

Decision Notice and Finding of No Significant Impact

Zigzag Road Decommissioning for Habitat Restoration, Increment 2 Environmental Assessment April 2010

USDA Forest Service, Mt. Hood National Forest
Zigzag Ranger District
Clackamas County, Oregon

An Environmental Assessment (EA) that discusses road decommissioning on the Mt. Hood National Forest has been completed. The EA is available at the Forest Supervisor's Office, 16400 Champion Way, Sandy, Oregon 97055 and on the Forest website at www.fs.fed.us/r6/mthood/projects. The proposed project is located in eight subwatersheds on the Zigzag Ranger District (EA p. 2). The proposed action addressed the need to reduce adverse hydrologic impacts associated with unneeded roads (EA p. 4).

Decision

Based on my review of the alternatives, it is my decision to select **Alternative 3, with the following modifications**:

- The **3626-150** road, which is approximately 0.2 miles and in the North Fork Eagle Creek subwatershed, will be gated to motorized access by the public, but remain as part of the Forest's transportation system. The road is needed to provide continued administrative access to the Wildcat Quarry. The road will be gated to deter user conflicts and address the management concerns described in the EA on page 68. The effects of gating this road were analyzed in the Proposed Action (Alternative 2).
- The **3626-105** road, which is approximately 1.3 miles and in the North Fork Eagle Creek subwatershed, will remain open and restored to a hydrologically stable condition. Also, a trailhead to access the Douglas and McIntyre Ridge trails will be created towards the end of this road. Any remaining portion of this road not needed for trailhead access will be decommissioned. The effects of keeping this road open were analyzed in the Proposed Action (Alternative 2).
- The **3626-038, 107, 111, and 114** as well as the **2609-140 and 150**, which are approximately 3 miles and in the Wildcat Creek subwatershed, will remain as part of the Forest's transportation system and not be decommissioned until vegetation management activities have occurred in the future. The roads were proposed in Alternative 3 to be decommissioned immediately due to concerns about water quality for the City of Sandy's drinking supply. However, in comparison to the Proposed Action, the effects analysis showed that the contribution to degrading water quality in the subwatershed is negligible (EA pp. 29, 32, 36, 39, and 41). Additionally, the Bureau of Land Management (BLM) requested that the 107 remain as part of the Forest's transportation system because they need it to access BLM managed lands. Because some of these roads are in poor condition, my decision is to close and stormproof these roads so that there are no existing

or future hydrologic risks. Also, the first portion of these roads will be obliterated to deter use. The effects of having these roads be decommissioned after vegetation management activities have occurred were analyzed in the Proposed Action (Alternative 2).

All of the listed design criteria, best management practices and requirements outlined in the EA will apply to Alternative 3 (modified). My decision takes into consideration the analysis and evaluation disclosed in the environmental assessment, including the manner in which each of the alternatives met the need for action and how each alternative addressed the significant issues. I considered all of the public comments raised during analysis.

I find this decision to adequately meet the need for action. Implementation of this alternative will help restore impaired hydrologic function on the Forest. Once completed, adverse impacts to water quality, aquatic habitat and species caused by roads will be reduced. Maintenance costs for unneeded roads will also be reduced. Furthermore, I find this decision to be consistent with the goals, standards and guidelines of the Mt. Hood Land and Resource Management Plan (Forest Plan), as amended.

Project Design Criteria

My decision also includes the following design criteria (EA pp. 16-21). These design criteria were developed to minimize or avoid potential resource impacts, and are required actions in the implementation of this decision:

Botany Design Features

B-1: In order to prevent the spread of invasive plants, all equipment would be cleaned of dirt and weeds before entering National Forest System lands. This practice would not apply to service vehicles traveling frequently in and out of the project area that would remain on the roadway.

B-2: Existing roadways would be used to minimize the impacts to riparian vegetation and function. Native vegetation in and around project activity would be retained to the maximum extent possible consistent with project objectives.

B-3: Soil disturbance that promotes invasive plant germination and establishment would be minimized to the extent practical (consistent with project objectives).

B-4: The contractor would be educated in simple techniques to avoid spreading weeds (e.g., provide the contractor with the flyer, *Simple Things You Can Do to Help Stop the Spread of Weeds*).

B-5: If a road is part of a proposed noxious weed treatment site or provides access to a site, then complete treatment before making the road unavailable. If the road and the land it accesses are not listed in the Invasive Plant EIS, then check with the district noxious weed coordinator and consider a review or site visit to be sure there are no weed sites that would need to be treated. If a weed site is found that needs treatment, then complete treatment of the site prior to closing the road. Prior to initiating any decommissioning activities, a treated site should be monitored by a botanist in order to determine the effectiveness of treatment.

Fisheries Design Features

F-1: An experienced fisheries biologist, hydrologist, and/or technician would participate in the design and implementation of the project.

F-2: Slide and waste material would be disposed of in stable, non-floodplain sites. However, disposal of slide and waste material within existing road prism or adjacent hillslopes would be acceptable if restoring natural or near-natural contours. For road removal projects within riparian areas, recontour the affected area to mimic natural floodplain contours and gradient to the greatest degree possible. If natural contours are greater than 2 to 1 ratio, then slopes will be shaped to a 2 to 1 ratio or less.

F-3: Disturbance of existing vegetation in ditches and at stream crossings would be minimized to the extent necessary to restore the hydrologic function of the subject road.

F-4: Soil disturbance and displacement caused by project activities would be minimized, but where sediment risks warrant, soil movement off-site into water bodies would be prevented through the use of filter materials (such as weed-free straw bales or silt fencing) if vegetation strips were not available.

F-5: Project activities would be implemented during dry-field conditions (also see WQ-1).

F-6: The Oregon Department of Fish and Wildlife (ODFW) Guidelines for Timing of In-Water Work would be followed. Exceptions to ODFW guidelines for timing of in-water work would be requested and granted from appropriate regulatory agencies.

F-7: Power equipment would be refueled at least 150 feet from water bodies to prevent direct delivery of contaminants into a water body. If local site conditions do not allow for a 150-foot setback, then refueling would be as far away as possible from the water body. For all immobile equipment, absorbent pads would be used (also see WQ-13).

F-8: An approved Spill Prevention Control and Containment Plan (SPCCP) would be created, which describes measures to prevent or reduce impacts from potential spills. The SPCCP would include a description of the hazardous materials that would be used; and a spill containment kit would be located on-site. Refer to WQ-16 for specific criteria when an SPCCP would be required.

F-9: Hazard trees within riparian areas needing to be felled for safety purposes would be directionally felled, if possible, towards the stream.

F-10: For culvert removal, natural drainage patterns would be restored and promote passage of all fish species and life stages present in the area. Channel incision risk would be evaluated and in-channel grade control structures would be constructed when necessary.

F-11: Drainage features should be spaced to hydrologically disconnect road surface runoff from stream channels (also see WQ-11).

F-12: When removing a culvert from a first or second order, non-fishing bearing stream, project specialists should determine if culvert removal should follow the conservation measures under activity #5 in the programmatic biological and conference (Opinion) by the National Marine Fisheries Service (April 28, 2007) and by U.S. Fish and Wildlife Service (June 14, 2007). Culvert removal on fish bearing streams should adhere to the conservation measures activity #5 in the programmatic biological and conference (Opinion) by the National Marine Fisheries Service (April 28, 2007) and by U.S. Fish and Wildlife Service (June 14, 2007).

F-14: If other aquatic restoration activities are used as complementary actions, follow the associated design criteria and conservation measures.

Heritage Design Features

H-1: In the event that archaeological properties are located during implementation, all work in the vicinity of the find would cease and a District or Forest archaeologist would be contacted. Any other protection measures would be developed in consultation with the Oregon State Historic Preservation Officer (SHPO), appropriate Tribes, and, if necessary, the Advisory Council on Historic Preservation.

Recreation Design Features

R-1: As much as possible, post signs on roads proposed to be closed for a summer season prior to project implementation. This would allow those users to at least become aware of the proposal if they were not already. Signs should say:

*This Road Proposed for Closure in 2010 (or 2011). For More Information,
Call (Ranger's Name or Project Lead Contact and Phone Number).*

R-2: Trailhead access and parking would be maintained or closure would be minimized during implementation. If any existing trailheads become inaccessible by decommissioning a road (none have been identified to date), then the affected trailheads and trails would be relocated prior to initiating any decommissioning activities.

R-3: If the distance added for accessing the trail is longer than ½ mile, then an alternate trail should be located rather than converting the road to a trail for aesthetic reasons. For short sections less than ½ mile, then converting the road to a may be considered.

R-4: Roads converted to trails should meet Forest Service standards for trail construction as contained in the Forest Service Manual and Handbook. A qualified trails engineer should perform trail layout and design. Drainage structures, fill and cut slopes, and future brushing needs should be within trail budgets to maintain. All trails created from decommissioned roads should meet the Forestwide Standards and Guidelines on page Four-115 and 116 for visual quality within five to ten years of conversion activities. Any relocated trails not on road beds should meet standards within one year of construction.

R-5: Conversion of a road to a trail, or relocation of the affected trail and trailhead including any additional surveys, analysis, documentation, design, and construction costs should be funded as

part of the road decommissioning project. If funding is not available for this mitigation, the road decommissioning should be dropped until other benefitting function funding is available.

R-6: Any road converted to a snowmobile trail or route, needs to have a minimum width of 16 feet to provide passage for a groomer. Trails would need to be brushed regularly to prevent encroachment. Also, roads converted to a snowmobile trail or route, should provide for safe passage of snowmobiles and groomers. This requires that closure devices have less height than the prevailing snow depth when use begins. Gates that can hook skis would not be acceptable. Where a closure barrier is necessary, berms are preferred. However, berms must not present a hazard to snowmobiles with abrupt drop-offs not visible when approaching on a machine.

Water Quality Design Features

WQ-1: Road decommissioning activities would be suspended if there is more than 2 inches of rainfall in a 24 hour period in the project area. Activities may be resumed after consultation with appropriate Forest Service personnel.

WQ-2: Project operations would be suspended if soil moisture is recharged and streamflows rise above baseflow levels.

WQ-3: Removal of the fill at stream crossings would attempt to restore the stream channel and banks to original pre-road (natural) contours as much as possible (also see F-2).

WQ-4: The removed material would be carefully placed at cutslopes or on the road surface beyond the natural channel slope at a less than 2 to 1 slope angle.

WQ-5: Stream channel width would be at least 1.1x bankfull as measured above the stream crossing. Stream banks would be constructed at a maximum of 2 to 1 slope angle (50% slope).

WQ-6: 50-75% of the road surface where decompaction is prescribed would be de-compacted through the sub-grade and native vegetation could be placed on road surface no more than one layer deep.

WQ-7: All perennial streams would be evaluated to determine if “Upstream U’s” are necessary to prevent streambed and bank erosion. The ends of structures would be keyed into the stream bank for at least ¼ of the diameter of the boulder to minimize the stream cutting into the stream bank at high flows. Structures would be installed as outlined in the following table:

Table 1. Pool to pool spacing.

Wetted Stream Width (feet)	Minimum Boulder Size Needed (inches)	Stream Gradient (percent)			
		0-2%	2-6%	6-15%	15-30%
0 to 5	18	42 feet	15 feet	8 feet	4 feet
5 to 10	24	63 feet	21 feet	12 feet	6 feet
10 to 15	24	105 feet	36 feet	20 feet	10 feet
15 to 25	30	167 feet	57 feet	32 feet	16 feet

WQ-8: Activities associated with culvert or bridge removal in streams with active streamflow would be suspended if there is an increase of 10 NTU's (Nephelometric Turbidity Units) below

the project area. Also, activities could be suspended if turbidity criteria are exceeded as determined by appropriate Forest Service personnel.

WQ-9: Removal-Fill Permits would be obtained for project activities when appropriate.

WQ-10: A site-specific water quality control plan would be submitted and approved for each stream diversion prior to the start of excavation. Live streams would be diverted during excavation to prevent mobilization of fill material.

WQ-11: Where roads are actively decommissioned drainage structures would be installed at a maximum of every 200' or closer dependent upon road grade and associated geology, unless determined unneeded by appropriate Forest Service personnel.

WQ-12: All vehicles and machinery would be free of petroleum leaks. Any leaks that occur would be immediately repaired and the appropriate personnel would be notified.

WQ-13: Absorbent pads would be required under all stationary equipment and fuel storage containers during all servicing and refueling operations (also see F-6).

WQ-14: All trucks used for refueling should carry a hazardous material recovery kit (also see F-7). Any contaminated soil, vegetation or debris must be removed from National Forest System lands and disposed of in accordance with state laws.

WQ-15: All petroleum products being transported or stored would be in approved containers meeting Occupational Safety and Health Administration standards and Oregon Department of Transportation.

WQ-16: All vehicles hauling more than 300 gallons of fuel would have an approved communication system with which to report accidental spills. If any fuel or fluid storage container exceeds a capacity of 660 gallons, the contractor would prepare a spill prevention control countermeasures plan. Such plan would meet applicable Environmental Protection Agency requirements (40 CFR 112) including certification by a registered professional engineer.

WQ-17: The contractor would be liable for cleanup of any hazardous material or fuel spill occurring as a result of his/her work on this contract.

WQ-18: The contractor would, on a daily basis, remove all trash and refuse from the project work area.

WQ-19: In order to preclude erosion into or contamination of the stream or floodplain, staging areas (used for construction equipment storage, vehicle storage, fueling, servicing, hazardous material storage, etc.) would be located beyond the 100-year floodplain (also see F-7).

WQ-20: Following earthwork, especially near stream banks, the disturbed area would be seeded with a native seed mix if available and mulched with a weed-free straw, at approximately 2000 pounds per acres or so that there is completed coverage of the disturbed and the mulch is 4

inches deep. Attempts would be made to seed disturbed areas during conditions favorable for germination. Other materials may be used for mulching if they provide equivalent or better stabilization from erosion and protection from introducing non-native species.

WQ-21: The non-motorized trail crossings over Cast and Lost creeks (in Alternative 3) would be constructed so there would be minimal impacts on water quality and aquatic species.

Wildlife Design Features

W-1: Hazard trees outside of the riparian areas that pose a safety risk would be directionally felled, where feasible, away from the road prism and into the surrounding forestland.

W-2: No snow plowing, road decommissioning, use of motorized equipment or blasting would be permitted in severe winter range as determined by the Forest Service, or within any B10 land allocation (i.e., Deer and Elk Winter Range areas) between December 1 to March 31. No road decommissioning, use of motorized equipment or blasting would be permitted within key summer range areas as determined by the Forest Service, or within in any B11 land allocation (i.e., Deer and Elk Summer Range areas) from April 1 – July 31.

W-3: No activity shall take place within the disruption distance of a known or predicted activity center during the March 1 to July 15 critical nesting period, unless the habitat is known to be unoccupied or there is not nesting activity, as determined by survey to protocol. The distance and timing may be modified by a Forest Service wildlife biologist according to site-specific information. Restrictions on chainsaw, heavy equipment, and helicopter use would apply to decommissioning and associated activities on Forest Roads 3626-110, 1825-052, and 1825-053. In the event that any new Northern Spotted owl activity center(s) is/are located, then seasonal operating restrictions would be implemented for the road affected.

W-4: Woody debris, which must be removed to access the area, would be saved and scattered on the disturbed areas. During placement they would be laid parallel to the slope to serve as contour barriers to surface soil movement. The material would serve as a source of large woody debris to help reestablish vegetation, and the scattering of material would act as a means to reduce fuel hazards.

W-5: If a wooden bridge is identified to be removed, then the bridge would first be assessed by a wildlife biologist to see if bats are using it for habitat. If so, then additional bat roosting habitat (e.g., bat boxes or snags) would be provided in the vicinity of the bridge.

Reasons for the Decision

I selected Alternative 3 (modified) because I believe that this alternative best meets the need for action (EA p. 4), while best minimizing the impacts to recreation, private, and BLM access on the Forest. My decision will result in decommissioning about 44 miles of unneeded road.

In making my decision, I carefully reviewed the analysis and also the public comments received on the Proposed Action. I examined the Forest's transportation system in relationship to the goals and objectives of the Forest Plan, which include managing the transportation system at the minimum standard needed to support planned uses and activities, and provide for public safety

(FW-407 and FW-416). I also considered the access needs and resource concerns noted in the Forest-wide Roads Analysis (EA p. 3). In making my decision, I considered the responsiveness of the alternatives to the significant issues, other applicable laws, regulations, and policy, Tribal rights, and public input. I also looked at the effects of implementing any of the alternatives – including no action – on the physical, biological, social, and economic environment, including the costs of decommissioning. I believe that Alternative 3 (modified) provides the best balance among these considerations.

I understand that there will be minor and short term (less than one year) effects to fish (EA pp. 51-52). However, implementing Alternative 3 (modified) will result in less impact to aquatic resources from sediment in the *long term* than no action (EA p. 52). Also, I recognize that the estimated changes to wildlife habitat and populations will be slight due to the small amount of habitat change, but that there will be no significant impacts over the long term (EA pp. 57-66). Ultimately, my decision for Alternative 3 (modified) is based on the fact that this alternative best meets the needs for and purpose of this project, while simultaneously addressing the management concerns and public concerns for continued access to recreation sites, private lands, and BLM lands (EA p. 9).

All Alternatives Considered in Detail

Two action alternatives and the no action alternative were analyzed in detail in the EA, along with one alternative that was considered but eliminated from detailed study (EA p. 10).

Alternative 1 – No Action: There would be no road decommissioning in the eight subwatersheds. I did not select this alternative because it does not meet the need to restore hydrologic function in high priority subwatersheds across the Forest. Without road decommissioning, unneeded roads would continue to deliver an estimated 1,021 tons of sediment per year to streams on the Forest (EA p. 50). Nor does this alternative meet the need to manage the Forest’s transportation system to a standard consistent with current road management objectives (EA p. 3).

Alternative 2 – Proposed Action: This alternative would decommission 42 miles of road. While this alternative adequately addresses the need to restore hydrologic function in high priority subwatersheds, I did not select it because it does not meet the access needs expressed by the public (EA p. 9). Specifically, this alternative would eliminate the access routes to popular recreation locations, as well as for private and other federal lands. For these reasons, I did not select this alternative.

Alternative 3: This alternative would decommission 45 miles of road. Alternative 3 was developed based on scoping comments regarding access needs and concerns for water quality (specifically for the City of Sandy’s municipal supply). This alternative increases road decommissioning by three miles compared to the Proposed Action; therefore, I believe that this alternative meets the restorative objective of the project. However, it was necessary to modify this alternative because I did not find that it adequately addressed recreation access concerns for the Douglas and McIntyre Ridge Trailheads. The conflicts associated with establishing a trailhead at the end of the 3626-150 road were of serious concern to me (EA pp. 68, 71, and 73-74). Therefore, I decided to modify this decision by closing the road to public access (as

described in the Proposed Action) and by establishing a trailhead towards the end of the 105. Also, there is the need to modify this decision for access concerns expressed by the BLM (see pages 1-2). Alternative 3 included decommissioning several roads now, rather than once vegetation management activities have occurred. However, after reviewing the analysis (EA pp. 29, 32, 36, 39, and 41), I decided to modify this decision to keep these roads open until vegetation management activities have occurred (see page 1).

Public Involvement

This proposed action was mailed to over 200 individuals, agencies, and organizations (EA p. 8). Comments on the proposal were received from about 24 respondents. With these comments, Alternative 3 was developed and analyzed (EA p. 15). Also, I have reviewed and considered all substantive comments received in response to the Proposed Action, and have used these comments to enhance the project analysis.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement is not needed. This determination was made considering the following factors:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Impacts can be both beneficial and adverse. For this project, there are no known long-term adverse effects or cumulative effects to water quality, riparian resources, heritage resources, visual resources, or wildlife species found in the project area.

There may be very short-term disturbance impacts to the Northern spotted owl. However, consultation has been completed and the determination for disturbance to the spotted owl is *May Affect, But Not Likely to Adversely Affect* (EA p. 59).

My decision will result in minor, short-term (less than one year) effects on fish and fish habitat but no long-term impacts (EA pp. 51-53). Short-term effects include possible fish harassment due to short-term increases of sediment into the stream channel during implementation (EA p. 52). Any sediment from project work that reaches water bodies will be minor and short term (EA p. 52).

2. With the project's design criteria incorporated into my decision, my decision will not adversely affect public health or safety.
3. There will be no significant effects on unique characteristics of the area. The project is not located in prime farmland or rangeland, and would have no measureable impact on prime forestland, should it be found in the project area (EA pp. 79).

My decision will have no effects to known heritage resources or historic properties (EA pp. 75-76) and it is compliance with Section 106 of the National Historic Preservation Act under the terms of the 2004 Programmatic Agreement between the Advisory Council for Historic Preservation, the Oregon State Historic Preservation Office, and the Forest

Service. Mitigation measures included in my decision will fully meet requirements of 36 CFR 800 implementing the National Historic Preservation Act, if a previously unidentified heritage resource is discovered during project implementation (EA p. 17).

4. The effects on the quality of the human environment are not likely to be highly controversial. Because there is no known scientific controversy over the impacts of the project.
5. The possible effects on the human environment are not highly uncertain, nor do they involve unique or unknown risks. The effects analysis discussed in Chapter 3 of the EA are based on sound scientific research, as well as previous experience on the Forest.
6. The action is not likely to establish a precedent for future actions with significant effects because this action is not unusual in and of itself, nor does it lead to any further actions that are unique.
7. There are no significant cumulative effects between this project and other projects implemented or planned (EA, Chapter 3). The analysis was guided by the June 24, 2005 memo Guidance on the Consideration of Past Actions in Cumulative Effects Analysis, Executive Office of the President, Council on Environmental Quality (36 CFR 220.4).
8. 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 and will not cause loss or destruction of significant scientific, cultural, or historical resources. Also see Factor 3 above.
9. My decision is consistent with the Endangered Species Act (EA p. 55 and 56) and the Magnuson-Stevens Fishery Conservation Management Act (EA p. 56). Consultation has been completed with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service and this project would be implemented consistent with the species and activity category-appropriate design criteria and conservation measures in Bureau of Land Management/Forest Service Fish Habitat Restoration Activities in Oregon and Washington CY2007-2012 Biological Assessment and associated Biological Opinions: NMFS BO (P/NWR/2006/06532 [BLM]), FWS BO (13420-2007-F-0055). Also, this project is consistent with the Letter of Concurrence from the U.S. Fish and Wildlife Service, subject: Programmatic disturbance biological assessment for activities with the potential to disturb spotted owls (*Strix occidentalis caurina*) within the Willamette Planning Province for FY 2010-2013 (13420-2007-I-0223).
10. As described below, my decision will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA pp. 7-8). The action is consistent with the Mt. Hood Land and Resource Management Plan (EA pp. 7-8).

Other Findings Required by Law or Regulation

National Environmental Policy Act (NEPA): NEPA establishes the process and content requirements of environmental analysis and documentation for projects, such as the Road Decommissioning for Habitat Restoration EA. I find that the entire process of analysis and preparation of this EA was undertaken in accordance with the regulations outlined in 40 CFR Parts 1500-1508, FSM 1950, and FSH 1909.15. There were several opportunities for public involvement during the course of the analysis (EA p. 8). I used the comments received during scoping and in response to the Proposed Action to make my decision.

National Forest Management Act (NFMA): I have reviewed the project and find Alternative 3 (modified) to be consistent with the goals, objectives, standards and guidelines of the Land and Resource Management Plan for the Mt. Hood National Forest, as amended (EA p. 7). The action will not alter the multiple-use goals and objectives for long-term land and resource management.

Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act: My decision is consistent with the Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act. Consultation has been completed with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (see #9 above).

National Historic Preservation Act: The Road Decommissioning for Habitat Restoration project has been determined to meet the definition of an “undertaking” pursuant to Section 301(7) of the National Historic Preservation Act. Surveys have been completed.

Wild and Scenic Rivers Act: My decision is consistent with the Wild and Scenic River Act. There are no roads that occur within any designated Wild and Scenic River corridors.

Clean Air Act: My decision is consistent with the Clean Air Act. No burning is planned as part of road decommissioning; any dust would be short-term in duration, very site-specific, and minimal, if not negligible.

Clean Water Act: Bear Creek in the North Fork Eagle Creek subwatershed is listed on the 2004/2006 State of Oregon 303(d) list. However, the entire drainage area associated with this stream is outside of National Forest System lands. Implementation of my decision will incorporate conservation measures and Best Management Practices, as described in the EA on page 42, which will protect and maintain water quality conditions. It is anticipated that only minor amounts of sediment would actually enter the stream as a result of implementation, and over the long term this decision will improve water quality.

Invasive Species Management: This decision is consistent with both Forest and Regional direction regarding invasive species management. The EA tiers to the Pacific Northwest Region Final Environmental Impact Statement for the Invasive Plan Program (2005) that amended the Mt. Hood Forest Plan (EA p. 8)

Roads Analysis: FSM 7712.15 provides that decisions made after January 12, 2002 must be informed by a roads analysis unless the Responsible Official determines that such analysis is not needed. I have reviewed the roads analysis and potential environmental and access effects

associated with this project and have determined that I was sufficiently informed (Forest Roads Analysis, Mt. Hood National Forest, 2003).

Appeal Rights, Implementation, and Contact Information

This decision is subject to appeal pursuant to Regulations at 36 CFR Part 215. Appeals must be fully consistent with 36 CFR 215.14, Appeal Content. This notice of appeal must be postmarked or delivered within 45 days of the date legal notice of this decision is published in *The Oregonian*. The publication date of the legal notice in *The Oregonian* 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.

The notice to appeal may be filed hard copy, hand delivered, faxed, or sent electronically to:

Regional Forester, ATTN: 1570 Appeals
USDA Forest Service, Pacific Northwest Region
PO Box 3623
Portland, OR 97208

Business hours are 8:00 am to 4:30 pm, Monday through Friday, except legal holidays.

Fax (503) 808-2210; email: appeals-pacificnorthwest-regional-office@fs.fed.us.

Electronic appeals must be submitted with scanned signature, as part of the actual email message or as an attachment in Microsoft Word, rich text format, or portable document format only. Emails submitted to email addresses other than the one listed above, or in formats other than those listed, or containing viruses will be rejected. Only individuals or organizations who submitted comments during the 30-day comment period for the preliminary EA may appeal (36 CFR 215.12).

If no appeal is filed with the 45-day time period, implementation of this decision may begin on the fifth business day following the close of the appeal-filing period (36 CFR 215.9). If an appeal is received, the project may not be implemented for 15 days after the appeal decision.

For further information, contact:

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/s/ Bill Westbrook

BILL WESTBROOK
Zigzag District Ranger

4/5/2010

DATE

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