

Implementation Description:

Burns Paiute Tribe Logan Valley Diversion Measurement Device Installation

Category 1: Fish Passage Restoration	Lead Preparer: Kate Olsen
Applicant: Burns Paiute Tribe	NEPA Reference: Aquatic Restoration EA <small>(http://www.fs.usda.gov/detailfull/malheur/landmanagement/?cid=STELPRD3817723&width=full)</small>
Location: T: 160S R: 332E S: SE ¼ of 2 & T: 160S R: 332E S: NE ¼ of 21	Lease/ /Case File/ Serial #: Does not apply (Reference #): Does not apply
USGS Quad: Logan Valley West (B644118) and Logan Valley East (B544118)	
Begin Date: 11/03/2014	Due Date: 03/01/2015 (or once field visits occur)

Purpose/Need:

The 2 part purpose and need of the proposed action is:

1. The proposed project includes installing water measurement devices on two Significant Points of Diversion (SIGPODs) in order to satisfy the requirements of the Oregon Water Resource Department (OWRD). These are the irrigation ditches off of Big Creek and Lake Creek. Both of these proposed devices are located on U.S. Forest Service land, while the project will allow for compliance between the water rights holder (BPT) and ODWR.
2. Accurate measurement of the flow through these two ditches will allow for more accurate measurement and monitoring of the amount of water that is being taken irrigation. This project will affect water allocation of Big Creek and Lake Creek which are both fish bearing. The state sensitive Malheur mottled Sculpin (*Cottus bendirei*), Margined Sculpin (*Cottus marginatus*), and Redband Trout (*Oncorhynchus mykiss*), as well as the federally threatened Bull Trout (*Salvelinus confluentus*) are all known to occur in these creeks. These ditches flow from Lake and Big Creek, which are significantly impacted when water levels become low. Low water levels and high water temperatures can have negative impacts on native fish, such as Bull Trout, which we target for restoration.

Land Use Plan Conformance:

The impacts from this work will be highly localized, with ground disturbance occurring only at the two gage sites. Both of these locations are administered under Management Area (MA) 3A “Non-Anadromous Riparian Areas” of the Malheur National Forest Land and Resource Management Plan (LRMP). The goal of MA3A is to “Manage riparian areas to protect and enhance their value for wildlife, resident fish habitat and water quality... Design and conduct management in all riparian areas to maintain or improve water quality and beneficial uses” (USDA Forest Service, 1990). The proposed

project would be located in the Big Creek and Lake Creek subwatersheds of the Headwater Malheur River watershed. The points of diversion are located in the Cow Camp pasture of the McCoy allotment and the Bosenberg pasture of the Lake Creek allotment.

Proposed Action:

The Burns Paiute Tribe and Prairie City Aquatics Team's desired conditions within the project area are to (1) satisfy ODWR requirements for SIGPODs and (2) monitor the quantity of water removed from Big and Lake Creeks for irrigation. The effectiveness of the desired condition is intended to maintain accurate measurement of flows into the future and be completed during the summer of 2015. In both cases the work would occur downstream of a fish screen and before flow is released down the ditch. To attain the desired conditions, Burns Paiute Tribe is proposing the following actions:

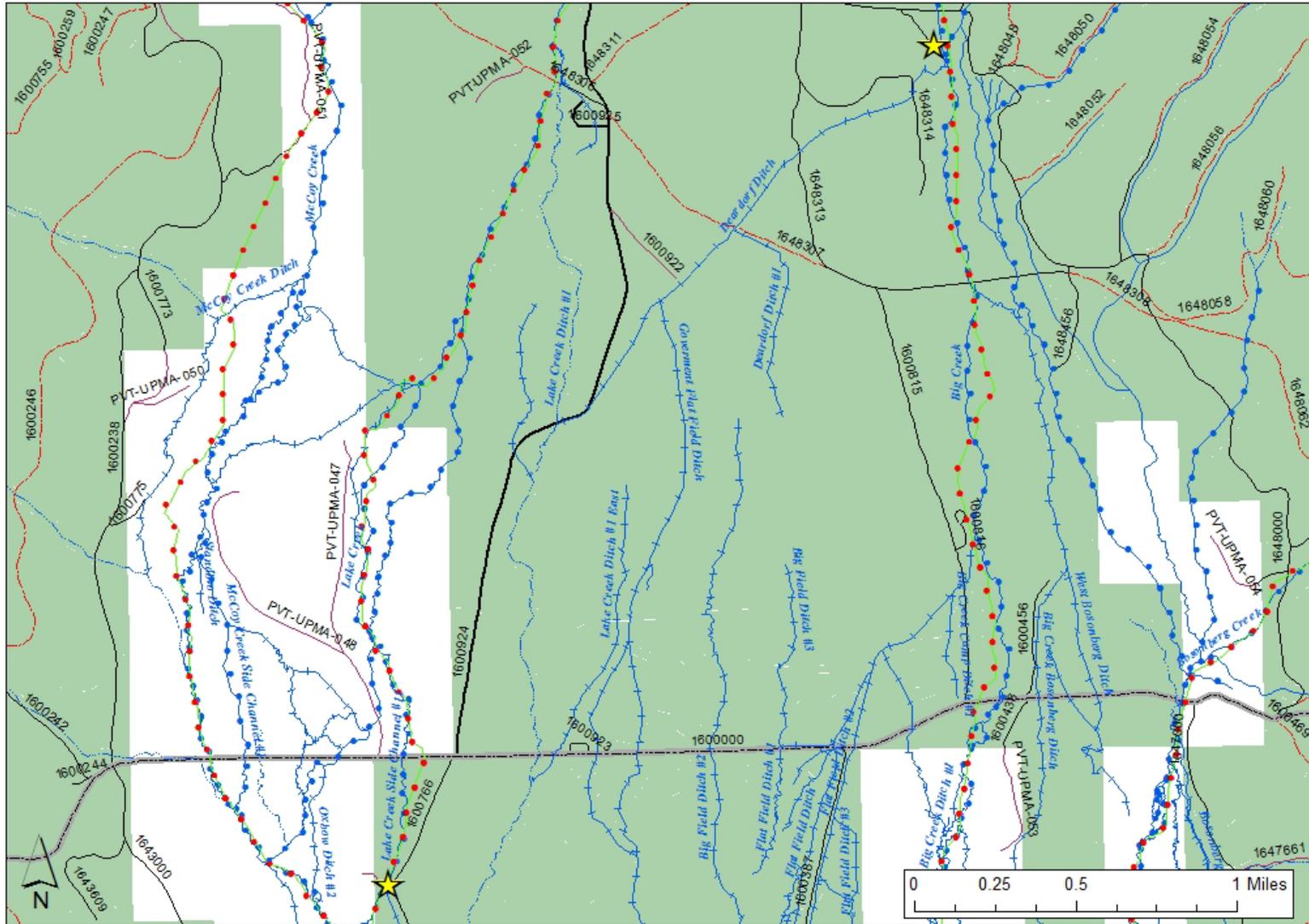
Cow Camp Ditch from Lake Creek

Measuring staff installation: A device will be installed into the ditch by the cabin on the Burns Paiute Tribe's property just below the ditch headgate. The coordinates to this location are -118.652, 44.17221 (maps attached). To install the measuring staff a treated 4x4 post would need to be set in the ground just on the edge of the ditch to which a graduated measuring staff would be bolted. To set the post in the ground a hole would be dug using a handheld posthole digger and gravel packed around the post to prevent it from settling. The measuring staff could then be bolted to the post with the graduations facing upstream.

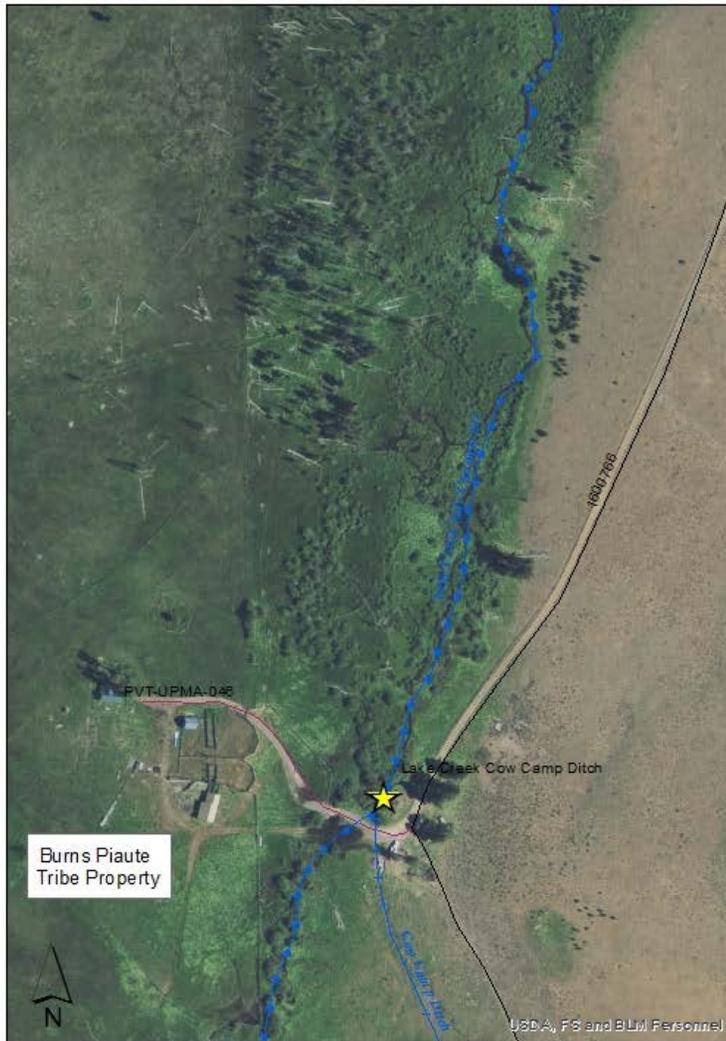
Deardorff Ditch from Big Creek:

Ramp flume installation: The second site is on Big Creek off of the 1648 road where the headgate to the Deardorff ditch is located. The coordinates for this location are -118.6171, 44.20938 (maps attached). To meet the OWRD requirement a ramp flume would be installed in the ditch just below the diversion headgate. The process of installing the ramp flume in the irrigation ditch would include leveling an area in the ditch large enough for the flume to sit using hand tools and then setting the flume in concrete.

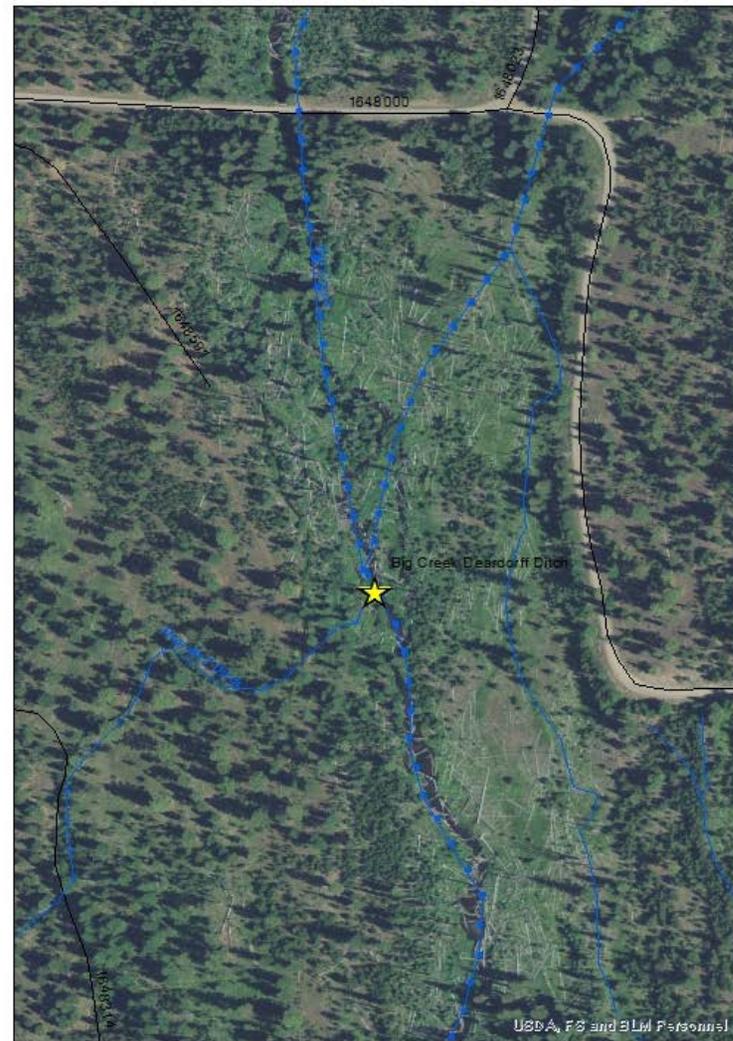
Attachment 1: Location of the BPT SIGPODs in Logan Valley



Lake Creek Cow Camp Ditch SIGPOD



Big Creek Deardorff Ditch SIGPOD



Appendices to the Aquatic Restoration EA Checklist

Project Title: Burns Paiute Tribe Logan Valley Diversion

Measurement Device Installation

Project Number: 0301-2015

Category: 1-Fish Passage Restoration

The following information will guide actions for this project that is taking place within the bounds of the Decision Notice for the 2014 Malheur National Forest Aquatic Restoration Environmental Analysis to maintain that all conservation measures, guidelines and project design criteria (PDCs) are met under this guiding document.

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Appendix A. Program Administration

1. Integration of project design criteria and conservation measures and terms and conditions into project design and contract language
 - a. This document is to outline the conservation measures and PDCs that will be used during project implementation to remain compliant.
2. Project notification: The following information will not be provided to the NMFS Level 1 Aquatics members as this work is having no effect to listed species or their habitat but is included here as a reference.
 - a. Action identifier- 03012015
 - b. Project name- Lake and Big Creek Ditch measurement device installation
 - c. Location-

Project	Lake Creek Ditch	Big Creek Ditch
Stream Name	Cow Camp Ditch	Deardorff Ditch
6 th field HUC	170501160102	170501160101
Latitude (Decimal Degrees)	-118.652	-118.6171
Longitude (Decimal Degrees)	44.17221	44.20938

- d. Agency contact- Kate Olsen, Forest Service, kholsen@fs.fed.us, 541-820-3818

- e. Timing- Work can occur outside of the instream work window since no species or habitat will be affected as the work will occur outside of bankfull flows. It will occur within spring and summer of 2015.
 - f. Activity category- Category 1: Fish Passage Restoration
 - g. Project description- See attached implementation description.
 - h. Extent- Measuring devices installed in these two ditches will improve accuracy of water diversion in 0.63 miles of ditch off of Lake Creek and 1.74 miles of ditch off of Big Creek.
 - i. Species affected- No species or their habitat will be affected by this work.
 - j. Date of submittal- To be completed in Spring of 2015, at least 30 day prior to implementation
 - k. Site assessments- Assessment for contaminants is not required at these locations.
 - l. Review- NMFS fish passage review and Restoration Review Team review are not required.
 - m. Verification- N/A
 - n. SOD project notification- N/A
3. Minor Variance: No variances from the criteria specified in the aquatic restoration document are being considered.
 4. NMFS Fish Passage Review and Approval: This work does not require review by the NFMS level 1 team member as it is considered maintenance to a previously existing ditch, and not new construction.
 5. Restoration Review Team: This work does not require review by the restoration review team.
 6. Project Completion Report: To be completed after implementation
 7. Annual Program Report: This project will be completed within one year, completion and annual reporting will occur in the winter of FY16 before February 15th.

Appendix B. General Aquatic Conservation Measures

8. Technical Skill and Planning Requirements:
 - a. An appropriately qualified fisheries biologist or hydrologist will be involved in the design of this project.
 - b. The scope of this project is limited in both space and context. Field evaluations and site-specific surveys will require little work. Appropriate time will be allotted for these actions, prior to implementation. Planning and design will involve appropriate expertise.
 - c. The assigned fisheries biologist or hydrologist will make sure that any applicable conservation measures and project design criteria are met through the contracting process.
9. Climate Change: due to the small scale of this work, future climate changes impacts will not have dramatic effects on this work
10. In-Water Work Period: This work will occur in dry ditches downstream of fish screens, the impacts will not affect individuals or their habitat and it will occur outside bankfull flow, so the in-stream work window doesn't apply.
11. Fish passage: Considerations are not necessary for fish passage, as all actions will be occurring downstream of fish screens in dry ditches.

12. Site Assessment For Contaminants: Less than 20 cubic yards of material will be excavated so a site assessment for contaminants is not required.
13. Pollution and erosion control measures: The actions proposed here will incur very little sediment disruption.
 - a. Identify project contact that will be responsible for implement pollution and erosion control measures.
 - b. The only potential hazardous material used at the project site is concrete, which will be handled and stored safely, following MSD guidelines.
 - c. There will be no waste liquids generated.
 - d. Best management practices will be used for storage, confine, remove, and dispose of concrete.
 - i. Concrete cleanup requires sweeping or vacuuming cement powder up and storing it in a disposable container. There will be containers available while implementing the project in case a spill occurs.
 - e. In the event of a significant spill of hazardous materials, the Oregon Emergency Response System is to be contacted immediately at 1-800-452-0311 and they will take over the duty of notifying all of the necessary entities.
 - f. Erosion in the work area will be minimized, as the area of impact is small and all work will occur with hand tools.
 - g. Uncured concrete will not be able to enter active stream channel, since all actions are occurring in ditches that do not currently have flow.
 - h. Efforts will occur in dry diversion ditches and have very low levels of ground disturbance.
14. Site Preparation: ample opportunity will be provided to prepare the site for this work.
 - a. Botany, heritage, and other necessary resources will be given the opportunity, prior to implementation, to flag sensitive and avoidance areas.
 - b. Both of the sites identified here (maps attached) are in close proximity to roads with hardened parking locations. Staging will not be required as all work will be completed at the construction site. Vehicles will be parked on roads or previously existing parking sites.
 - c. Temporary erosion controls will not be required because of the low levels of sediment disruption and lack of flow in the ditches.
 - d. There will be no materials that will need to be stockpiled.
 - e. Currently, there are no hazard trees on site. If the situation changes, hazard tree removal will occur and remain on site if necessary.
15. Heavy Equipment Use: No heavy equipment will be used for this work. All work will be completed by hand and vehicles will remain on open roads.
16. Site Restoration:
 - a. Initiate rehabilitation
 - b. Short-term stabilization
 - c. Revegetation
 - d. Planting manuals

- e. Decompact soils
- 17. Monitoring:
 - a. Implementation
 - b. 401 certifications will not be necessary as no water will be present at the location of ground disturbance
 - c. Post-project
- 18. Work Area Isolation, Surface Water Withdrawals and Fish Capture and Release: all actions will be taken in diversion ditches that are screened and have closed headgates. These ditches will be entraining neither fish nor water. These measures will not need to be considered.

Appendix C. Applicable Project Design Criteria

Project Design Criteria for Aquatic Restoration Activity Categories

Category 1. Fish Passage Restoration

c. Irrigation Diversion Replacement/Relocation & Screen Installation/Replacement

None applicable to measurement device installation

Project Design Criteria by Resource

Fisheries and Hydrology

None applicable

Wildlife

Threatened, Endangered or Sensitive Species

- If wolves become established (denning) while project implementation is occurring, measures will be taken to avoid activity in that vicinity
- If any evidence of wolverines is discovered during project implementation, measures will be taken to provide protection. If a den is found we would protect it from human disturbance.

Raptors

- No activities will occur within currently known goshawk or other raptor nest stands. To conserve nesting habitat and to minimize disturbance to nesting individuals, restrictions would be executed according to the requirements of the species involved.
- With all newly discovered raptor nests, a buffer zone would be established by the wildlife biologist to restrict activities near the nest area during occupancy.

Botany

Note: Pre-implementation planning project design criteria are identified.

Rare and Sensitive Plants and Habitats

- ***Pre-Implementation:*** Proposed restoration projects shall be completely surveyed early in the implementation planning process by a qualified botanist or rare plant technician, to identify and assess any sensitive or rare plant populations or habitats.
- ***Pre-Implementation:*** Proposed restoration projects shall develop restoration plans for degraded sensitive species habitats and/or mitigation plans in areas where sensitive plant populations are documented. This shall be accomplished by a journey-level Forest Service botanist in collaboration with the interdisciplinary team and other stakeholders.
- Heavy equipment, vehicle operation, road construction, staging areas, stockpile areas, piling of slash, fence construction, recreation sites, prescribed fires, fire lines, and other operational activities shall not be allowed in any documented sensitive plant sites unless it is for the demonstrated benefit or protection of the site. All sensitive plant populations should be buffered 100 ft. from all operational activities where topography does not restrict such a distance. Sensitive plant sites and associated buffers shall be identified as Areas to Protect.

Sensitive and Unique Habitats

- The integrity of unique habitats shall be maintained. Unique habitats [may] include meadows, rimrock, talus slopes, cliffs, animal dens, wallows, bogs [fens], seeps and springs. This shall be accomplished by incorporating cover buffers approximately 100 feet in width.
- Heavy equipment, vehicle operation, road construction, staging areas, stockpile areas, piling of slash, fence construction, recreation sites, prescribed fires, fire lines, and other operational activities shall not occur within, or at the interface of lithosols (scablands).

Invasive Plant Species

- ***Pre-Implementation:*** Proposed restoration projects shall be surveyed for invasive plants early in the implementation planning process by a qualified invasive plant specialist /technician, to identify and assess any undocumented invasive plant infestation.
- ***Pre-Implementation:*** For project areas that overlap or are adjacent to invasive plant infestations, assure that there is sufficient time prior to develop a long-term site strategy for control, eradication, and revegetation of the site. This shall be accomplished by a qualified invasive plant specialist in collaboration with the interdisciplinary team and other stakeholders.
- All activities shall be conducted in a manner as to minimize or prevent the potential spread or establishment of invasive species.
- Assure that all materials are weed-free. Use weed-free straw and mulch for all projects conducted or authorized by the Forest Service on National Forest System Lands. If State certified straw and/or mulch is not available, individual Forests should require sources certified to be weed-free using the North American Weed Free Forage Program standards or a similar certification process.

- Conduct post-implementation monitoring for invasive plants. Continue monitoring, treating, and removing invasive plants until all infestations are eradicated and native plant species are well established.

Native Plant Materials and Revegetation

- **Pre-Implementation:** Where the need for native plant materials is anticipated, assure that there is sufficient time for the plant materials specialist to develop a native plant materials plan and/or prescription prior to implementation of planned revegetation, rehabilitation, and restoration projects. This may include allowing for enough time to harvest and store hardwood cuttings, produce suitable quantities of native seed, and/or grow-out container stock.
- Locally adapted, genetically appropriate native plant materials are the first choice for use in revegetation, restoration and rehabilitation, where timely natural regeneration of the native plant community is not likely to occur. Use a diverse assemblage of species that have the potential to naturally occur in the project area. Acquire native seed or plant sources as close to the watershed as possible. Examples of areas that may need treatment include: habitat restoration efforts, log decks, staging areas, landing zones, temporary roads, slash piles, culvert replacements, severely burned areas, skid trails, decommissioned roads, invasive species treatments, and other disturbances.
- Non-native, non-invasive plant species may be used in the following situations: (1) when needed in emergency conditions to protect basic resource values (e.g., soil stability, water quality, and to help prevent the establishment of invasive species), (2) as an interim, non-persistent measure designed to aid in the re-establishment of native plants, (3) if native plant materials are not available and/or are not economically feasible, and (4) in permanently altered plant communities.
- Under no circumstances shall non-native invasive plant species and/or noxious weeds be used for revegetation.
- Development, review and/or approval of revegetation, rehabilitation, and restoration prescriptions, including species selection, genetic heritage, growth stage, seed mixes, sowing guidelines, and any needed site preparation, shall be accomplished by a plant materials specialist who is knowledgeable and trained or certified in the plant community type where the revegetation will occur.
- Concentrate plantings above the bank-full elevation. Sedge and rush mats should be placed and sized to prevent their movement during high flow events.
- Newly planted and/or seeded areas should be protected from animals and activities that may prevent, retard, or slow the establishment and recovery of native vegetation. Site-specific measures may include building fences, piling slash, jackstrawing, closing areas to vehicles, and/or temporarily changing grazing regimes until the desired condition is sufficiently achieved.

Soils

- Erosion would be minimized by following General Aquatic Conservation Measures and by implementing the appropriate project design criteria based on the type of activity.

Heritage Resources

- Compliance with Section 106 of the National Historic Preservation Act for activities authorized under this analysis will be completed and concurred with by the Oregon State Historic Preservation Office before any ground disturbing action takes place. For each potential activity the District or Zone archaeologist will determine which of the criteria in the 2004 Programmatic Agreement with the Oregon State Historic Preservation Office best fit the particular project. This will vary somewhat project to project based on the scale of the particular activity, the location on the landscape, and the nature of associated cultural resources, if any.
- The District or Zone archaeologist will document their findings on a Programmatic Agreement form with a project description, rationale and location map which will be attached to the Forest Service Heritage Event database. The Forest archaeologist will review and sign off on the Programmatic Review form if concurred with. For appendices A, B and C projects as defined in the 2004 Programmatic Agreement, the Forest will retain the documentation and provide the Oregon State Historic Preservation Office with the annual summary of projects as described in the Preservation Act.
- For full inventories the District or Zone archaeologist will complete an inventory report meeting current Oregon State Historic Preservation Office standards which will be reviewed by the Forest archaeologist. The Forest archaeologist will forward the completed inventory report to the Oregon State Historic Preservation Office for review and concurrence signature or further discussion as appropriate.
- Consultation with Native American tribes is conducted under the terms of the Memorandums of Understanding the Forest has with each individual tribe. The Forest regularly consults with the Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of Warm Springs Reservation.
- For work requiring a full inventory under the terms of the 2004 Programmatic Agreement any identified cultural resources sites will generally be avoided. For cases where site avoidance is impractical mitigation procedures will be developed in consultation with the Oregon SHPO before project work begins.
- If any previously unidentified cultural resources are located during project implementation, ground disturbing work will be halted until the resources are evaluated by the District or Zone archaeologist. If the cultural resources are determined to be potentially eligible for listing on the National Register of Historic Places work will either be permanently halted or a mitigation plan will be developed in consultation with the Oregon SHPO before work continues.

Range

Protection of Government and Permittee Investments

- All existing structural range improvements (fences, gates, spring developments, etc) and permanent ecological plots would be contractually protected.
- Maintain structural integrity of range improvements.

- If structural improvements are damaged during project operations they would be repaired to Forest Service standards prior to livestock scheduled use by the party responsible for causing the damage. Repairs would be required of the purchaser if damage were done during thinning or fuel treatment contractors or by force account where appropriate.
- Three or more splices to a single wire within a distance of 20 feet will be replaced with a single splice.

Notification

- During planning stage of each individual project all potentially impacted grazing permittees will have notice of action and opportunity to provide input that may lessen impacts to their livestock operation well in advance of implementation.
- Prior to implementation all potentially impacted grazing permittees will be given notice of dates when work will start.

Specific Resource Project Design Criteria for Resource Protection and Forest Plan Compliance
Burns Paiute Tribe Logan Valley Diversion Measurement Device Installation

Project Number: 0301-2015

Date: 11/20/2014

Category 1: Fish Passage Restoration

Location: Deardorff Ditch from Big and Cow Camp Ditch from Lake Creek

Project Description: This project will involve installation or modification to diversion structures, allowing for accurate measurements of the flow entering into these two ditches from Big and Lake Creeks in Logan Valley. The project being proposed is one that will affect water allocation of these two creeks, which are both fish bearing creeks. All work will occur within a dry ditch, downstream of a fish screen. All work will be done with hand tools, using no heavy machinery.

Heritage

Y N Initial RGD
 Specific PDC for Heritage addressed (Heritage Surveys; Avoidance areas)

Botany

Y N Initial
 Specific PDC for Botany addressed (Sensitive Plant Surveys)
 Specific PDC for Noxious Weeds addressed

Land Management Consistency (applicable)

Y <input type="checkbox"/>	N <input checked="" type="checkbox"/>	Initial <u>HC</u>	4A Big Game Winter Range	Y <input type="checkbox"/>	N <input checked="" type="checkbox"/>	Initial <u>CO</u>	9 Research Natural Area
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CO</u>	6A/6B Wilderness	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CO</u>	10 Semi-Primitive Non-Motorized Rec Areas
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CO</u>	7 Scenic Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CO</u>	22/22A Wild and Scenic River
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CO</u>	8 Special Interest Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CO</u>	Inventoried Roadless Areas

Comments:

Project Design Criteria and Forest Plan compliance checklist

I have reviewed this project and have determined it is within the Project Design Criteria identified for my resource.			
Resource	Signature	Date	Comments
Heritage	<i>RGD</i>	5/14/15	NO HISTORIC EFFECT TO HISTORIC PROPERTIES
Botany	<i>Paul J Brooks</i>	5/12/15	No sensitive plant or weed concerns
Wildlife	<i>Clark Reames</i>	5/5/15	
Fish*	<i>Scott Hall</i>	5/12/15	
Hydrology*	<i>Scott Hall</i>	5/15/15	
Range	<i>Shannon Winegar</i>	05/13/15	no range concerns
Soils	<i>Robert C. White</i>	5-5-15	ONLY TINY AMOUNT OF GROUND IMPACT
Recreation	<i>Shannon Winegar</i>	5/5/15	
Lands and Special Uses	<i>Scott Hall</i>	5/12/15	This project does not affect the quality or transmission of water in regards to the land owner's water right.
Engineering	<i>Holly A. Bandy</i>	5/5/15	No roads concerns.
Fuels/Fire	<i>Derek E. Bush</i>	5/8/15	No issues
Silviculture	<i>Scott Hall</i>	5/5/15	not a veg. project

*Ensure that an experienced fisheries biologist or hydrologist is involved in the design of all projects covered by Aquatic Restoration Biological Opinion II. The experience should be commensurate with technical requirements of a project.

Line Officer Signature: *[Signature]* Date: 5/15/15

- Attachments:
- Proposed Action
 - Program Administration
 - General Aquatic Conservation Measures
 - Applicable Project Design Criteria