

DRAFT Decision Notice and Finding of No Significant Impact for the Aquatic Restoration Project

USDA Forest Service
Pacific Northwest Region
Portland, Oregon

Introduction

The Forest Service Pacific Northwest Regional Office has prepared the Aquatic Restoration Project Environmental Assessment to analyze the potential effects of 1,800 proposed aquatic restoration activities across 16 national forests and the Columbia River Gorge National Scenic Area in Oregon and Washington (hereafter called the “project area”). These activities are proposed to start in 2019 and would occur during a 15-year period. The aquatic restoration activities were derived from 19 activity categories and associated project design criteria listed in the Aquatic Restoration Biological Opinions (commonly referred to as ARBO II) issued by the National Marine Fisheries Service (NMFS 2012) and U.S. Fish and Wildlife Service (USFWS 2013). Additional project design criteria were developed to address issues beyond those addressed by ARBO II. See figure 1 in the environmental assessment for a map of the area applicable to this analysis.

We prepared the environmental assessment to provide sufficient evidence and analysis to determine whether to prepare an environmental impact statement or a finding of no significant impact.¹ The analysis addresses the four requirements of an environmental assessment identified in the Code of Federal Regulations: need for proposal, alternatives, environmental impacts, and listing of persons and agencies consulted.² As required, analysis sections of the environmental assessment are summarized from supporting data and documentation (including references cited), which can be viewed on the project website³ or requested from the project record.

The Aquatic Restoration Project Environmental Assessment documents the analysis of the proposed action to meet the need for the proposal and a no action alternative.

Need for the Proposal

The Forest Service has a backlog of aquatic restoration opportunities essential to the protection and recovery of rare aquatic species and water quality, but has limited resources (both personnel time and funding) to address the backlog in a timely fashion. There is a need to increase efficiency of project planning to accelerate the pace of aquatic restoration project implementation. Currently, a substantial portion of personnel time and funding is spent on National Environmental Policy Act planning and analysis for individual aquatic restoration projects. The time and funding dedicated to planning and analysis is particularly important since there are existing tools in place

¹ See 40 CFR 1508.9

² 40 CFR 1508.9 (b) and 36 CF 220.7 (b)

³ https://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=53001

(ARBO II and programmatic Clean Water Act, Section 404 permits) that enable streamlined implementation of projects under the Endangered Species Act and the Clean Water Act.

The Forest Service recognizes the need to accelerate the pace and scale of aquatic restoration in the Pacific Northwest to address legacy impacts to aquatic and riparian habitat. We have a responsibility to restore federally listed fish populations, restore water quality, and manage for biodiversity. Management direction in our forest plans amended by the Northwest Forest Plan and PACFISH/INFISH⁴ does a good job protecting aquatic and riparian habitat. However, legacy impacts remain, and in many cases we will not meet our restoration responsibilities without active restoration.

The Pacific Northwest Region's restoration needs are extensive. Many streams and rivers are lacking wood from past cleanout efforts, past logging and fire suppression in riparian areas, barriers to downstream wood migration, and streamside roads. Streams and rivers have been channelized and straightened from past agricultural or other drainage activities. Roads and trails encroach upon rivers and streams, restrict floodplain access, increase sedimentation, and decrease wood input and shade. Riparian vegetation has been affected by past timber harvest, fire suppression, recreation, livestock grazing, and other past management activities. Fish migration and river hydrology have been affected by legacy instream structures such as culverts, dams, diversions, tide gates, and others.

The backlog of restoration needs is immense. For example, our regional fish migration barrier database indicates there are more than 3,000 fish migration barriers (primarily undersized culverts) in perennial streams within the region. Over the last decade, on average 40 barriers a year have been fixed. We estimate at our current pace of restoration, it will take well over a century to complete essential restoration work in the Region. This is an unacceptable pace and needs to be accelerated. Aquatic restoration, which primarily targets restoration of watershed processes in riparian areas, is needed on National Forest System lands to aid in the recovery of federally listed fish and to improve water quality, among other needs.

Project Locations

Figure 2 in the environmental assessment shows the Pacific Northwest Region focus watersheds and priority subwatersheds, with multi-scale priorities for watershed and aquatic restoration based on the Pacific Northwest Region's Aquatic Restoration Strategy⁵ and National Watershed Condition Framework.⁶ These priorities at the river basin, watershed, and subwatershed scales strategically focus the restoration program at regional and national forest levels, respectively. Specific restoration projects are defined in watershed restoration action plans developed for each

⁴ PACFISH: Decision Notice and Environmental Assessment for the Interim Strategies for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of Northern California

INFISH: Decision Notice and Environmental Assessment for the Interim Strategies for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana and Portions of Nevada, commonly known as Inland Native Fish Strategy.

PACFISH: Decision Notice and Environmental Assessment for the Interim Strategies for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of Northern California

⁵ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev2_025441.pdf

⁶ https://www.fs.fed.us/naturalresources/watershed/condition_framework.shtml

priority subwatershed. The watershed restoration action plans document local watershed processes, disruptions to those processes, and actions needed to restore such processes.

Most projects (approximately 80 percent) would occur in 50 focus watersheds⁷ designated by the 16 Forest Service units as being important to the recovery of federally listed fish, water quality, or both; the current set of 66 priority subwatersheds⁸ designated through the Forest Service Watershed Condition Framework process; and/or future priority subwatersheds, which will generally be located within focus watersheds. Restoration within priority subwatersheds is guided by watershed restoration action plans, which can be viewed at the following website <https://apps.fs.usda.gov/wcatt/>.

Fewer projects (approximately 20 percent) would occur outside of focus watersheds and priority subwatersheds. These areas would still likely contain federally listed fish, 303(d) listed streams, or both. Regardless of watershed location, all projects (with a few exceptions related to non-system road decommissioning) would be confined to riparian reserves or riparian habitat conservation areas.

Decision and Reasons for the Decision

Based upon my review of the environmental analysis, I have decided to implement the Proposed Action – Modified, hereafter referred to as the “selected alternative,” and described as follows:

Types of Aquatic Restoration in the Selected Alternative

The selected alternative includes 19 aquatic restoration categories, all of which are covered under the National Marine Fisheries Service and U.S. Fish and Wildlife Service Aquatic Restoration Biological Opinions (ARBO II; NMFS 2012 and USFWS 2013). The actions would occur in riparian reserves or riparian habitat conservation areas⁹ on National Forest System lands in Oregon, Washington, and a small portion of northwest California. This project does not cover actions that extend outside riparian reserves and riparian habitat conservation areas, with the exception of non-system road and trail decommissioning in areas already covered by Subpart A and B travel management decisions. Appendix 1 of the environmental assessment, “Aquatic Restoration Categories, Descriptions, and Design Criteria,” contains detailed descriptions of individual restoration categories and associated project design criteria. (Additional project design criteria are provided in Appendix 2 of the environmental assessment: General and Resource Project Design Criteria.)

Aquatic Organism Passage Categories

- **Fish Passage Restoration:** Replace or remove culverts at road crossings.
- **Small Dam Removal:** Remove unauthorized, abandoned, or agency small dams that are no more than 10 feet high and 15 acre-feet capacity. Remove channel-spanning weirs and

⁷ Watersheds defined by a 10-digit hydrologic unit code.

⁸ Watersheds defined by a 12-digit hydrologic unit code; smaller than 10 digit code watersheds.

⁹ Riparian reserves under the Northwest Forest Plan (USDA Forest Service 1994) and riparian habitat conservation areas under PACFISH and INFISH (USDA 1995a and 1995b) are those portions of watersheds where riparian-dependent resources receive primary emphasis. These areas include traditional riparian corridors, wetlands, intermittent streams, and other areas that help maintain the integrity of aquatic ecosystems.

abandoned diversion and other water retention structures. Third-party dams can also be removed when coordination has occurred and agreement has been reached with the owner.

Instream, Side-channel, and Floodplain Categories

- **Beaver Dam Analogs:** Install in-channel structures to aggrade streams and/or encourage beavers to build dams in incised channels and across floodplain surfaces.
- **Bull Trout Protection:** Remove brook trout or other nonnative fish species via electrofishing or other manual means to protect bull trout from competition, hybridization, or both.
- **Channel Reconstruction and Relocation:** Reconstruct or relocate altered stream channels in a manner that mimics natural gradient, bankfull width, and sinuosity.
- **Fencing to Protect Aquatic Restoration Projects:** Construct fences to protect aquatic restoration projects from other land uses.
- **In-channel Nutrient Enhancement:** Place salmon carcasses, carcass analogs (processed fish cakes), or inorganic fertilizers in streams to help return stream nutrient levels back to historical levels.
- **Large Wood, Boulder, and Gravel Placement:** Place large wood, boulders and gravel in stream channels and adjacent floodplains in a manner that mimics natural conditions and locations.
- **Legacy Structure Removal:** Remove past structures, such as rock gabions and other in-channel and floodplain structures that are inconsistent with current science and watershed processes. These structures are commonly associated with past projects intended to stabilize or restore waterways.
- **Off- and Side-Channel Habitat Restoration:** Reactivate and restore relic side channels by removing manufactured fill and plugs.
- **Piling and other Structure Removal:** Remove unauthorized, abandoned, or agency untreated and chemically treated wood pilings, piers, boat docks as well as similar structures comprised of plastic, concrete, and other material. Third-party structures can also be removed when coordination has occurred and agreement has been reached with the owner.
- **Reduction and Rehabilitation of Recreation Impacts:** Remove or improve infrastructure associated with designated campgrounds, dispersed campsites, day-use sites, foot trails, and off-road vehicle roads and trails to improve riparian resources in riparian reserves or riparian habitat conservation areas.
- **Set Back or Removal of Existing Berms, Dikes, and Levees:** Remove or set back berms, dikes, and levees which were constructed for flood control to reconnect fresh-water deltas to inundation, stream channels with floodplains, and estuaries to tidal influence.
- **Streambank Restoration** Restore streambanks that have been artificially altered to more natural conditions.

Riparian Vegetation Categories

- **Beaver Habitat Restoration:** Restore aspen and other deciduous vegetation, required to support beaver colonies, through reintroduction of low and moderate severity fire. Conduct noncommercial conifer thinning as needed to adjust fuel loading in order to reduce burn

intensity and achieve desired treatment results. Wood produced through this action will not be commercially sold, but would be available for riparian and aquatic restoration projects.

- **Juniper Tree Removal:** Reduce juniper densities in riparian areas to help restore plant species composition and structure that would occur under natural fire regimes.
- **Riparian Vegetation Planting:** Plant native riparian grasses, shrubs, and trees to restore native vegetation disturbed by aquatic restoration or past management actions.
- **Riparian Vegetation Treatment (Controlled Burning):** Reintroduce low and moderate severity fire to help restore plant species composition and structure expected under natural fire regimes.

Non-System Road and Trail Decommissioning Category

- **Non-system Road and Trail Decommissioning:** Decommission non-system roads and trails in areas covered by Subpart A and B travel management decisions to hydrologically disconnect such roads and trails from stream networks.

Number and Occurrence of Projects

This proposed action covers up to 1,800 projects consisting of the 19 activity categories described above.¹⁰ No more than 180 projects would be accomplished in a year throughout the region and no more than 25 projects would occur on any given national forest or in the scenic area.¹¹ A single project can include two aquatic restoration categories: a primary action and a complementary action. For instance, a culvert removal project conducted under the fish passage restoration category would be considered a primary action while large wood placement in the area once occupied by the removed culvert would constitute a complementary action.

The actual outputs and outcomes would ultimately be limited by resources that are available to do watershed restoration work in the future. Under the proposed action, we believe process efficiencies have been created that will enable greater amounts of work to be accomplished under similar funding levels (up to the limits of work which is described in the action alternative). Simply put, with environmental analysis complete, we expect streamlined project planning and implementation, and thus greater efficiency in producing results given available resources.

The aquatic restoration categories are distributed among four project groups characterized as having unique impacts to the terrestrial and aquatic environments:

- aquatic organism passage projects;
- instream, side-channel, and floodplain projects;
- riparian vegetation projects; and
- non-system road and trail decommissioning projects.

A review of similar ARBO II projects completed from 2013 to 2017 and watershed restoration action plans from the Forest Service units in the project area suggests that instream, side-channel and floodplain group projects would occur the most and the riparian vegetation group projects would occur the least. Table 1 shows the expected occurrence of each restoration group.

¹⁰ Appendix 5 displays the number of proposed projects to be implemented each year along with associated impacts and total proposed projects and impacts over 10 to 15 years

¹¹ The Crooked River Grasslands will be covered under the Ochoco National Forest.

Table 1. Aquatic restoration group types and percentage of expected occurrence

Aquatic Restoration Group	Expected Occurrence (%)*
Aquatic Organism Passage	20
Instream, Side-channel & Floodplain	42
Riparian Vegetation	12
Non-System Road Decommissioning	26

*Future percentages may vary.

Rationale for Choosing the Selected Alternative

I have selected the proposed action, modified, after carefully reviewing the effects analysis, the project record, and considering input from the interdisciplinary team and public. I found the impacts to not be significant either on their own or cumulatively, and I believe my decision upholds our responsibilities to the American public and those using the resources on National Forest System lands.

As indicated above and elaborated upon in the environmental assessment, we have been conducting these types of restoration projects for decades, each implemented under similar environmental analyses. Through monitoring and reporting, we have learned from actions, identified opportunities for improvements, and adapted our approaches over the years. These routine restoration actions fit well under a regionwide environmental analysis, with implementation informed by local interdisciplinary teams and public interaction when specific projects are proposed. During our regionwide analysis, our interdisciplinary team identified potential impacts to their resource areas and incorporated project design criteria to protect against those impacts. Some members of the public have expressed concern that the selected alternative might decrease the ability for the public to provide input on individual projects. However, I believe the degree of meaningful public interaction will be maintained or even strengthened by providing a direct line of communication with the public, project proponents and responsible officials during implementation. Lastly, it is important to put this proposal into perspective. There are 1,961 subwatersheds on the national forest units within the Pacific Northwest Region and approximately 80 percent of our actions will occur in 50 focus watersheds; 66 current priority subwatersheds; and/or future priority watersheds, which will generally be located within the focus watersheds. Within these areas, our effects analysis has indicated effects from the selected alternative will not be significant.

We have ecological and fiscal responsibilities to the American people, including the local communities that benefit from the goods and services provided by National Forest System lands. This decision will accelerate the restoration of aquatic and riparian ecosystems on National Forest System lands, improving their production of natural resources such as fish, wildlife, and clean, plentiful water. Fishing, hunting, recreation, and the provision of cold, clean water from National Forest System lands will improve as a result of this decision. It will provide opportunity to work more efficiently with taxpayer's funds, spending less time in the office conducting repetitive analyses and more time conducting restoration work that benefits the public.

The project interdisciplinary team studied and responded to the 30 comments we received during scoping (prior to analysis) and 17 comments we received during the notice and comment period on the preliminary environmental assessment. We appreciate the public input and modified our project design and included the changes in the selected alternative. A number of the concerns that were expressed were process-based. Individuals expressed concern they would not be able to

engage in the analysis of individual proposed restoration projects. This influenced the design of our proposed action, project design criteria, and the project implementation process. When we propose a specific project, we will provide an opportunity for interested members of the public to engage and we will have the responsibility to address their input. In addition, we will continue to work with our partners and collaborative groups to identify, design, and plan these types of projects. We have conducted and will continue to conduct our planning, design, and implementation of aquatic restoration work in partnership and collaboration.

Highlights of How Internal and Public Input Influenced the Selected Alternative

During the scoping period and the public notice and comment period, we received a spectrum of input both internally and from the public. This input helped shape the selected alternative. The highlights of those improvements are listed below. For context, the highlights are most often described in relation to the actions as they are defined in ARBO II, as these were the starting point for developing the environmental assessment. The last few bullets, are not specific to individual actions, but instead highlight issues raised that are pertinent to a variety of the actions:

- **Dam, tidegate, and legacy structure removal:** ARBO II does not limit the size of dams that can be removed. In the modified proposed action, dam removal is limited to dams that are no more than 10 feet high and 15 acre-feet in reservoir capacity and is included under a new category—small dam removal. Tidegates have been dropped because of limited use of the category. Legacy structure removal is now in a category of its own. This action remains consistent with ARBO II.
- **Channel Reconstruction and Relocation:** Stage zero projects as allowed under ARBO II are not included in the modified proposed action.¹²
- **Reduction and Relocation of Recreation Impacts:** ARBO II allows closures and relocation of recreation infrastructure along streams and within riparian areas. The modified proposed action does not include the closure and relocation of developed recreation sites or established dispersed sites established through travel management decisions.
- **Livestock Fencing, Stream Crossings, and Off-Channel Livestock Watering:** ARBO II allows fencing to exclude grazing in riparian reserves and riparian habitat conservation areas. The modified proposed action allows fencing to protect aquatic restoration projects from other land uses. Fence construction for any other purpose, such as the construction of riparian grazing pastures, is not included. Further, off-channel livestock watering is excluded.
- **Non-System Road and Trail Erosion Control and Decommissioning:** ARBO II addresses closing or decommissioning road and trails. The modified proposed action limits decommissioning to non-system (unauthorized) routes, consistent with each national forest's travel management decisions and associated motor vehicle use map. Travel management subparts A and B must be in place for these actions to occur and no system roads or trails would be decommissioned.
- **Nonnative Invasive Plant Control:** This category has been dropped from the modified proposed action because national forest units have or will complete environmental analysis and make local decisions on invasive plant treatments.

¹² Stage 0 project definition and discussion can be found in Cluer and Thorne 2013, Project Record

- **Juniper Removal:** ARBO II includes juniper tree removal in riparian reserves and riparian habitat conservation areas and adjoining uplands. For this modified proposed action, juniper removal is excluded for upland areas and is limited to riparian areas where they have encroached due to stream downcutting and fire suppression. If felled, they would be retained on site or used in stream for restoration. Use of chaining for juniper removal, which is allowed under ARBO II, is not included in the modified proposed action.
- **Beaver Habitat Restoration:** ARBO II includes two subcategories—in-channel structures and habitat restoration. The modified proposed action breaks the two subcategories into two separate categories—beaver dam analogs (in-channel structures) and beaver habitat restoration (vegetation treatments). Project design criteria remains the same.
- **Riparian Vegetation Treatment:** Clarification and project design criteria have been added to the final environmental assessment regarding thinning that may occur as part of riparian vegetation treatments. The final environmental assessment clarifies that riparian thinning will only be non-commercial in nature, and can only occur where it is necessary to adjust fuel loads to implement a moderate-severity burn to promote growth of deciduous trees such as aspen.
- **Reduction and Rehabilitation of Recreation Impacts:** Project design criteria have been added that require advanced notification and consultation with representatives of recreation user groups and outfitter guides for projects occurring in/around developed and dispersed sites. The environmental assessment also requires notifications of project proposals to be posted at trailheads and river access sites.
- **Pre-project Notification, Public Review, and Forest Service Response:** The notification process has been revised to include a step where the Forest Service unit sends (via email) interested parties pre-project notification reports at least 60 days prior to planned project implementation. Further, interested parties would be allowed 20 days to provide site-specific comments on project design, found in the environmental assessment, appendices 1 and 2 (Aquatic Restoration Categories, Descriptions, and Design Criteria and General and Resource Project Design Criteria), and effects to communities, species, and the environment. The responsible official may use the comments to continue, modify, or stop the project.
- **Cultural Resource Surveys:** The scoping document stated that programmatic agreements would be pursued with the Oregon State Historic Preservation Office and the Washington Department of Archaeology and Historic Preservation to allow post-decision surveys. In recent consultation efforts with Oregon and Washington Historic Preservation Offices, separate protocols to address future section 106 compliance are being developed for each office. The protocols will outline the process for future section 106 compliance and highlight the existing project design criteria. The protocols are being drafted and will be inserted as a separate appendix to this document prior to a final project decision.
- **Private Property Rights, including Water Rights:** Clarification and project design criteria have been added to the final environmental assessment to ensure that the selected alternative will not harm valid existing water rights or other property rights that may be associated with existing structures. Specifically, design criteria have been added that require identification and evaluation of potential effects on existing valid water rights through coordination with the Oregon Department of Water Resources and the Washington Department of Ecology; and to design and implement projects in a manner that does not harm those rights. Comparable project design criteria have also been added to the final environmental assessment to prevent

other private property from being affected by the selected alternative (environmental assessment, p. 90).

Specific Considerations for Some Resources

Cultural Resources

The Forest Service, in consultation with the Oregon Station Historic Preservation Office (Oregon SHPO) and the Washington Department of Archeology & Historic Preservation (Washington DAHP) will develop two statewide programmatic agreements to address the phased 106 process for the activities described in the proposed action. For the national forests in the state of Oregon a *Programmatic Agreement among the USDA Forest Service, Pacific Northwest Region, The Advisory Council of Historic Preservation and the Oregon State Historic Preservation Officer Regarding the Regional Aquatic Restoration Project* will outline the process to complete phased 106 for each project under this analysis. For the national forests in the state of Washington a *Programmatic Agreement among the USDA Forest Service, Pacific Northwest Region, The Advisory Council of Historic Preservation and the Washington State Department of Archeology and Historic Preservation Regarding the Regional Aquatic Restoration Project* will outline the process to complete phased 106 for each project under this analysis. All forests must review and utilize all existing exemptions when applicable, in both the 2004 Oregon Programmatic Agreement and the 1997 Washington State Programmatic Agreement or current existing programmatic agreements.

Pre-project Fish, Wildlife, and Plant Surveys

When a specific project is proposed, a local interdisciplinary team will convene to review the project for consistency with the regionwide environmental assessment. If threatened and endangered species surveys are necessary, they will be conducted prior to project implementation. If threatened or endangered animals or plants are documented, adaptations to project plans will occur, if necessary.

Within the Northwest Forest Plan area, we will be consistent with current survey-and-manage species policy. Under current policy, surveys and site management are not required for 15 of the 19 activities (January 9, 2006 order by Judge Pechman, with subsequent changes also by Judge Pechman on October 10, 2006). Four of the 19 actions were not included in the 2006 Pechman exemptions. The four actions are bull trout protection, fencing to protect aquatic restoration projects, juniper removal, and riparian vegetation treatment (controlled burning). For these four aquatic restoration activities, project design criteria in the environmental assessment, appendix 2 specifically states, “. . . if suitable habitat for a survey and manage fauna or flora species occurs within the project area and the activity is considered to be habitat-disturbing, the activity or project must be modified or the project location moved to avoid the species’ habitats.” By avoiding the survey and manage species habitats, there would be no need to survey or manage known sites; and there would also be no direct, indirect, or cumulative effects. The proposed actions would comply with the January 2001 Record of Decision and Standards and Guidelines as modified by Judge Pechman’s January 9, 2006 order and subsequent modification of that order on October 10, 2006. The survey and manage persistence objective of providing for a reasonable assurance of species persistence would be met.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative, no action. No action represents the current, ongoing aquatic regionwide restoration program. A comparison of these alternatives can be found in the environmental assessment on pages 8-12.

Public Involvement and Scoping

The need for this action arose in December 2017. An initial proposal for regionwide aquatic restoration activities was listed in the Schedule of Proposed Actions at that time. The proposal was provided to the public and other agencies for comment during scoping in December 2017. Thirty comments were received in response to the initial proposal. In addition, as part of the public involvement process, the agency initiated a formal legal comment period on October 12, 2018. Legal notices were published in *The Oregonian* and the *Seattle Times*, the newspapers of record for decisions made by the Pacific Northwest Regional Forester. Seventeen comments were received during this comment period. The proposed action was modified in response to public comment as described above and in the environmental assessment on pages 8-9.

Tribal Consultation

Tribal Nations were consulted regarding this project in February 2018 and further consultation occurred in April 2019. In addition, the Regional Tribal Liaison discussed the project in tribal coordination calls throughout the planning process. Overall, we received 4 letters providing project input. Tribal Nations are important partners in our aquatic restoration work throughout the Region and we will continue to collaborate and consult with them on these projects. The door for communication with Tribes of the Pacific Northwest remains open.

Finding of No Significant Impact

As the responsible official, I have evaluated the effects of the project relative to the definition of significance established by the Council on Environmental Quality Regulations (40 CFR 1508.13). I have reviewed and considered the environmental assessment and supporting documentation included in the project record, and have determined that the proposed action will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. The rationale for this finding is as follows, organized by subsection of the Council on Environmental Quality definition of significance cited above (40 CFR 1508.27).

Context

For the selected alternative, the context of the environmental effects is based on the analysis in the environmental assessment. The interdisciplinary team considered impacts of the selected alternative on environmental and social resources throughout the project area. The total analysis area is the entire region, but work would primarily occur in 50 focus watersheds; the current set of 66 priority subwatersheds; and/or future priority watersheds, which will generally be located within focus watersheds. Regardless of watershed location, all projects (with a few exceptions related to non-system road and trail decommissioning) would be confined to riparian reserves or riparian habitat conservation areas. The selected alternative covers up to 1,800 projects consisting of the 19 activity categories described above.¹³ No more than 180 projects would be

¹³ Appendix 5 displays the number of proposed projects to be implemented each year along with associated impacts and total proposed projects and impacts over 10 to 15 years

accomplished in a year throughout the region and no more than 25 projects per year would occur on any given national forest or in the scenic area.¹⁴

The analysis demonstrates that the impacts of the individual projects would be local in scope and of a short duration with long term beneficial effects (environmental assessment, pages 23-54). The activities of project implementation would range from a single day to one season with impacts lasting from the time of implementation to several years following completion of project activities. The local scope of the impacts would vary from a section of road closed for culvert replacement to several acres impacted for several weeks to implement other covered activities.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of the environmental assessment and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits and monitoring. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

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.

Both beneficial and adverse effects have been taken into consideration when making my determination of significance. Based on my review of the analysis, I have determined that there would be no significant adverse effects associated with implementing the selected alternative and there would be benefits to watershed condition throughout the Region in both the short and long terms.

Over 15 years, watershed function would be restored on approximately 32,850 acres across the region, primarily in the 50 focus watersheds; the current set of 66 priority subwatersheds and/or future priority watersheds; and/or future priority watersheds, which will generally be located within the focus watersheds. Given the limited effects within individual restoration activity areas, the limited geographic scope of these activities, and the fact that individual actions would be dispersed in time and space within a watershed and across the region, the direct, indirect, and cumulative effects of the individual projects are not expected to rise to a level of significance within the region or the local subwatershed where projects occur (environmental assessment, pages 13-15).

The potential for significance will be reviewed during the project identification, compliance, notification and public review process (environmental assessment, pages 16-18) for each individual project. If the responsible official finds that the project may have the potential to trigger significance at the local level, the project would not be pursued under this decision. The project could then be modified so that it meets the test for non-significance, or considered in further analysis as required by the National Environmental Policy Act.

My finding of no significant environmental effects is not biased by the beneficial effects of the action. I have considered and disclosed adverse impacts individually to determine

¹⁴ The Crooked River Grasslands will be covered under the Ochoco National Forest.

significance and did not use beneficial impacts to “balance” out the significance of adverse impacts. In fact, as found in the environmental assessment, pages 22-53, adverse effects by themselves are minor.

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

Based on a review of the environmental assessment and project record, I have determined that no adverse effects to public health or safety would result from implementing the selected alternative. The project incorporates project design criteria to ensure compliance with the Clean Water Act (environmental assessment, appendices 1 and 2) and the overall effect of implementation of the selected alternative will improve water quality. The public will be notified of proposed projects as described in the project implementation plan (environmental assessment, pages 16-18) and the project includes design criteria to ensure safety of national forest users in activity areas. All projects have associated standard operating procedures and best management practices to manage against impacts to public health and safety during project implementation. The intent of several restoration categories is to decrease risks to public health and safety. For example, replacing failing road-stream crossings decreases the potential of injury or death of human users of those crossings and increasing stream access to floodplains decreases the potential for damaging downstream floods.

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.

Historic or Cultural Resources: The proposed action is consistent with Forest Service Handbook 2309.12, the implementing regulations for the National Historic Preservation Act (36 CFR 800), and other relevant laws (environmental assessment, page 50).

Park lands, prime farmlands: The Aquatics Restoration Project would not affect park lands or prime farmlands because none occur in the project area and as such, would not be impacted.

Wilderness, Wild and Scenic Rivers: The analysis also considered impacts to Wilderness areas and wild and scenic rivers within the project area. Wilderness and wild and scenic rivers are included on the project compliance checklist and the potential for effects to these areas would be assessed during the project implementation process. Projects within designated wild and scenic river corridors would comply with relevant direction in the Comprehensive River Management Plan (environmental assessment, appendix 4, page 104).

Wetlands, Riparian Habitat Conservation Areas and Riparian Reserves: The intent of this project is to improve wetlands and riparian areas. The selected alternative is expected to lead to improvements in overall conditions at the watershed scale and these restoration actions are expected to increase the quantity and quality of wetlands on National Forest System lands in the region in the near-term and even more so over the long term.

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

During correspondence with the public, other Federal agencies, Tribes, local governments, and the interdisciplinary team, there was no information presented that indicates substantial

effects on the human environment or that would raise to the level of scientifically controversial as defined by the Council on Environmental Quality.

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

The activities associated with the selected alternative have been implemented in the Region in the past under numerous approved decisions supported by separate environmental analyses; they are well established land management practices with well understood and known effects and risks. The activities included in the selected alternative fall within those categories of actions which typically do not individually or cumulatively have a significant effect on the human environment. Based on the Agency's experience and knowledge and the analyses found in the environmental assessment and similar past projects, significant effects to resources are not expected.

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.

Adoption of the selected alternative does not establish a precedent for similar future actions with significant effects. Should such actions be proposed at some future date and it is determined that the activities might lead to significant effects due to the specific circumstances of the project then the proposing unit would analyze the action under a stand-alone NEPA analysis. This decision stands on its own merit and does not cover potential similar actions in the future except those explicitly approved in the selected alternative and does not establish a precedent on such actions' level of effects.

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

The analysis of the selected alternative considered past, ongoing, and reasonably foreseeable future actions for the cumulative effects analysis. Actions from this project are generally small in scale, scattered across a large landscape, and will occur over an extended period of time. Each resource analysis considered and documented cumulative effects of a combination of this project's activities and those other activities occurring across the forest (and adjacent lands of other ownership as appropriate) that would overlap in space and time. Cumulative effects would be negligible because most potential impacts from this action have been addressed through design criteria. The actions associated with the selected alternative would not result in significant cumulative effects (environmental assessment, pages 22-53).

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.

The selected alternative complies with the National Historic Preservation Act by following the terms of the Programmatic Agreements with Oregon State Historic Preservation Office and the Washington Department of Archaeology and Historic Preservation. Cultural resources would be identified and evaluated before any ground disturbing activities are authorized (environmental assessment, page 50).

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.

Threatened and Endangered Species:

Aquatic Species: In the long term, restoration projects carried out in federally listed fish critical habitat will improve the condition of that habitat at the site and, over time, at the watershed scale. In watersheds where multiple restoration projects are carried out, greater improvement of the condition of critical habitat at the watershed scale will be realized. Therefore, these beneficial effects will improve abundance, spatial structure, and productivity of the fish populations, resulting in a decreased risk of extinction for all of the species addressed by the Aquatic Restoration Biological Opinion II (ARBO II) and this analysis (National Marine Fisheries Service 2013; U.S. Fish and Wildlife Service 2013) (environmental assessment, page 24).

The National Marine Fisheries Service (2013) and U.S. Fish and Wildlife Service (2013) concluded that the 19 restoration activity categories included in this environmental assessment have predictable, short-term adverse and long-term beneficial effects to federally listed threatened and endangered species and their habitats, regardless of where on National Forest System lands they are executed (environmental assessment, page 27). A “may affect, likely to adversely affect” determination was made by the National Marine Fisheries Service (2013) and U.S. Fish and Wildlife Service (2013). In order to meet other legal and resource concerns, additional design criteria have been included in the environmental assessment. In some cases, these additional design criteria may further reduce impacts to listed species, but not to an extent that would alter the determinations the Services reached for the species analyzed.

Wildlife Species: Impacts of the 19 restoration actions included in this environmental analysis were previously analyzed as part of the ARBO II Programmatic ESA consultation (U.S. Fish and Wildlife Service 2013). Determinations for wildlife species were as follows:

- For two bird species, the marbled murrelet and northern spotted owl, the aquatic restoration projects may affect or are likely to adversely affect these species.
- For Canada lynx, gray wolf, grizzly bear, and woodland caribou, aquatic restoration activities conducted may affect, but are not likely to adversely affect those species.
- For all species, aquatic restoration projects will not adversely affect designated critical habitats.

Implementation of the species-specific project design criteria would reduce the possibility of adverse effects to an extent that is discountable for both the species and their critical habitats (see appendices 1 and 2). See the biological opinion (ARBO II, U.S. Fish and Wildlife Service 2013) for a detailed rationale of determinations for threatened and endangered species (environmental assessment, page 32).

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

The project was designed to comply with federal, state, and local laws. The project meets the legal requirements of the National Environmental Policy Act (environmental assessment, project record and below).

Conclusion

After considering the environmental effects described in the environmental assessment and specialist reports, I have determined that the selected alternative will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

Findings Required by Other Laws and Regulations

Effects to Low Income and Minority Populations – Executive Order 12898

Executive Order 12898 requires Federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations. We have not identified any low income or minority populations that would be adversely affected by this proposal. Improving watersheds and aquatic resources would provide beneficial effects for communities near or downstream from the proposed aquatic restoration projects. Fisheries resources are oftentimes highlighted as a first food to many tribal communities (environmental assessment, page 52).

Fisheries resources provide subsistence to many tribal communities throughout the region and can have additional cultural importance. Currently, the Forest Service Pacific Northwest Region works in collaboration with several Tribes on most aquatic restoration projects. The proposed project would have a positive effect on fish population and habitat, which would be an overall benefit to the resource and the tribal community (environmental assessment, page 52).

National Forest Management Act (NFMA)

This decision to adopt the selected alternative is consistent with the National Forest Management Act. Individual projects implemented under this decision will be designed in conformance with the local land and resource management plan standards and incorporate appropriate land and resource management plan guidelines. The project compliance form (environmental assessment, appendix 4) includes a requirement to verify that individual projects conform to relevant land management plan standards and guidelines, laws, regulations, and policies. In addition, projects proposed in priority watersheds have previously been identified in watershed restoration action plans, prepared by the agency in coordination with watershed partners. Finally, project design criteria have been developed to ensure compliance with the biological diversity provision in the National Forest Management Act. These and the accompanying analyses and determinations for species are described in detail in the environmental assessment.

Clean Water Act

On National Forest System lands in Oregon and Washington approximately 5,550 stream miles have been listed as water quality impaired under the Federal Clean Water Act of 1972. The water quality standard cited most frequently is stream temperature, a parameter to determine the ability of a waterbody to sustain healthy fish populations. The selected alternative is designed to improve and restore aquatic and riparian condition, function, and resiliency, including parameters such as stream temperature. Included are project design criteria to minimize short-term degradation to water quality during project implementation and meet current Clean Water Act section 404 permits and 401 certification provisions of the Federal Clean Water Act (environmental assessment, appendix 2).

Magnuson Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) is the primary law governing marine fisheries management in U.S. federal waters. First passed in 1976, the Magnuson-Stevens Act fosters long-term biological and economic sustainability of our nation's marine fisheries out to 200 nautical miles from shore. Key objectives of the Magnuson-Stevens Act are to prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, use reliable data and sound science, conserve essential fish habitat, and ensure a safe and sustainable supply of seafood. The selected alternative is designed to benefit aquatic biota, including marine fisheries that utilize estuaries and freshwater streams during part of their life cycle. Because the selected alternative has a long term beneficial impact on fish habitat, the project is consistent with the Act.

National Historic Preservation Act

The selected alternative is consistent with Forest Service Handbook 2309.12, the implementing regulations for the National Historic Preservation Act (36 CFR 800), and other relevant laws, following both programmatic agreements are executed prior to the final decision. In addition, for all projects analyzed in this environmental assessment, the appropriate programmatic agreement will be utilized.

Migratory Bird Treaty Act

The effects to migratory birds are expected to be the same as the effects described for birds that are sensitive species. Those effects are described in more detail in the analysis for sensitive species. In summary, there are negative effects expected to occur to individuals but not to the species or populations. The Pacific Northwest Region has issued guidance to complete analysis in order to comply with the Migratory Bird Treaty Act (environmental assessment, pages 39-40).

Clean Air Act

All controlled burns would be conducted under a burn plan and would be compliant with the Clean Air Act.

Administrative Review and Objection Rights

This project is subject to the pre-decisional objection process pursuant to 36 CFR 218 Subparts A and B. The opportunity to object ends 45 days following the date of publication of this legal notice in *The Oregonian* and *The Seattle Times*. The publication date of the legal notice in the newspapers of record is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely upon dates or timeframe information provided by any other source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment. Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities (36 CFR 218, section 218.8(c)).

The objection must contain the minimum content requirements specified in section 218.8(d) and incorporation of documents by reference is permitted only as provided in section 218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer. All objections are available for public inspection during and after the objection process.

Written objections may be submitted electronically to the reviewing officer through the project webpage:

<https://cara.ecosystem-management.org/Public/CommentInput?project=53001>.

Faxed objections must be sent and addressed to “Objection Reviewing Officer” at (202) 401-1189 and must include the subject line “Objection regarding the Pacific Northwest Region Aquatic Restoration Project”. The fax coversheet should specify the number of pages being submitted. Emailed or faxed objections must be received by 11:59:59 pm in the time zone of the Objection Reviewing Officer (Eastern time zone).

Hardcopy objections must be submitted by regular mail to the following address: USDA Forest Service, Attn: Objection Reviewing Officer, 1400 Independence Ave., SW, EMC, Mailstop 1104, Washington, DC 20250. Hardcopy objections may also be submitted by carrier (UPS or FedEx) or hand delivery to USDA Forest Service, Attn: Objection Reviewing Officer, 210 14th Street, SW, EMC, Mailstop 1104, Washington, DC 20250. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Carrier or hand deliveries may call 202-791-8488 during regular business days and hours, above, to coordinate delivery of objections. Hardcopy submissions must include a subject line on page one stating: “Objection regarding the Pacific Northwest Region Aquatic Restoration Project.”

Individuals who need to use telecommunication devices for the deaf (TDD) to transmit objections may call the Federal Information Relay Service at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

Implementation

Project implementation may generally begin immediately following the conclusion of the objection period, and subsequent resolution of objections if any, and signing of this Decision Notice pursuant to 36 CFR 218.12. If no objections are filed during the objection period, this Decision Notice may be signed five business days following the end of the objection filing period and the project may be implemented immediately following.

A few national forests in the Region (Malheur, Fremont-Winema, and Umatilla) have approved decisions covering some aquatic restoration activities (project record). For those national forests, this decision expands the available tools for aquatic restoration activities. This decision will not supersede the previous national forests’ decisions, but is available for them to use, if they choose.

For further information concerning the Pacific Northwest Region Aquatic Restoration Project, contact James Capurso, PhD, Regional Fisheries Biologist, USDA Forest Service, 1220 SW 3rd Ave., Portland OR 97204, (503) 808-2847, during normal business hours.

Approved by:

Reserved for Final Decision

GLENN P. CASAMASSA

Regional Forester

Pacific Northwest Regional Office

Date

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