2005

Date

