

APPENDIX A

Amendment # 29

Decision Notice
Finding of No Significant Impact
and
Forest Plan Amendment
for
Incorporation of the Columbia River Basin
Anadromous Fish Habitat Management Policy
and Implementation Guide
into the Malheur National Forest
Land and Resource Management Plan

Introduction:

This Decision Notice and Finding of No Significant Impact (FONSI) addresses former Regional Forester John Buttrulle's direction to review and amend, if necessary, the Malheur National Forest Land and Resource Management Plan to incorporate the "Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide" (CRBPIG).

An Environmental Assessment (EA) was prepared to assist the Forest Supervisor in making this decision and is available for review at the office of the Forest Supervisor in John Day, Oregon.

Decision:

Based on the analysis documented in the Environmental Assessment, it is my decision to implement Alternative I as the course of action. This decision will amend the Forest Plan. The Amendment is contained later in this document. Alternative I will amend both Management Areas (MA) 3A and 3B and will provide Management Area specific Desired Future Conditions (DFC) and more specific numeric standards for these Management Areas. The elements that are being added include:

- A. Sediment/Substrate
- B. Water Quality
- C. Channel Morphology
- D. Riparian Vegetation

A standard is also being added that provides for site specific evaluation of the existing condition to establish the geographic boundary of the riparian areas.

APPENDIX A

Rationale for the decision:

I have selected Alternative I because:

- ♦ It is responsive to the issues of 1) incorporating the standards into MA3A and 2) providing a standard for width to mean depth ratio.
- ♦ It best meets the Regional Forester's current direction.
- ♦ It will provide specific direction to guide the conservation, recovery and restoration of aquatic resources.

Other Alternatives Considered:

No Action

This alternative would continue the existing Forest Plan direction.

I did not select this alternative because it does not meet the purpose and need. This alternative would not have met the Regional Forester's direction to incorporate the CRBPIG into the Forest Plan.

The Proposed Action

The Proposed Action would have provided nearly the same DFC and standards as the selected alternative, except that it would apply only to MA3B and did not include a standard for width to mean depth ratio. I did not select this alternative because it had been my intent to add specific direction for MA3A at a later date and I now feel it is time to address that issue. I also feel that the standard for mean width to depth ratio needed to be included at this time.

Public Involvement:

Early in the process, a copy of the proposed amendment was distributed to interested and potential parties, these included the various local tribes, local industry and others. As a result of this review, it was determined that an EA would be prepared. A copy of the purpose and need and proposed action were then sent to the same people, as well as others, who had expressed an interest in riparian areas and/or forest plan amendments. Letters were received from three respondents and one comment was received verbally. These responses led to the development of an additional alternative.

Finding of No Significant Impact:

I have determined that overall, the action to be taken under this Decision is not a major federal action and will not significantly affect, either individually or cumulatively, the quality of the human environment. Further site-specific analysis with appropriate NEPA analysis is required for each site-specific project affected by this Decision. Any irreversible or irretrievable commitment of resources and the significance of any environmental impact will be identified and assessed at that time.

APPENDIX A

I have considered the following factors in this determination:

1. This Decision is programmatic, rather than site or project specific. The effects are local, rather than statewide, regionwide, or nationwide.
2. No known unusual circumstances exist because the Decision does not impose any highly uncertain, unique, or unknown environmental risks. The Amendment is based on professional scientific interpretation of research and forest conditions, and fish and wildlife habitat needs. The standards are similar to measures being adopted to meet the threatened and endangered anadromous fish habitat requirements.
3. No adverse effects to any historical places or loss of scientific, cultural, or historic resources would occur because no ground-disturbing activities are approved, required, or mandated by this Decision and existing forest plan standards adequately address mitigation measures for these resources.
4. The Direction would not produce any significant irreversible, irretrievable, or cumulative effects for the following reasons: 1) no ground-disturbing activities are approved, required, or mandated by this Decision; 2) the Biological Evaluation for threatened, endangered, and sensitive species concluded that the proposed action would not adversely affect the listed species or critical habitats.
5. This decision is not related to other actions with individually insignificant, but cumulatively significant impacts, because the direction is programmatic, and does not approve, require, or mandate any project.
6. This Decision will not threaten to violate federal, state, or local requirements imposed for the protection of the environment because no ground-disturbing activities are approved, required, or mandated by this Decision and any projects planned using the interim standards will receive appropriate NEPA analysis.
7. The Direction would not likely cause highly controversial environmental effects because controversy in this context refers to cases where there is a substantial dispute as to the size, nature, or effect of the federal actions, rather than opposition to its adoption. The scientific basis for this interim direction has been evaluated by Forest Service biologists and scientists. The decline in fish habitat has not been disputed.
8. This Decision will not set a precedent for future actions likely to result in significant environmental consequences, nor will it represent a decision in principle about future consideration because the Eastside EIS will develop an ecosystem management strategy that more than likely will supersede this Decision. Furthermore, standards are based on some of the same scientific information used in the Environmental Assessment for the Implementation of Interim Strategies for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California, published for Notice and Comment at 59 Fed Reg 14356 (March 25, 1994).

APPENDIX A

Therefore, I have concluded that no significant adverse or beneficial effects on the physical, biological, or human environment will occur, thus no Environmental Impact Statement (EIS) will be prepared for this direction.

NFMA Finding of non-significant amendment:

I find that adoption of this amendment would not significantly change the forest-wide impacts disclosed in the Forest Plan Environmental Impact Statements (EIS). Pursuant to 16 U.S.C. 1604(f)(4), 36 CFR 219.10(f), Forest Service Manual 1922.5, and Forest Service Handbook 1909.12, Chapter 5.32, I have determined that this forest plan amendment is not significant based on the following factors:

Timing: Upon completion of the Eastside Ecosystem EIS, this direction is expected to be confirmed or superseded by new direction. Such new direction is expected to occur before the end of the planning period for this forest plan. Therefore, the timing of the amendment does not make it significant.

Location and Size: These effects as related to location and size are not anticipated to differ from that already described in the Forest Plan FEIS.

Goals, Objectives, and Outputs: The amendment does not alter the long-term relationship between levels of goods and services projected by the Forest Plan. I do not expect any significant change in outputs. Therefore, it is not likely that any opportunity is being foregone to achieve projected outputs in later years of the planning period.

Management Prescription: The amendment does not change the desired future condition for land and resources from that contemplated by the existing management direction in the forest plan; rather, it further defines it. It does not affect the whole planning area, but only those portions of the land in the riparian areas. The standards do not change forest plan allocations or management areas.

Appeal Rights:

Implementation of this decision shall not occur until 7 days following publication of the legal notice of the decision in the Blue Mountain Eagle Newspaper.

The decision to adopt management direction through non-significant forest plan amendment is subject to appeal pursuant to 36 CFR 217, not 36 CFR 215. The regulation at 36 CFR 215.1 indicates that it applies only to "projects and activities implementing forest plans." Pursuant to 36 CFR 215.4(e), the decision to make non-significant amendments to forest plans is expressly subject to appeal under 36 CFR 217.

APPENDIX A

Any written Notice of Appeal of this decision must be fully consistent with 36 CFR 217.9 (Content of a Notice of Appeal) and must include the reasons for appeal. A written notice of appeal, in duplicate, must be filed with John E. Lowe, Reviewing Officer, P.O. Box 3623, Portland Oregon 97298-3623, within 45 days of the date that legal notice of this decision appears in the Blue Mountain Eagle Newspaper.

For further information, contact Glen Stein, Environmental Coordinator, 139 N.E. Dayton, John Day Oregon 97845 or (503) 575-1731. An Environmental Assessment (EA) for the Incorporation of the Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide into the Malheur National Forest Land and Resource Management Plan, is available for review at the Malheur National Forest Supervisors office.



MARK A. BOCHE
Forest Supervisor

8/18/94
Date

APPENDIX A

MALHEUR NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN AMENDMENT #29 MANAGEMENT AREA 3A

The following is a description of the proposed Management Area specific Desired Future Condition (DFC) for MA3A. This DFC belongs in the Management Area section of the Forest Plan.

Desired Future Condition (DFC)

Maintain or restore the habitat conditions which result in compliance with Oregon State Water Quality Standards and ensure viable populations of aquatic and riparian-dependent species. The habitat elements (features) of sediment/substrate, water quality, channel morphology and riparian vegetation will be managed within their natural ranges of variability. The balance of these elements within these ranges of variability is to be considered the quantitative expression of achieving desired condition.

Below are the proposed changes that would be made to the Standards and Guidelines section of the Forest Plan.

RESOURCE ELEMENT STANDARDS

Standard 5.

Fish, Water Quality, and Wildlife

5. Manage riparian areas to achieve the following desired conditions by habitat element, sub-element and numeric value. These values are to be measured on a subwatershed basis, and to the degree the individual riparian area contains these specific habitat elements.

APPENDIX A

<u>Element/Sub-Element</u>	<u>Numeric Values¹</u>
A. Sediment/Substrate	
1) Cobble embeddedness	≤ 20% embedded
B. Water Quality	
1) Water temperature	
a. Forestwide, existing temperature < 68° ²	No increase
b. Forestwide, existing temperature > 68° ²	Reduce to 68°F
c. Bull trout spawning and rearing habitat ³	≤ 55°F
d. Cutthroat trout spawning and rearing habitat	≤ 55°F
C. Channel Morphology	
1) Large woody debris	
a. Ponderosa pine eco-systems	maintain 20 to 70 pieces/mile; at least 12 inches in diameter and 20% > 20 inches

¹ These values are based upon the best information currently available and are considered to be consistent with management area desired future condition. If new information becomes available in the future which indicates changes in the numeric values to achieve the stated desired condition, these values may be inserted as a clarification/correction to the individual standard.

It is expected that individual subwatersheds may contain conditions for which these numeric values are not appropriate. If necessary, based upon the required stream and riparian field survey data, these numeric values may be adjusted on a subwatershed basis, or smaller, site-specific basis, if needed. (Reference the Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide, 2.B.(3), p.9)

² Instantaneous reading at any given time.

³ Average of the daily Maximum temperature for seven consecutive days (this applies to B.1 c, d).

APPENDIX A

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| | in diameter; and at least 35 feet long <u>or</u> 1 1/2 times the bankfull width of stream |
| b. Mixed conifer ecosystems | maintain 80 to 120 pieces/mile; at least 12 inches in diameter and 20% > 20 inches in diameter; and at least 35 feet long <u>or</u> 1 1/2 times the bankfull width of stream |
| c. Lodgepole pine ecosystems | maintain 100 to 350 pieces/mile; at least 6 inches in diameter and 10% > than 12 inches in diameter; and at least 18 feet long <u>or</u> 1 1/2 times bankfull stream width |
| 2) Pool frequency | based upon range expected for "Rosgen" type B & C streams, ⁴ with upper limits adjusted for streams > 75' to be consistent with "Pacfish" values. ⁵ |

Pacfish
720

⁴ David L. Rosgen, "A Classification of Natural Rivers," 1993.

⁵ Implementation of Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California.

APPENDIX A

Total Range of Frequency

Bank-full Width (ft)	Pools/Mi
5	151-264
10	75-132
20	38-66
25	30-53
50	15-26
75	10-23
100	8-18
125	6-14
150	5-12
200	4-9

- | | |
|---|---|
| 3) Bank stability
(forested ecosystem) | 90% stable, no decrease if above 90% stable |
| 4) Lower bank angle with stream gradients $\leq 2\%$ (non-forest ecosystem) | 50- 75% of banks with 90 degree angle or greater (undercut) |
| 5) Width :Depth Ratio | <10, mean wetted width divided by mean depth (all systems) |

D. Riparian Vegetation

- | | |
|--|---|
| 1) Potential large woody debris (forested ecosystem) | to provide a rate of input to maintain large woody debris standard C.1 |
| 2) Ground cover | 90% of site potential, covered by herbaceous species, litter, rock, moss or lichens |

APPENDIX A

3) % of stream bank vegetated	90% of site potential
4) Shade/canopy closure	
a) Ponderosa pine series	40-55% canopy closure
b) Mixed conifer species	50-65% canopy closure
c) Lodgepole pine	60% - 75% canopy closure
d) Hardwood/meadow complex	80% shaded

Standard 6.

6. A site specific evaluation of the existing condition should be conducted when project activities are planned for a riparian area. This evaluation will be based upon the data gathered by a "Hanken and Reeves" Level II Survey, or equivalent, and Malheur Protocol For Riparian Area Surveys. These surveys will establish the geographic boundary of the riparian area. The boundary location is to be recorded in the management area layer of the TRI System (GIS).

64
55
no fish
salmon, fry, spawn

APPENDIX A

MALHEUR NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN AMENDMENT #29 MANAGEMENT AREA 3B

The following is a description of the proposed Management Area specific Desired Future Condition (DFC) for MA3B. This DFC belongs in the Management Area section of the Forest Plan.

Desired Future Condition (DFC)

Maintain or restore the habitat conditions which: result in compliance with Oregon State Water Quality Standards; ensure viable populations of riparian-dependent species; and increase the smolt production of the anadromous fishery by doubling the carrying capacity of existing habitat within twenty years. The habitat elements (features) of sediment/substrate, water quality, channel morphology and riparian vegetation will be managed within their natural ranges of variability. The balance of these elements within these ranges of variability is to be considered the quantitative expression of achieving desired condition.

Below are the proposed changes that would be made to the Standards and Guidelines section of the Forest Plan.

RESOURCE ELEMENT STANDARDS

Standard 5.

Fish, Water Quality, and Wildlife

5. Manage riparian areas to achieve the following desired conditions by habitat element, sub-element and numeric value. These values are to be measured on a subwatershed basis, and to the degree the individual riparian area contains these specific habitat elements.

APPENDIX A

<u>Element/Sub-Element</u>	<u>Numeric Values¹</u>
A. Sediment/Substrate	
1) Cobble embeddedness	≤ 20% embedded
B. Water Quality	
1) Water temperature	
a. Forestwide, existing temperature < 68° ²	No increase
b. Forestwide, existing temperature > 68° ²	Reduce to 68°F
c. Bull trout spawning and rearing habitat ³	≤ 55°F
d. Cutthroat trout spawning and rearing habitat	≤ 55°F
e. Chinook salmon spawning and rearing habitat	≤ 55°F
C. Channel Morphology	
1) Large woody debris	
a. Ponderosa pine eco-systems	maintain 20 to 70 pieces/mile; at least

¹ These values are based upon the best information currently available and are considered to be consistent with management area desired future condition. If new information becomes available in the future which indicates changes in the numeric values to achieve the stated desired condition, these values may be inserted as a clarification/correction to the individual standard.

It is expected that individual subwatersheds may contain conditions for which these numeric values are not appropriate. If necessary, based upon the required stream and riparian field survey data, these numeric values may be adjusted on a subwatershed basis, or smaller site-specific basis, if needed. (Reference the Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide, 2.B.(3), p.9)

² Instantaneous reading at any given time.

³ Average of the daily Maximum temperature for seven consecutive days (this applies to B.1 c, d, e).

APPENDIX A

	12 inches in diameter and 20% > 20 inches in diameter; and at least 35 feet long <u>or</u> 1 1/2 times the bankfull width of stream
b. Mixed conifer ecosystems	maintain 80 to 120 pieces/mile; at least 12 inches in diameter and 20% > 20 inches in diameter; and at least 35 feet long <u>or</u> 1 1/2 times the bankfull width of stream
c. Lodgepole pine ecosystems	maintain 100 to 350 pieces/mile; at least 6 inches in diameter and 10% > than 12 inches in diameter; and at least 18 feet long <u>or</u> 1 1/2 times bankfull stream width
2) Pool frequency	based upon range expected for "Rosgen" type B & C streams, ⁴ with upper limits adjusted for streams >75' to be consistent with "Pacfish" values. ⁵

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APPENDIX A

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- | | |
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| 3) Bank stability
(forested ecosystem) | 90% stable, no decrease if above 90% stable |
| 4) Lower bank angle with stream gradients $\leq 2\%$ (non-forest ecosystems) | 50- 75% of banks with 90 degree angle or greater (undercut) |
| 5) Width :Depth Ratio | <10, mean wetted width divided by mean depth (all systems) |

D. Riparian Vegetation

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| 1) Potential large woody debris (forested ecosystem) | to provide a rate of input to maintain large woody debris standard C.1 |
| 2) Ground cover | 90% of site potential, covered by herbaceous species, litter, rock, moss or lichens |
| 3) % of stream bank vegetated | 90% of site potential |

APPENDIX A

4) Shade/canopy closure

a) Ponderosa pine series	40-55% canopy closure
b) Mixed conifer species	50-65% canopy closure
c) Lodgepole pine	60% - 75% canopy closure
d) Hardwood/meadow complex	80% shaded

Standard 6.

6. A site specific evaluation of the existing condition should be conducted when project activities are planned for a riparian area. This evaluation will be based upon the data gathered by a "Hanken and Reeves" Level II Survey, or equivalent, and Malheur Protocol For Riparian Area Surveys. These surveys will establish the geographic boundary of the riparian area. The boundary location is to be recorded in the management area layer of the TRI System (GIS).