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Agriculture

**Forest  
Service**

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# Decision Notice

## Tamara Quays and Crowley Creek Restoration Projects

**Hebo Ranger District  
Siuslaw National Forest  
Lincoln County, Oregon**

**Lead Agency: USDA Forest Service**

**Responsible Official: George Buckingham, District Ranger**  
Hebo Ranger District  
Siuslaw National Forest  
P.O. Box 235  
31525 Hwy 22  
Hebo, OR 97122-0235

**For Information Contact: Barb Ellis-Sugai, Team Leader**  
Siuslaw National Forest  
4077SW Research Way  
Corvallis, OR 97333  
(541) 750-7056  
bellissugai@fs.fed.us

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## **Project Background, Area, and Needs**

The Tamara Quays and Crowley Creek Restoration Projects Environmental Assessment (the Project) includes actions designed to restore the Salmon River Estuary.

The planning area is located in the Lower Salmon River 6<sup>th</sup>-field watershed in the western portion of the Salmon River watershed and covers about 4996 acres. The US Forest Service manages about 53 percent of the area (including about 10,415 acres of plantations), 46 percent is privately owned, and less than 1 percent is managed by the Nature Conservancy. The project area is located in Township 6 South, Range 11 West; Sections 23 and 25; Lincoln County, Oregon.

The planning area is located within the Cascade Head Scenic Research Area, a Congressionally Withdrawn Area land allocation. Proposed actions would be consistent with the land allocations in the Plan.

The purpose of this proposal is to restore the hydrology, aquatic habitat, estuarine conditions and native vegetation at Tamara Quays and Crowley Creek.

This action is needed because:

- Tidal habitat is limited in Crowley Creek.
- Rowdy Creek at Tamara Quays has been severely altered.
- Tamara Quays has high water temperatures in the ditches and the pond, with midday summer water temperatures above 80F. Restoring the natural flow of this creek will provide more area for the fresh water-salt water ecotone habitat in the estuary.
- The water wells need to be properly decommissioned to protect groundwater resources, and the water tank needs to be removed to eliminate any safety hazards.
- Partially removing the dike along Crowley Creek and filling in the ditch in the middle of the marsh will restore more natural water flows through the marsh east of Crowley Creek.

The decision to be made is whether to implement actions designed to meet the Project needs by selecting one of the action alternatives (Alternative 2 or Alternative 3) or to postpone these actions by selecting the no-action alternative (Alternative 1).

## **My Decision**

I have decided to implement all the actions described under Alternative 2 (proposed action) of the Project EA that will not adversely affect essential fish habitat (EFH) or have no effect on EFH, and therefore do not require consultation on essential fish habitat. In addition, any remaining electrical lines, utility boxes, phone lines, or water pipes that are near the surface will be removed.

In making this decision, I have reviewed the Project EA and its appendices, biological assessments and other project-file documents, correspondence with the US Fish and Wildlife Service, and the comments received during the 30-day public comment period.

The following activities under Alternative 2 will be done to restore tidal flows to the part of Tamara Quays that historically has been part of the estuary wetlands, restore unimpeded flows to Rowdy Creek, and restore native vegetation. At Crowley Creek, the activities will be done to improve the wetland functions of the marsh east of Crowley Creek. Project design criteria, including mitigation and monitoring requirements (EA, appendix A), will be incorporated to ensure protection of natural resources

Under Alternative 2, the following actions will be done:

### **Tamara Quays**

- Remove the dike and tidegate surrounding Kingfisher Lake.
- Fill in the ditch along the south side of the dike south of Kingfisher Lake.
- Replace the undersized culverts at the upstream end of Kingfisher Lake under the Fraser Road with a fish-passage culvert.
- Place a log jam complex of 10-15 logs between the eastern shore and the island in Kingfisher Lake. The log jam would be placed to encourage flow to follow the original route of the stream channel.
- Remove invasive plants and replace with native vegetation appropriate to the site.
- Decommission the two wells by pressure pumping concrete grout to the full depth of the wells to fill them and prevent surface water from contaminating groundwater.
- Remove the water tank to eliminate any safety hazards.

In addition, any remaining electrical lines, utility boxes, phone lines, or water pipes that are near the surface will be removed.

### **Crowley Creek**

- Remove dike material in between spruce trees growing on the dike. Leave the spruce trees to grow on the hummocks.
- Use the dike material that is removed to fill in the ditch.

### **Reasons for the Decision**

Alternative 2 was selected because it meets the needs identified in chapter 1 of the Project:

- Tidal habitat is limited in Crowley Creek. Removing the dikes and tidegates will restore tidal flow to estuarine wetlands.
- Rowdy Creek at Tamara Quays has been severely altered. The culvert replacement and addition of large wood will enhance fish habitat and passage.
- Tamara Quays has high water temperatures in the ditches and the pond, with midday summer water temperatures above 80F. Restoring the natural flow of this creek will provide more area for the fresh water-salt water ecotone habitat in the estuary.
- The water wells need to be properly decommissioned to protect groundwater resources, and the water tank needs to be removed to eliminate any safety hazards. Filling the wells with

- concrete grout will protect groundwater, and meet the requirements of the Oregon Dept. of Environmental Quality.
- Partially removing the dike along Crowley Creek and filling in the ditch in the middle of the marsh will restore more natural water flows through the marsh east of Crowley Creek, and wetland functions.

The Project is designed to protect affected natural resources in the short term and maintain or enhance the quality and productivity of these resources in the long term (EA, chapter 3);

Alternative 2 best meets my expectations for holistic and integrated restoration. No unacceptable cumulative effects to any resource are expected. Many beneficial effects will accrue from implementing the Project, and the risk associated with any potential negative effects, discussed in chapter 3 of the Project EA, is low.

In my review of the Project EA, its appendices, and other project-file documents, I believe the information provided to me is adequate for a reasoned choice of action. I am fully aware that the selected alternative will have some unavoidable adverse environmental effects such as disturbance to wildlife species individuals (EA, page 32-35) and short-term increases in turbidity (EA, page 28). I have determined, however, that these effects and risks are outweighed by the likely benefits.

In making this selection, I have also reviewed information in the administrative record, including but not limited to the Siuslaw Forest Plan (1990), as amended by the Northwest Forest Plan (1994); the Salmon-Neskowin Watershed Analysis (1999); the Late-Successional Reserve Assessment for Oregon's Northern Coast Range Adaptive Management Area (1998); consultation files and records involving the U.S. Fish and Wildlife Service; public and other agency comments; and applicable laws and regulations.

On December 22, 2004, the Under Secretary of Agriculture approved regulations for National Forest System land management planning (36 CFR 219, published in the Federal Register on January 5, 2005). These regulations became known as the 2005 Planning Rule. On March 30, 2007, the court in *Citizens for Better Forestry vs. USDA* Civ. No. 05-1144 and *Defenders of Wildlife vs. Johanns* Civ. No. 04-4512, in the Northern District of California, enjoined the Forest Service from implementation and utilization of the 2005 Planning Rule. On July 3, 2007, the same court refused to amend its prior judgment and affirmed that the March 30, 2007 order be applied nationwide. The result of these two rulings is that the entire Forest Service is currently operating under the prior planning rule, adopted in November 2000 at 36 CFR 219, and subsequently interpreted in an Interpretative Rule at 69 Federal Regulation 58055 (September 29, 2004).

This project is planned under the regulation at 36 CFR 219.35 (2000) and the Interpretative Rule of September 29, 2004. As required by 36 CFR 219.35, I have considered the best available science in

making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

### **Alternatives Considered**

Before selecting Alternative 2, I considered Alternative 1 (no action), Alternative 3 (no new temporary roads), and other alternatives that were eliminated from detailed study in the Project EA.

**Alternative 1, no action**—Alternative 1 is fully described in chapter 2 of the Project EA. The analysis of the effects of Alternative 1 is disclosed in chapter 3 of the Project EA. The no-action alternative forms the basis for a comparison between meeting the project needs and not meeting the project needs. This alternative provides baseline information for understanding changes associated with Alternatives 2 and 3 and expected environmental responses as a result of past management actions.

**Alternative 3**—Alternative 3 is fully described in chapter 2 of the Project EA. The analysis of the effects of Alternative 3 is disclosed in chapter 3 of the Project EA. This alternative would have the same actions as Alternative 2, with the addition of the removal of all buried sewer pipes.

### **Reasons for Not Selecting the Other Alternatives**

**Alternative 1**—The no-action alternative does not create obvious negative effects, but it also does not meet any of the Project needs. Without some restorative actions, some watershed conditions, such as water quality and fish habitat, would continue to degrade (EA, pages 2 to 9).

**Alternative 3**—Alternative 3 is identical to Alternative 2, with the addition of removing buried cast-iron sewer lines that are 8 to 10 feet deep. Removing these sewer lines would require approximately a mile of trenches be dug to remove the sewer pipes. The cast-iron poses no environmental threat, and will eventually turn to iron oxide (rust), a naturally occurring component in soils. The cost and disturbance required to remove the pipe was more detrimental to the environment and the natural landscape than leaving it in place. Therefore, I could find no reason to select this alternative.

### **Alternatives considered but eliminated from detailed study**

I considered several alternatives, based largely on public comments received during scoping and during the 30-day public review of the preliminary analysis. The following alternatives represent those that I considered, but for various reasons, eliminated from detailed study.

### **Providing recreational use and access to Tamara Quays**

The intended and overriding objective for the Salmon River Estuary is for a natural setting and recreation use related to a natural setting. The estuary guidelines allow dispersed recreation “compatible with the protection and perpetuation of the unique natural values of the sub-area (see page 79 in the Cascade Head Scenic Research Area Management Plan). There is no direction for retaining or creating human-made water features as part of the natural landscape at the Cascade Head Scenic Research Area.

The Siuslaw National Forest has not identified this site or immediately adjacent land as a future developed recreation site, and funds are not available to maintain facilities there. Tamara Quays has become a target for illegal activities, such as garbage dumping and vandalism. The owners of a private inholding have reported vandalism to their property. Fraser Road is the route to Camp Westwind, and the Westwind group is concerned about the safety of visitors. For these reasons, discussions are underway between the Siuslaw National Forest, Oregon Department of Transportation, and the private landowners regarding placement of a locked gate on Fraser Road near the intersection with Highway 101. People would still be able to walk in; however, unauthorized vehicle traffic would be prohibited. Private landowners would still have access to their property.

### **Maintaining Kingfisher Lake and associated freshwater wetland**

The freshwater wetlands and the areas occupied by the lake are an artificial construct, and were estuarine wetlands historically. LIDAR data, which provides an accurate, detailed topographic map of the area shows that the area within the dike is at the same elevation as the estuary outside of and downstream from the dike. In order to keep the freshwater wetlands that are associated with the lake, the dam and tidegate would have to be maintained into the future. The Siuslaw National Forest has no budget for maintaining this infrastructure.

Keeping the artificial lake does not fit with the guidance in the mandate of the Cascade Head Scenic Research Act (1974) and the Cascade Head Scenic Research Area Management Plan (1977). The management plan states: “The long-term goal (within the estuary and associated wetlands) is restoration to a functioning estuarine system free from the influences of man.”

### **Heavy equipment access through Lincoln County Knight Park for Crowley Creek Restoration**

Lincoln County has expressed a concern about impacts to Knight Park due to equipment access. To avoid the park entirely, access for the needed equipment would be from east of the marsh down a short slope currently covered with blackberries.

### **Help from the Public and Other Agencies**

After considering the identified problems to be addressed with this project and developing a proposal to correct the problems, letters describing the actions considered in the proposed Tamara Quays and Crowley Creek Restoration Projects were mailed on January 12, 2008 to about 140 individuals, agencies, and organizations identified as potentially interested in the proposed project and analysis. Public comment was also solicited through news releases in the Tillamook Searchlight Herald, Tillamook, Oregon. The Siuslaw National Forest’s quarterly “Project Update” publications were also used for public outreach. Comments on the proposed project were requested by February 23, 2008. Through these scoping efforts, eleven responses were received.

Public comments contained a variety of suggestions to consider. Comments not outside the scope of the project and not covered by previous environmental review or existing regulations were reviewed for substantive content related to the project. Based largely on public comment, some alternatives were considered, but eliminated from detailed study, while another alternative was considered in detail. The alternatives are discussed in chapter 2. Comments relevant to clarifying how the project will be implemented or disclosing the effects of implementing the project are addressed in the Project EA, chapters 2, 3, or 4 or the project file.

The notice of availability for Project was published in the Tillamook Headlight Herald on April 23, 2008, informing the public that the environmental assessment is available for a 30-day review and comment period. Copies of the environmental assessment, along with cover letters announcing that the environmental assessment is available for a 30-day public comment period, were mailed to those who commented on the proposed project or who requested a copy of the document. The legal notice and letters indicated the beginning and end of the comment period, described the comment process, and identified a Forest Service contact person. Copies of the preliminary analysis were also made available at the Siuslaw National Forest Headquarters in Corvallis, and the District office in Hebo. The comment period ended at the close-of-business on May 23, 2008. No responses to this request were obtained prior to the end of the comment period.

The Project is consistent with Forest Service goals for wildlife, because no animal population will be adversely effected. Additionally, no known nest sites, suitable habitat, or proposed or designated critical habitat exists in the project area for marbled murrelets, northern spotted owls, California brown pelican, western snowy plover, or Oregon silverspot butterfly. Thus the Project would have no effect on these species or their habitats.

Oregon coastal coho salmon are currently scheduled for listing as “threatened” under the ESA by NOAA Fisheries on May 12, 2008, with corresponding critical habitat designation. Upon listing, inclusion of coho salmon in the ESA Programmatic Consultation Biological and Conference Opinion and Essential Fish Habitat Consultation (USDC 2007), (hereafter referred to as the NOAA Fisheries Aquatic Restoration BO or NOAA ARBO) is anticipated. The proposed actions for both of these projects will comply with the Project Design Criteria (PDC), Conservation Measures (CMs), and General Practices and Requirements for all applicable activity categories according to the NOAA ARBO. All dike and infrastructure removal and ditch filling will employ all appropriate PDCs under Activity #10—Estuary Restoration. According to the NOAA ARBO, “Salmonids that are present in the area during (estuary restoration) construction may experience increased turbidity, but turbidity is often naturally high in these areas. Nevertheless, fish will generally leave the area as construction begins” (p. 81). The fish passage culvert replacement and tide gate removal at Tamara Quays will employ all appropriate PDCs and CMs under Activity #5—Fish Passage Culvert and Bridge Projects in this BO. These CMs will minimize sediment and turbidity and effects of fish handling and transport during work area isolation, fish removal and release, and work area dewatering and rewatering. The large wood placement at Tamara Quays will

employ all appropriate PDCs under Activity #1—Large Wood, Boulder, and Gravel Placement in this BO. These PDCs will minimize any impacts of wood acquisition and placement and ensure the functional integrity of the LWD complexing. The proposed actions will support restoring estuary functions and wild Oregon coastal coho salmon once the dikes are breached and the area is rewatered.

The Forest applied for a joint Oregon Department of State Lands and U.S. Army Corp of Engineers permit application for this project. On May 22, 2008 this project received a Department of State Lands (DSL) General Authorization for Wetland Restoration and Enhancement (DSL application number 40400-GA) authorizing this project. Projects authorized through this process are covered by the NOAA Standard Local Operating Procedures for Endangered Species to Administer Stream Restoration and Fish passage Improvement Actions Authorized of Carried Out by the U.S. Army Corp of Engineers in Oregon (SLOPES IV Restoration) Biological Opinion (USDC 2008). In the interim, while waiting for the ARBO to include Oregon coastal coho salmon, SLOPES IV Restoration serves as ESA consultation. All dike and infrastructure removal and ditch filling will employ all appropriate PDCs under Activity #7 – Set-back Existing Berms, Dikes, and Levees. The fish passage culvert replacement and tide gate removal at Tamara Quays will employ all appropriate PDCs and CMs under Activity # 2 – Fish Passage Restoration and Activity #9 – Water Control Structure Removal. The large wood placement at Tamara Quays will employ all appropriate PDCs under Activity #4 – Large Wood Restoration.

### **Finding of No Significant Impact (FONSI)**

Based on the site-specific environmental analysis documented in the Tamara Quays and Crowley Creek Restoration Projects Environmental Assessment, I have determined that the activities described do not constitute a major Federal action and would not significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. This determination was made in light of the following factors (40 CFR 1508.27):

#### **Context**

Project activities have been viewed and approved in a Regional context through the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl (USDA, USDI 1994). This action only affects a small portion of the Forest, which in turn, is a very small portion of the Region.

The site-specific activities that are authorized and guided by this decision are limited in scope and duration. Some minor adverse effects are expected. However, given the renewable nature of the resources and the high growth rates of coastal vegetation, these effects are expected to be short-term. No long-term adverse effects are expected.

## Intensity

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

*Project actions will have both beneficial and adverse effects. Replacing culverts, removing dikes and filling in ditches may result in a short-term increase in turbidity. However, I have considered the benefits that the ecosystem will receive from implementing the Project actions and find that the overall beneficial effects to the ecosystem outweigh any short-term adverse effects. Further, I find that when considered alone, the adverse effects of this project are not significant (EA, chapter 3).*

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

*No significant adverse effects to public health or safety have been identified (EA, page 41).*

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.

*The characteristics of the geographic area do not make it uniquely sensitive to the effects of project actions. Past actions of similar intensity in similar areas have not indicated any significant adverse effects (EA, chapter 3).*

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

*The effects from the Project on the quality of the human environment are not found to be highly controversial (EA, chapters 1 and 3).*

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

*The Project's environmental effects are not uncertain or unknown. Planned actions are similar to those already accomplished on similar lands on the Forest and in other Oregon estuaries, and several scientific studies have been conducted that support the Project's treatment strategies to restore fish habitat (EA, chapters 1 and 3).*

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.

*Actions that will be implemented by the Project do not set a precedent for future actions because similar actions have been implemented in the past (EA, chapter 3).*

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

*The Tamara Quays and Crowley Creek Restoration Projects Environmental Assessment has disclosed direct, indirect, and cumulative effects to soil, water, aquatic and terrestrial species, and other components of the human environment. There are no significant direct, indirect, or cumulative effects anticipated from implementing project actions. Project actions will restore estuary habitat. The analysis of cumulative effects considered past, present, and reasonably foreseeable future actions on National Forest lands as well as for other ownerships in the affected watershed (EA, chapter 3).*

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, scientific, cultural, or historic resources.

*Based on the pre-project survey and record search of the Project area, actions associated with the Project will have “no effect” (as defined in 36 CFR 800.5 [b]) on any listed or eligible heritage (cultural) resources. If a heritage site is discovered during project implementation, work will be stopped until the site is evaluated or the project has been altered to avoid the site (EA, page 36-37 and 43).*

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 of 1973.

*Based on the fisheries biological assessment and wildlife biological evaluation prepared for the Project, the effects on aquatic species and Federally listed terrestrial species are not found to be significant (Biological Assessment, Tamara Quays and Crowley Creek Restoration Projects (fisheries), February, 2008; Wildlife Biological Evaluation and Specialist Report For the Tamara Quays and Crowley Creek Restoration Projects, April 2008; and EA, chapter 3).*

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

*The Project is in compliance with relevant Federal, State and local laws, regulations and requirements designed for the protection of the environment. The Project will meet or exceed State water and air quality standards and is consistent with the Oregon Coastal Management Program as required by the Coastal Zone Management Act (EA, pages 41-43).*

### **Other Disclosures**

All measures contained in the Project EA will be incorporated to comply with the Record of Decision (October 2005) for the Pacific Northwest Region Invasive Plant Program, Preventing and Managing

Invasive Plants Final Environmental Impact Statement. Actions will be designed to prevent the spread of invasive plants, including noxious and undesirable weeds (EA, pages 36).

The Project will have no significant adverse effects on wetlands, floodplains, farm land, range land, park land, wilderness, wild and scenic rivers, or inventoried roadless areas; minority groups, civil rights, women, or consumers; Indian social, economic, subsistence rights, and sacred sites; and heritage resources (EA, pages 41). Actions will be consistent with the scenic quality objectives for the planning area (EA, page 37).

### **Findings Required By Other Laws**

Based on the analysis in the Tamara Quays and Crowley Creek Restoration Projects Environmental Assessment, I find the selected alternative to be consistent with the Siuslaw National Forest Land and Resource Management Plan (USDA 1990), as amended by the Northwest Forest Plan (USDA, USDI 1994) and is designed to meet or exceed the objectives of the Aquatic Conservation Strategy as set forth in the Northwest Forest Plan (EA, page 32).

The selected alternative is consistent with the National Forest Management Act implementing regulations, including the seven management requirements listed in 36 CFR 219.27, a through g:

a. **Resource protection**—The Project EA includes criteria designed to protect resources and will apply practices as described in General Water Quality Best Management Practices (BMPs), Pacific Northwest Region, November 1988 (EA page 28);

b. **Vegetation manipulation of tree cover**—There will be no removal of tree cover.

c. **Silvicultural practices that apply to timber harvest and cultural treatments**—Not applicable to this project. There is no timber harvest associated with this project.

d. **Even-aged management in the forest**—Not applicable. There is no timber harvest associated with this project.

e. **Riparian area protection**—The riparian areas will be enhanced by removing invasive plant species and allow native species to re-populate the area.

(EA, chapter 1 and EA, chapter 3, water quality);

f. **Conservation of soil and water resources**—The Project is consistent with the Aquatic Conservation Strategy objectives and includes best management practices (BMPs) and other measures designed to protect, enhance, or minimize effects to soil and water resources. Actions are expected to enhance water quality in the long term. (EA, chapter 3, water-quality); and

g. **Preserve and enhance the diversity of plant and animal communities**—The project is expected to improve habitat conditions for several plant and animal species. (EA, chapter 1; EA, chapter 2, alternative 2; EA, and chapter 3, wildlife habitat and species, and aquatic habitat and species).

### **Administrative Review and Appeal**

This decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215.12 (e)(1), “*No substantive comments expressing concerns or only supportive comments are received during the comment period for a proposed action analyzed and documented in an EA.*”

### **Implementation Date**

Implementation of this project may proceed immediately after publication in the Tillamook Headlight-Herald.

### **Contact Person**

For further information regarding this project, contact Barbara Ellis-Sugai (541-750-7056), or Frank Davis at (541-750-7077), Siuslaw National Forest, 4077 Research Way, Corvallis, OR 97330.

### **Responsible Official:**

/s/ Wayne J. Patterson for

George Buckingham  
District Ranger  
Hebo Ranger District  
31525 Hwy 22  
Hebo, OR 97122-0235

June 9, 2008

Date