

DECISION MEMO

Gold Creek Pond Special Use Permit Modification

USDA Forest Service Mt. Baker-Snoqualmie National Forest Snoqualmie Ranger District

Kittitas County, Washington

Background, Proposed Action, Purpose and Need, Location

Background: Gold Creek provides important spawning habitat for a federally threatened population of bull trout in the Upper Yakima basin. The stream annually goes dry (“dewater”), and can strand bull trout in isolated pools that may go entirely dry. When the stream dewater, it reduces the ability of these bull trout to migrate upstream to more stable habitats, and also reduces the amount of total available spawning and rearing habitat in the system. The Forest Service issued a special use permit (SUP) to Kittitas Conservation Trust (KCT) in 2013 to study the hydrology of the Gold Creek area. KCT and their consultant, Natural Systems Design, used existing groundwater monitoring wells and installed gages to measure the elevation of the stream’s surface water. The network of gages extended onto private lands in the Ski Tur Community. Results from the 2013 monitoring indicated that the water level in Gold Creek Pond remains constant, and may be drawing water from up-valley during the period of dewatering in Gold Creek. There were two reaches that became dewatered in Gold Creek.

Proposed Action: The Mt. Baker-Snoqualmie National Forest (MBS) proposes to amend the SUP issued to KCT in 2013 for hydrologic assessment at Gold Creek. KCT would resume collection of hydrologic data during the 2014 field season (June through November) utilizing the existing water surface elevation monitoring array installed in 2013. The scope of hydrologic assessment work during 2014 includes a proposed short-duration rise in the water surface elevation of Gold Creek Pond during the dewatering period in Gold Creek to evaluate the effects on groundwater wells and stream gages up-valley of the Pond (“the experiment”).

The experiment is expected to last 21 days. This includes: 14 days to fill the pond using a temporary dam (while maintaining flow in the outlet channel); 4 to 5 days for the influence of the pond level on upstream surface and groundwater levels to stabilize; and 1 to 2 days to decommission the dam and return the pond back to its natural water surface elevation. The experiment would take no longer than 4 weeks. The total estimated duration of inundation at maximum 2.5 feet above normal water surface elevation would be 6 to 7 days.

Hand tools would be used to construct the temporary dam in the outlet channel of Gold Creek Pond. In order to preserve normal summer low flows in the outlet channel, about 1 cubic foot per second of water flow would be maintained during the experiment. Water would pass from a notch in the dam directly into the outlet channel. Sandbags placed in the channel downstream

would be configured to dissipate outflow energy from the dam and minimize the potential for erosion. The temporary dam would be constructed primarily using marine-grade plywood sheets with T-posts driven into the bed of the outlet channel on the downstream side of the plywood sheets. Additional bracing T-posts, also driven in the bed of the channel, would be anchored to the vertical T-posts to provide additional support. At the side of the outlet channel the temporary dam would tie into the banks using sandbags and plastic sheeting. The sandbags would be built-up as the water level in the Pond rises such that flow is maintained in the outlet channel. See Figure 1 for a drawing of the proposed dam design.

The finished temporary dam would be approximately 3-feet high and span 40-feet across the outlet channel. The notched sandbag portion of the dam would be 2.5-feet high and water would flow over it to maintain flow through the duration of the experiment. The picnic area would be partly inundated, along with about 8 picnic tables, during the experiment. The Gold Creek Pond Interpretive Trail is expected to be minimally affected. After the experiment and during deconstruction of the dam, the notched sandbag portion of the dam would be lowered at a pace to minimize high flows and potential scour. KCT would monitor the outlet flow as the dam is lowered to minimize impacts.

Purpose and Need: There is a need for restoration actions that employ natural fluvial processes to improve spawning, rearing, and migratory conditions for the Gold Creek bull trout population. There is also a need for honoring requests for special uses on National Forest System (NFS) lands where they do not conflict with other management regulations or objectives. The purpose of the project is to authorize Kittitas Conservation Trust, by special use permit, to mimic the effect of raising the groundwater level in Gold Creek Pond to determine if raising the water level in the pond will create an overall increase in groundwater and surface water elevations up-gradient. Measuring the magnitude of the increases and determining if they are sufficient to restore surface flow within the dewatered reaches is the primary goal of the experiment.

Location: The Gold Creek Pond area is located on the Cle Elum Ranger District of the Okanogan-Wenatchee National Forest and administered by the Snoqualmie Ranger District of the Mt. Baker-Snoqualmie National Forest, in Kittitas County, Washington. The project area is within Township 22 North, Range 11 East, in Section 15 (see attached vicinity and project maps).

Decision

My decision is to implement the Proposed Action. This entails modifying an existing special use permit for Kittitas Conservation Trust to perform the pond raise as described in the Proposed Action above.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because it qualifies for exclusion under Code of Federal Regulations (CFR), Title 36, Section 220.6 (e) Category (3) *Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land*. There are no extraordinary circumstances that might cause this action to have a significant effect on the quality of the human environment, individually or cumulatively.

Project Design Features and Mitigation Measures

The following management requirements and mitigation measures are integral components of this decision and will be adhered to and incorporated into the implementation of this project.

Botany Resources

The following Best Management Practices (BMPs) are based on the Okanogan and Wenatchee National Forest Weed Management and Prevention Strategy and Best Management Practices, June 2002, and standards based on the Pacific Northwest Region Invasive Plant Program, Preventing and Managing Invasive Plants (USDA Forest Service, ROD, 2005). These BMPs and standards would be implemented to avoid "survey and manage" species, and prevent the spread and establishment of invasive plants:

1. Avoid disturbing the ground under or near the trees with which *Spathularia flavida* is mycorrhizal. Flagging has been placed marking the primary trees/area to avoid.
2. Hand-pull invasive weeds in areas where ground will be disturbed. A map of the weeds that have been historically documented will be provided to those implementing the proposed action. Weeds are to be placed into trash bags and disposed of in a trash receptacle.
3. Seed disturbed areas upon completion of the project to reduce erosion, prevent weeds from re-invading, and hasten recovery of non-weed species. The proper seed mix may be obtained from the Cle Elum Ranger District Botanist.
4. Sandbags should be acquired from a commercial source pre-bagged (versus loose, which has a higher likelihood of containing weed seeds).
5. At staging areas, do not place sandbags on existing shrubs. The staging area west of the parking lot has recent plantings that are part of a native revegetation effort.

Watershed, Soils and Fisheries Resources

1. Minimize erosion and delivery of sediment-laden water to streams and wetlands. Reduce sedimentation by use of BMPs and erosion control methods such as silt or filter fabric, silt or filter fencing, straw bales, temporary settling ponds, and or rain cover. Consider use of fabric to cover ground during potential ground disturbing activities.
2. Disturbed ground surfaces shall be protected from future erosion by spreading with weed-free mulch (local mulch, straw, or woodstraw) and seeded as described above.
3. Minimize turbidity through slowly timed changes in flow releases, and with filter fabrics if turbidity-causing actions are unavoidable.
4. Waste materials and trash associated with the project shall be removed from the site to an appropriate disposal area.

Recreation Resources

1. Time activities to avoid impacts to the event (wedding) scheduled for 08/23/2014, covered by a separate SUP at Gold Creek Pond.
2. Display a simple sign on or at the dam explaining the project to curious recreationists.

Heritage Resources

If any person implementing this action discovers a cultural resource or human remains during project implementation, or if it is discovered that any known resources are affected in an unanticipated way, they shall stop work in the area of the find and make a reasonable effort to secure and protect the resource(s). They shall notify the Forest Service Line Officer, the Forest Service program representative, and/or the Forest Heritage Specialist. The Heritage Specialist shall assist in ensuring that federal agency responsibilities are fulfilled in accordance with the Programmatic Agreement and other applicable regulations (Stipulation III.B.5(c)). If human remains or cultural items specified in the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered, regulations implementing NAGPRA shall be followed.

Rationale for Decision

I plan to implement the Proposed Action because it meets the purpose and need, and will have minimal impact on National Forest System resources. This decision will result in the modification of an existing special use permit to Kittitas Conservation Trust to expand their hydrologic study at the Gold Creek area. Implementation of the Proposed Action will result in additional information to inform management of Gold Creek hydrology and fish populations.

Reasons for Categorically Excluding the Action from Additional Documentation

Specific actions may be categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS). Agency procedures contained in Code of Federal Regulations (CFR), Title 36, Section 220.6 state that a proposed action may be categorically excluded from documentation only if the action is within a category listed in Sections 220.6 (d) or (e) and there are no extraordinary circumstances related to the decision that may result in significant individual or cumulative environmental effects.

The proposed action qualifies for this exclusion under 36 CFR 220.6 (e) Category (3) *Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.*

Finding of No Extraordinary Circumstances

I have determined that there are no extraordinary circumstances related to this decision that may result in significant individual or cumulative environmental effects, as defined in 36 CFR 220.6(b). My determination is based on interdisciplinary team review, analysis, and documents

in the Project Record, as summarized below for each resource condition listed in 36 CFR 220.6(b).

1. The project was analyzed to determine effects on federally listed threatened or endangered species, designated critical habitat, species proposed for federal listing or proposed critical habitat, Forest Service Sensitive species, Survey and Manage species known or suspected of occurring on the Forest, and Forest Management Indicator species.

Wildlife: The Gold Creek Pond area has no documented threatened and endangered (T&E) or rare wildlife species. There are no known locations of federally listed wildlife species. The pond does provide resting, breeding, and foraging habitat for many species of migratory birds, including waterfowl, shore birds, raptors, and a number of migratory passerine birds. The likelihood of locating any T&E species within the project area is very low to none. The size and scope of the project will have no adverse effect to T&E species or other species of concern. Informal conferencing for the North American wolverine, a species proposed for listing under the ESA, was completed with a letter of concurrence from U.S. Fish and Wildlife Service (USFWS) dated July 15, 2014. The determination was “not likely to jeopardize the continued existence” of the North American wolverine.

Fisheries: There is the possibility of direct effects to bull trout due to dam construction in the outlet channel, but bull trout are not likely to be present. Adults head into the upper reaches of Gold Creek at this time of year, and warmer temperatures in the outlet discourage juveniles. Sediments associated with excavation of the dam would be generated, but would likely settle before reaching Gold Creek.

Consultation was completed with USFWS on July 15, 2014, via an expedited process using the Okanogan-Wenatchee National Forest’s programmatic biological assessment, supplemented with additional information. The National Marine Fisheries Service did not need to be consulted because the project area is not accessible to anadromous fish due to the impassable dam downstream, and effects of the project would not reach those listed fish or their designated critical habitats. The effect determination for bull trout is *may affect, not likely to adversely affect*. Project activities would have *no effect* on critical habitat designated in Gold Creek.

Habitat for Chinook and coho is not in the action area and would not be affected by the project. Proposed activities *would not adversely affect* essential fish habitat for Chinook or coho salmon. The three Regional sensitive species for this area are also not in the action area. Proposed activities would have *no impact* on river lamprey, pygmy whitefish, or Umatilla dace. While there are no specific “effect calls” for Management Indicator Species (MIS), proposed activities would not affect the viability of fish MIS populations on the Okanogan-Wenatchee National Forest.

Proposed activities would have short-term effects to several objectives of the Aquatic Conservation Strategy, but would be consistent with the strategy at the watershed scale. The project as proposed would not prevent, retard, or contribute significantly to the achievement of the Aquatic Conservation Strategy objectives at the scale the ACS objectives were described.

Botany: No Threatened, Endangered, or Sensitive plants are in the project area. One Survey and Manage fungus is nearby, but will be avoided. Since ground disturbance is planned, invasive weeds will be pulled and properly disposed.

2. No extraordinary circumstances exist and negligible effects to watershed resources are anticipated by allowing the proposed activities. The proposed activities are compliant with the direction set forth in the Executive Orders 11980 and 11990, standards and guidelines of the Wenatchee National Forest Land and Resource Management Plan (Forest Plan), as amended, and Federal and State laws. The project will not further degrade or cause listing of waterbodies under section 303(d) of the Clean Water Act. The project will have no effect on Jurisdictional Wetlands of the U.S. The project will have no effect to floodplains or municipal watersheds.
3. The project does not occur in any congressionally designated areas, such as a Wilderness, Wilderness Study Area, or National Recreation Area.
4. The project does not occur in an Inventoried Roadless Area.
5. The project is not situated in or near a Research Natural Area.
6. The project will not adversely affect any known American Indian religious or cultural sacred sites. The Federal government has trust responsibilities to Tribes under a government-to-government relationship to ensure that the Tribes' reserved rights are protected. Consultation with Tribes helps ensure that these trust responsibilities are met. The MBS Forest Supervisor consulted by mail on May 16, 2014, with the Yakama Nation, Snoqualmie Tribe, and Tulalip Tribes. No comments were received and there are no known potential impacts to American Indian religious or cultural sacred sites.
7. Cultural resource surveys were conducted for this area as part of the Gold Creek Floodplain Restoration area. No properties potentially eligible for the National Register of Historic Places were located. The Okanogan-Wenatchee National Forest Cultural Resource Specialist recommended cultural clearance with a determination of "No Effect" pursuant to the 1997 Programmatic Agreement regarding The Management of Cultural Resources on National Forests in Washington State.

Public Involvement and Tribal Consultation

The Yakama Nation, Snoqualmie Tribe, and Tulalip Tribes were contacted by mail on May 16, 2014. No comments were received in response to this contact. The MBS emailed project information and scoping letters to 42 members of the public and government agencies on May 20, 2014. Two groups (Conservation Northwest and Yakima Basin Fish and Wildlife Recovery Board), one government agency (USFWS) and one individual submitted comments and questions, to which the Forest Service replied. The proposed action was modified based on one comment. The questions were answered, and comments were supportive. There were no issues with the proposed action.

Findings Required by Other Laws and Regulations

National Forest Management Act of 1976: As required by 36 CFR 219.8(e), this decision is consistent with the Wenatchee National Forest Plan, as amended. The project is wholly located within lands allocated to Snoqualmie Pass Adaptive Management Area (AMA) and Riparian Reserves. One emphasis of the Snoqualmie Pass AMA is to provide late-successional forest. The project is compatible with LSR objectives in that it does not affect old growth forest ecosystems or the habitats they provide. The project is compatible with Riparian Reserves as outlined by the Hydrology and Fisheries Findings of No Extraordinary Circumstances, above. The project meets Forest-wide standards and guidelines for special use management. The project is also consistent with the Aquatic Conservation Strategy at the watershed scale.

National Historic Preservation Act: My decision complies with this Act. A cultural resource survey was conducted and found no properties potentially eligible for the National Register of Historic Places. Therefore, the undertaking meets the criteria given in Stipulation III.B.1 of the 1997 Programmatic Agreement between Advisory Council on Historic Preservation, Washington State Historic Preservation Officer, and US Forest Service Region 6.

Clean Water Act: My decision complies with this Act. Proposed ground disturbance would result in negligible effects to watershed resources, and best management practices would minimize potential effects. No trees would be cut.

Endangered Species Act: My decision complies with this Act. For effects findings on threatened or endangered species, see the Finding of No Extraordinary Circumstances section, above.

National Environmental Policy Act: My decision complies with this Act. The entirety of documentation for this project supports that the analysis and decision comply with this Act.

Administrative Review or Appeal Opportunities

The Forest Service no longer offers individuals or entities the opportunity to appeal categorically excluded projects under 36 CFR 215. On July 29, 2014 a final rule was published in the Federal Register that updates congressional direction as it relates to administrative reviews for categorically excluded projects documented with a decision memo. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014. Section 431 of that Act directed that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excludedunder the National Environmental Policy Act (NEPA).” On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA). The ARA’s implementing regulation was 36 CFR 215. The 2014 Farm Bill also directed that the pre-decisional objection process established in the Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities.

The permit holder, KCT, may appeal this decision pursuant to 36 CFR 214. Any appeal should be consistent with 36 CFR 214.8, Appeal Content. An appeal must be filed with the Appeal

Deciding Officer, addresses below, within 45 days of the date of this decision. Appeal documents may be filed in person or by courier, by mail or private delivery service, by facsimile, or by electronic mail. Parties to an appeal are responsible for ensuring timely filing of appeal documents.

An appeal may be sent to:

Appeal Deciding Officer
USFS Pacific Northwest Regional Office
Attention: 1570 Appeals
PO Box 3623
Portland, OR 97208
Fax: (503) 808-2469
Email: appeals-pnw-regional-office@fs.fed.us

Hand deliveries to the Regional Office will be accepted 8:00 am to 4:30 pm, Monday through Friday, except legal holidays at:

USFS Pacific Northwest Regional Office
Federal Building
1220 SW 3rd Ave
Portland, OR 97204

Electronic appeals must be submitted with scanned signature, as part of the actual e-mail message, or as an attachment in Microsoft Word, text, 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.

As provided in 36 CFR 214.6(b), as Responsible Official, I am willing to meet with the affected permit holder to discuss any issues related to the decision.

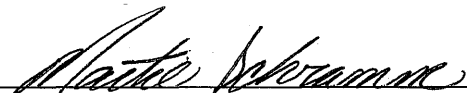
Implementation Date

Implementation of this decision may occur starting on the fifth business day following the 45-day appeal period after I sign this Decision Memo, unless an authorized stay is granted under 36 CFR 214.13(b). If the holder of the special use permit, Kittitas Conservation Trust, does not wish to appeal this decision, any of the above-described design features and mitigation measures, or the associated modification of the special use authorization, KCT may implement the project immediately.

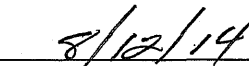
Contact Person

For additional information concerning this decision, or the Forest Service appeals process, contact:

Nikolai Ferrell, Special Uses Administrator
Snoqualmie Ranger District
902 SE North Bend Way, Bldg. 1
North Bend, WA 98045
Phone: (425) 888-8770
Email: nferrell@fs.fed.us



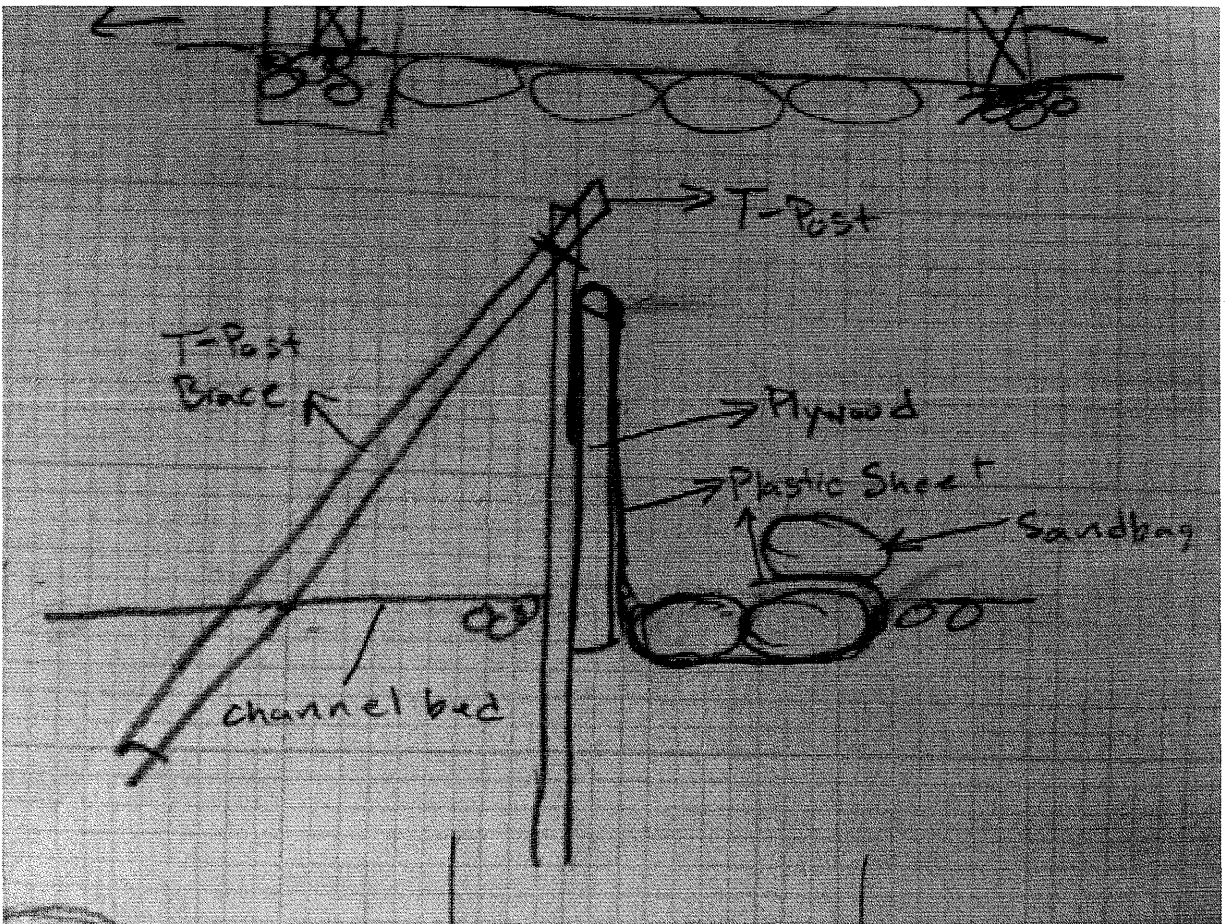
MARTIE SCHRAMM
District Ranger

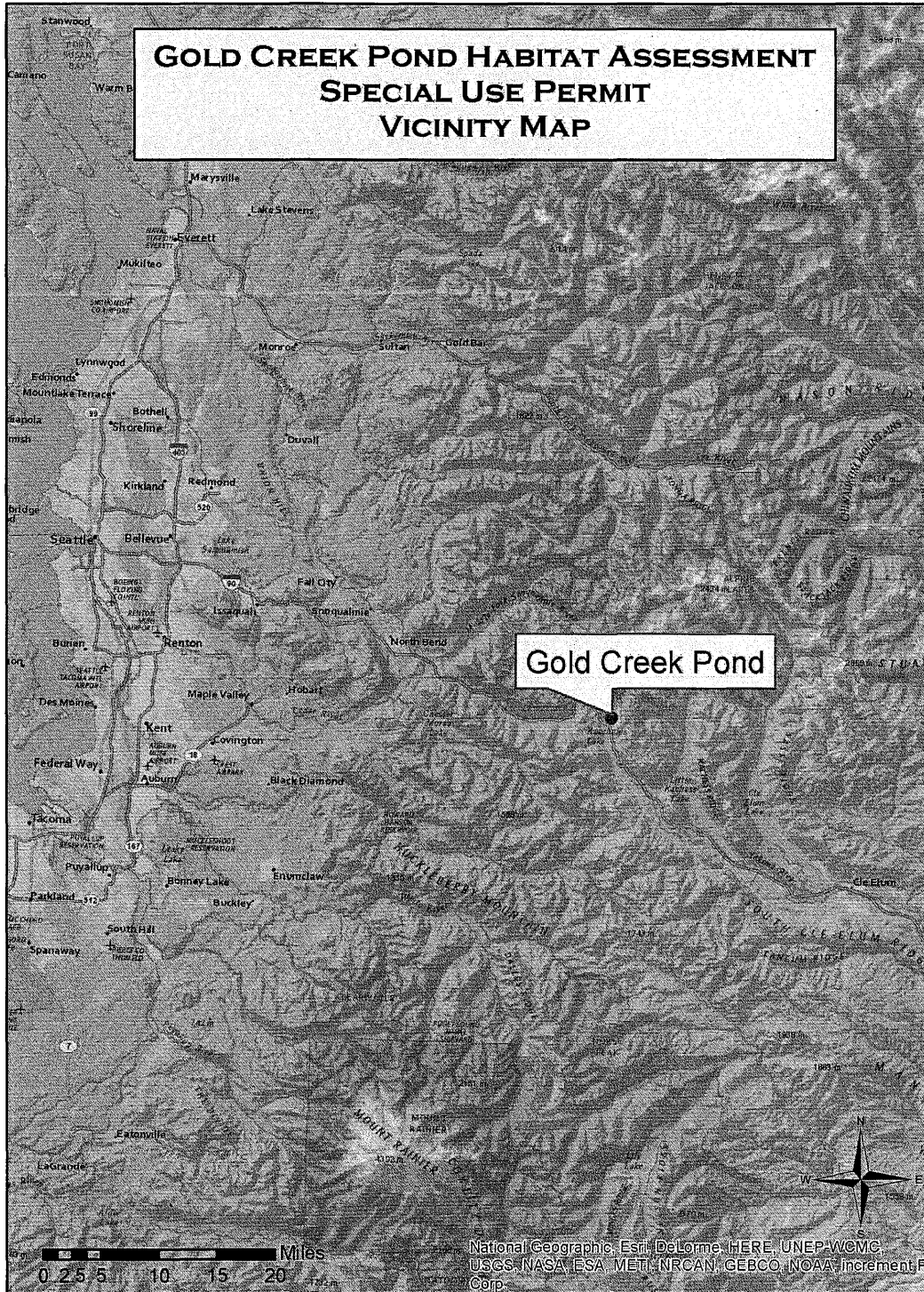


Date

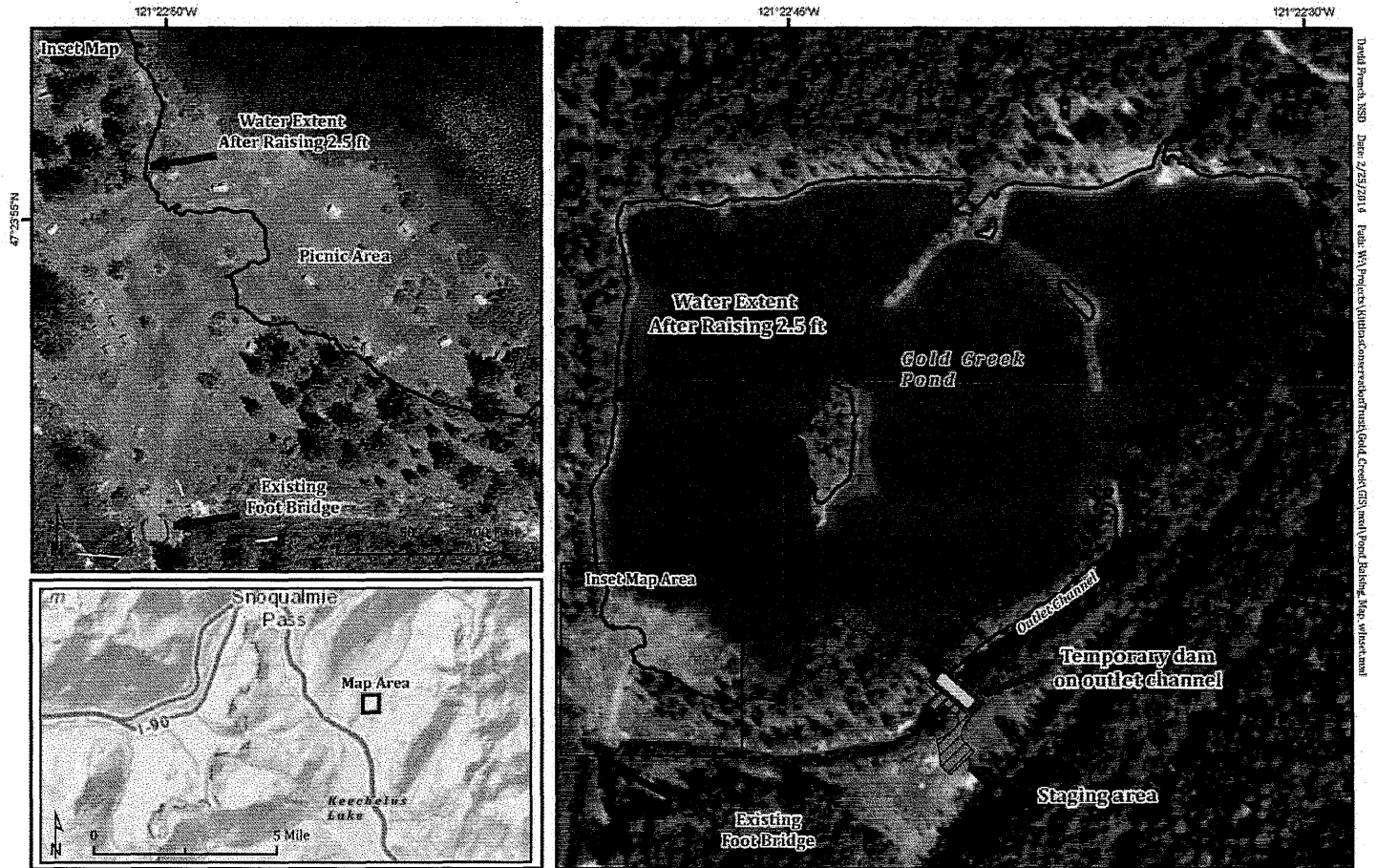
The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Figure 1 – Proposed Dam Design





Project Map



Gold Creek Habitat Assessment & Conceptual Design

Temporary Raising of Gold Creek Pond Water Surface

Extent of water surface represents conceptual raising of Gold Creek Pond by 2.5 vertical feet (NAVD88 Elevation 2539.5 ft) using a temporary dam at the outlet channel.

Topography: 2012 LIDAR (Puget Sound LIDAR Consortium, Watershed Sciences, Inc.)
Imagery: 2013 USDA NAIP

— Raised Water Surface Extent

▨ Disturbance Limit & Staging Area for Temporary Dam

Lambert conformal conic projection, NAD 1983
State Plane Coordinate System (WA South Zone)

Natural Systems Design

INITITAS
CONSERVATION
TRUST