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Forest
Service

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Lady Creek Water System

Special Use Permit Environmental

Assessment

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

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Background

The Lady Creek Water System is a non-profit organization that serves approximately 426 recreational residences on National Forest System lands near Rhododendron, Oregon. The water system has been in existence since 1933, and was originally authorized to operate on the National Forest by Special Use Permits. The authorizing permits have expired, but the facilities and uses are still desired.

The permit area covers approximately 25 acres of National Forest System land. This consists of 18 acres of water line right-of-way and 7 acres for structures and facilities. The facilities include three wells, a 75,000 gallon water storage tank, a diesel generator, chlorination house, water supply and distribution system, and regulator/valve houses. There are 11.6 miles of main water line and an undetermined length of pipe to individual cabins. The pipelines are authorized a 10 foot wide right-of-way. The legal description is: Sections 11, 13, 14, and 24, T.3S., R.7E., and Sections 16, 17, 18, 19, and 20, T.3S., R.8E., WM, Clackamas County, Oregon.

Purpose & Need for Action

The purpose of this proposal is to bring the permittee into compliance with Forest Service policies for permitted uses where the previous permit and operating plan has expired.

This action is needed because the Special Use Permit has expired. Issuing a new permit will maintain compliance with Forest Service policies and thereby implement a current operating plan for the water system.

Proposed Action

The action proposed by the Forest Service to meet the purpose and need is to issue new 10-year Special Use Permit to the Lady Creek Water System.

Public Involvement

Scoping for this project included review of the management direction for the area in the *Land and Resource Management Plan for the Mt. Hood National Forest* (Forest Plan), and the Northwest Forest Plan. An interdisciplinary team consisting of a fisheries biologist, wildlife biologist, botanist, archeologist, hydrologist and permit administrator were assigned to analyze the effects of this project.

Notices of this project were also published in the Spring and Summer, 2003 issues of “*Sprouts*”, the quarterly publication of the Mt. Hood National Forest where information about proposed actions on the Forest is shared with the public for comment. To date, no members of the public have expressed an interest in, or concern about the project. *Sprouts* currently is sent to several hundred individuals as well as being available to the public at

Forest Service offices, visitor centers, and the Mt. Hood National Forest web site: <http://www.fs.fed.us/r6mthhood> (click on “Forest Publications”).

On May 11, 2004 the Zigzag Ranger District held an “open house” event to inform the public of various projects and activities that are taking place on the District. A representative of the Lady Creek Water System was present at this open house, and maps were displayed that included the Phase 16 water line project. No concerns or comments were received.

Legal notice of this analysis was published in the Oregonian on July 5, 2004 for a 30-day public comment period. No comments were received.

Issues

Prior to 1980, the Lady Creek Water System drew its water from Lady Creek. There was a dam and impoundment on Lady Creek at the east end of Forest Road 35. In 1980 three wells were drilled to supply water to the system and it was no longer necessary to draw water from Lady Creek. However, the old bridge that was used previously when the operation withdrew water from Lady Creek still exists and presents a public safety hazard to recreationalists using it to cross the creek. A chain link fence previously installed to discourage use of the bridge is in disrepair and is hanging off the bridge over the Zigzag River.

COMPARISON OF ALTERNATIVES, INCLUDING THE PROPOSED ACTION

This section describes and compares the alternatives considered for the Special Use Permit re-issue proposal. It includes a description and map of each alternative considered. Because the interdisciplinary team or the public raised no substantive issues, only one action alternative is developed.

Alternatives

Alternative 1

No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. No new special use permits would be issued for the existing facilities, but the Lady Creek Water System would continue to operate.

Alternative 2

The Proposed Action

Issue a 10-year Special Use Permit to the Lady Creek Water System for the continued operation of the water system. The new Special Use Permit would include a revised operating plan that includes current Best Management Practices (BMPs) and other specific

requirements that are necessary to meet current Forest Plan Forest-wide standards and guidelines (see Chapter IV of the Forest Plan).

This alternative does not propose any ground-disturbing activities. Future ground disturbing activities would be evaluated in a separate analysis.

Alternative 3

The Proposed Action with Mitigation

This alternative is identical to Alternative 2 with the following addition: The chain link fence that has fallen off of the old bridge over Lady Creek would be pulled out of the creek and reinstalled back on the bridge (see Mitigation Measures common to Alternative 3).

Mitigation Measures Common to Alternatives 2 and 3

1. No new ground disturbance is proposed for this permit renewal. However, the Water System Headworks site was surveyed on March 11, 2004. No evidence of noxious weeds was found, although it was too early in the field season to identify most weeds. For the duration of the permit, the permittee would be required to maintain these project facilities in a weed free status. The permittee would have a qualified botanist survey the site every 3 years to ascertain the weed-free status. If weeds are found, the permittee would immediately remove them and would consult the District or Forest Botanist on weed treatment control and eradication measures.

Mitigation Measures Unique to Alternative 3

1. This mitigation measure addresses Issue #1; a public safety hazard that exists due a chain link fence that is in disrepair and is hanging off of the bridge over Lady Creek. As a condition of issuing a new Special Use Permit, the chain link fence would be pulled out of the creek and reinstalled on the bridge to keep recreationalists from using it.

ENVIRONMENTAL CONSEQUENCES

This section summarizes the physical, biological, and social environments of the affected project areas and the potential changes to those environments due to implementation of the alternatives. It also presents the scientific and analytical basis for the comparison of alternatives.

Fish and Water Impacts

Alternative 1

No Action

The No Action alternative would leave the Lady Creek Water System without an authorization. Under this alternative, the Special Use Permit would not be issued to the Lady Creek Water System, however the operation of the water system would continue without the overriding control of a permit and operating plan. Agency policy is to authorize all such activities with a Special Use Permit; to not issue a permit while allowing the Lady Creek Water System to operate would violate agency policy. This could result in adverse effects to aquatic resources such as sedimentation in streams from maintenance work.

Alternatives 2 and 3

With a permit and its requirements, the agency can better control the activities in the permit areas to provide protection for the resources. With the permit in place, the Forest can more readily coordinate with the Lady Creek Water System to insure compliance with various laws and regulations, and with Forest Plan standards and guidelines.

No direct, indirect, or long/short term effects to aquatic resources are anticipated by the implementation of this alternative. There would be no effect to Threatened, Endangered, or Sensitive (TES) species or habitat by the implementation of this alternative.

Wildlife

All Alternatives

TES Species: Habitat is present for the northern spotted owl. No nesting, roosting, foraging or dispersal habitat would be removed. This project will not likely adversely affect northern spotted owls. No other habitats would be impacted for any other listed TES species. There are no impacts expected to any other wildlife species.

Recreation and Public Safety

Alternatives 1 and 2

Under these alternatives, chain link fence that is in disrepair and is hanging off of the bridge over Lady Creek would not be repaired and reinstalled on the bridge. This would continue to pose a public safety hazard to recreationists who may attempt to cross the bridge.

Alternative 3

The Proposed Action with Mitigation

The environmental effects of this alternative would be the same as in Alternative 2. This alternative would require that the fence would be reinstalled on the bridge over Lady Creek,

which would lessen the public safety hazard that currently exists with the fence hanging off of the bridge.

Heritage Resources

Alternative 1

No Action

The No Action alternative would leave the Lady Creek Water System without an authorization. The Forest Service would not require the Lady Creek Water System to cease operation or remove their facilities, but would allow them to operate without the overriding control of a permit and operating plan. This could result in adverse effects to heritage resources from unauthorized maintenance work.

Alternatives 2 and 3

Issuance of new special use permit to existing facilities without new development falls into the category of a non-undertaking under the National Historic Preservation Act, and no further surveys or documentation is needed.

Botany

All Alternatives

TES Plants: There are no known sites for any TES plants within or adjacent to the Lady Creek Water System. The issuance of a new Special Use Permit will have no impact to any TES plant species.

Policies

Alternative 1

No Action

Under this alternative, the Special Use Permit would not be issued to the Lady Creek Water System, however the operation of the water system would continue. Agency policy is to authorize all such activities with a Special Use Permit; to not issue a permit while allowing the Lady Creek Water System to operate would violate agency policy.

Alternatives 2 and 3

The issuance of a new Special Use Permit would allow the Lady Creek Water System to continue to operate while meeting agency policy.

Cumulative Effects

The Lady Creek Water System has been in continued operation since 1933 with negligible cumulative effects to fisheries, wildlife, botanic species or heritage resources. With a current Special Use Permit (and Operating Plan) under Alternatives 2 and 3, no measurable cumulative effects are anticipated with the continued operation of the water system. However, under Alternative 1 (No Action), mitigation measures and a current operation plan would not be in place. This could result in cumulative effects to aquatic resources such as harmful sedimentation in streams from maintenance work.

CONSULTATION, COORDINATION & LIST OF PREPARERS

The Forest Service consulted the following individuals or organizations during the development of this environmental assessment:

OTHERS:

The Lady Creek Water System

INTERDISCIPLINARY TEAM MEMBERS:

Mike Malone – Team Leader/ NEPA Coordinator

Carol Horvath – Botanist

Duane Bishop – Fish Biologist

David Saiget – Fish Biologist

Leslie Haysmith – Wildlife Biologist

Jeff Jaqua – Archaeologist

Todd Parker – Hydrologist

Christy Covington – Permit Administrator

Mike Redmond, Environmental Coordinator

