DECISION NOTICE
MOUNTAIN LINE REPLACEMENT PROJECT
U.S. FOREST SERVICE
BAKER CITY WATERSHED, OREGON
WALLOWA-WHITMAN NATIONAL FOREST
BAKER COUNTY, OREGON

DECISION

Based upon my review of the Mountain Line Replacement Project Environmental Assessment (EA), I have decided to implement the proposed alternative, which includes the phased replacement of the Mountain Line (see Figure 1)

The phased replacement of the Mountain Line is expected to take place over 10 years. The City of Baker City ("the City") plans to bypass water from one diversion at a time and replace that segment of pipe while it is bypassed and not in use. One segment per summer construction window is anticipated to be the approximate rate of construction. The City has recently replaced some sections of the pipeline located off of National Forest System (NFS) lands and plans to complete replacement of the remaining portions of the Mountain Line over the 10-year period using general construction funds. The City will start where the previous work was halted, beginning below the Little Mill Creek intake and working toward City reservoirs until all pipe lengths in that stretch are replaced. Work crews will then return to the Goodrich Mountain Line diversion for the last remaining section between Goodrich Creek and Little Mill Creek (see Figure 2). The majority of the pipeline is located on federal lands, either NFS lands or lands managed by the Bureau of Land Management (BLM), and the replacement work will occur within a 40-foot temporary reconstruction special use authorized area that must be granted by both agencies. The reconstruction area includes the court-approved 20-foot right-of-way for the pipeline, plus an additional 10 feet of authorized area on each side of the courts' right-of-way to facilitate construction needs.

This decision approves the reconstruction activities summarized above, and including the specific project design features, best management practices (BMPs) and mitigations outlined in Section 2 of the EA and Appendix A of this Decision Notice. These same project design features, BMPs and mitigations will be incorporated into the City's associated operating plan(s) that will, in turn, become part of the special use permit. Prior to initiating any reconstruction activities all federal, state or local permits and certificates shall be acquired by the City of Baker City, and submitted to the Forest Service for review.

DECISION RATIONALE

The City of Baker City, Oregon, operates one of the most unique municipal water systems in the state. The municipal water system is gravity fed from intakes high in the Elkhorn Mountain Range through a water transmission pipeline network to the City's storage reservoirs. The watershed accounts for 88 percent of the municipal water supplied to the City.

The project lies within a municipal watershed, established in part by Presidential Proclamation in 1904. Use of the land within the watershed boundary is determined under the 1912 Cooperative Agreement between the Secretary of Agriculture and Baker City as supplemented by 1944 agreement. Approximately 160 acres are owned by Baker City, and the remainder is owned by the U.S. Government.

The City completed a Water Facilities Plan that identified the potential for the primary conveyance of the City's municipal water, the Mountain Line, to become inoperable due to increased fractures, root intrusion, and deteriorating joints. The Mountain Line is the main supply line to the City's municipal reservoirs, conveying water from 11 of the City's diversions. The City does not have a sufficient backup water supply source to provide water on a permanent basis. The City needs to replace the majority of the Mountain Line to ensure continued reliability and safety of the water system to serve the needs of the City's approximately 10,000 residents and 590 commercial users. The Mountain Line must be replaced to eliminate potential outages and maintain long-term dependability of the City's municipal water system.

The potential impacts of replacing the Mountain Line water supply pipeline have been analyzed in an Environmental Assessment (EA). The analysis demonstrates the proposed activities will have no significant effects on the human or natural environment, as documented in the Finding of No Significant Impact (FONSI). Replacement of the Mountain Line will provide for a reduction of water loss, reduction of the ability of foreign material/sediment to enter the water supply pipes, and reduction of erosion from water loss.

The selected alternative, identified as the "proposed alternative" in the EA, is to replace the Mountain Line over several years. This alternative will meet the project need to maintain a secure, high-quality water system. Goals for the reconstruction work include improved water volume and quality, water conservation, improved water system reliability, and reduced maintenance. This will meet the purpose and need for the project as described in the EA (page 1-2).

One additional alternative, the no action alternative, was considered. It was determined that this alternative would fail to meet the purpose and need of the proposed action, and would pose an unacceptable risk to the water users in the City (EA, Section 2)

Environmental effects of the project were considered for vegetation resources, land management, wildlife, water resources, wetlands, soil and earth resources, road access and control, recreation and visual aesthetics, air quality, climate change and sustainability, cultural and historic resources, and cumulative effects. These considerations were weighed and balanced in arriving at the decision. Ultimately, based on data collection and analysis, it was determined that the

proposed action would have no long-term effects on the environment, and any temporary effects would be minor and primarily occur during construction. The importance of the proposed action was weighed against the lack of effects to natural resources and the project was determined to have no significant impacts.

The Mountain Line Replacement project EA documents the environmental analysis and conclusions upon which this decision is based. The EA also describes design features, BMPs and mitigations that were incorporated into the proposal to reduce impacts of construction activities.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Wallowa-Whitman National Forest Schedule of Proposed Actions in August 2014 and updated periodically during the analysis. The public was invited to review and comment on the proposal through several methods. The scoping letter and maps, and the draft EA, have also been available on the Wallowa-Whitman website. The City prepared a site-specific proposal for the project, and the U.S. Forest Service distributed the information in a mailing to adjacent landowners, interested parties, and organizations. The mailing invited interested parties to comment on the project to provide the U.S. Forest Service with feedback regarding issues, concerns, and opportunities within the project area. The complete scoping list is available in the U.S. Forest Service project file. A public notice was also posted in the Baker City Herald in Baker City on August 25, 2014, during the scoping period. The U.S. Forest Service received only one comment during the scoping period, which was a letter of support from the Baker County Board of Commissioners, received by the U.S. Forest Service on September 23, 2014.

The preliminary EA was made available for 30-day public comment on March 11, 2016. The beginning of the comment period was announced in a Legal Notice in the Baker City Herald published on the same day; the legal notice provided information on how to obtain the EA as well as instructions for providing comments. No comments were received during the 30-day period.

TRIBAL INVOLVEMENT

The USFS sent a copy of the Cultural Resources Inventory Report to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Nez Perce Tribe (NPT) on May 22, 2015.

The project was presented at the following staff and consultation (government-to-government) meetings:

- October 13, 2015 - USFS and CTUIR Wildlife and Cultural Committees/Program of Work Staff Meeting
- July 10, 2015 - USFS and CTUIR Natural Resource Committee/Program of Work Staff Meeting

- February 11, 2015 - USFS and NPT Staff/Program of Work Staff Meeting
- September 19, 2014 - USFS and CTUIR Board of Trustees/Government-to-Government Meeting
- July 15, 2014 - USFS and CTUIR Wildlife and Cultural Committees/Program of Work Staff Meeting
- June 4, 2014 - USFS and CTUIR Natural Resource Committee/Program of Work Staff Meeting

No concerns about the project were expressed by the tribes.

FINDINGS

The Mountain Line Replacement Project Assessment was developed in accordance with the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act (NFMA) and its implementation regulations codified at Title 36, Part 219 of the Code of Federal Regulations. It also was developed in accordance with Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (Code of Federal Regulations, Title 40, Part 1508.27). These implementation regulations require specific findings to support decisions subject to the National Environmental Policy Act (NEPA). These findings include (1) Finding of No Significant Impact and (2) Finding of Consistency with Management Direction for the Forest Plan.

Finding of No Significant Impact (FONSI)

The selected alternative, with the specified management requirements, constraints, and mitigation measures, provides the best combination of physical, biological, social, and economic benefits.

Based on the site-specific environmental analysis documented in the Environmental Analysis (including specialist reports) and FONSI (see Appendix B of this Decision Notice), I have found that this is not a major Federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed.

Finding of Consistency with Forest Plan Management Direction

From the results of site-specific analysis documented in the EA, I conclude that this action is consistent with the Wallowa-Whitman National Forest Land Management Plan (1990) as amended, including specific direction for the municipal watershed. The project was designed in conformance with all applicable regulatory requirements from this document and those listed in Table 1-2 of the EA. Compliance with specific laws, regulations and policy is analyzed and

discussed in the EA and in Specialist Reports, which are appendices to the EA.

Regional Forester's Amendment 2 – Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (Eastside Screens) (1995). This decision amended direction in nine Forest Plans, including the Wallowa-Whitman NF's. All timber sales, with listed exceptions, are to be designed to incorporate the interim riparian, ecosystem and wildlife standards. The only cutting of timber as part of this project would be incidental to construction activities and/or to ensure worker safety. Construction activities would require removal of some trees larger than 21 inches in diameter. It may be necessary to remove some of these trees from the site to allow work to be performed within the confines of the construction corridor. Trees may be sold in order to facilitate their removal. The cutting and sale of these trees as part of this project would not be subject to Eastside Screens direction, as it would fit exceptions for sales to "protect health and safety."

Regional Forester's Amendment 4 - Interim Strategies for Managing Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, Western Montana, and Portions of Nevada (INFISH) (1995). This decision amended the Wallowa-Whitman's Forest Plan, providing direction to protect inland native fish and their habitat by: establishing riparian habitat conservation areas (RHCAs), riparian management objectives, and standards and guidelines for various types of land management activities. The project has been designed to comply with this direction by reducing potential impacts at stream crossings, including specific design for the crossing of Salmon Creek upstream of bull trout populations.

Consistency with Roadless Area Conservation Rule

The Roadless Area Conservation Rule (RACR) (USDA, 2000; USDA, 2001) prohibits road construction, reconstruction and harvest of timber in inventoried roadless area, except in certain circumstances. The project is consistent with RACR, based on the following: The project meets both of these criteria. Tree felling will be avoided to the maximum extent possible, but if tree felling is necessary, BLM or USFS approval will be obtained before work commences.

Prohibitions to road construction in an IRA – This project does not include new road construction. Reconstruction of the existing pipeline would disturb the existing access road (also a Forest System Road) and result in an expanded road prism, with larger cut and fill areas in some areas.

Prohibitions to cutting, selling or removing timber in an IRA - Exceptions to these prohibitions are outlined in the Final Rule, at 36 CFR 294, § 294.13(b). Circumstances applicable to this project include:

> (2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;
>
> (3) The cutting, sale, or removal of timber is needed and appropriate for personal or

administrative use, as provided for in 36 CFR part 223;

Circumstances outlined at § 294.13(b)(2) would be met, as timber removal would not be incidental to road construction activities, rather, removal of timber would be incidental to pipeline construction. Circumstances at §294.13(b)(3) would also be met; sale and disposal of NFS timber would be appropriate under the City's construction agreement. Per 36 CFR 223.2 (Disposal of timber for administrative use) disposal of timber is allowed for purposes of "construction, maintenance and repair" of improvements of value for the protection or the administration of Federal lands. (§223.2(a)).

Roadless area values and characteristics would be preserved to the greatest extent possible. The EA (page 3-35) identifies approximately 2.3 acres of IRA for the 40-foot temporary construction easement that could be impacted. These acres consist of several small, angular pieces along the edge of two IRAs that extend across the existing road and pipeline. This will only result in minor impacts to any existing inventoried roadless area values and characteristics (as defined in the RACR FEIS Vol. 1, 3–3 to 3–7) on the 2.3 acres; the remaining 68,000 IRA acres will not be impacted.

Endangered Species Act The Endangered Species Act of 1973 (ESA) requires consultation if federally listed species are impacted by a project. A Biological Evaluation (BE) was completed and a No Effect determination made.

Pre-decisional Administrative Project Review

As provided by the Pre-decisional Administrative Review process under 36 CFR 218 Subpart A for Forest Service proposed actions implementing land and resource management plan activities documented with a Record of Decision or Decision Notice, legal notice of the objection process was published in the Observer newspaper on June 10, 2016. The 45-day objection period ended on July 26, 2016. No objections were received.

As allowed under 36 CFR 218.12(c)(2) when no objection is filed within the objection filing period, the Responsible Official may sign this decision notice on the fifth business day following the end of the objection filing period.

Implementation Date

If no objection is filed on this project, a Decision Notice may be issued on, but not before, the fifth business day following the close of the objection filing period (36 CFR 218.21). If an objection to this decision is filed in accordance with 36 CFR 218.26, this Decision Notice may not be signed until all concerns and instructions from the reviewing official in the objection response have been addressed (36 CFR 218.12(b)).

CONTACT

For additional information concerning this decision, contact Robert Macon, Minerals, Heritage, Recreation and Special Uses Staff Officer, Whitman Ranger District, 1550 Dewy Avenue, Suite A, Baker City, Oregon 97814, (541) 523-1343.

8/2/16

THOMAS MONTOYA
Forest Supervisor
Wallowa –Whitman National Forest

Date

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APPENDIX A

PROJECT DESIGN FEATURES, BMPS, MITIGATIONS

Specific Standards, Guidelines, BMPs, PDFs, and Mitigation Measures

Vegetation Resources

Prior to construction, the City will draft a Revegetation Plan for this project to mitigate for the impact to vegetation resources, comprised of the following components:

Revegetation Plan

Following construction, all disturbed areas of the site will be treated with soil stabilization measures and will be seeded with native species. A 6-inch minimum depth of native soil will be placed in fill areas for native vegetation planting and seeding. Riparian plantings (if needed) will be performed within select areas to restore native vegetation along streambanks.

All disturbed areas will be revegetated with native species only. When possible, species used will be native to this forest and, ideally, seed sources will be from the project area but may also be obtained from similar habitats in this ecoregion. The revegetated species are not limited to grass species and may include pollinator-friendly forbs. These include many disturbance-tolerant species good for revegetation, such as goldenrod, showy aster, fireweed, pearly everlasting, corn lily, river mallow, and royal penstemon. If revegetation is by seed, seed bed preparation and proper timing and rate of seed application will be managed to ensure the best chances of success. The best time for seeding is late fall. Invasive species, if discovered within undisturbed portions of the project area, will be tagged for the USFS to remove, ideally before seeding. Plants, particularly in wet areas, will be salvaged and replanted when possible. City crews will be responsible for revegetation, and the revegetation budget will be allocated through City funds.

Seeding of Disturbed Areas

The following table outlines the seed mixture required for seeding all disturbed upland areas.

TABLE 2-4
RECOMMENDED SEED MIX

Botanical Name (Common Name)	Seeding Rate Lbs./PLS/Ac

Bluebunch wheatgrass (*Pseudoroegneria spicata*)	6
Idaho fescue (*Festuca idahoensis*)	3
Basin wildrye (*Leymus cinereus*)	2
Big bluegrass (*Poa ampla*)	3
Tufted hairgrass (*Deschampsia cespitosa*)	2

Seeds will be covered with weed-free hay to ensure they are protected and to prevent erosion.

Planting of Disturbed Areas

Collection and planting of cuttings will occur in the fall after the trees have gone dormant and lost leaves. Maintenance will be ongoing until plants are established.

The following describes a suggested planting method for this project. The City will provide a final Revegetation Plan prior to the start of construction.

1. Select individual planting spots on a site-specific basis.

2. Remove debris and competing vegetation from each planting spot. Clear down to bare mineral soil.

3. Collect cuttings in the fall or early spring after the plants have gone dormant and prior to bud break. Cuttings should be 6 to 10 feet long, or long enough to reach the mid-summer water table, and at least 3/4 inch in diameter, depending on species.

4. Handle cuttings carefully. Keep in cooler storage until ready to plant. Keep cool, moist, and covered during storage and transport. Do not allow cuttings to dry out. Ideally, the cuttings should be soaked for 10 to 14 days prior to planting.

5. Plant in the fall as soon as the trees have gone dormant for the winter and lost their leaves. Plant prior to ground frost.

6. If possible, do not plant when air temperatures are higher than 65 degrees Fahrenheit (F), or when humidity is less than 50 percent.

7. Insert cuttings into moist soil with two to three buds showing above ground. Ensure that the bottom of the cutting will be below groundwater level during active growing season.

8. Preferred species for planting include: Coyote willow (*Salix exigua*) or other locally adapted willow, Red osier dogwood (*Cornus sericea*), and Black cottonwood (*Populus balsamifera*).

Plant Material Collection and Storage

- Preference is for local sources of cuttings in the riparian, wetland, or upland areas.

- Cuttings should be collected while the plants are dormant and buds are set.
- Cuttings should be at least 6 to 10 feet long (long enough to reach the mid-summer water table) and 3/4 inch or larger in diameter.
- Plant immediately if possible. If not, store in a cooler kept at 33 to 40 degrees F.
- Pre-soak stored cuttings 10 to 14 days before planting, if possible.
- Red osier dogwood cuttings should be wounded with a knife or scraping through the bark in several locations to enhance rooting and establishment.

Planting Method

- Plant live stakes using a stinger, auger, or planting bar. The hole should be only slightly larger than the pole.
- No matter what planting method is used, it is essential to have good contact between the cutting and the soil for roots to sprout.
- When possible, vegetation will be salvaged and replanted in disturbed areas.

Monitoring and Maintenance

The City will monitor revegetated areas as part of the operation and maintenance of the pipeline. Project reseeding and replanting will be monitored for problem areas and non-native infestation. If necessary, these areas will be replanted or reseeded.

Riparian Habitat Conservation Areas

- Wallowa-Whitman Land and Resource Management Plan (Forest Plan) has numerous requirements for Riparian Habitat Conservation Areas (RHCAs). The following requirements are applicable to the RHCAs within the project area:
    - Riparian habitat must be maintained and enhanced in the forest.
    - Timber harvest is prohibited within 100 feet of the OHWE of Class 1 and 2 streams.
    - No roads will be constructed in the RHCAs.
    - Avoid use of heavy equipment in the RHCAs, if necessary, mitigation measures must be implemented to avoid adverse effects.
    - The goal for riparian cover is 60 to 100 percent shade on live streams for 80 percent or more of the total length of stream.
    - Maintenance and rehabilitation of roads is specifically allowed in the Forest Plan in riparian areas when it is justified to be the best alternative.
    - The Forest Plan allows for actions that are taken to ensure public health and safety.
- As proposed, the project will implement BMPs that allow the project to be in compliance with these requirements. Additional mitigation measures include:
    - Tree felling and vegetation removal will be limited and selective.
    - Disturbed riparian areas will be restored after construction to maintain or improve the existing riparian cover on streams.
    - Use of heavy equipment within the RHCAs will be avoided when possible.
    - No new roads will be constructed within the RHCAs.

The replacement of the pipeline is necessary to protect the health and safety of the residents of Baker City and provide a safe supply of drinking water for the future. Additionally, the Forest Plan specifically allows for the maintenance and rehabilitation of roads in riparian areas; therefore, this project meets the requirements outlined in the Forest Plan for RHCAs.

- ***INFISH*** - Although no bull trout or anadromous fish are known to be located in the immediate project area, numerous RHCA standards relate to this project. Any culvert replacements required by the Mountain Line replacement will comply with current fish passage standards, which means the existing conditions will be improved or remain the same as a result of this project. Trees may be felled in RHCAs when such an action protects health and safety.
- INFISH requires that roads in riparian areas be carefully considered. This project does not construct new roads, and so meets this objective. Extra care will be taken when using existing roads to prevent sediment release into waterways. Additionally, INFISH requires fish passage be maintained when there are known or potential fish-bearing streams. Fish passage will be maintained during construction and the completed project will maintain existing levels of fish passage, allowing the project to meet this objective. Any trees felled during construction will be left on site when possible.

Noxious Weeds

Weed-free hay, mulch, and seed mixes will be used for erosion control and site restoration.

If noxious weeds are observed during construction, they will be flagged and the USFS noxious weeds contact will be notified.

- ***Pacific Northwest Region Invasive Plant Program Final Environmental Impact Statement and Record of Decision*** (ROD) (USDA, 2005) requires that weed-free seed, hay, and mulch be used; equipment be cleaned before entering the site; and invasive species be controlled through a coordinated approach. This project includes BMPs that meet these objectives and will help minimize the spread of noxious weeds as a result of the project.

Rare Plants

Plants will be left undisturbed to the maximum extent possible. If issues arise, qualified USFS personnel would evaluate any specific concerns.

Land Management

Mitigation measures during construction include removing only the minimum amount of soil necessary and stockpiling only in designated areas to minimize disturbance of land use in the area. When possible, disturbed areas will be restored to existing conditions through reseeding and replanting where necessary. Equipment will operate within designated work areas and during normal business hours as not to impact recreation activities or disturb other land uses within the project area.

Fish and Wildlife

BMPs will be used to minimize impacts to wildlife within the project area. When possible, trees and habitat will remain intact. Where disturbance occurs, reseeding and site restoration will occur as quickly as possible to minimize the duration of impact to habitat. Where possible, the site will be restored to pre-existing conditions after construction is complete.

- Tree felling will be avoided to the maximum extent possible. If felling of trees greater than 21 inches DBH is necessary, proper approvals will be obtained before work commences, and mitigation will occur if required.
- Any trees felled will be assessed for minimum habitat impacts; trees will be replanted if needed; and down wood, if moved, will be relocated to preserve this habitat type.
- Mitigation measures for fish impacts will include standard BMPs for construction projects near water, including using straw bales and other turbidity reduction measures to minimize sediment release into the water. All in-water work areas will be blocked off and flows will be bypassed around the work area. The reach will be seined from the upstream end to the downstream end of the work area to facilitate any fish to volitionally leave the work area. All in-water work will be conducted during the ODFW preferred in-water work window.
- ***Oregon Revised Statute (ORS) 468B.050 and Section 402 of the Clean Water Act (CWA)*** require a National Pollutant Discharge Elimination System (NPDES) 1200-C Permit to prevent stormwater impacts from a construction site. A Stormwater Management Plan, including an Erosion and Sediment Control Plan, will be developed and a NPDES 1200-C Permit will be obtained prior to the start of construction in order to minimize impacts to fish habitat from construction stormwater runoff (CWA, 1972).
- fish passage will be restored to pre-construction levels after the work is complete (ODFW, 2015).
- All in-water work will be conducted during ODFW preferred in-water work windows as outlined in the *Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources.*

Water Resources

Mitigation measures include conducting pipeline replacement efforts at stream crossings during the ODFW preferred in-water work window as outlined in the *Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources* and implementation of BMPs, including buffering stream-side construction with straw bales, wattles, silt fencing, and/or other methods to control sediment transport. If work occurs in flowing streams, the steam will be blocked off and flows will be bypassed around the work area. The reach will be seined from the upstream end to the downstream end of the work area to facilitate any fish to volitionally leave the work area. All equipment will be inspected prior to entering the watershed to reduce the chances of leaks and spills. Spill kits will be maintained on site, and disturbed areas will be reseeded/ replanted after construction, as needed. Water quality monitoring will be conducted as necessary.

ORS 468B.050 and Section 402 of the Federal CWA require an NPDES 1200-C Permit to prevent stormwater impacts. A Stormwater Management Plan will be developed and a

NPDES 1200-C Permit obtained prior to the start of construction in order to minimize impacts to water quality through stormwater runoff (CWA, 1972).

Wetlands

Any necessary permits will be obtained prior to construction.

Soil and Earth Resources

An Erosion and Sediment Control Plan will be prepared prior to construction and will be implemented throughout the project to prevent soil erosion.

Road Access and Control

- Mitigation measures include reducing the number of trips for vehicles, using only the minimum number of vehicles for each part of the work, informing the City crews that they are working in an inventoried roadless area with special conditions, and repairing any inadvertent damage to the road that occurs as a result of normal wear and tear during construction activities.
- The project will be designed to avoid felling trees to the maximum extent possible. The tree felling will be documented and approved by the BLM or USFS before the work takes place.
- No new roads will be constructed in the roadless areas; only the existing road will be used.

Recreation and Visual Aesthetics

Mitigation measures include limited stockpiling of materials, conducting construction on only one diversion area per year to minimize impacts to other areas, and placing materials and equipment in the least visually noticeable areas.

Air Quality

Temporary increases in air emissions from construction equipment will be mitigated by using well-maintained equipment that complies with all state and federal requirements for emissions. When possible, workers will carpool to the site.

Climate Change and Sustainability

Mitigation measures to reduce emissions include using only vehicles that pass state and federal emissions standards, turning off construction vehicles when not in use, storing them on site when possible to reduce trips, and carpooling to the site.

Cultural and Historic Resources

- No new impacts to eligible or unevaluated cultural resources are anticipated. If a cultural or historical resource is in proximity to the work area, its boundary will be flagged to ensure avoidance.

- Archaeological monitoring will occur during construction in proximity to one specific site. If cultural resources are discovered within the project area during monitoring, avoidance or mitigation will take place. In the event that an archaeological resource is discovered during project operations, work will cease in that area and SHPO and the Commission on Indian Services will be notified regarding the discovery. If human remains are found, the Oregon State Police will also be contacted.
- An Unanticipated Discovery Plan has been developed for this project and will be on site during construction.

APPENDIX B

FINDING OF NO SIGNIFICANT IMPACT
MOUNTAIN LINE REPLACEMENT PROJECT
U.S. FOREST SERVICE
BAKER CITY WATERSHED, OREGON
WALLOWA-WHITMAN NATIONAL FOREST
BAKER COUNTY, OREGON

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 Code of Federal Regulations [CFR] 1508.27).

CONTEXT

The project is located approximately 5 miles west of Baker City, Oregon, in and adjacent to the municipal watershed. The project area consists primarily of National Forest System lands encompassing approximately 78 acres. Additionally, the project will impact approximately 6.4 acres of Bureau of Land Management land and 20.5 acres of private land.

The Mountain Line consists of an approximately 23.4-mile concrete and steel pipeline that extends from the Goodrich Creek Mountain Line Intake (T8S, R38E, Section 34) to the Elk Creek settling tank (T9S, R39E, Section 33), where it combines with Elk Creek water and continues to the City's reservoirs and water treatment plant (T9S, R40E, Section 19).

The project area is generally considered to be inclusive of the City's permanent right-of-way (ROW)/ easement along the pipeline route, which is 10 feet on either side of the centerline of the pipeline (20 feet total) and an additional 10 feet on either side of the ROW/easement (20 additional feet), for a total of 40 feet in most areas. The project area is extended near the diversion areas to 30 feet on both sides of the pipeline (for a total of 60 feet).

The environmental effects of this project are analyzed at varying scales (e.g., the project area or the municipal watershed) as described for each resource in Section 3 of the Environmental Assessment (EA) for the Baker Mountain Line Replacement project EA. The analysis in Section 3 indicates that the project design and application of Wallowa-Whitman Land and Resource Management Plan (Forest Plan)

Standards and Guidelines and best management practices (BMPs) will minimize adverse impacts to resources. Given the minor and localized nature of impacts described in the EA, the project will have no measureable effects at the regional or national levels.

The Wallowa-Whitman National Forest lies within Wallowa, Union, Baker, Malheur, Umatilla, and Grant Counties in Oregon and Adams, Idaho, and Nez Perce Counties in Idaho. It contains over 2.3 million acres of Federal land (Forest Plan, page 1-4). The Mountain Line Replacement project is in Baker County, and lies within and adjacent to the municipal watershed which was originally set aside to protect Baker City's domestic water supply and continues to be managed for that purpose. The project would impact about 78 acres of National Forest System lands (a 40-foot wide construction easement approximately 15 miles long), far less than 1% of the Forest. The project activities comprise less than 1% of the Wallowa-Whitman National Forest. Within this context, I find that this project is local in scope.

INTENSITY

Intensity is a measure of severity, extent, or quantity of effects, and is based on the information presented in Section 3 of the EA. The finding of no significant effect is based on the intensity of effects considered in the following terms:

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.***

   As described in Section 3 of the EA, there are primarily only beneficial effects from implementation of this project. There are little to no adverse effects to resources from the actions included in the proposed alternative, and these impacts are within the range of those identified in the Forest Plan. In making the determination that the project would have no significant impacts on the human environment, the adverse effects were considered and were not offset by the beneficial effects. However, the EA demonstrates that the project incorporates protective measures (Forest Plan Guidelines and Standards, BMPs, and project design features) to protect resources, the possible adverse effects are minor, and are not directly, indirectly, or cumulatively significant. Conversely, the beneficial effects are not considered significant either and, therefore, did not bias the decision.

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

   As stated in the EA, there will be no significant effects on public health and safety because the project will comply with all state and federal regulations. The project allows for continued public health and safety through improving a water system that provides safe drinking water to approximately 10,000 residents and 590 commercial users (see EA, page 1-2).

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 unique characteristics of the area, because with applied design criteria and mitigation measures, no historic or cultural resources will be affected due to the use of an avoidance mitigation strategy (see EA, page 3-41). No park lands, prime farmlands, or ecologically critical areas will be affected because there are none in the project area (see EA, page 3-11). No wetlands will be permanently affected, because only minor temporary impacts could potentially occur in small areas during construction, and all areas will be restored after construction (see EA, page 3-29). No wild or scenic rivers will be affected because there are none in the project area (see EA, page 1-4).

The project is consistent with the 2001 Roadless Area Conservation Rule (RACR) as described in Section 3 of the EA. Circumstances outlined at 36 CFR Part 294, § 294.13(b)(2) would be met, as timber removal would not be incidental to road construction activities, rather, removal of timber would be incidental to pipeline construction. Circumstances at §294.13(b)(3) would also be met; sale and disposal of NFS timber would be appropriate under the City's construction agreement. Per 36 CFR 223.2 (Disposal of timber for administrative use) disposal of timber is allowed for purposes of "construction, maintenance and repair" of improvements of value for the protection or the administration of Federal lands. (§223.2(a)). Roadless area values and characteristics would be preserved to the greatest extent possible. The EA (page 3-35) identifies approximately 2.3 acres of IRA for the 40-foot temporary construction easement that could be impacted. These acres consist of several small, angular pieces along the edge of two IRAs that extend across the existing road and pipeline. This will only result in minor impacts to any existing inventoried roadless area values and characteristics (as defined in the RACR FEIS Vol. 1, 3–3 to 3–7) on the 2.3 acres; the remaining 68,000 IRA acres will not be impacted.

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

   In the context of the National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding effects of an action, not social opposition. Correspondence with U.S. Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, and the Oregon State Historic Preservation Office (SHPO) did not identify any scientific controversy. Additionally, during the scoping and comment period, no comments were received to indicate that the project was controversial. No new or unusual methods or activities are proposed. There is no known credible scientific controversy over the impacts of the proposed action, therefore, the effects of the proposed alternative on the quality of the human environment are not controversial.

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

   The effect analysis demonstrates that the effects of the proposed alternative are not uncertain and do not involve unique or unknown risk (see EA, page 2-4). The best available scientific information provided the foundation for designing the Mountain Line Replacement project, including associated project design features and mitigation measures. Monitoring has shown that Best Management Practices for the protection of soil and water resources are effective in keeping detrimental impacts to within Forest Plan standards (EA, pages 2-8 through 2-19). I am satisfied that the proposed alternative, as designed, and the effects disclosed in the EA present no highly uncertain or unknown risks.

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.***

   This is not a precedent-setting decision. The action is not likely to establish a precedent for future actions with significant effects, because maintenance and replacement of existing water systems is a topic for which there is already a precedent, and this replacement will be conducted without significant effects to the environment (see EA, page 2-8).

7. ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

   Section 3 of the EA discloses the combined effects of this project with past, present, and reasonably foreseeable future actions. None of the actions in the proposed alternative are considered significant alone or when considered with other actions. The cumulative impacts of the proposed alternative are not significant (see EA, page 3-46). There are no known significant adverse, cumulative, or secondary effects between this project and other projects (completed, active, or planned) within or adjacent to the affected area. Effects to the basic resource values of soil, water, vegetation, air, or fish and wildlife were estimated and determined to be localized and limited (EA, Section 3). This determination is based on the results of cumulative effects analyses discussed in the EA that considered past, existing, and proposed activities.

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 avoidance strategies will be implemented. The SHPO acknowledged that the survey was complete, and based on U.S. Forest Service review, the project determination was that no historic properties will be adversely affected (see EA, page 3-41). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because of avoidance strategies (see EA, page 3-41).

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 (ESA) of 1973, because no ESA-listed species will be impacted by the project. This constituted a determination of no effect to ESA-listed species (see EA, page 2-15).

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, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA, page 1-5). The action is consistent with the Wallowa-Whitman National Forest Land and Resource Management Plan (see EA, Section 2 and 3).

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.

8/2/16

Tom Montoya — Date

Wallowa-Whitman National Forest Supervisor

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