

DECISION NOTICE
And
FINDING OF NO SIGNIFICANT IMPACT

Clackamas Side Channel and Culverts

USDA FOREST SERVICE
MT. HOOD NATIONAL FOREST
CLACKAMAS RIVER RANGER DISTRICT
CLACKAMAS COUNTY, OREGON

An Environmental Assessment (EA) has been prepared for the Clackamas Side Channel and Culverts Restoration Projects. The project is located in section 27 of T. 4 S. R. 5 E., and sections 44 and 45 of T. 3 S. R. 3 E.; Willamette Meridian.

- Many years ago the Clackamas River had multiple side channels that were impacted when Highway 224 was built. Side channels are important rearing areas for young fish. The purpose of this project is to reconnect a side channel and create suitable habitat for young fish (near mile post 35) using a back hoe to create a small channel connected to the river at both ends. Logs would be installed to add structure and pools.
- Some roads cross streams and have culverts that block or impede fish passage. Two culverts are included in this analysis: One is at the junction of Bargfeld Creek and Fischers Mill Road and the other is at the junction of Spring Creek and Mattoon Road. The purpose is to replace these culverts with bridges that allow passage of fish.

DECISION and RATIONALE

I have decided to implement Alternative B which includes the above projects.

Best Management Practices (BMPs) and Design Criteria from the EA are included with this alternative. No significant impacts were found that would require further mitigation.

It is my decision to select Alternative B over No Action (Alternative A) for the following reasons:

- It fully accomplishes the purpose and need.
- No substantive opposition to these restoration projects surfaced during scoping or the 30-day comment period.
- The concern about short-term effects to water quality and fisheries degradation from project implementation (Issue #1) has been resolved to my satisfaction.
- My decision is based on a review of the record that shows a thorough review of relevant scientific information, and where applicable, a consideration of responsible opposing

views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty and risk.

Description of Other Alternatives and Reasons for Non Selection:

- **Alternative A** is the no-action alternative. It was not selected because it would not provide any of the benefits described in the purpose and need.

FINDING OF NO SIGNIFICANT IMPACT (40 CFR 1508.27)

Based on the site-specific environmental analysis documented in the EA and the comments received from the public, I have determined that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination is based on the design of the selected alternative and the following factors:

- **THREATENED, ENDANGERED, AND SENSITIVE SPECIES** - Formal consultation with U.S. Fish & Wildlife Service concerning the **northern spotted owl** is not needed because the project was determined to have no effect. For **bald eagles**, consultation is documented in the Spotted Owl and Bald Eagle Disturbance Letter of Concurrence dated October 17, 2005.

Consultation with NOAA Fisheries has been completed for this project. A programmatic biological opinion (4/28/07) concurs with the findings in the Biological Evaluation that indicates that threatened **fish** would have an effects determination of “Likely to Adversely Affect” and listed critical habitat would have an effects determination of “May Affect, Not Likely to Adversely Affect.” It also indicates that Essential Fish Habitat established under the Magnuson-Stevens Fishery Conservation and Management Act Recently would have and effects determination of “Not Adversely Affect.”

There will be no significant adverse effects to sensitive species. The project will not jeopardize the continued existence of any listed species nor will it cause a trend to federal listing or loss of viability for any proposed or sensitive species.

- **CONSISTENCY WITH MT. HOOD FOREST PLAN** – The selected alternative is consistent with direction found in the Mt. Hood National Forest Land and Resource Management Plan as amended (Forest Plan). Consistency with the Forest Plan is only applicable to the on-Forest side channel project.
 - It is consistent with standards and guidelines specific to the relevant land allocation and it is consistent with the applicable Forest-wide standards and guidelines.
 - **Aquatic Conservation Strategy (ACS)** - I have reviewed the relevant analysis contained in the EA. I find that the projects are consistent with ACS objectives.

I recognize that the projects will have short-term, site-scale impacts to water quality, sediment regime, and instream flows; however I am comfortable making a finding of consistency with ACS Objectives because of a number of factors.

- The site specific scope of activities which have the potential to result in impacts are extremely limited in geographic scope and environmental effect.
 - The duration of the impacts is of a relatively short time frame; even though the actions will occur during the low flow season, a sediment pulse may flush through quickly. Disturbed ground will have a vegetation response within a growing season.
 - The natural range of variability is so wide for key variables, such as sediment regime, that this clearly does not interfere with trend/condition in the watershed as a whole.
 - The project will have beneficial impacts for fish passage and fish rearing habitat and restoration of the natural sediment regime which contribute to a restorative effect of a majority of the ACS Objectives.
-
- It is consistent with **late-successional reserve** (LSR) objectives.
 - The surveys for **survey and manage** species are not required.
-
- **WATER QUALITY AND FISHERIES** - The analysis shows that the projects pose minimal risk. The proposed action meets Riparian Reserve standards and guidelines and state water quality standards and the Clean Water Act. All of these objectives, standards and laws were established to ensure there would be no significant reduction to water quality or fish habitats. Thinning in Riparian Reserves is designed to benefit riparian resources by accelerating the development of mature and late-successional stand conditions.
 - **CUMULATIVE EFFECTS** - The analysis considered not only the direct and indirect effects of the projects but also their contribution to cumulative effects. No significant cumulative or secondary effects were identified.
 - **CULTURAL RESOURCES** - Field surveys have been conducted. The heritage resource report concludes that there will be no effect to any properties on or eligible to the National Register of Historic Places. Documentation has been forwarded to the State Historic Preservation Office.
 - **WILD AND SCENIC RIVERS** – The side channel project is in the Clackamas Wild and Scenic River corridor. This corridor is also a State Scenic Waterway. The project is consistent with the standards and guidelines for this river and would protect the river’s outstandingly remarkable values.
 - **OTHER** –The effects are not likely to be highly controversial and do not involve highly uncertain, unique, or unknown risks. This action will not set a precedent because other similar actions have occurred in the past. The project was not found to threaten a violation of any Federal, State, or local law. The project complies with Executive Order 12898 regarding environmental justice. No disproportionately high adverse human or environmental effects on minorities and/or low-income populations were identified during

the analysis and public information process. No significant irreversible or irretrievable commitments of resources were found. The project will not affect public health or safety. Adverse and beneficial impacts have been assessed and found to be not significant. No significant effects to consumers, civil rights, minority groups, women, prime farmland, rangeland, forestland, wetlands, or floodplains were identified.

Comments:

The legal notice for the 30-day comment period for this project was published in the Oregonian on May 14, 2007. The only comments that were received were supportive of this project.

Appeal Rights:

The decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215.8.

Project Implementation:

Implementation of this decision may occur immediately.

The EA can be downloaded from the Forest web site at <http://www.fs.fed.us/r6/mthood> in the Projects & Plans section.

For further information contact Tom Horning, Estacada Ranger Station, 595 NW Industrial Way, Estacada, OR 97023. Phone: (503) 630-6861 Email: thorning@fs.fed.us

Responsible Official:

/S/ *Andrei Rykoff*

June 18, 2007

ANDREI RYKOFF
District Ranger

Date Published