

DECISION MEMO

WASHINGTON DEPARTMENT OF NATURAL RESOURCES – FLAGSTAFF LOOKOUT PERMIT REISSUANCE

USDA Forest Service
Colville National Forest
Stevens County, Washington

DECISION

I have decided to proceed with the issuance of a special use permit to Washington Department of Natural Resources for the continued use and maintenance of an existing lookout and associated improvements on Flagstaff Mountain on the Three Rivers Ranger District of the Colville National Forest.

The legal description of the proposed project is the SE1/4NE1/4 Section 5, T. 39 N., R. 39 E., W.M. Improvements authorized include a cabin atop a lookout tower (approximately 13 feet by 13 feet at the base) , a 5 foot by 7 foot vault-toilet building, a 3-foot by 4-foot wooden sign with log supports, and a gate. The gate is located on the 1500950 road immediately south of the 1500950/1500960 road junction (approximately one mile below the lookout) and restricts vehicular access to the mountain top. The permit will authorize access via Forest Roads 1500950 and 1500960. The area required for the lookout site will be approximately 4.65 acres (450 feet by 450 feet).

The following measures will be made a part of the special use permit:

Protection of Threatened, Endangered, or Sensitive Species

Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

Prevention of Soil Erosion and Infestation by Noxious Weeds

Areas of soil disturbed during maintenance or repair that are not recovered by stockpiled material will be promptly revegetated through application of a seed mix specified for the site type by the Colville National Forest Seeding Guide. Any seed mix used after construction or maintenance will use seed that is certified as “Prohibited and Restricted Noxious Weed Free for the State of Washington.”

Equipment used for repair of the authorized improvements are to be cleaned of soil and potential noxious weed seeds and plant parts prior to being brought onto National Forest System lands. The purpose of this measure is to reduce the risk of introducing noxious weed plant parts or seeds to the disturbed area or transporting existing weed species from the area.

Project areas that have had ground disturbing activities occur within them will be inspected by the permit holder for noxious weeds annually for the first three years following completion of repair work. The permit holder will be responsible for management of new invader species of noxious weeds discovered on the site during post-rehabilitation surveys. Methods of weed management must be approved by the Forest Service prior to implementation.

Heritage Resource Protection

The permit holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

Through past experience and review of similar projects as well as a review of the proposed action, no extraordinary circumstances were found to exist that would cause the proposed action to have significant environmental effects. This decision falls within Category 15 of Section 31.2 of WO Amendment 1909.15-2007-1 of FSH 1909.15, for issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization. The proposed action is therefore categorically excluded

from preparation of an Environmental Assessment or an Environmental Impact Statement.

SCOPING AND PUBLIC INVOLVEMENT

Public and agency scoping was initiated through:

- 1) Sending letters requesting formal consultation to the Kalispel, Colville, and Spokane Tribes of Indians.
- 2) Publishing information on the project in the Schedule of Proposed Actions (SOPA) beginning with *Projects '07, Volume Fifteen, Number Three,, Spring Issue, Fiscal Year 2007*.
- 3) Sending a scoping letter describing the project proposal and requesting comments to a general interest mailing list.

No comments were received and no issues were identified as a result of scoping.

FINDINGS

The project is consistent with management direction, including standards and guidelines found in the Colville National Forest Land and Resource Management Plan (LRMP), as amended. Management direction for each Management Area (MA) is provided by the Colville National Forest Land and Resource Management Plan (Forest Plan) which describes in detail the Goals, Objectives, Standards, Guidelines, and Management Prescriptions (Forest Plan Chapter 4).

The lookout facility is located within an area designated as Management Area (MA) 5 by the Forest Plan. The emphasis in MA 5 is Scenic/Timber with the goal of managing to "provide a natural appearing foreground, middle, and background along major scenic travel routes while providing wood products" (Page 4-93 of Forest Plan). Direction provided by the Forest Plan regarding special uses of National Forest System land is to "Issue special use permits for compatible uses" (Page 4-95 of Forest Plan).

The actions are consistent with direction contained in Regional Forester's Forest Plan Amendment #2 (Page 3 of Project File).

INFISH requires that Riparian Habitat Conservation Areas be delineated, and that Standards and Guidelines found in INFISH Decision Notice Attachment A, pages A-6 through A-13 be followed. The actions are consistent with INFISH direction. (See Project File, Soil, Watershed and Fisheries section, page 6.)

The actions are consistent with the Forest Plan because mitigation measures (Decision Memo, pages 1 and 2) have been fully applied in the selected actions. The project is feasible and reasonable, and it results in applying management practices that meet the Forest Plan overall direction of protecting the environment while producing goods and services.

The determination of the Biological Evaluation was that the project would have no effect on any threatened or endangered, or sensitive species of wildlife or plants. (Project File, Threatened, Endangered, and Sensitive Species, pages 4 and 5).

This action does not pose a violation of Federal, State, or local law requirements imposed for the protection of the environment. It does not, individually or cumulatively, have a significant effect (40 CFR 1508.4) on the quality of the human environment.

This is not a major Federal action. It will have limited context and intensity (40 CFR 1508.27), individually or cumulatively, to the biological, physical, social, or economic components of the human environment. It will have no adverse effect upon public health or safety; consumers, civil rights, minority groups and women; prime farmland, rangeland, and forest land; wetlands and floodplains; significant scientific, cultural or historic resources; roadless areas; steep slopes or highly erosive soils; old growth forest options; or to designated Wilderness.

Legal Requirements

National Forest Management Act of October 22, 1976 (NFMA): Provisions of NFMA applicable to all projects require the following: (a) resource plans and permits, contracts, and other instruments shall be consistent with the land management plan; (b) insure consideration of the economic and environmental aspects of management, to provide for outdoor recreation, range, timber, watershed, wildlife, and fish; and (c) provide for diversity of plant and animal communities. All of these considerations and requirements are addressed in the Decision Memo and the various resource reports in the project file. Therefore, project actions are consistent with these provisions of NFMA.

IMPLEMENTATION

This project may be implemented immediately. The Forest Supervisor expects the special use permit to be issued in January 2008.

ADMINISTRATIVE REVIEW OR APPEAL

This categorical exclusion decision is not subject to appeal pursuant to 36 CFR 215.12 (f), however, it may be appealed by those with standing under 36 CFR 251.86(b).

Questions regarding this decision should be submitted by mail to Kim A. Di Rienz, Forest Special Uses Coordinator, Sullivan Lake Ranger District, 12641 Sullivan Lake Road, Metaline Falls, WA 99153, or by telephone at (509) 446-7540, or email at kdirienz@fs.fed.us.

/s/ Rick Brazell

RICK BRAZELL
Forest Supervisor
Colville National Forest

March 14, 2008

Date