

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACTS

WILLIAMSON RIVER CLIFF AREA PROJECT
U.S. FOREST SERVICE
CHILOQUIN RANGER DISTRICT
FREMONT-WINEMA NATIONAL FOREST
KLAMATH COUNTY, OREGON

Location: T.33S. R.8E. Sec 35, NE 1/4

DECISION

Based upon my review of the Williamson River Cliff Area Project Environmental Assessment (EA), I have decided to implement a blend of Alternatives 2 and 3. Specific components of the selected alternative are listed below.

- The central portion of the cliff will be closed to public access from FR 9734 to the base of the cliff (not including the talus area), approximately 4 acres.
- The area of restricted access will be closed through a closure order and delineated on the ground with barriers and signs. Public access will be allowed to the cliff area outside of the restricted area for rock climbing, viewing, camping, photography, and other activities.
- Restoration work consisting of re-vegetating denuded areas will be completed within the project area.
- Rock climbing with existing protection (rock bolts) will be allowed east and west of the closed area. No additional fixed anchors will be installed without written authorization from the Forest Service. New fixed anchors will be chosen to blend into the surrounding rock material.
- Trail access will be constructed for pedestrian use from FSR 9734 to the base of the cliff west of the closure area. An existing vehicle pull out area immediately west of the closure area along FSR 9734, will be maintained to accommodate vehicle parking.
- A kiosk may be installed for interpretative and educational purposes on National Forest System land within T.33S. R.7E., section 35, NE ¼, unless arrangements are made to install a kiosk at a more acceptable location offsite.
- The public will be required to obtain a written permit to access the project area.
- Climbing in the central portion of the cliff area with a “no-top out” policy can be allowed following implementation of education efforts (permit system and kiosk) and three years of monitoring that documents the absence of additional intrusions and damage to cultural resources.

- Adaptive actions will be implemented if monitoring reveals that the closure area has been violated or sensitive resources continue to be impacted by people using the area. These actions may be implemented in stages followed by regular monitoring to assess their effectiveness. Additional protection measures or actions include the following: 1) implementation of a closure order for a larger area within T. 33S., R.7E., section 35, NE ¼; 2) increased level of control of public access to the general area through the use of a special use permit with specific terms and conditions; 3) FSR 9734 could be closed or decommissioned up to and within one mile north of the cliff area. Continued use of the area will be dependent on the absence of intrusion into the closure area or damage to cultural resources as evidenced by annual monitoring.

DECISION RATIONALE

There is a need to prevent further damage to cultural resources and restore a natural appearing landscape in the cliff area. There is a long history of use of this area by the Klamath Tribes as an area for personal and spiritual renewal. This action is needed, because if no action is taken, remaining cultural resources could be damaged beyond recovery or eliminated. This action is responsive to the Winema Forest Plan goals and objectives for cultural resources and standards and guidelines for Native American Rights and Claims while still providing recreational access as outlined in Management Area 4 and 4C of the 1990 Winema Land and Resource Management Plan (LRMP). The action will continue to provide the desired dispersed recreation experience as is described for MA 4C as well as maintaining substantially natural conditions of the kind of place and values identified for the area. The plan states these areas are to be protected and managed for recreation use substantially in their natural state and may be managed to foster public use and enjoyment.

The selected combination of alternatives will meet the purpose of the project to protect cultural resources by implementing a suite of actions. The temporary closure currently in place has been mostly successful in reducing intrusions into the site. Making this closure permanent will continue the enforceable protection of this specific site. Additional steps in the proposed action will further reduce the likelihood of impacts on resources. The selected combination of alternatives will remove motorized access to the area and a complete public closure of the project area, if warranted. Annual monitoring, which has been consistently accomplished with current budgets, will inform future decisions on the need for adaptive management actions.

The selected combination of alternatives will meet the project's purpose to manage the area for recreation by allowing continued access to the cliff area for recreational activities. Climbing on the cliff areas outside the designated closure will be allowed. The blending of alternatives 2 and 3 will provide for the possibility of climbing in the central portion of the cliff under a "no-top out" policy should monitoring indicate it can be allowed. No additional restrictions to public access beyond the current closure area will be implemented without information from on-site monitoring, with the exception of requiring people to have a permit to use the area.

My decision was made after considering the effects of the alternatives upon cultural resources, recreationists, and natural resources. The effects to other resources were very similar between action alternatives and did not weigh heavily in my decision. Monitoring data collected since the proposal was sent to the public was considered in my decision. Additional impacts documented during monitoring led me to include an action from the adaptive management options – requiring

people to have a permit to use the area.

I did not consider a proposal to create a parking area east of the cliff area because it would require additional ground disturbance, it was inconsistent with the analysis, and other user groups were proponents of using the existing parking area to the west of the cliff area. A constructed trail is needed on the west end to provide access between the top and bottom of the cliff area, which is expected to reduce the need for existing user created trails. A constructed trail is an important component to successful reduction and elimination of user created trails and guiding people to open areas and away from the closure area. The construction of the single trail is responsive to comments indicating that users did not see the need for a trail from the east side of the cliff area. The selected combination of alternatives includes construction of a trail east of the closure area. Public input questioned the need for this trail. The trail may be constructed as proposed as part of my decision, however the decision to construct or not construct this trail will be informed by monitoring based on actual use by the public.

Legal access for the site is along the 9734 road from north of the project area. Traditional access from the west to Highway 97 on the 9734 road crosses private land; the Forest Service does not have legal access for the public or employees across this land. The current edition of the Forest's motor vehicle use map (MVUM) does not include the portion of the 9734 road adjacent to and north of the project area as a route open to motorized use. This is a mapping error based on the assumption the Forest Service does not have legal access across a small portion of private land in T33S, R7E, section 26, NE ¼, near Hilltop reservoir. The Forest does have legal access across this private land and the mapping error will be corrected in future versions of the MVUM. My decision to maintain the current parking area is intended to meet the need for vehicle parking by forest visitors.

Alternative three was not selected because it allowed for immediate climbing use of the central portion of the cliff area with a "no-top out" policy. I considered the possibility of intrusions into the closure area and the potential for increased risk of damage to resources in my decision not to select this alternative. The uncertainty that further impacts may or may not occur coupled with continued impacts in spite of the temporary closure compelled me to exclude the option of climbing the central portion of the cliff below the closure area at this time. My decision was further influenced by the extent of existing damage within the site, documented intrusions, and damage since the current closure was implemented. Experienced and informed climbing enthusiasts are confident a no-top out policy would be enforceable and complied with by climbers. Coupled with education efforts in partnership with the climbing community, this information contributed to my decision to allow a no-top out policy and climbing use of the cliff face within the closure area after the conditions specified above are met. This action is provided for in my decision should monitoring and education efforts show that damage is not occurring to the site by public use.

The Williamson River Cliff Area EA documents the environmental analysis and conclusions upon which this decision is based.

OTHER ALTERNATIVES CONSIDERED

Alternative 1 (No Action): Management of the site would continue as it has historically. The

emergency closure order would be rescinded and full public access to the cliff would be returned. The restoration plan would continue and fixed climbing anchors would remain. This alternative was not selected because it does not provide protection of the cultural resources that were being damaged nor does it consider the needs for traditional tribal practitioners using the site.

Alternative 2 (The Proposed Action): The central portion of the cliff area would be closed from FR 9734 to the base of the cliff, approximately 4 acres. Revegetation of denuded areas would occur. Rock climbing would be allowed on the east and west sides of the cliff face with no additional fixed anchors allowed without authorization. Two access trails to the base of the cliff would be constructed, one to the east side of the cliff and the other to the west. A kiosk would be installed for interpretative and educational purposes. Adaptive actions would further restrict use of the area if monitoring indicated that damage to cultural resources continued.

Alternative 3 (No Top-out Policy): Access to the central portion of the cliff face would be allowed, reducing the closure to the area above the cliff, approximately three acres. Climbers would not be able to exit the top of the cliff face and not allowed to access any closer than 4.5 feet from the top of the cliff. The trail would be constructed across the bottom of the cliff as a connected route between the east and west sides of the cliff area. All other actions would be the same as Alternative 2.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Fremont-Winema National Forest Schedule of Proposed Actions in the Winter Quarter of 2009 and updated periodically during the analysis. People were invited to review and comment on the proposal through the initial 30 day scoping period in December of 2009. The Forest received twelve responses to scoping; one in support and eleven supporting parts of the action but objecting to restricting use of the cliff face. On April 4, 2012 the EA was made available for the public comment period. The Forest received three comments to the comment period, all in favor of the action with recommendations for the decision. The EA lists agencies and people consulted on pages 56 to 57.

Some comments provided additional mitigation that will be considered in developing an implementation plan after the decision. Some commenters wanted more access than what was provided for in the proposed action. The proposed action removed access to the diversity of climbing experiences and challenges. Alternative 3 responded to these needs of the climbing community.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

My determination of significance is based on careful consideration of the EA and project file as compared to the context and intensity factors listed in 40 CFR 1508.27.

Context

The actions described in the Selected Alternative are limited in scope and geographic application (40 CFR 1508.27(a)). The proposed use and cultural protection measures involves a small area of

National Forest System lands (approximately 100 acre planning area and 10 acres of project area). The site-specific action by itself does not have international, national, or region-wide, or statewide importance though it has a long history of local tribal cultural uses and potentially conflicting recreational use. The site provides a diversity of challenging routes for rock climbing and damage to cultural resources has been occurring. The location of the action is described in the EA (page *i*) and on a map (EA, Figure 1, page 3). The selected action includes construction of a trail, closure of the central portion of the cliffs, designation of a parking area, and implementation of an education program for use of the area through a kiosk and written permit system. The actions included are described in this decision notice with additional details in Chapter 2 of the EA. The resource effects section in Chapter 3 reveal that most of the environmental effects are confined to the project area. Based on the analysis and the extent of potential effects, this project is local in scope and with potential social impacts that extend to the Klamath Tribes and rock climbing community.

Intensity

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.*** I considered both beneficial and adverse impacts of implementing the action. Beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. The actions are focused on the uses in the immediate vicinity of the cliffs and do not contribute to effects from other distant activities such as from vegetation management, the train use in the canyon, or other actions. The closure area would provide for continuation of traditional tribal cultural uses, the restoration of vegetation, and protection of cultural sites within the project area. Climbing use will continue within open areas. Recreational users would have permitted access to the top of the cliff for distant views. Fixed anchors would cover a larger portion of the cliff face but camouflaged anchors will be required reducing visual impacts. The no top out policy would reduce potential impacts to living culture activities associated with the area. Adaptive management actions up to and including closure of the project area to public access, will be effective in reducing impacts to cultural resources (EA pages 41 to 49).
2. ***The degree to which the proposed action affects public health or safety.*** My decision would not adversely affect public health or safety within the Williamson Cliffs area and surrounding area. The action does not create hazards beyond that normally associated with the recreation or cultural use and access of the area. The hazards and risks associated with rock climbing in the area are well known from the many years of use. Users come prepared for the challenge they choose to take on.
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 geologic feature of the Williamson River Cliff Area is a dominant feature of the Upper Williamson management area. The cliff area embodies unusual scenic, historically used cultural resources that hold significant value to the native people of the Klamath Basin. My decision will not affect the distant views associated with the site. Locally, climbers on the cliff face would detract from use by

cultural practitioners however impacts would be reduced by the establishment of the central non-use area, control of access to the site, and education about respecting cultural uses of the area. There will not be any impacts to other unique areas such as parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas, as there are no such areas in the project vicinity.

4. ***The degree to which the effects on the quality of the human environment are likely to be highly controversial.*** Decisions impacting recreational and cultural uses of an area can impact the quality of the human environment from the social perspective. People have found satisfaction with challenging themselves with the diverse types of climbing routes the site provides. Others find connection to the landscape through traditional cultural practices handed down through generations. The action begins the process of allowing recovery of vegetation on the site to occur and reduce the current evidence of extensive use and damage to cultural artifacts. It provides a security area for practitioners while at the same time providing recreational climbing opportunities. Any continued damage to the cultural site, as evidenced by regular monitoring, would result in increased restrictions as described in the adaptive management proposal. The additional restrictions would reduce conflicts over cultural resource damage. People's expectations for activity levels will influence their use of the area and these expectations are hard to measure for this scale of a project. The proposed controls on climbing and access, which are intended to result in no adverse effect on the cultural resource, would allow and provide a diversity of climbing experiences. My decision falls within the scope of the analysis for the Winema National Forest Land and Resource Management Plan, as amended, and the supporting Final Environmental Impact Statement. Given the site-specific conditions and impacts disclosed in the EA chapter 3, the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality.
5. ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*** My decision does not involve highly uncertain, unique, or unknown risks. The activities proposed in this decision are well established land management practices and the risks are well known and understood.
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 EA effectively addressed and analyzed all major issues associated with the project. The action includes adaptive management that further restricts and controls access to the cliffs depending on the results of future monitoring. It further protects use by traditional practitioners and cultural resources while providing climbing access under slightly more control than the current management through the use of written permits.
7. ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*** Cumulative effects have been disclosed for each resource in Chapter three of the EA. There are no additional activities proposed in the area. The decision will carry on the current recreational activities with control for access

and use of the cliff. Other than viewing fish habitat structures placed in the Williamson River, no other actions contributed to cumulative effects. The large wood habitat structures fit with the expected distant visual experience.

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.*** A project specific inventory of the area has been conducted and known and newly discovered sites found during implementation of the project will be avoided. The central portion of the cliff area has been closed to public use to protect cultural sites and reduce impacts to traditional practitioners. The proposed educational material would help to further reduce impacts. If monitoring indicates continued damage to the site or public access into the closed area, further controls would be placed on access through adaptive management actions such as complete closure of the area to public access.
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.*** It has been determined that the action will have no effect on any ESA listed species because they are not found in the project area. Effects from erosion would not reach streams and there is no critical habitat. There are no Region 6 sensitive species found in the project area however there is habitat for several species. Disturbance to habitat is small in scale, confined to trail construction and the control of access is expected to improve habitat allowing many of the braided trails to recover. For those species with habitat in the planning area the action has been determined to “may impact individuals but will not contribute to a trend toward Federal listing or a loss of viability to the population or species” (EA pages 20 to 38).
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 EA (EA pages 55 to 56). The action is also consistent with the Winema Land and Resource Management Plan (EA pages 5 to 6 and 55).

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. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Winema National Forest Land Management Plan. The project was designed in conformance with Forest Plan goals and objectives for recreation and cultural resource protection as well as applicable standards and guidelines for the protection of soils, water quality, and traditional cultural uses and practices. The Klamath Tribes was consulted

often during the development of the proposed action and the alternative to the proposed action. Environmental justice impacts were considered and it was determined that the action would not have any disproportionate share of negative environmental consequences to minority groups or Klamath Tribal members.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. A written notice of appeal must be submitted within 45 calendar days after the Legal Notice is published in the Klamath Falls *Herald & News*. When the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The date of the publication of the Legal Notice is the only means for calculating the date by which appeals must be submitted; do not rely upon any other source for this information. Appeals must meet the content requirements of 36 CFR 215.14 and will only be accepted from those who have expressed interest in this project during the planning of the project.

The Notice of Appeal must be sent to: Appeal Deciding Officer, Kent Connaughton; Regional Forester. Hard copy of the appeal can be delivered using the postal address: ATTN: 1570 Appeals, 333 SW First Avenue, P.O. Box 3623, Portland, OR 97208-3623; can be faxed to (503) 808-2339; sent electronically to, appeals-pacificnorthwest-regional-office@fs.fed.us (please put “Appeal of Fremont-Winema Williamson River Cliff Area” in the subject line); or the appeal can be hand delivered to the above address between the hours of 8:00 am to 5:00 pm, Monday through Friday except Federal holidays.

Electronic submittals must contain the project’s name and the appellant’s name, address, and phone number, if available, and either a scanned signature or other verification of authorship upon request. 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, in other formats than those listed, or containing viruses will be rejected. For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the comments, it is the sender’s responsibility to ensure timely receipt by other means. Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.14.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

CONTACT

For additional information concerning this decision, contact: Kelly Lawrence, Environmental Coordinator, Chiloquin RD, 38500 Highway 97 North, Chiloquin, OR, 97624, 541-783-4039.



MIKE LAWRENCE

District Ranger

7/18/12

Date

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