DECISION NOTICE
Finding of No Significant Impact

BEAR VALLEY CREEK CULVERT REMOVAL AND ROAD DECOMMISSIONING
U.S. FOREST SERVICE
T 12 S R 08 E SECTION 26
DESHUTES NATIONAL FOREST
SISTERS RANGER DISTRICT
JEFFERSON COUNTY, OREGON

DECISION

Based upon my review of the Bear Valley Culvert Removal and Road Decommissioning Environmental Assessment (EA), I have decided to implement Alternative 2, which will remove the culvert located on Forest Road 1235-500 and recontour the stream channel to provide for improved fish passage. About 1.5 miles of Forest Road 1235-500 will be decommissioned, removing it from the Forest transportation system. Forest Road 1235-500 will be closed at the junction with Forest Road 1235 and approximately ½ mile north of Bear Valley Creek. The site is located within the Canyon Creek subwatershed, Sisters Ranger District, Deschutes National Forest.

BACKGROUND

The Deschutes River basin is an important habitat component in the conservation of bull trout, sockeye salmon, and Chinook salmon stocks. The Upper Metolius River watershed, a subset of the Deschutes River basin, has been identified as a Key Watershed under the Northwest Forest Plan and has a large population of bull trout and redband trout. The basin is located upstream of the Pelton Round Butte dam complex that forms Lake Billy Chinook. Recent relicensing efforts have lead to fish passage improvements at the dam complex and passage of adult fish is anticipated in 2011. Upstream fish passage would result in the reintroduction of Chinook and sockeye salmon into the Upper Metolius River watershed. The completion of fish passage improvement projects, such as the Bear Valley project, would allow the watershed (on National Forest System lands) to have about 95% of the historic fish habitat access when compared to the existing condition.

A number of sites in the Upper Metolius River watershed are in need of improvement and/or modification to meet the desired future condition for aquatic species and their habitats. The existing culvert on Forest Road 1230-500 located on Bear Valley Creek does not adequately provide upstream fish passage for migrating fish and other species such as amphibians. The culvert is undersized and can not accommodate peak stream flows. There is a high probability that the culvert could become plugged with woody debris, overtop the road, and cause road
failure. The failure of the road would greatly increase fine sediments in the stream course and have adverse effects to downstream bull trout spawning habitat. The removal of the culvert and the recontouring of the stream channel would provide improved passage for aquatic species and eliminate the chance of road failure.

**PURPOSE AND NEED FOR ACTION**

The *purpose* of the project is to improve passage for migrating fish, amphibians, and other aquatic organisms.

There is also a *need* to remove the culvert on Forest Road 1230-500 to protect fish species and their habitat.

**DECISION RATIONALE**

Based on my careful review of the project purpose and need, interdisciplinary team analysis, and public comment, I have decided to implement Alternative 2 which will improve passage for migrating fish, amphibians, and other aquatic organisms. I have determined there is a need to remove the culvert on Forest Road 1230-500 to protect fish species and their habitats both upstream and downstream of the current road crossing.

Specifically my decision will accomplish the following:

- Restore and improve passage to spawning and rearing habitat for bull trout, redband trout, and other aquatic species.
- Reduce the probability of a culvert failure due to plugging during a high water storm event by removing the culvert.
- Restore hydrologic function and increase flow capacity at the Forest Road 1230-500 stream crossing.
- Restore wood passage to Bear Valley Creek and downstream tributaries.
- Reduce current sedimentation problems resulting from improper culvert and road placement.
- Decommission about 1.5 miles of Forest Road 1230-500.

At the same time, Alternative 2 is designed to balance the needs and preservation of other resources. My conclusion is based on a review of the project record which shows a concise analysis of the relevant scientific information, as well as the acknowledgement of incomplete or unavailable literature.

The rationale of my decision is based on how Alternative 2 compares to the other alternative in terms of addressing the purpose and need for the project. Compared to my decision, Alternative 1 (No Action) would not provide adequate fish and wood passage or reduce the probability of a culvert failure due to plugging during a high water storm event. In addition, Alternative 1 does not reduce current sedimentation problems resulting from improper culvert and road placement.
which can impact spawning and rearing habitat for bull trout, redband trout, and other aquatic species.

I have considered the affect of my decision on Threatened, Endangered, and Sensitive Species (TES) related to the Endangered Species Act. Based on the analysis presented in the environmental assessment and the project record, I have concluded that Alternative 2 will not have a long term adverse impact to wildlife and fish species including the Management Indicator Species outlined in the Deschutes National Forest Land and Resource Management Plan, as amended (Forest Plan). My decision is consistent with the Forest Plan and the Project Design Criteria Compliance Checklist for the Joint Aquatic and Terrestrial Programmatic Biological Assessment for Federal Lands in the Deschutes Basin and the Biological Assessment for Fish Habitat Restoration Activities Affecting ESA and MSA-listed Animal and Plant Species found in Washington and Oregon.

The impacts to fish species were thoroughly analyzed in the environmental assessment (EA, pages 13-25). For Bull Trout, the effects determination is May Effect, Not Likely to Adversely Affect Columbia River Bull Trout. For Redband Trout, the effects determination is May Impact Individuals or habitat but will not lead towards a trend in Federal Listing. For Chinook salmon habitat, the determination is No Adverse Effect. For Mid Columbia steelhead trout, the determination is No Effect. These determinations, including the effects determination for bull trout, are based on minor short-term effects to juvenile and/or adult fish due to the in-stream work and subsequent water turbidity. In addition, seasonal in-stream work restrictions will mitigate impacts to fish species (EA, page 11).

Impacts to wildlife species were also considered in the environmental assessment (EA pages 27-36). The project May Affect But Not Likely to Adversely Affect the Northern Spotted Owl. Temporary noise disturbance to dispersing or foraging owls could occur due to culvert removal and road decommissioning during the reproductive season (EA, page 28). Should an active owl nest or activity center be discovered, a 0.25 mile seasonal restriction from March 1-September 30 will be required (EA, page 10). The project May Affect but not lead to a trend towards Federal listing for the Pacific Fisher (EA pages 30-31). This determination is due to potential noise disturbance from project activities. There will be No Effect to Oregon Spotted frogs due to lack of habitat (EA page 32). The project May Affect the Crater Lake Tightcoil. The area is not currently considered suitable mollusk habitat but the removal of the culvert could lead to improved habitat by allowing for more natural hydrological processes to occur and could improve habitat availability in the long run (EA page 33).

I have reviewed the design of the project to determine the risk of potential spread of invasive plants. There are no invasive plant populations at the project site; however, there are infestations located along Forest Road 1230. There is a high risk of invasive plant introduction and spread with the implementation of the project (EA page 25). Several project design features will help reduce the spread of invasive plant species (EA page 10). Vehicles, heavy equipment, and any imported soils or rock will be cleaned prior to entry into the project area. The site will be monitored annually and invasive species, when found, will be removed. Establishment of native plant species on disturbed areas should help reduce the spread of invasive plants over time.
The project design features and mitigation measures for Alternative 2 were developed in an interdisciplinary team format (EA pages 9-11). All of these measures have been successfully used on the Sisters Ranger District for similar projects. I am confident these measures will ensure a high quality project and keep adverse environmental effects to a minimum.

I have reviewed the Travel Analysis contained in the environmental assessment (EA page 6). Under the B&B Fire Burned Area Emergency Response (BAER) Assessment, the Bear Valley Creek crossing on Forest Road 1230-500 was identified as a risk of post-fire failure.

After a review of resource concerns (fire suppression, silviculture, recreation access, and special uses), the purpose and need, the proposed action, and consultation with the interdisciplinary team (IDT), I have determined that Forest Road 1230-500 is not needed as part of the Forest transportation system and can be decommissioned as a result of my decision.

Removing the road from the transportation system will reduce road maintenance costs over time, reduce watershed road densities, reduce potential sediment delivery to a 303 (d) listed fish bearing stream, provide for fish passage, and the general hydrologic recovery of the project area. Access to the Bear Valley trailhead and the upper sections of Canyon Creek will be maintained by the public use of Forest Road 1235.

The Bear Valley Culvert Removal and Road Decommissioning Environmental Assessment documents the environmental analysis and conclusions upon which this decision is based.

**Alternatives Considered**

The environmental assessment considered two alternatives:

**No Action (Alternative 1)**

Under the No Action alternative (Alternative 1), current management plans would continue to guide management of the project area. No culvert removal or road decommissioning would be implemented to accomplish project goals. The culvert would remain at risk of failure and not provide fish passage.

**The Proposed Action (Alternative 2)**

The proposed action (Alternative 2) would remove the culvert located on Forest Road 1235-500 and recountour the stream channel to provide for improved fish passage. About 1.5 miles of road would be decommissioned, removing it from the Forest transportation system. Forest Road 1235-500 would be closed at the junction with Forest Road 1235 and approximately ½ mile north of Bear Valley Creek. The project would take place in 2010 or 2011. The site is located within the Canyon Creek subwatershed.
Alternatives Considered but not Analyzed in Detail

The original 2005 scoping considered replacing the culvert located on Forest Road 1230-500. A comment from the Friends of the Metolius questioned the need for Forest Road 1230-500 since the area has a high road density and suggested the road be closed/and/or decommissioned and the culvert removed. Consultation with the IDT concluded the road was not needed to conduct safe fire operations or for other district projects. Given these findings replacing the culvert was dropped from further consideration. For a more detailed discussion see the Travel Analysis section of the environmental assessment (page 6). Also see the public involvement section of this document that addresses public concern about access to the Bear Valley trailhead.

PUBLIC INVOLVEMENT

The proposal was provided to the public and other agencies, including the Confederated Tribes of Warm Springs, Oregon, for comment beginning on February 24, 2009. The mailing consisted of 375 letters. There was a 30-day scoping period. The proposed action was scoped at the same time as the Lake Creek Forest Road 12 project. Two comments were in favor of the project. No opposition or other substantive comments were received or Key Issues identified.

The environment assessment was released for 30-day comment on March 27, 2010 with the publication of a legal notice in The Bulletin, the newspaper of record. Three comments were received: two in favor of the project and one comment expressed concern about access to the Bear Valley trailhead in light of the proposed road decommissioning. This concern was addressed by an on-site field review by Forest engineers on March 11, 2010. It was determined that access to the Bear Valley trailhead is best served by Forest Road 1235 for several safety, environmental, and road maintenance reasons.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

The Bear Valley Creek Culvert Removal and Road Decommissioning Project is located on Bear Valley Creek in the Canyon Creek subwatershed, a subset of the Upper Metolius River watershed. The watershed is a major source of water for the Deschutes River basin. The Upper Metolius River watershed is a Tier 1 Key Watershed under the Northwest Forest Plan and has a large population of bull and redband trout (EA page 1 and page 5). Key Watersheds are the highest priority for watershed restoration. The rationale for the project is supported by the
findings in the Metolius Watershed Analysis and the watershed analysis update. The watershed analysis findings conclude that the Upper Metolius River has low connectivity for fish passage at a few key locations. The analysis also identified specific stream crossings as a source of fine sediment to fish habitats (EA pages 5-6). Recommendations conclude that fish passage and reductions of fine sediments at road crossings are needed to support fish habitat and populations in this Key Watershed (EA page 6).

**INTENSITY**

The intensity of effects was considered in terms of the following:

1. **Impacts 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.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.

2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety. Public health and safety will be improved because the project will remove a culvert that could wash out during a high storm event, thereby creating a road safety hazard (EA page 2).

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.** There will be no significant effects on the unique characteristics of the area (EA pages 37-39).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The effects of the project were analyzed and discussed in an interdisciplinary team environment using the best available science (EA pages 13-37 and pages 41-44).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one being proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA pages 11-12 and pages 13-37). The project design criteria and mitigation measures selected for the project are highly effective and will ease some if not all of the adverse impacts associated with the project (EA pages 9-11). In addition, the project will comply with the project design criteria outlined in the Aquatic Restoration Biological Assessment and Best Management Practices (EA page 9).

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.** The action is not likely to establish a precedent for future actions with significant effects because the Sisters Ranger District routinely develops and implements fish habitat improvement projects, including culvert removal and road decommissioning.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. The effects of the action are limited to the local area and there are no other effects that would be additive to the effects of the proposed action. There will be minor short-term effects to water quality due to in-stream work to remove the culvert and channel contouring but long-term benefits will ensure high quality fish habitat (EA pages 13-25). The project will meet the intent of the Aquatic Conservation Strategy (EA page 25).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places because the project will take place entirely on an existing road prism in the removal of the culvert and decommissioning the road (EA page 37). The project is considered a low probability of impact to any Heritage resources (EA page 37). The project fits the exemption from a case-by-case review by the Oregon State Historic Preservation Office (SHPO) for compliance (EA page 37).

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.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because effects are minimal or can be mitigated (EA pages 9-11 and pages 11-12). The project design criteria will adhere to the Aquatic Restoration Biological Assessment and Best Management Practices (EA page 9 and 11). Formal consultation with U.S Fish and Wildlife was not required. See pages 9-10 of this decision notice for a discussion of project effects to fish, wildlife and botanical species of concern.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the environmental assessment (EA pages 3-5 and pages 37-39). The action is consistent with the Deschutes National Forest Land and Resource Management Plan, as amended.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

**Findings Required by Other Laws and Regulations**

My decision is consistent with the Deschutes National Forest Land Management Plan, as amended (EA pages 3-5). The project is designed in conformance with land management plan direction relevant to the project activities. The entire project is located in a Riparian Reserve as designated by the Northwest Forest Plan. The project design does not prevent the attainment of the nine objectives outlined in the Aquatic Conservation Strategy (EA pages 21-25). The culvert
removal and road decommissioning is also consistent with watershed findings as outlined in the Metolius Watershed Analysis (EA pages 5-6).

**ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

The legal notice for the environmental assessment was published in The Bulletin, the newspaper of record, on March 27, 2010.

This decision is subject to appeal pursuant to 36 CFR 215. Any written notice of appeal of the decision must be fully consistent with 36 CFR 215.14, “Appeal Content.” The notice of appeal must be filed hard copy with the Appeal Deciding Officer, ATTN: 1570 APPEALS, 333 S.W. First Avenue, P.O. Box 3623, Portland, Oregon, 97208-3623, faxed to (503) 808-2255, sent electronically to appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 7:45AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in The Bulletin, the newspaper of record. The publication date of the legal notice in The Bulletin is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format or portable document format only. E-mails submitted to e-mail addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. Only individuals or organizations who submitted substantive comments during the comment period may appeal this decision.

**IMPLEMENTATION DATE**

If no appeals are filed with the 45-day appeal period, implementation of my decision may occur on, but not before five (5) business days from the close of the appeal filing period. When appeals are filed, implementation may occur, but not before, the 15th business day following the date of the last appeal resolution.

**CONTACT**

For additional information concerning this decision, contact: Mike Riehle, Fisheries Biologist, Sisters Ranger District, Pine Street and Highway 20, Post Office Box 249, Sisters, Oregon 97759 (541) 549-7702.

/s/ William Anthony 5/13/2010

William Anthony Date

District Ranger