



Forest Service
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Willamette National Forest

Decision Notice
for the
Elkhorn Creek Wild and Scenic River
Comprehensive River Management Plan

United States Department of Agriculture, Forest Service
Detroit Ranger District
Willamette National Forest
Marion County, Oregon

January 2024

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Introduction

In 1996, Elkhorn Creek on the Willamette National Forest and the Cascades Field Office of the Bureau of Land Management was designated as an addition to the National Wild and Scenic Rivers System in the Omnibus Parks and Public Lands Management Act of 1996, ([Public Law 104-333](#), section 1023, November 12, 1996). The United States Department of Agriculture Forest Service and the Bureau of Land Management completed an environmental analysis and comprehensive river management plan for the Elkhorn Creek Wild and Scenic River.

Since the Forest Service and the Bureau of Land Management share management responsibilities for the Elkhorn Creek Wild and Scenic River corridor, the Bureau of Land Management was a cooperating agency throughout the planning process.

Purpose and Need

The purpose of this proposal is to develop a comprehensive river management plan, as required by the Wild and Scenic Rivers Act ([Public Law 90-542](#)), to protect and enhance the values for which Elkhorn Creek Wild and Scenic River was designated (water quality, free-flowing condition, and outstandingly remarkable values) and to identify and implement management strategies needed to protect these values within the river corridor. The outstandingly remarkable values for Elkhorn Creek include scenery and fisheries.

Another purpose of this proposal is to establish final river corridor boundaries to facilitate the protection and enhancement of the outstandingly remarkable values, within the limits set by the Wild and Scenic Rivers Act. The underlying need is to address the requirements of the Wild and Scenic Rivers Act, section 3(d)(1) for federal agencies to prepare a comprehensive river management plan for the designated river segments that provide for the protection of river values.

The primary purpose of the comprehensive river management plan is to protect and enhance the outstandingly remarkable values, water quality, and free-flowing condition of the Elkhorn Creek Wild and Scenic River segments for the benefit and enjoyment of present and future generations. Based upon the evaluated corridor conditions, existing management direction, and need for action, the comprehensive river management plan will:

- address current conditions and other management practices, as required by law;
- protect and enhance outstandingly remarkable values;
- ensure free-flowing conditions and water quality are maintained;
- determine types and amounts of uses (user capacity) that Elkhorn Creek can support while protecting river values;
- inform future management actions within the designated river corridor; and,
- develop a monitoring strategy to maintain desired conditions.

Project Location

The project area is located in the Cascades Range, approximately 35 miles east of Salem and 5 miles northeast of Gates in Marion County, Oregon. Elkhorn Creek Wild and Scenic River is 7.0 miles long, including approximately 3.8 miles managed by the Detroit Ranger District of the Willamette National Forest and approximately 3.2 miles managed by the Cascades Field Office of the Bureau of Land Management.

The total wild and scenic river corridor includes 4,124 acres, with the Forest Service responsible for the management of 2,475 of those acres. A portion of the area managed by the Forest Service overlaps with the

Opal Creek National Scenic Area. Appendix A, figure 1 shows the vicinity of the project area and the final boundaries of the wild and scenic river corridor.

Designated Segments and Classification

Rivers designated by the Wild and Scenic Rivers Act are classified as wild, recreational, or scenic (section 2(b)). The Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, section 1023, November 12, 1996) classified the designated segments as either wild or scenic (table 1).

The Forest Service is responsible for the management of 3.8 total river miles and 2,475 acres of the wild segment within the wild and scenic river corridor. As described in section 2(b) of the Wild and Scenic Rivers Act, a wild river is “a river or segment of a river that is free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.” The remaining area within the wild and scenic river corridor is managed by the Bureau of Land Management.

Table 1 describes the designated segments and identifies the outstandingly remarkable values associated with each segment.

Table 1. Description of Elkhorn Creek designated river segments and outstandingly remarkable values

Designated Segment	Length (miles)	Classification	Administering Agency	Upstream Terminus	Downstream Terminus	Outstandingly Remarkable Values
Segment 1	6.4	Wild	Forest Service and Bureau of Land Management	Forest Service boundary on the common section line between Sections 12 and 13 Township 9 South, Range 4 East	Confluence with Buck Creek (Township 9 South, Range 3 East, Section 1)	Scenery and Fisheries
Segment 2	0.6	Scenic	Bureau of Land Management	Confluence with Buck Creek (Township 9 South, Range 3 East, Section 1)	Buck Creek to that point where the segment leaves Federal ownership along the Bureau of Land Management boundary in Township 9 South, Range 3 East, Section 1	Fisheries

Decision and Reasons for the Decision

Based upon my review of the proposed action, environmental analysis, and public involvement, I have decided to implement the proposed action (hereafter referred to as the selected alternative). My decision will adopt the comprehensive river management plan for the segment of Elkhorn Creek, designated as a part of the wild and scenic rivers system. The purpose of the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan is to establish overall management direction to protect and enhance the values for which these rivers were designated (free-flowing condition, water quality, and outstandingly remarkable values).

Overall, the comprehensive river management plan establishes programmatic management direction for Elkhorn Creek, including adopting final river corridor boundaries, management direction, user capacities, monitoring

plan, and identification of potential future management actions necessary to protect and enhance Elkhorn Creek's values. The selected alternative would also amend the Willamette Land and Resource Management Plan of 1990, as amended.

Much of the content of the Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan is informational and provides a baseline for future management, such as planning context and baseline conditions. The selected alternative does not propose ground disturbing activities. Instead, the selected alternative recommends non-ground disturbing, inventory activities to inform the baseline condition. It also recommends ongoing, non-ground disturbing monitoring that should occur to determine what potential impacts are occurring over time. The plan identifies potential management actions that could be considered to maintain and enhance the values for which Elkhorn Creek was designated. If managers determine that action is needed to maintain or enhance the values of Elkhorn Creek, additional environmental review may be required at that time.

The components of the selected alternative are summarized in the following sections and described in more detail in the final environmental assessment for this project.

Details of the Decision

User Capacity

The Wild and Scenic Rivers Act directs that river-administering agencies address visitor use capacities to protect the free-flowing conditions, water quality, and outstandingly remarkable values of designated rivers (section 3(d)(1) of the [Wild and Scenic Rivers Act](#), October 2, 1968). User capacity can be described as a subset of the larger visitor-use management framework. User capacity is an estimate and not a definitive number. This is particularly true in situations where the amount of use is low and does not threaten desired conditions or river values. In these situations, capacity estimates yield visitor use numbers that are far higher than current amounts of use; thus, decisions about capacity do not result in near-term management actions to regulate use levels.

For the purposes of determining user capacity, the agencies used the classifications for the designated segments (wild or scenic). The wild and scenic segments each have their own visitor capacity. The identified user capacity numbers do not reflect current use, as there are currently very limited recreational activities pursued in the river corridor due to difficult access and steep terrain. However, monitoring will still occur, and more precise numbers will be developed if trends suggest river values could be threatened.

The user capacities in table 2 were developed for these river segments according to the requirements of the Wild and Scenic Rivers Act and will be adopted as part of the comprehensive river management plan.

Table 2. User capacity for each segment of Elkhorn Creek

Segment	Measure	Existing Use	Estimated Capacity	Justification
Wild	People per day	Non-existent to very low. Estimate one to two groups every 5 years	15 people per day	Primitive recreation opportunity spectrum, primitive recreation setting characteristics, very low intensity zone, fewer than 6 encounters, up to 3 people in a group
Scenic	People per day	Very low: most use occurs on Elkhorn Road bridge	28 people per day	Backcountry recreation setting characteristics; up to 7 encounters, up to 4 people in a group (lowest backcountry group size and encounters)

To monitor each river value, one or more key indicators are selected that will allow managers to keep attuned to changes in the ecosystem or social setting. For each key indicator, a threshold is set. This value determines the amount of change desired or that will be accepted before river management objectives are no longer being met.

In this manner, indicators and thresholds provide managers with information to determine if the resource values, and opportunities they are managing, are being protected. Managers also identify resource conditions that would act as triggers that cause predetermined management actions to be considered when the threshold is being approached. For each indicator, a management action is identified for implementation if a particular threshold is reached. Depending on the extent of these management actions, additional site-specific environmental analysis may be required.

More details about user capacity, including triggers and thresholds, can be found in the Visitor Capacity section of the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan. Also, the User Capacity Analysis: Elkhorn Creek Wild and Scenic River (June 2022) is available via the project webpage: <https://www.fs.usda.gov/project/?project=60604>.

Final Boundaries

The Wild and Scenic Rivers Act requires that each federally administered river in the national system have a legally established boundary. After this decision is finalized, the Forest Service (as the river administering agency) will publish a notice in the *Federal Register* for the availability of the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan and final boundary package for the Elkhorn Creek Wild and Scenic River for review.

The map showing the final boundaries is included as figure 1 of the environmental assessment and as figure 1 in appendix A of this decision notice. It is my decision to adopt the final boundaries as proposed. These final boundaries include the following changes from the interim boundaries that were established at time of designation.

The interim boundaries were adjusted to include additional National Forest System land in the upper reaches of the watershed for additional protection of fish species and their habitat as well as water quality. Other minor modifications adjusted the boundaries slightly to follow the ridgeline, where feasible, and incorporate additional acres of the watershed. Due to more accurate modern GIS (mapping system) data since the river's designation, the total length of the river from the termini identified in the designating legislation has been updated from 6.4 miles to 7.0 miles.

Management Action

This draft decision does not authorize any ground disturbing activities. The selected alternative lays out a framework for monitoring potential impacts to outstandingly remarkable values and the potential management actions that could be considered. Ground disturbing activities will require additional environmental review by the river-administering agencies to ensure compliance with law, policy, and regulation prior to implementation.

Forest Plan Amendment

On April 3, 2000, the forest plan map of record was updated to include the creation of Management Area 6a for Elkhorn Creek Wild and Scenic River. The applicable management direction for Management Area 6a can be found in the comprehensive river management plan. This management direction applies to the portions of the designated Elkhorn Creek Wild and Scenic River on National Forest System lands. Additionally, the Opal Creek Scenic Recreation Area Management Plan further amended the forest plan in 2002 and provides additional desired conditions, standards, and guidelines for the wild segment of Elkhorn Creek on National Forest System lands.

Through this decision, I am authorizing a programmatic amendment to the Willamette Land and Resource Management Plan to modify the boundaries of Management Area 6a to encompass the river corridor included in the final boundaries for the Elkhorn Creek Wild and Scenic River. This programmatic forest plan amendment would be applied specifically to the Forest Service administered portion of the wild and scenic river corridor. The wild and scenic river boundaries would be finalized, amending Management Area 6a to encompass the river corridor included in the final boundaries for the Elkhorn Creek Wild and Scenic River.

Monitoring Plan

Through this decision, I am authorizing the monitoring plan located in Chapter 6 of the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan. The Wild and Scenic Rivers Act and agency manual direction instructs the river-administering agencies to develop a monitoring strategy which will ensure that desired conditions are maintained or that management activities are adapted accordingly (section 3(d)(1), Forest Service Manual 2300). Monitoring is essential to protecting river-related values.

The objective of the visitor capacity, potential future management actions, and monitoring plan, located in Chapter 6 – Implementation and Monitoring Plan of the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan, is to protect Elkhorn Creek’s free-flowing condition, water quality and quantity, outstandingly remarkable values, and to address visitor use. Monitoring data will help the agencies understand post-fire recovery and determine if management actions are necessary to protect river values from degradation.

Decision Rationale

The Wild and Scenic Rivers Act established a nationwide system of outstanding free-flowing rivers. For a river segment to be considered eligible for a designation as a wild and scenic river, it must be free-flowing and possess outstandingly remarkable values within its immediate environment. As of April 2019, 226 rivers in 41 states and the Commonwealth of Puerto Rico have been added to the National Wild and Scenic Rivers System. The Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan will allow for proper management of this national treasure for the benefit and enjoyment of present and future generations.

In addition to making this decision for the long-term preservation of one of our Nation’s wild and scenic rivers, I am making this decision to meet the requirements of the Wild and Scenic Rivers Act, including section 3(d)(1). My decision will appropriately adopt the comprehensive river management plan, including the user capacity, forest plan amendment, and monitoring plan. Also, my decision will establish the final river corridor boundaries to facilitate the protection and enhancement of the outstandingly remarkable values, within the limits set in the Wild and Scenic Rivers Act.

Lastly, I have chosen the selected alternative because it fully meets the purpose and need for action and lays the framework for monitoring and management needed to protect the values within the Elkhorn Creek Wild and Scenic River corridor designated in 1996.

Other Alternatives Considered

Alternatives to the proposed action should fulfill the purpose and need and address unresolved conflicts related to the proposed action. The environmental assessment evaluated the proposed action and no action alternatives. There are no unresolved resource concerns associated with this project. For that reason, no other action alternatives were analyzed for this project.

The no action alternative would adopt the interim boundaries, as designated by Congress in 1996, and would continue monitoring for other purposes as guided by the Willamette Land and Resource Management Plan. The no action alternative would not require monitoring to ensure that the outstandingly remarkable values for Elkhorn Creek are maintained. Standards and guidelines from the existing forest plan direction, as amended,

would continue to apply. No programmatic amendment would be implemented for the forest plan; therefore, the final land allocation for the Elkhorn Creek Wild and Scenic River corridor would not be added to the forest plan.

The team also considered other alternative corridor boundaries before determining that they would not add additional protections to the river values for which the Elkhorn Creek Wild and Scenic River had been designated. These have been described in the environmental assessment.

After careful review of the analysis and public comments received, I decided that the selected alternative best meets the purpose and need of the project to protect and enhance the values for which the Elkhorn Creek Wild and Scenic River was designated.

Public Involvement and Government Consultation

This project was included in the [Willamette National Forest Schedule of Proposed Actions](#) on October 1, 2021. It was also published to the [Bureau of Land Management National NEPA Register](#) on August 5, 2021.

The agencies conducted a 30-day pre-scoping comment period from August 30 to October 1, 2021, requesting comments on the River Values Report for Elkhorn Creek Wild and Scenic River.

The Willamette National Forest and the Bureau of Land Management Cascades Field Office share management responsibilities with the Oregon Department of Environmental Quality, the Oregon Water Resource Department, the Oregon Department of Fish and Wildlife, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the State Historic Preservation Office, and tribal governments. The request for comments was distributed using mailing lists from both the Bureau of Land Management Cascades Field Office and the Willamette National Forest. In total, the agencies sent outreach materials to three Tribes, two federal agencies, ten state agencies, and several individuals on mailing lists.

The agencies received responses from the Oregon Department of Fish and Wildlife, Oregon Wild, and one individual. The information received was incorporated into the planning team's condition inventories, outstandingly remarkable value determinations, and the environmental assessment.

The Willamette National Forest and the Bureau of Land Management Cascades Field Office notified the project mailing list of the combined scoping and comment period for this project beginning on May 23, 2023, and ending on June 23, 2023. The Forest Service and Bureau of Land Management solicited public and tribal comment on the draft environmental assessment, the draft comprehensive river management plan, associated specialist reports, and the draft finding of no significant impact. The combined scoping and comment period spanned 30 days. A legal notice announcing the opportunity to comment was published in the *Register Guard* on May 23, 2023. The public was invited to submit comments via email, mail, or directly through the Forest Service's project website (<https://www.fs.usda.gov/project/?project=60604>).

One comment letter was received from a non-governmental organization, who commented on nine topics and stated that they generally supported the proposed comprehensive river management plan. The information received was used to make one update to the final comprehensive river management plan. However, most comments were found to have been already addressed in the environmental assessment or associated documents. A full response to comments is available in the Scoping and Comment Period section of the final environmental assessment.

On September 13, 2023, the Willamette National Forest released the final comprehensive river management plan, final environmental assessment, and draft decision notice & finding of no significant impact. This milestone initiated a 45-day objection period. The objection period is summarized in the [Administrative Review Process](#) section.

Tribal Consultation

The Willamette National Forest and the Bureau of Land Management Northwest Oregon District initiated consultation with the Confederated Tribes of Siletz, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Warm Springs. Letters were sent to these three Tribes on August 25 and August 26, 2021, requesting input on the development of the comprehensive river management plan during the project's pre-scoping effort on the River Values Report: Elkhorn Creek Wild and Scenic River. The Confederated Tribes of Warm Springs commented with a request to keep them informed of the project's progress to ensure that section 106 of the National Historic Preservation Act is being followed.

Consultation letters to announce the availability of the draft environmental assessment, draft finding of no significant impact, draft comprehensive management plans, and supporting documents were sent to the three Tribes on May 10, 2023. No formal comments were received from any of the three Tribes in response to these emails and letters.

The Bureau of Land Management's District Manager, Dennis Teitzel; District Archaeologist and Tribal Liaison, Britt Betenson; and Cascades Field Office Manager, Amanda Hoffman met for an annual meeting with the Confederated Tribes of the Grand Ronde on May 11, 2023. During this meeting, this project was briefly discussed along with other wild and scenic river-related projects; there were no specific comments related to the Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan expressed during the meeting.

Bureau of Land Management (Cooperating and Administering Agency)

The Cascades Field Office manages Bureau of Land Management administered lands within the Elkhorn Creek Wild and Scenic River corridor. As such, the Bureau of Land Management has been a cooperating agency throughout the planning process. The Cascades Field Office Field Manager will be issuing a decision on the selected alternative, which would decide whether to adopt the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan and final boundaries.

The Bureau of Land Management is the administering agency for a portion the wild segment and the entire scenic segment of the Elkhorn Creek Wild and Scenic River corridor. As such, the Bureau of Land Management will provide the determination of effects to water quality, free-flowing condition, and outstandingly remarkable values for the lands that they administer. The Bureau of Land Management manages the locatable mineral claims on all federal lands within the Elkhorn Creek Wild and Scenic River corridor.

Findings Required by Other Laws and Regulations

This section describes how this project is consistent with some other key laws and executive orders. Additional discussion on how this project meets the requirements described in this decision notice, along with other applicable federal and state law, regulation, and policy, can be found in the "Consistency with Relevant Law, Regulation, and Policy" sections found in the environmental assessment.

Wild and Scenic Rivers Act

This project is designed to be meet the requirements of and be consistent with the Wild and Scenic Rivers Act. Following the designation of the river as a wild, scenic, or recreational river, the Act in section 3(d)(1) requires the federal agencies charged with the administration of each component of the national wild and scenic rivers system to prepare a comprehensive river management plan consistent with the following requirements:

- Description of river setting and river values, including a detailed description of the outstandingly remarkable values (section 1(b));

- Define the goals and desired conditions for protecting river values (section 3(d)(1) and 12(a));
- Address development of lands and facilities (section 3(d)(1));
- Address user capacity and establish appropriate levels of use (section 3(d)(1));
- Address water quality issues and instream flow requirements (sections 1(b), 12(c) and 13(c));
- Prescribe actions needed to manage development along streambank (section 6 and 14);
- Identify regulatory authorities or other governmental agencies that assist in protecting river values (section 3(d)(1));
- Reflect a collaborative approach with all stakeholders (section 13(d)(1));
- Include a monitoring strategy to protect and enhance river values (section 10 (a)); and,
- Establish detailed river area boundaries (section 3(b) and 3(c)).

I find that my decision meets all of these statutory requirements and is consistent with the Wild and Scenic Rivers Act.

National Forest Management Act

I find that the selected alternative is consistent with the National Forest Management Act, including the management direction found in the Willamette Land and Resource Management Plan, as amended. This decision to adopt the Final Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan and the final wild and scenic river corridor is consistent with the intent of the forest plan's long-term goals and desired future conditions. Additionally, I find that the selected alternative is consistent with the major amendments to the Willamette Land and Resource Management Plan, including the Northwest Forest Plan of 1994.

Also, I find that the selected alternative is consistent with the Willamette Land and Resource Management Plan and regional direction on management indicator species. The analysis found that there would be no direct effects to management indicator species because the comprehensive river management plan is not proposing ground-disturbing activities. The indirect effects to species would likely be beneficial due to increased protections provided by the designation. If future management actions are proposed to maintain and enhance river values, then additional analysis may be needed at that time.

Forest Service Sensitive Species

I have considered the impacts to aquatic, wildlife, and botanical species as disclosed in the specialist reports posted to the project webpage: <https://www.fs.usda.gov/project/?project=60604>. All resource areas used the Pacific Northwest (Region 6) regional forester's sensitive species list. The selected alternative will have no significant adverse effects to sensitive species. The project will not jeopardize the continued existence of any listed species, nor will it cause a trend to federal listing or loss of viability for these species.

The selected alternative will protect sensitive species located within the final river corridor through the protection and enhance of river values (free-flowing condition, water quality, and outstandingly remarkable values).

Planning Rule (36 Code of Federal Regulations 219)

This decision includes a programmatic amendment to the Willamette Land and Resource Management Plan to change the management allocations based on the final wild and scenic river boundaries and classifications.

The forest plan will be amended under the 2012 Planning Rule (36 Code of Federal Regulations (CFR) 210). The 2012 Planning rule has different provisions than the 1982 Planning Rule under which the Willamette Land and Resource Management Plan was developed. The purpose of this amendment is to make the forest plan consistent with the Omnibus Act (Public Law 104-333, section 1023, November 12, 1996), specifically the wild and scenic river designations on the Willamette National Forest. All future projects and activities must be consistent with the amended Willamette Land and Resource Management Plan.

The 2012 Planning Rule requires the Forest Service to identify which substantive rule provisions within 36 CFR 219.8 through 219.11 are directly related to the amendment, and these substantive rule provisions must be applied to the amendment. The applicable substantive provisions apply only within the scope and scale of the amendment (36 CFR 219.13(b)(5)). The substantive requirements that are directly related to this amendment include the following:

36 CFR section 219.8(a)(2)(iii) and (a)(2)(iv) – to maintain or restore water quality and water resources.

Water quality and resources were considered in the development of the proposed boundary changes. Designated rivers must be managed to protect water quality. After implementation of the plan amendment proposed under the proposed action, the forest plan would continue to provide the necessary components, mainly in the standards and guidelines, for the protection of soil, water, and riparian resources, wild and scenic rivers, and overall watershed function to meet the substantive requirement listed above.

36 CFR section 219.8(a)(3)(i) – to maintain or restore the ecological integrity of riparian areas in the plan area including plan components to maintain or restore structure, function, composition, and connectivity.

The ecological integrity of the riparian area was considered in the development of the proposed final boundaries. The interactions between ecosystem elements (including water, climate, plant communities, wildlife and fisheries) occur within a natural setting.

Standards and guidelines in the forest plan protect the ecological integrity within the river corridor and meet the substantive requirement listed above. In addition, the Opal Creek Scenic Recreational Area designation would not change and would continue to overlap with the final Elkhorn Creek Wild and Scenic River land use allocation. Existing standards and guidelines that provide for the maintenance of ecological integrity would not change in protection of the free-flowing character, water quality, and outstandingly remarkable values.

36 CFR section 219.9(a)(1) and (a)(2) – to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore their structure, function, composition, and connectivity. In doing so, the plan must include plan components to maintain or restore key characteristics associated with terrestrial and aquatic ecosystem types, rare aquatic and terrestrial plant and animal communities, and the diversity of native tree species.

The ecological integrity of the terrestrial and aquatic ecosystem and watershed of Elkhorn Creek was considered in the development of the proposed final boundaries. The interactions between ecosystem elements (including water, climate, plant communities, wildlife and fisheries) occur within a natural setting.

Standards and guidelines in the forest plan protect the ecological integrity within the river corridor and meet the substantive requirement listed above. In addition, the Opal Creek Scenic Recreational Area designation would not change and would continue to overlap with the final Elkhorn Creek Wild and Scenic River land use allocation. The forest plan, as amended by the Northwest Forest Plan of 1994, includes the aquatic conservation strategy, which was developed to restore and maintain the ecological health of watersheds and aquatic ecosystems. The strategy also protects salmon and steelhead habitat on federal lands within the range of Pacific Ocean anadromous fish.

Existing standards and guidelines that provide for the maintenance of ecological integrity would not change in protection of the terrestrial and aquatic ecosystem, the rare aquatic and terrestrial plant and animal communities, and the diversity of native plant species. The proposed management actions identified in the comprehensive

river management plan include activities that would allow for native tree plantings and large woody debris replacement in the river channel. The proposed action would maintain and restore the ecological integrity of the Elkhorn Creek terrestrial and aquatic ecosystems and watershed.

36 CFR 219.9(b)(1) – The responsible official shall determine whether or not the plan components required by 36 CFR 219.9(a) provide the ecological conditions necessary to contribute to the recovery of federally listed threatened and endangered species. Additional species-specific plan components must be included in the plan to provide such ecological conditions in the plan area if plan components required by 36 CFR 219.9(a) are insufficient to provide such ecological conditions.

Implementation of the proposed forest plan amendment would provide the necessary components to meet this substantive requirement, primarily in the framework for potential future management actions and monitoring, that would provide further protection of the fisheries outstandingly remarkable value. The federally listed fish species in Elkhorn Creek would benefit from the proposed action in that further monitoring will guide in the decision of future management, specifically management that maintains the largely roadless, non-fragmented habitat conditions of the area and encourages stream habitat restoration.

The existing forest plan direction would continue to provide additional protection for water quality, fisheries, and threatened and endangered species. Under the proposed action, additional monitoring would guide adaptive management for the protection or enhancement of these resources, as necessary. Indicators and thresholds in the comprehensive river management plan have been identified that would inform future management actions necessary to maintain quality fish habitat necessary to contribute to the recovery of federally listed threatened and endangered species.

36 CFR section 219.10(a)(1) – Integrated resource management for multiple use shall consider: Aesthetic values, air quality, cultural and heritage resources, ecosystem services, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and habitat connectivity, recreation settings and opportunities, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources and uses.

The goal of the Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan is to protect and enhance the values for which Elkhorn Creek was designated (free-flowing condition, water quality, and outstandingly remarkable values). Fisheries is an outstandingly remarkable value for both segments, and scenery is an outstandingly remarkable value for the wild segment. No additional resources are considered outstandingly remarkable values in the post-Beachie Creek Fire conditions.

The implementation of the proposed forest plan amendment would provide the necessary components to meet this substantive requirement, primarily in the framework for potential future management actions and monitoring, that would provide further protection of the outstandingly remarkable values.

The existing forest plan standards and guidelines would continue to provide additional protection for water quality, fisheries, scenery, vegetation, and recreation settings and opportunities.

The proposed action provides for protection of aesthetic values within the river corridors. This is accomplished in the comprehensive river management plan through: visual resource management identified through visual quality objectives; baseline condition descriptions that address specific scenic features and qualities of the wild river segment; and protection and enhancement of the scenery outstandingly remarkable value identified for the wild segment. Monitoring is intended to identify the condition of the scenery river value in the wild segment along with monitoring thresholds for indicators that would threaten to degrade scenic quality, such as spread of invasive species.

36 CFR section 219.10(b)(1)(i) – Sustainable recreation; including recreation settings, opportunities, and access; and scenic character. Recreation opportunities may include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air.

Sustainable recreation was considered in the development of the Elkhorn Creek proposed final boundaries. Implementation of the proposed forest plan amendment would provide sustainable opportunities for solitude and primitive recreation in a wild setting. Visitor use within the designated segments is very low due to difficult access and steep topography; most use has occurred in the scenic segment near the Elkhorn Road bridge. Inaccessibility and steep terrain are key elements of the recreation experience, primarily in the scenic segment, that meet the above substantive criteria.

36 CFR section 219.10(b)(1)(v) – Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system.

Modifying the forest plan Management Area 6a land use allocation with the final wild and scenic river corridor boundary protects and enhances the rivers values for which Elkhorn Creek was designated, in compliance with the Wild and Scenic Rivers Act. In addition to free flow and water quality, outstandingly remarkable values were determined post Beachie Creek Fire by a planning team using the process discussed in the [River Values Report: Elkhorn Creek Wild and Scenic River](#), completed in 2021.

Clean Water Act

The Clean Water Act provides the structure for regulating pollutant discharges to waters of the United States. The Clean Water Act's objective is "...to restore and maintain the chemical, physical, and biological integrity of the Nation's waters," and is aimed at controlling point and non-point sources of pollution. The U.S. Environmental Protection Agency administers the Clean Water Act, but many permitting, administrative, and enforcement functions are delegated to state governments. In Oregon, the designated agency for enforcement of the Clean Water Act is the Oregon Department of Environmental Quality. See the River Values Report: Elkhorn Creek Wild and Scenic River for further information regarding water quality in the project area.

Management of wild and scenic rivers requires that the actions of the river-administering agencies protect water quality. Water quality would be restored or maintained should the forest plan standards and guidelines, as well as best management practices, be implemented over time.

Administrative Review Process

This decision was subject to pre-decisional administrative review (objection) pursuant to 36 CFR 219, subpart B. The 45-day objection filing period for the Draft Decision Notice began on September 13, 2023, with a legal notice published in *The Register Guard*, the newspaper of record (36 CFR 219.56). The objection period spanned September 13, 2023 through October 30, 2023. Only individuals or organizations who submitted timely, specific written comments (36 CFR 218.2) during a designated opportunity for public participation (scoping or 30-day comment period) were eligible to object (36 CFR 218.5). Issues raised in objections needed to be based on previously submitted specific written comments regarding the proposed project and attributed to the objector, unless the issue was based on new information that arose after the opportunities for comment. No objections were filed.

Implementation

I reviewed the environmental assessment and comprehensive river management plan and believe that there is adequate information within these documents to provide a reasoned choice of action. The selected alternative will cause no unacceptable cumulative impacts to any resource. The administrative review period has ended and the adoption of these guidelines as part of our management documents may occur immediately following the issuance of this Decision Notice and the Finding of No Significant Impact.

For further information concerning the Elkhorn Creek Wild and Scenic River Comprehensive River Management Plan project, please contact Elsa Gustavson, Forest Environmental Coordinator at elspeth.gustavson@usda.gov, Willamette National Forest Supervisor's Office, 3106 Pierce Parkway, Suite D, Springfield, Oregon 97477, 541-225-6436.

Approved by:

David Warnack

Forest Supervisor

Willamette National Forest

