Decision Memorandum
Major Fenn Side Channel Reconnection

USDA Forest Service, Northern Region
Nez Perce-Clearwater National Forests
Lochsa-Powell Ranger District
Idaho County, Idaho

I. Background

The Lochsa-Powell District Ranger proposes to reconnect a former side channel to the Lochsa River located in the Nez Perce-Clearwater National Forests, Idaho County, Idaho at Township 33 North, Range 8 East, Section 5, Boise Meridian (see attached map).

II. Purpose and Need

The project area is part of the Major Fenn National Recreation Trail, which is no longer maintained. Part of the trail is constructed of gabion baskets filled with river rock and capped with concrete. This gabion section runs along the edge of the Lochsa River, crossing and blocking a side channel that would otherwise create an island. The side channel is also blocked by earthen approaches to what was once a footbridge over the side channel adjacent to the parking area. The lower end of the channel has subsequently filled in and become overgrown with reed canary grass. The side channel contains water year-round via a combination of groundwater and surface (hyporheic) water.

The purpose of the project is to reconnect the side channel to the Lochsa River and to restore potentially valuable rearing habitat for juvenile salmonids. The recently completed ATLAS strategic prioritization process, which included participation from Forest Service, Idaho Fish and Game, and Nez Perce Tribe fisheries biologists, identified the lack of side channel habitat as a limiting factor on the mainstem Lochsa River. Restoring the side channel is needed to provide over 0.3-miles of side channel habitat on the lower Lochsa river for both resident and anadromous fishes.

Decision

I have decided to approve the Major Fenn Side Channel Reconnection project with the following terms and conditions.

The Nez Perce-Clearwater National Forests, in partnership with the Nez Perce Tribe, will remove a section of gabion basket trail to create a 'persuasion' channel that will allow river flow to enter the side channel. The project includes removing some of the material in the area of a former footbridge to bring the elevation down to a point that the side channel will once again become connected to the Lochsa River.

A contractor will access the project area using a section of abandoned road (near Mile Post 107 on Highway 12) that leads down to a dispersed camping site near the center of the project area. The road

will be used for staging of equipment and possibly temporary storage of material. Access to the dispersed campsite will remain unchanged.

Using a small excavator (20,000 lb. range), the operator will pull the gabion baskets apart, removing the wire and concrete and salvaging the river rock which will be placed in a former borrow site adjacent to the trail. The wire baskets and concrete will be transported offsite via a dump truck.

Impacts of the project will be isolated to the raised portion of the trail adjacent to the river's edge. There will be short-term sediment production as the channel was re-opened. Impacts to wildlife and fisheries should be minimal and transient.

Programmatic consultation with NOAA Fisheries and US Fish and Wildlife Service, as well as obtaining a 404 permit from the Army Corps of Engineers and an Idaho Department of Water Resources Stream Alteration Permit, will occur prior to work starting.

All appropriate Best Management Practices (National Core 2012 BMPs) and Terms and Conditions and Design Criteria in the Idaho Restoration Programmatic BO (NOAA and FWS) will be followed. In addition, the claimant will be required to:

- The excavator will cleaned and inspected as "weed free" prior to any in-stream work.
- In the unlikely event of a broken hose only bio-based hydraulic oils will be allowed.
- Access to and the limits of excavator work will be flagged, with excavating limited to only that required to match stream bottom elevations to allow perennial flow through the side channel.
- Invasive plant species will be treated within the work area prior to the project start and monitored and treated, where and if necessary, after the project was completed.
- Disturbed areas will be planted with riparian shrub species, such as willow stakes, to encourage riparian vegetation establishment.
- Mechanical support will follow BMPs for fuel storage and machinery fueling.
- The contractor will have fuel spill containment supplies onsite in the event of a fuel spill and employees will be trained in the proper application and use of those materials.

Project Implementation: The project is expected to be completed in 2018 during lower river flows, i.e. within the NOAA and FWS designated 'fish window' (July through September). The project will take up to three weeks to complete.

III. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e) (18): *Restoring wetlands, streams, riparian bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and*

floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled.

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, including the Forest Plan, and (5) my review of the project record.

B. Finding of the Absence of Significant Adverse Effects to Extraordinary Circumstances

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "*The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.*"

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Forest Interdisciplinary (ID) Team Wildlife Biologist, Fisheries Biologist and Botanist have determined the project would have no significant effects to federally listed and R1 Sensitive wildlife, fish and plant species and/or their habitats. Therefore, no extraordinary circumstances were identified for these resources.

The US Fish and Wildlife Service and National Marine Fisheries Service approved the project under the *Programmatic Biological Opinion for Habitat Restoration Projects* (USFWS 01EIFW00-2014-F-0456, NMFS WCR-2014-832,) on January 25, 2018 and February 14, 2018, respectively.

2. Floodplains, wetlands, or municipal watersheds.

The Forest Hydrologist determined no significant effects to floodplains, wetlands, or municipal watersheds are expected for this project. The project is consistent with all applicable State and Federal water quality laws, and with soil and water standards in the Clearwater National Forest Plan, including the PACFISH amendment. Based on this analysis, no extraordinary circumstances were identified regarding floodplains, wetlands, and municipal watersheds.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project is located along the Lochsa Wild and Scenic River Corridor with access off of US Highway 12 at approximately milepost 107, river mile 11.2. A Section 7(a) analysis (approved December 14, 2017) determined the project will have "no direct or adverse effects on the Outstandingly Remarkable Values for which the river was designated." Based on this determination, no extraordinary circumstances were identified regarding the Lochsa Wild and Scenic River. For the complete analysis, see the *Evaluation of Proposed Water Resources Project Pursuant to Section 7(a)*

of the Wild and Scenic Rivers Act for the Major Fenn Side Channel Reconnection Project report in the project record.

4. Inventoried roadless areas or potential wilderness areas.

The project is not located within any Roadless Areas, Idaho Roadless Areas, or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

5. Research Natural Areas.

The project area is not located in any research natural area, and therefore, no extraordinary circumstances were identified to this resource.

6. American Indians and Alaska native religious or cultural sites.

Because of previous adequate inventory; or the type, location or nature of the undertaking – the Forest Cultural Resource Specialist has determined the above project has little likelihood to adversely affect historic properties. As a result, a *No Inventory Decision* has been made, and no extraordinary circumstances were identified to these resources.

7. Archaeological sites, or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

IV. Interested and Affected Agencies, Organizations, and Persons Contacted

On January 29, 2018, letters providing information and seeking public comment were mailed to individuals, organizations, state and local agencies, and the Nez Perce Tribe. Project information was also available at http://www.fs.usda.gov/nezperce under NEPA projects. A legal notice appeared in the *Lewiston Tribune* on January 30, 2018, inviting comments for 14 days from publication. One response was received during the scoping period, and the comments are addressed in Appendix A below. The original letter is available in the project record.

V. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the Major Fenn Side Channel Reconnection Project is consistent with applicable Federal, state and local laws and regulations, including the standards and guidelines contained in the 1987 Clearwater National Forest Plan, as amended, as required by the National Forest Management Act of 1976.

VI. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; 208-935-4260 or FAX 208-935-4275.

VII. Signature of Deciding Officer

2/20/18

BRANDON KNAPTON
District Ranger
Lochsa-Powell Ranger District

Date

cc: Rebecca Lloyd, Annie Connor

Enclosure: Map

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Map of Major Fenn Side Channel Reconnection Project

Appendix A

Analysis of Scoping Comments

Major Fenn Side Channel Reconnection Project

One comment for the project was received during the public comment period of January 31, 2018 to February 13, 2018. The disposition of the comment is found in the Table below. The original comment letter is available in the project record.

Comment Analysis

Commenter	Comment	Disposition
Brad Smith, Idaho Conservation League	The Idaho Conservation League supports this project.	Thank you for your comment.