CATEGORICAL EXCLUSION REVIEW

PROPOSAL INFORMATION

Proposal Name: Headwaters Chicken Creek II

Proposal Date: 11/29/2018

Proponent Name: Joe Platz

Line Officer: Bill Gamble

District: La Grande Ranger District

County(ies): Union

Anticipated Implementation: 05/01/2020

Signing Authority: District Ranger

PALS Tracking #: 56800

Project File: C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Headwaters Chicken Creek II

General Location: Chicken and West Chicken Creeks

Legal Description: T6S, R35.5E, Sections 10, 11, 14, 15, 23

Elevation Range: 4200-4500 feet

Watersheds: Chicken Creek Subwatershed

APPLICABLE CATEGORY/IES

This proposal is categorically excluded from documentation in an EA or EIS because it fits the following category, pending extraordinary circumstance determinations:

Applicable Category: 36 CFR 220.6(e)(7) (DM Required)

Category 7 is applicable for this project because the objectives are to improve hydrologic function and fish habitat using locally sourced materials.

PROPOSAL

Anthropogenic disturbances within the project area such as beaver trapping, timber harvest, grazing, and road building created laterally confined channels with limited floodplain interaction and diminished deciduous vegetation. This project is designed to mitigate anthropogenic impacts to Chicken and West Chicken Creeks by incorporating wood into 2.5 miles of upper Chicken Creek and 1.5 miles of West Chicken Creek. The wood will be arranged into channel spanning log jams interspersed with whole trees and small woody material. The intent of these actions is to add channel roughness, increase floodplain interaction and habitat complexity, and promote out of channel flooding. These wood structures will contribute to longer periods of hydrologic production, decreased stream temperatures, and increased deciduous streamside vegetation.

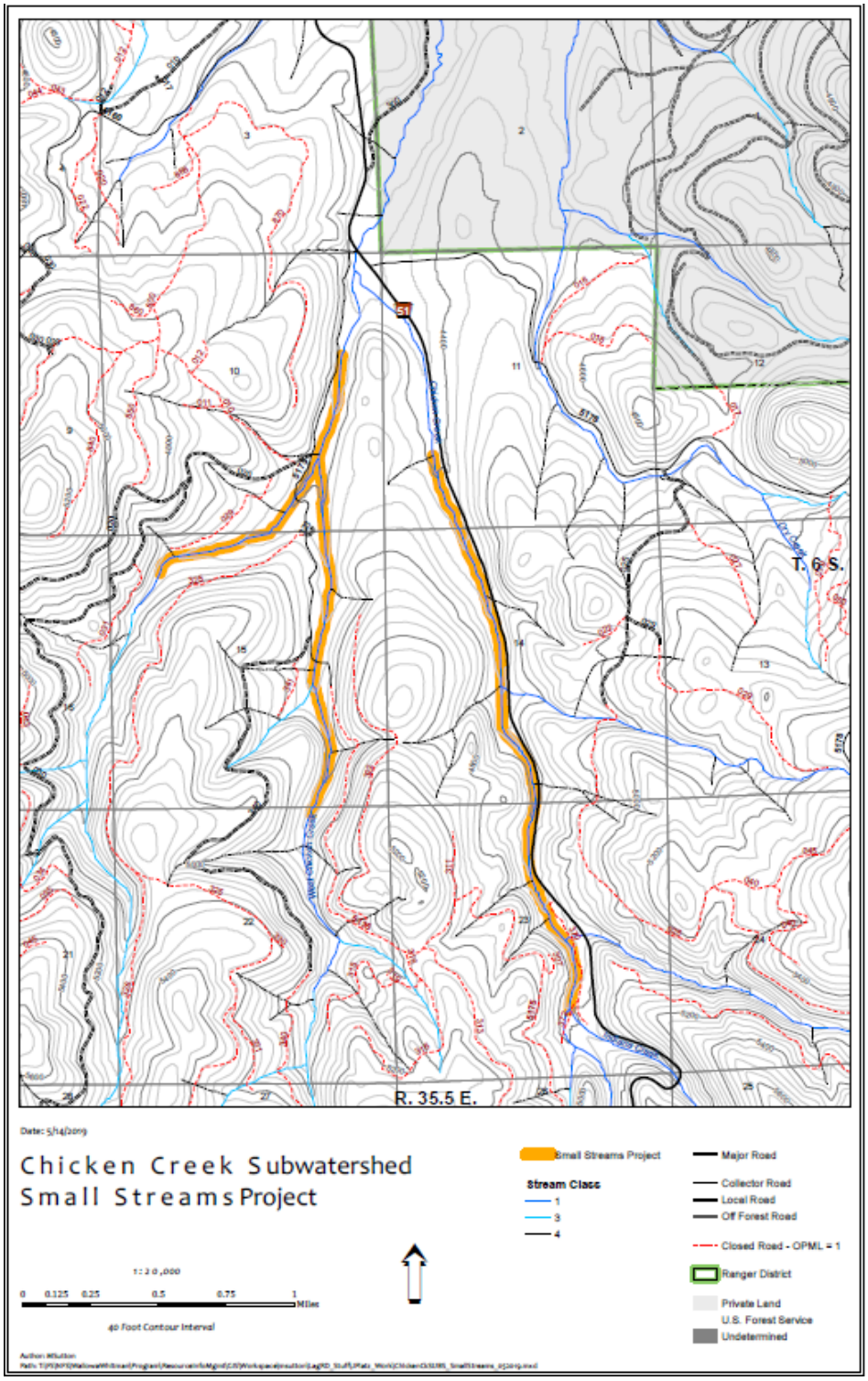
All of the wood needed for this project will be obtained within 200 feet from each side of Chicken and West Chicken Creeks by felling with a chainsaw. These trees will be transported to the stream by mini excavators with rotating clams. Small debris jams will be placed in the creek at an average of 30 - 40 debris jams per mile. Each debris jam will consist of 5 logs (9” – 12” in diameter and 20’ long) with branches intact and racking material consisting of tree tops, branches and small trees (less than 8” in diameter). An additional 50 whole trees (10” – 12” in diameter) with small wood will be spaced in between sites. An average of 250 trees (9” – 12” in diameter) will be placed per mile.

All disturbed areas will be seeded with a native seed mix.

Project Design Criteria

- Equipment operations during dry ground conditions only
- Erosion control methods (water bars, replanting, sediment barriers, mulches or erosion fabrics etc.) put in place before seasons ending precipitation event
- Disturbed areas should have effective ground cover over 65% of the area
- Bank stabilizing trees should not be pushed over
- Retain adequate amount of trees within 10 feet of stream bank for future instream wood recruitment
- Limit equipment passes over streamside areas to one to two passes, as much as possible, in order to prevent vegetation loss, trail creation, and compaction
- Avoid documented *Botrychium* site

MAP


T. 6 S.
R. 35.5 E.
Date: 5/14/2019
Chicken Creek Subwatershed
Small Streams Project
1 : 2 0 ,000
0 0.125 0.25 0.5 0.75 1
Miles
40 Foot Contour Interval
Small Streams Project
Stream Class
1
3
4
Major Road
Collector Road
Local Road
Off Forest Road
Closed Road - OPML = 1
Ranger District
Private Land
U.S. Forest Service
Undetermined

PROPOSAL SCREENING

REGULATORY CONSIDERATIONS

Given the nature of this proposal, the Responsible Official is requesting documentation to demonstrate compliance with the following regulatory considerations in addition to NEPA:

☒ **NFMA/Land Management Plan**

☒ **Endangered Species Act**

☒ **Sensitive Species (FSM 2670)**

☒ **National Historic Preservation Act**

☒ **Tribal Consultation**

☒ **Clean Water Act**

☒ **Pertinent Executive Orders**

AGENCIES, ORGANIZATIONS & PERSONS TO BE CONTACTED

Given the nature of this proposal, the Line Officer/Responsible Official is requesting the following agencies, organizations and/or persons be contacted to provide input to, or to be made aware of, the proposal.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

State Historic Preservation Office (SHPO)

NOAA Fisheries

RESOURCE PARTICIPATION IN ENVIRONMENTAL ANALYSIS REVIEW

The Line Officer/Responsible Official has requested the following resource areas to review the proposal to determine compliance with the regulatory considerations.

Table 1: Documentation of Review Completion

Resource	Review Complete
Botany	11/21/2019 Scott Schaefer
Cultural/Heritage	12/18/2019 Anthony King
Fisheries	11/21/2019 Joe Platz
Hydro	11/21/2019 Dana Nave
Soils	11/21/2019 Mary Young
Wildlife	11/21/2019 Laura Navarrete

ENVIRONMENTAL ANALYSIS REVIEW

NATIONAL FOREST MANAGEMENT ACT (NFMA) – LAND MANAGEMENT PLAN CONSISTENCY

The pertinent specialist has reviewed the proposal and made the following determinations regarding proposal consistency with applicable Land Management Plan direction, standards and guidelines.

Botany: Consistent

Cultural/Heritage: Consistent

Engineering: N/A

Fisheries: Consistent

Fuels: N/A

Hydro: Consistent

Lands/Special Uses: N/A

Minerals: N/A

Range: N/A

Recreation: N/A

Scenic Resources: N/A

Soils: Consistent

Silviculture: N/A

Special Management Areas: N/A

Wildlife: Consistent

ENDANGERED SPECIES ACT

THREATENED, ENDANGERED, PROPOSED AND CANDIDATE SPECIES &/OR CRITICAL HABITAT

The pertinent specialists reviewed the proposal and made the following determinations for threatened, endangered and/or proposed species:

Table 2: TEPC Effect Determinations for ESA

Species/Habitat	Status	Proposed or Designated Critical Habitat Present?	Determination*	Brief Rationale (or refer to other project documentation)
Spring/Summer Chinook	Endangered	No	No Jeopardy	Project activities will have an overall beneficial impact to fish habitat
Summer Steelhead	Endangered	No	No Jeopardy	
Bull Trout	Endangered	Yes	No Jeopardy	

***NE** – No Effect; **NLAA** – May Affect, Not Likely to Adversely Affect; **LAA** – May Affect, Likely to Adversely Affect; **No Jeopardy** - Not Likely to Jeopardize the Continued Existence or Adversely Modify Critical Habitat

SUPPORTING PROJECT DOCUMENTATION

Table 1: Applicable Project File Documentation to Support ESA Compliance

Documentation Type	File Name (if applicable/needed)
ARBOII	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Headwaters Chicken Creek II

SENSITIVE SPECIES (FSM 2670)

The pertinent specialists reviewed the proposal and made the following determinations for sensitive species:

Table 3: Sensitive Species Impact Determinations

Species	Determination*	Rationale (or refer to other project documentation)
Redband Trout	MIIH	MIIH in short term, BI in medium to long term
Columbia Spotted Frog	MIIH	
California Wolverine	NI	The Lower Fly Creek Restoration Wildlife BE findings are incorporated by reference due to the similarities in project activities and locations, present species and habitat types. The expected effects to affected species and their habitat are consistent across both projects.
Shiny Tightcoil	MIIH	
Thinlip Tightcoil	MIIH	
Western Bumblebee, Suckley Cuckoo Bumblebee, Morrisoni Bumblebee	MIIH	
Botrychium spp.	MIIH	An area to protect will be established around this site.

NI – No Impact; **MIIH**- May Impact Individuals or Habitat, but Will Not Likely Contribute To A Trend Towards Federal Listing Or Loss Of Viability To The Population Or Species; **WIFV** - Will Impact Individuals or Habitat with A Consequence That the Action May Contribute To A Trend Towards Federal Listing Or Cause A Loss Of Viability To The Population Or Species

SUPPORTING PROJECT DOCUMENTATION

Table 4: Applicable Project File Documentation to Support Agency Sensitive Species Compliance

Documentation Type	File Name (if applicable/needed)
ARBOII **Botany Review**	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Headwaters Chicken Creek II
Wildlife BE	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Fly Creek Restoration

NATIONAL HISTORIC PRESERVATION ACT (NHPA) – SECTION 106 REVIEW

The pertinent specialist has reviewed the proposal and made the following determination regarding Section 106 compliance:

No adverse effects to historic properties - 36 CFR 800.5(b). Section 106 Review has been completed and National Register eligible cultural sites are located within the project area. Modifications can avoid/protect cultural resources (see comment section).

COMMENTS

Use a 10 meter buffer to avoid known sites. Use cut trees only, no root wad extraction. Complete monitoring of activities to assess ground disturbance (photos and detrimental soil assessment) and ensure heritage resources are protected

SUPPORTING PROJECT DOCUMENTATION

Table 5: Applicable Project File Documentation to Support NHPA Compliance

Documentation Type	File Name (if applicable/needed)
Programmatic Agreement Cover Letter	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2019SmallProjects\Headwaters Chicken Creek II

TRIBAL CONSULTATION

Based on the nature of the proposal, the line officer/responsible official made the following determination regarding Tribal Consultation:

Consultation with American Indian Tribes has been initiated and is ongoing.

COMMENTS

CUTIR: 2019/2020 Program of Work Package

Letter sent to CTUIR and Nez Perce on November 12, 2019 and project information was included as part of CTUIR Program of Work meeting on December 17, 2019

SUPPORTING PROJECT DOCUMENTATION

Table 6: Applicable Project File Documentation to Support Tribal Consultation Compliance

Documentation Type	File Name(s)
2019 Program of Work	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace

CLEAN WATER ACT (CWA)

The pertinent specialist has reviewed the proposal and made the following determination:

Impacts to water quality will be short term in the form of sedimentation, and will be mitigated by honoring the instream work window.

SUPPORTING PROJECT DOCUMENTATION

Table7: Applicable Project File Documentation to Support CWA Compliance

Documentation Type	File Name(s)
Programmatic Permit with Army Corps and DSL	AARS Database

PERTINENT EXECUTIVE ORDERS

The line officer and/or applicable specialist(s) have determined the proposal is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal.

- EO 11988, Floodplain Management
- EO 11990, Protection of Wetlands
- EO 12898, Environmental Justice
- EO 13007, Indian Sacred Sites
- EO 13112, Invasive Species
- EO 13175, Consultation & Coordination w/ Indian Tribal Governments
- EO 13186, Migratory Birds
- EO 13443, Facilitation of Hunting Heritage & Wildlife Conservation

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) – EXTRAORDINARY CIRCUMSTANCE CONSIDERATIONS

Pertinent specialists have reviewed the proposal and made the following determinations with regards to presence of extraordinary circumstances:

Table 8: Extraordinary Circumstance Determinations

Resources Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain.[1]
WILDLIFE **Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species**	NO, there is no uncertainty **Rationale for Yes/No: Restoration activities will follow PDCs and mitigation measures to ensure minimal disturbances are made to sensitive species and habitat.**
FISHERIES **Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species**	NO, there is no uncertainty **Rationale for Yes/No: Work will be accomplished during the instream work window, and the project is designed to promote long term benefits to fish habitat.**
BOTANY **Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species**	NO, there is no uncertainty **Rationale for Yes/No: One site with previously documented *Botrychium* species will be avoided during implementation.**
Floodplains, wetlands or municipal watersheds	NO, there is no uncertainty **Rationale for Yes/No: Restoration activities are designed to improve floodplains**
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	N/A, not present
Inventoried roadless areas	N/A, not present
Research natural areas	N/A, not present
American Indians and Alaska Native religious or cultural sites	NO, there is no uncertainty **Rationale for Yes/No: TCPs will be avoided with a 10 meter buffer**
Archaeological sites, or historic	NO, there is no uncertainty

Resources Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain.[1]
properties or areas	**Rationale for Yes/No: Sensitive sites will be avoided with a 10 meter buffer**

DECISION MEMO

Headwaters Initiative: Chicken Creek Restoration II

U.S. Forest Service

La Grande Ranger District, Wallowa-Whitman National Forest

Union County, Oregon

This decision incorporates all previous information in this document and included in the project file.

DECISION & RATIONALE

I have decided to authorize the activities described above in the Proposal section, with the following modifications identified during environmental analysis and review of regulatory compliance. To avoid potential impacts to cultural resources tree extraction methods used for this project will be limited to cutting. No pushing over/root wad extraction will occur in an effort to avoid cultural impacts. Activities will be monitored with photos and soil disturbance surveys to evaluate amount and type of soil disturbance associated with this activity and ensure no heritage resources are impacted.

APPLICABLE CATEGORICAL EXCLUSION & FINDINGS REQUIRED BY OTHER LAWS

The Proposal Information section above provides rationale for categorically excluding this action from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and for using category 36 CFR 220.6(e)(7). The Environmental Analysis Review section documents the finding that no extraordinary circumstances exist, along with findings required by other applicable laws and regulations, demonstrating compliance with the regulatory framework for the activities authorized by this decision.

AGENCIES, ORGANIZATIONS & PERSONS CONTACTED

A list of agencies, organizations and/or persons contacted regarding this proposal is provided above, along with a brief overview of comments/feedback received and how they were considered.

IMPLEMENTATION DATE

I intend to implement this decision in May of 2020.

ADMINISTRATIVE REVIEW

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (Agriculture Act of 2014 [Pub. L. No. 113-79], Subtitle A, Sec. 8006).

CONTACT

For additional information concerning this decision, contact:

Joe Platz, Fisheries Biologist, 3502 Hwy 30, La Grande, Oregon, 97850, 541-962-8571

3/11/2020

Bill Gamble
La Grande District Ranger

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