



Deep Creek Habitat Restoration Phase 1 Aquatic Restoration Checklist

USDA Forest Service

Blue Mountain Ranger District, Malheur National Forest

Grant County, Oregon

Implementation Description

Project Information

Project Information (select the + on right of selection to add additional categories)	
Category 2: Large Wood, Boulder, and Gravel Placement; including tree removal for large wood placement	
Category 5: Off- and Side-Channel Habitat Restoration	
Category 7: Set-back or Removal of Existing Berms, Dikes, and Levees	
Category 14: Riparian Vegetative Planting	
Lead Preparer: Denine Schmitz	
Location: Township 10 South, Range 32 East, Sections 1 and 2 HUC12 170702030301	
Lease/ Case File/ Serial number: 01042022	
Begin Date: 5/1/2022	Due Date: 10/31/2023

Please see <http://www.fs.usda.gov/detailfull/malheur/landmanagement/?cid=STELPRD3817723&width=full>.

Purpose and Need

The purpose of this project is to improve 1.5 miles of Deep Creek riparian and aquatic habitat within critical and spawning habitat for threatened Middle Columbia River steelhead. Improving aquatic habitat and reconnecting the Deep Creek floodplain will support spawning and juvenile rearing habitat of threatened steelhead populations and other aquatic species, as well as promote floodplain storage and riparian function. Historic mining activities and road-building (National Forest System road 2000621) have significantly straightened and incised Deep Creek and simplified the aquatic and riparian habitat. Additionally, mining spoil and road-building piles line streambanks and act as levees which prevent the channel from accessing the floodplain. The current channel configuration leads to increased water velocities during runoff that mobilize fine sediment and gravels needed for spawning and floodplain-building. This reduces floodplain water storage and increases the amount of dry channel late in the season. Late season flows are important for steelhead juvenile rearing, the most impacted life stage in the Middle Fork John Day subbasin, and tributaries like Deep Creek serve as cold-water refugia for all life stages of fish during that time of year.

To address these issues and move toward desired conditions, this project would place large wood, rock, and gravels in the channel at key locations to reduce incision, improve habitat complexity, and reconnect the floodplain to the channel. Heritage staff has already completed surveys and flagged avoidance features for this project area. Berms related to road-building would be cut and used as fill in the channel or for recontouring the floodplain. Trees would be felled or cut within 100 feet upslope of the roadbed following a silviculture prescription. Riparian vegetation, including hardwoods, would be reestablished,

and planted to enhance stream shade and habitat diversity in the floodplain. These actions would reduce stream incision, reconnect the stream to the floodplain, and create conditions for side channel formation to increase steelhead habitat throughout the year for all life stages.

Desired conditions for Deep Creek include:

- Diverse aquatic and riparian complex habitat elements and conditions for listed fish;
- Stream processes and functions that move Deep Creek towards historical conditions;
- Improved habitat elements of the stream network and associated aquatic ecosystem to which species, populations, and communities are uniquely adapted and adequately protected;
- Populations of aquatic organisms managed and maintained in a manner that ensures their viability and persistence;
- Floodplains connected to channels at bankfull flows that promote stable banks, intermittent side channels, riparian vegetation, and nutrient cycling; and
- Valley-wide floodplain water storage that extends late season flows.

This project is proposed to occur at the same time as the obliteration of decommissioned National Forest System road 2000621 and aquatic organism passage barrier removals analyzed and authorized under the Big Mosquito Project (USDA Forest Service 2015). Completing these projects at the same time reduces project costs and resource impacts during time of implementation. However, this checklist only addresses tree felling, wood and gravel placement, berm removal outside road prism, and riparian planting along lower Deep Creek.

Land Use Plan Conformance

The project falls under management areas 3B “Anadromous Riparian Areas,” 13 “Old Growth,” and 14 “Foreground Visual Corridor” of the Malheur National Forest Land and Resource Management Plan. The goal of management area 3B is to “Manage riparian areas to protect and enhance their value for wildlife, anadromous 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 following Malheur Forest Plan goals and standards apply for management areas 13 “Old Growth,” and 14 “Foreground Visual Corridor:”

- Management Area 13 Goal: Manage old growth for wildlife and plant habitat, ecosystem diversity, and aesthetic quality. (USDA Forest Service 1990, page IV-48). This project is consistent with this standard because proposed activities contribute to improvements in habitat and ecosystem diversity.
- Management Area 14, Standard 6: “Design and implement fish and wildlife improvement/maintenance projects to meet visual quality objectives,” (USDA Forest Service 1990, page IV-108). This project is consistent with this standard because it would be designed to meet visual quality objectives within the visual corridor.

Deep Creek is within a category 1 Riparian Habitat Conservation Area (fish-bearing stream) as designated by PACFISH/INFISH and contains designated critical habitat for Mid-Columbia River steelhead by the National Marine Fisheries Service (NMFS).

Approximately 3.4 miles of Middle Columbia River steelhead critical habitat is designated on Deep Creek from its confluence with Middle Fork John Day River to the headwaters. Deep Creek is located on National Forest System lands within North Middle Fork allotment-Susanville pasture.

Proposed Action and Implementation Plan

This document describes implementation of Deep Creek Habitat Restoration Phase 1, a restoration project planned for 2022 and 2023. Phase 2 will be analyzed in a separate checklist for summer of 2023. This project would restore 1.5 miles of stream and floodplain reconnection through large wood and gravel placement in the channel and on the floodplain; side channel habitat restoration; berm removal; and riparian planting.

This would occur at the same time as road obliteration and culvert removal actions covered in the Big Mosquito Decision Notice. Material from obliterating National Forest System road 2000621 would be used to recontour the floodplain and fill road cuts during Deep Creek Habitat Restoration Phase 1. The area around the culverts removed by Big Mosquito would be recontoured according to floodplain and intermittent side channel design. Material from the road and large wood would be used if needed to stabilize channel grade, trap sediment, and slow water, reducing potential for head cuts at the downstream ends of culverts.

The desired conditions listed in the Purpose and Need would provide ecological resiliency in the face of a changing climate. In-channel restoration would occur during the in-water work period (July 15 to August 15), unless an instream work variance is granted. To attain desired conditions, the Forest Service is proposing the following actions:

- Large wood, boulder, and gravel placement (see Figure 2 and Figure 3 below):
 - Tree felling: Select upslope trees within 100 feet of the roadbed would be felled with chain saws and placed by an excavator or similar heavy equipment within the stream channel and obliterated roadbed area.
 - Tree tipping: Coniferous trees less than 21 inches diameter at breast height within the road prism and outside heritage avoidance areas would be tipped with rootwads attached into 1.5 miles of Deep Creek and its floodplain using an excavator or similar heavy equipment.
 - Large wood placement: Large wood would be added to the channel using an excavator or similar heavy equipment operating from the road prism.
 - Large wood placement would occur in locations that promote sediment aggradation and side-channel activation. Placement would be co-located with fill, small wood, and slash placement to further promote sediment retention.
 - Floodplain connectivity and channel complexity requires large and coarse wood placement. This would move the stream towards desired conditions defined by PACFISH/INFISH riparian management objectives (USDA 1995a, USDA 1995b).
 - With increased amounts of in-stream wood, this channel has the potential of becoming an established spawning and rearing stream again. Flows could be sustained later into the season if we restore channel and floodplain functions such as the capture and storage of sediment, bank development, side channel activation, and a complex of riparian plant communities. By promoting floodplain storage and groundwater-surface water exchange, large wood additions would reduce water temperatures allowing lower Deep Creek to become a cool water refuge from the Middle Fork John Day River during seasonal hot periods.

- Rock and gravel placement: Large rock and gravel would be placed in channel with excavators or similar heavy equipment where channel incision has occurred to increase channel elevations and promote overbank flows. This would slow main channel flows, push flow onto the floodplain, and add habitat complexity through side channel activation.
- Road and earthen berm removal: Berms and earthen piles would be removed from roadsides and road ditches with excavators or similar heavy equipment. Material from berms, ditches, and piles would be used for recontouring the roadbed and filling incised areas.
- Side channel habitat restoration: Through planting and addition of large and small wood and slash, side channels would develop naturally following road obliteration and floodplain recontouring. Side channel paths would be created in the floodplain by obliterating and recontouring National Forest System road 2000621 (USDA Forest Service 2015).

Project-Specific Design Criteria

- Coordinate with range staff and permittees before implementation to find alternatives for livestock movement.
- In-stream activities shall occur within the in-water work period between July 15 and August 15.
- Treat for weeds in road prism prior to and after implementation if needed.
- Check all equipment for weeds and contaminants before entering the project area.
- District Archaeologist shall be notified 30 days prior to project implementation so flagging and pre implementation inspection can be performed and once the project is completed so post implementation inspection may occur.
- The project lead shall work with the District Archaeologist to coordinate having a heritage monitor present while heavy machinery is close to cultural features or artifact concentrations.
- All flagged heritage features shall be avoided by heavy equipment.
- Fill and wood placement shall be designed to divert water away from private property at the downstream end of the project area.
- Provide alternate route for residents of Galena, Oregon to find cell phone service (see Figure 2).
- If any trees are needed from the boundary of the old growth stand itself, work with the district wildlife biologist to select smaller diameter trees and trees without wildlife signs (no cavities or signs of a bat roosts).
- Retain all snags within the old growth stand.
- To protect the bald eagle territory (BAEA Galena 001 and 003) that overlaps the project area: restrict management activities during the breeding period from January 1 to August 31 if the active nest is within half a mile of project activities. To protect integrity of nest site: retain all historical and active nest trees and all of the largest trees within 330 feet of these nests; consult with the district wildlife biologist when applying these mitigations. The district wildlife biologist will inform project lead of nest activity.
- To protect active raptor nests and nesting stands: no activities shall occur within designated raptor nest stands. To minimize disturbance to nesting individuals, a timing restriction would be applied according to the requirements of the species involved and determined by a wildlife biologist.

- Where possible, retain trees with inactive nests that may be important to secondary nesters (e.g., Great Gray Owl).
- Any snags in riparian areas or uplands shall be protected from disturbance, removal, or use in stream restoration activities unless deemed a safety hazard at a specific work site.
- Avoid heavy machinery travel on slopes steeper than 35 percent, where feasible with a maximum slope allowed of 40 percent.
- No heavy equipment shall be allowed on highly erodible soils. “Highly erodible soil” generally means areas larger than 50 feet in diameter, and either: (1) steeper than 30 percent with less than 75 percent ground cover, (2) 20 to 30 percent slope with less than 50 percent ground cover, (3) 10 to 19 percent slope with less than 25 percent ground cover, or (4) with signs of current erosion, such as pedestaling or rilling.
- For tree-tipping or removal for large woody debris projects – on areas where existing skid trails are present and spaced 100 to 140 feet apart, reuse old skid trails. Otherwise, space heavy machinery travel ways approximately 120 feet apart where practical, using existing skid trails where possible and appropriate. Travel ways (trails) should average less than 14 feet wide. Additionally, when tipping trees within the road prism (as mentioned in this proposal) keep heavy equipment on the road prism, if possible.
- Tree tipping trails shall be covered with slash to reduce runoff and erosion if trails are completely outside of the road prism.
- Low ground pressure equipment (less than 8.5 pounds per square inch) can be allowed off trails on dry, snow-covered, or frozen soil. For soil protection “dry” means July through September or obviously dry in 6 of the top 10 inches of the soil profile.
- Ensure project is in full compliance with the National Forest Boundary Line Policy and Direction prior to project implementation and adjacent landowners are adequately notified
- Inform existing mine claimants of upcoming activities.
- Media notification and onsite signage should be used to advise the public of any impacts to trailhead or road access. As possible, limit impacts to visitor access during the high use fall hunting season, during which there is an abundance of dispersed camping and overland travel.
- Pre-coordinate with Grant County Road Department prior to project implementation to develop any mitigation measures to ensure County 20 Road structure will not be adversely impacted from project or post project results (for example, downstream large woody or flow debris movement).

Figures

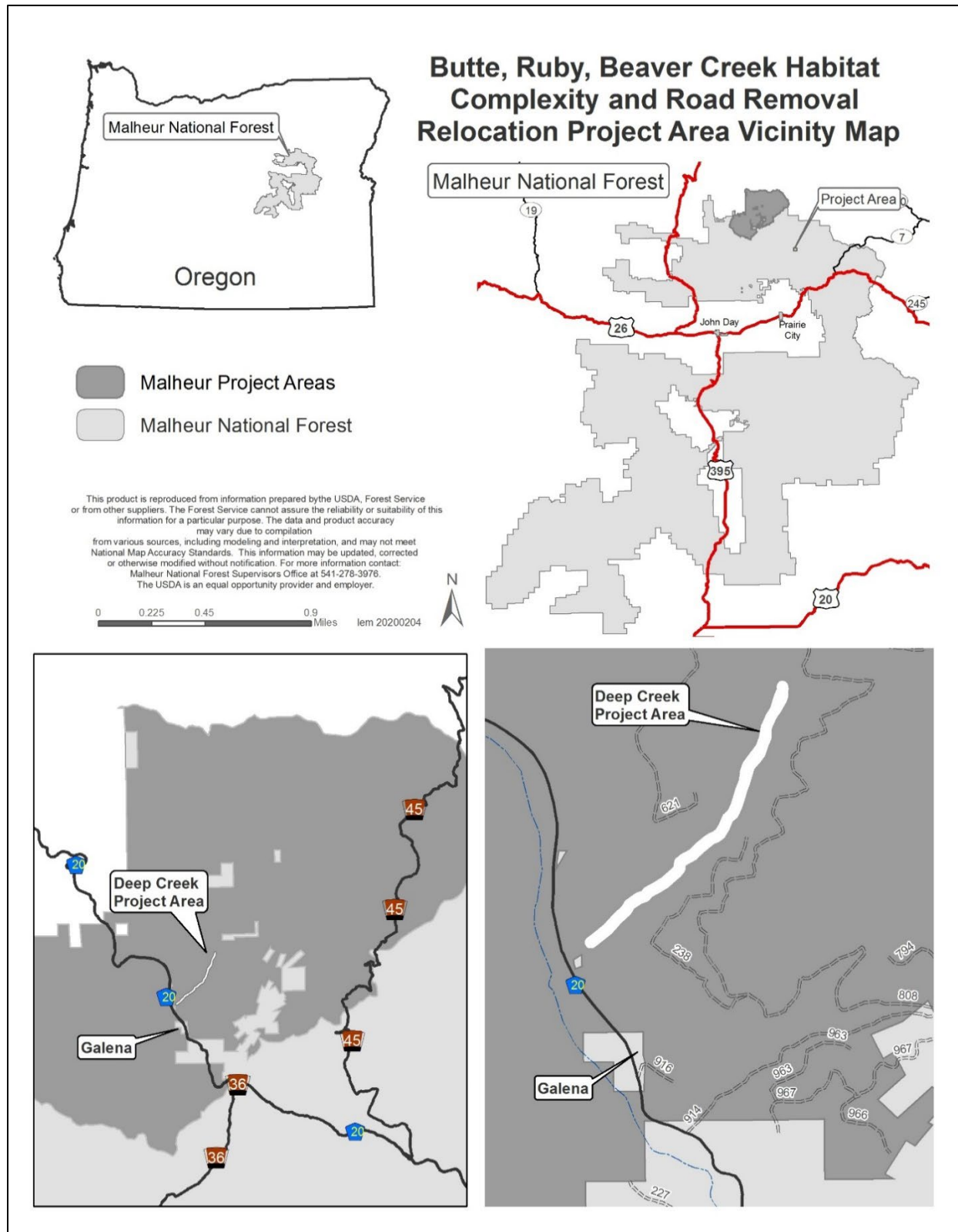


Figure 1. Vicinity map for Deep Creek aquatic checklist

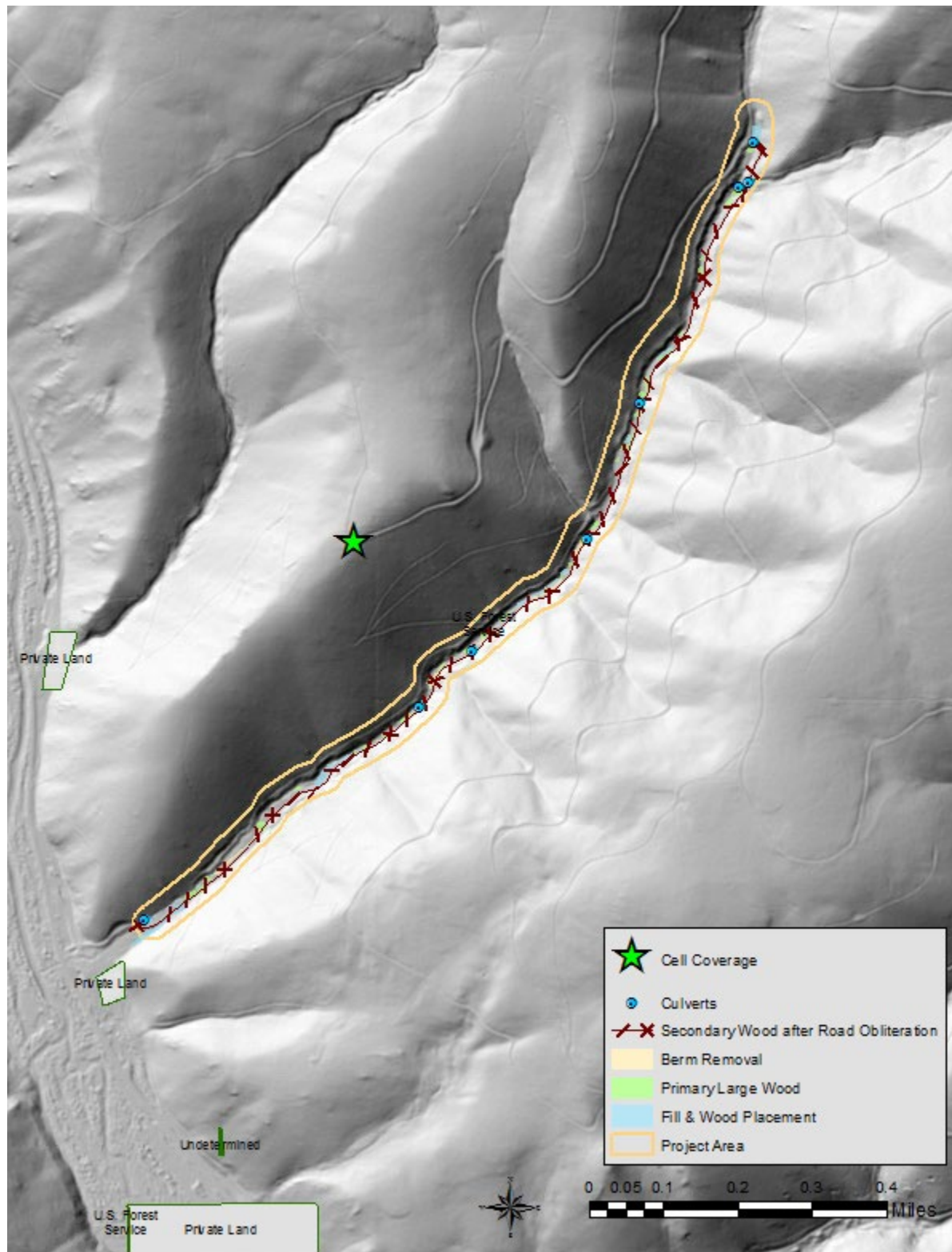


Figure 2. Project area with wood placement, berm removal, and fill locations.

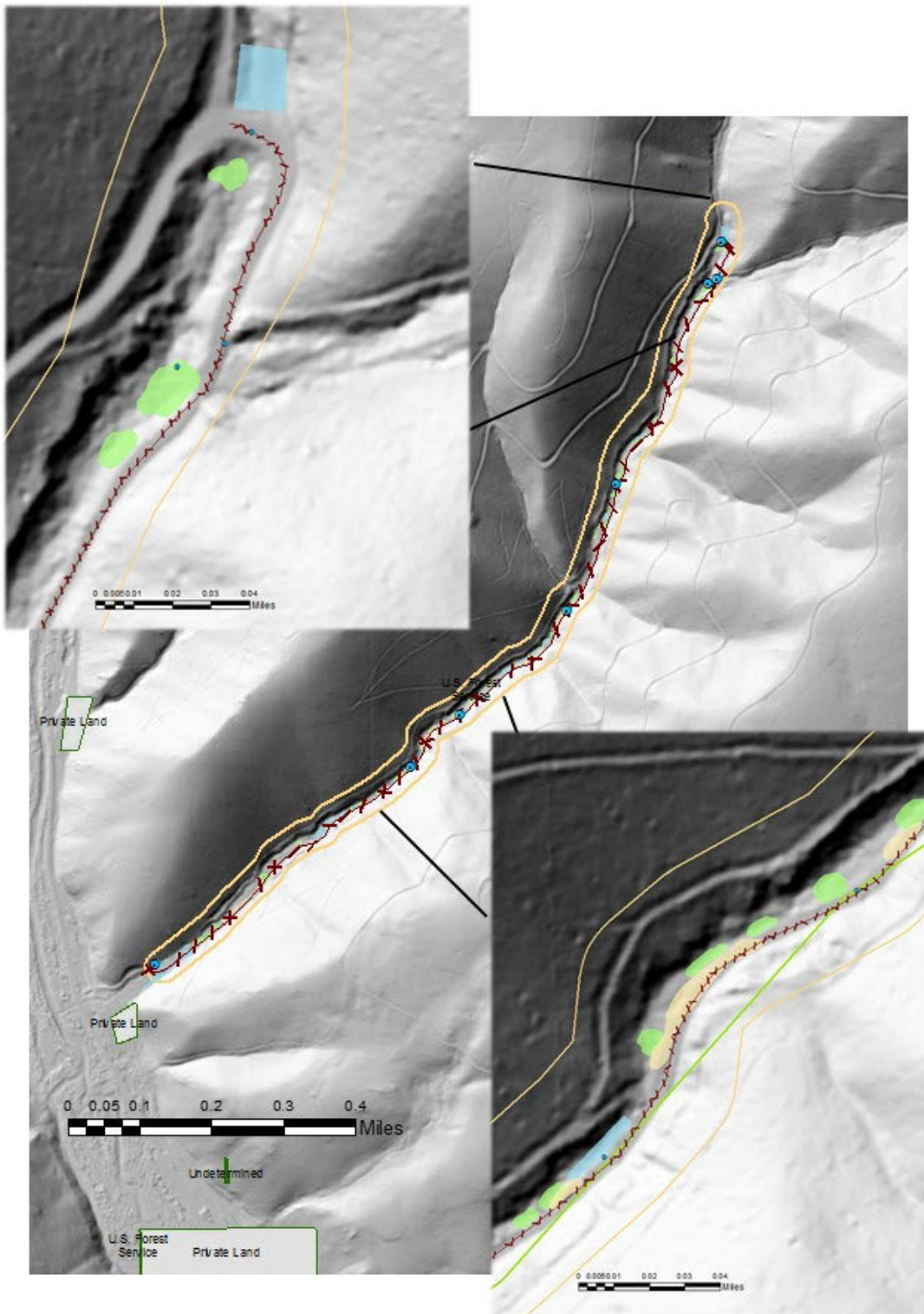


Figure 3. Project map with detailed areas showing wood placement, berm removal, and fill locations.



Figure 4. This project would remove road berms and earthen piles such as those shown above to reconnect stream with floodplain. Placing large wood and slash would slow flow velocities and reduce their erosive power.



Figure 5. This project would place large wood and slash in a jackstraw manner after road obliteration authorized by the Big Mosquito project (USDA Forest Service 2015).



Figure 6. This project would also add large wood with rootwads and gravel to incised channel sections.

References Cited

- U.S. Department of Agriculture, Forest Service [USDA FS]. 1995. Decision notice, environmental assessment, and finding of no significant impact for the inland native fish strategy; interim strategies for managing fish-producing watersheds in eastern Oregon and Washington, Idaho, western Montana, and portions of Nevada (INFISH). Portland, OR: U.S. Department of Agriculture, Forest Service, Intermountain, Northern, and Pacific Northwest Regions. 211 p. Available online:
https://www.fs.usda.gov/detail/malheur/landmanagement/projects/?cid=fsbdev3_033813
- U.S. Department of Agriculture, Forest Service [USDA FS]. 2015. Decision notice and finding of no significant impact: Big Mosquito project and forest plan amendment #78. John Day, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Region. 61 p. Available online:
<https://www.fs.usda.gov/project/?project=41022>
- U.S. Department of Agriculture, Forest Service [USDA FS], & U.S. Department of Interior, Bureau of Land Management [USDI BLM]. 1995. Decision notice/decision record, environmental assessment, and finding of no significant impact for interim management of anadromous fish-producing watersheds on federal lands in Eastern Oregon and Washington, Idaho, and portions of California (PACFISH). Washington, DC: U.S. Department of Agriculture, Forest Service, Pacific Northwest Region. 305 p. Available online:
https://www.fs.usda.gov/detail/malheur/landmanagement/projects/?cid=fsbdev3_033813
- U.S. Department of Agriculture, Forest Service [USDA FS]. 2014. Malheur National Forest aquatic restoration environmental assessment and decision notice. U.S. Department of Agriculture, Forest Service, Malheur National Forest, John Day, OR.

Project Review

Malheur National Forest Aquatic Restoration Project NEPA Compliance and Implementation Checklist

Project Number: 01042022 **Date:** 5/1/2022 **Location:** Deep Creek

Category: Category 2: Large Wood, Boulder, and Gravel Placement; including tree removal for large wood placement

Category 5: Off- and Side-Channel Habitat Restoration

Category 7: Set-back or Removal of Existing Berms, Dikes, and Levees

Category 14: Riparian Vegetative Planting

Project Description: The project proposes 1.5 miles of restoration along lower Deep Creek including berm removal, fill, and large wood placement in the stream channel and floodplain.

Heritage (to be completed by heritage specialist)

Y / N Initial

Y EM Specific PDC for heritage addressed (heritage surveys; avoidance areas).

Botany (to be completed by botany specialist)

Y / N Initial

Y AH Specific PDC for botany addressed (sensitive plant surveys).

Y AH Specific PDC for noxious weeds addressed.

Land Management Consistency (is the proposed project within the management area? Check yes or no. If yes, comments should indicate whether proposed actions are consistent with the standards for the management area.)

Y / N Initial

N BSP 4A big game winter range

N BSP 6A and 6B wilderness

N BSP 7 scenic area

N BSP 8 special interest areas

Y / N Initial

N BSP 9 research natural areas

N BSP 10 semi-primitive non-motorized recreation areas

N BSP 22/22A wild and scenic river

N BSP inventoried roadless areas

Comments: This project does have portions that overlap management areas 13 “Old Growth,” and 14 “Foreground Visual Corridor”

I have reviewed this project and have determined it is compliant with the Malheur Forest Plan and Aquatic Restoration environmental assessment project design criteria identified for my resource.

Table 1. Projects design criteria and Malheur Forest Plan compliance checklist

Resource	Signature	Date	Comments (additional PDCs may be noted if necessary) *May continue on next page
Botany	<u>/s/ Amanda Hardman</u>	4/21/2022	Sensitive species not currently found in project location.
Engineering	<u>/s/ Matthew Smith</u>	4/21/2022	Engineering has concerns about how hydraulic changes could impact the house immediately downstream of the project area. Ensure that activities do not impact the house and/or the private property in any future flow event. Ensure the culvert under Hwy 20 is open and won't become plugged from debris in future flow events. The Deep Creek Road is a main road for Galena locals to drive for cell service. The road up Mosquito Creek is the secondary route for them to get cell service. Ensure this secondary route is maintained and prepped to handle increased traffic for this.
Fish*	<u>/s/ Cody Lund</u>	4/12/2022	Project is consistent with MNF Aquatics Restoration EA and ARBO II. Short term negative effects to ESA threatened Mid-Columbia steelhead and critical habitat with an overall long term benefit for floodplain connectivity, habitat complexity, riparian vegetation and extended late season water storage.
Fuels / Fire	<u>/s/ Edward Clark</u>	3/31/2022	No additional comments.
Heritage	<u>/s/ Emily Modelski</u>	4/13/2022	In addition to the Heritage PDCs listed in the appendix, the District Archaeologist will be notified 30 days prior to project implementation so flagging and pre implementation inspection can be performed AND once the project is completed so post implementation inspection may occur. The project lead will work with the District Archaeologist to coordinate having a heritage monitor present while heavy machinery is close to cultural features or artifact concentrations. There are no adverse effects to cultural resources expected from project implementation.
Hydrology*	<u>/s/ Denine Schmitz</u>	4/22/2022	Follow MNF Aquatic EA and ARBO2 PDCs. This project may have short term impacts to water quality, but long-term benefits to floodplain development, channel form, and riparian function will improve shade and floodplain storage leading to progress toward meeting temperature standards.
Invasive Plants	<u>/s/ Amanda Hardman</u>	4/21/2022	Project design will reduce invasive establishment and promote native species success.
Lands	<u>/s/ Stacia Kimbell</u>	4/4/2022	Ensure project is in full compliance with the National Forest Boundary Line Policy & Direction prior to project implementation and adjacent landowners are adequately notified.
Mining	<u>/s/ Hannah Grist</u>	4/21/2022	Inform existing mine claimants of upcoming activities. More information provided via email.
Range	<u>/s/ Wayne Witty</u>	4/11/2022	No range issues or concerns identified.

Recreation	<u>/s/ Kevin Green</u>	4/12/2022	No developed recreation resources are within or adjacent to this project location. The adjacent 20 Road is also an important transportation corridor between popular recreation areas of the forest. Media notification and onsite signage should be used to advise the public of any impacts to trailhead and/or road access. As possible, limit impacts to visitor access during the high use fall hunting season, during which there is an abundance of dispersed camping and overland travel.
Silviculture	<u>/s/ Zane Murray</u>	4/27/2022	Follow silviculture prescription.
Soils	<u>/s/ Leslee Crawford</u>	4/7/2022	In addition to the Soils PDCs listed in the Aquatic Restoration EA Appendix the following additional PDCs from the Soil Protection Guidance for Aquatic Restoration Project using Heavy Equipment Off Roads document. These are as follows:• Avoid heavy machinery travel (HMT) on slopes steeper than 35%, where feasible with a maximum slope allowed of 40%.• No heavy equipment shall be allowed on highly erodible soils. “Highly erodible soil” generally means areas larger than 50 feet in diameter, and either: (1) steeper than 30% with <75% ground cover, (2) 20-30% slope with <50% ground cover, (3) 10-19% slope with <25% ground cover, or (4) with signs of current erosion, such as pedestaling or rilling.• For tree-tipping or removal for LWD projects – on areas where existing skid trails are present and spaced 100-140 feet apart, reuse the old skid trails. Otherwise, space HMT travel ways about 120 feet apart, where practical, using existing skid trails where possible and appropriate. Travel ways (trails) should average less than 14 feet wide. Additionally, when tipping trees within the road prism (as mentioned in this proposal) keep heavy equipment on the road prism, if possible.• Tree tipping trails shall be covered with slash to reduce runoff and erosion if the trails are completely outside of the road prism.• Low ground pressure equipment (less than 8.5 psi) can be allowed off trails on dry, snow-covered, or frozen soil. For soil protection “dry” means July through September or obviously dry in 6 of the top 10 inches of the soil profile.
Special Uses	<u>/s/ Stacia Kimbell</u>	4/12/2022	Pre-coordinate with Grant County Road Department prior to project implementation to develop any mitigation measures to ensure County 20 Road structure will not be adversely impacted from project or post project results (ex: downstream large woody or flow debris movement).
Visuals	<u>/s/ Kevin Green</u>	4/12/2022	A small portion of this project is occurring within the foreground of the County Road 20 visual corridor with a visual quality objective (VQO) of partial retention. All modifications to the visual quality will be short term in nature and will meet Forest Plan standards.

Wildlife	<u>/s/ Jenny Henning</u> <u>4/12/2022, with</u> <u>review by Lauren</u> <u>Romstad</u>	4/12/2022	No additional effects/impacts are expected to wildlife as described in the Aquatics EA. The area overlapping MA 13 is very narrow: proposed activities will not impact the Replacement Old Growth and will meet Forest Plan standards and guidance for Old Growth habitat. Restoration activities will promote wildlife habitat. Tree felling would only occur along the road and within 100 feet of the road prim, and therefore, impact a very narrow portion of a replacement old growth stand. If any trees are needed from the boundary of the old growth stand itself, work with the district wildlife biologist to select smaller diameter trees and trees without wildlife signs (no cavities or signs of a bat roosts). Retain all snags within the old growth stand. No additional effects outside of original analysis. There is an active eagle nest 0.86 miles southeast of the project area. This distance is far enough away that effects are reduced and minimal, however, there is an older, useable nest closer to the project area and if the eagle should move and occupy this closer nest, then the wildlife biologist needs to be consulted. The nests will be checked this spring for activity to determine which nests are active. If nesting eagles are located within 0.5 miles of the project area, then mitigation measure may be needed pending potential disturbances (see PDC's above for Raptors).
----------	---	-----------	--

* 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.

District Environmental Coordinator: /s/ Bethany Parker Date: 4/28/2022

Line Officer Signature: /s/ Lisa Galbreath Date: 5/3/2022

Appendix to the Aquatic Restoration EA

Implementation Description

Project name: Deep Creek Habitat Restoration Phase 1

Project number: 01042022

Category 2: Large Wood, Boulder, and Gravel Placement; including tree removal for large wood placement

Category 5: Off- and Side-Channel Habitat Restoration

Category 7: Set-back or Removal of Existing Berms, Dikes, and Levees

Category 14: Riparian Vegetative Planting

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 are met under this guiding document.

Much of the information below is reproduced from the Decision Notice for Aquatic Restoration Project Appendix A (pages 7 through 44), and may cite project design criteria (PDC) numbers, literature, or other documents not referenced further in this proposal document. Please refer to the Decision Notice for more information.

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 with the aquatic restoration biological assessment as well as ARBO II.
2. Project notification: The following information will be provided to the National Marine Fisheries Service (NMFS) Level 1 aquatics members 30 days prior to implementation as a Project Notification Form 7.
 - a. Action identifier – 01042022
 - b. Project name – Deep Creek Habitat Restoration Phase 1
 - c. Location – Deep Creek, Township 10 South, Range 32 East, Sections 1 and 2 HUC12 170702030301

Table 2. Project location information

Project Location	Deep Creek Habitat Restoration Phase 1
Stream name	Deep Creek
6th field HUC	170702030301
Latitude (decimal degrees)	44.740764
Longitude (decimal degrees)	-118.849171

- d. Agency contact – Denine Schmitz, denine.schmitz@usda.gov
- e. Timing – Start date: 5/1/2022 End date: 10/31/2023
- f. Activity category –

Category 2: Large Wood, Boulder, and Gravel Placement; including tree removal for large wood placement

Category 5: Off- and Side-Channel Habitat Restoration

Category 7: Set-back or Removal of Existing Berms, Dikes, and Levees

Category 14: Riparian Vegetative Planting

- g. Project description – Project description is available in the Proposed Action and Implementation Plan section above.
- h. Species affected –
 - i. Listed species: Middle Columbia River Steelhead
 - ii. Critical Habitat: Yes, Middle Columbia River Steelhead
 - iii. MIS Species: Yes, Redband Trout
- i. Date of submittal – To be completed in Spring of 2022 or 2023, at least 30 days prior to implementation
- j. Site assessments – Assessment for contaminants is not required at these locations.
- k. Review – NMFS fish passage review and Restoration Review Team review are not required.
- l. Verification – [Click here to enter text.](#)
- m. SOD project notification – [Click here to enter text.](#)
3. Minor Variance: Minor variances may be requested during October 15th-November 12th to allow planting of riparian hardwoods on newly activated floodplains and off channels with equipment.
4. NMFS Fish Passage Review and Approval: This work does not require review by the NFMS level 1 team member.
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 1 year, completion and annual reporting will occur in the winter of FY22 or FY23 before February 15th.

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:** In-stream activities will occur between July 15th and August 15th.
11. **Fish passage:** Not applicable.
12. **Site assessment for contaminants:** In developed or previously developed sites, such as areas with past dredge mines, or sites with known or suspected contamination, a site assessment for contaminants will be conducted on projects that involve excavation of greater than 20 cubic yards of material. The action agencies will complete a site assessment to identify the type, quantity, and extent of any potential contamination. The level of detail and resources committed to such an assessment will be commensurate with the level and type of past or current development at the site. The assessment may include the following:
 - a. Review of readily available records, such as former site use, building plans, records of any prior contamination events.

- b. Site visit to observe the areas used for various industrial processes and the condition of the property.
- c. Interviews with knowledgeable people, such as site owners, operators, occupants, neighbors, local government officials, etc.
- d. Report that includes an assessment of the likelihood that contaminants are present at site.

13. Pollution and erosion control measures: Implement the following pollution and erosion control measures:

- a. **Project contact:** Identify a project contact (name, phone number, an address) that will be responsible for implementing pollution and erosion control measures.
- b. List and describe any hazardous material that would be used at the project site, including procedures for inventory, storage, handling, and monitoring; notification procedures; specific clean-up and disposal instructions for different products available on the site; proposed methods for disposal of spilled material; and employee training for spill containment.
- c. Temporarily store any waste liquids generated at the staging areas under cover on an impervious surface, such as tarpaulins, until such time they can be properly transported to and treated at an approved facility for treatment of hazardous materials.
- d. Procedures based on best management practices to confine, remove, and dispose of construction waste, including every type of debris, discharge water, concrete, cement, grout, washout facility, welding slag, petroleum product, or other hazardous materials generated, used, or stored on-site.
- e. Procedures to contain and control a spill of any hazardous material generated, used or stored on-site, including notification of proper authorities. Ensure that materials for emergency erosion and hazardous materials control are onsite (for example, silt fence, straw bales, oil-absorbing floating boom whenever surface water is present).
- f. Best management practices to confine vegetation and soil disturbance to the minimum area, and minimum length of time, as necessary to complete the action, and otherwise prevent or minimize erosion associated with the action area.
- g. No uncured concrete or form materials will be allowed to enter the active stream channel.
- h. Steps to cease work under high flows, except for efforts to avoid or minimize resource damage.

14. Site preparation:

- a. **Flagging sensitive areas:** Prior to construction, clearly mark critical riparian vegetation areas, wetlands, and other sensitive sites to minimize ground disturbance.
- b. **Staging area:** Establish staging areas for storage of vehicles, equipment, and fuels to minimize erosion into or contamination of streams and floodplains.
 - i. No topographical restrictions: Place staging area 150 feet or more from any natural water body or wetland in areas where topography does not restrict such a distance.
 - ii. Topographical restrictions: Place staging area away from any natural water body or wetland to the greatest extent possible in areas with high topographical restriction, such as constricted valley types.
- c. **Temporary erosion controls:** Place sediment barriers prior to construction around sites where significant levels of erosion may enter the stream directly or through road ditches. Temporary erosion controls will be in place before any significant alteration of the action site and will be removed once the site has been stabilized following construction activities.
- d. **Stockpile materials:** Minimize clearing and grubbing activities when preparing staging, project, or stockpile areas. Any large wood, topsoil, and native channel material displaced by construction will be stockpiled for use during site restoration. Materials used for

implementation of aquatic restoration categories (for example, large wood, boulders, and fencing material) may be staged within the 100-year floodplain.

- e. **Hazard trees:** Where appropriate, include hazard tree removal (amount and type) in project design. Fell hazard trees when they pose a safety risk. If possible, fell hazard trees within riparian areas towards a stream. Keep felled trees on site when needed to meet coarse large wood objectives.

15. Heavy equipment use:

- a. **Choice of equipment:** Heavy equipment will be commensurate with the project and operated in a manner that minimizes adverse effects to the environment (for example, minimally-sized, low pressure tires, minimal hard turn paths for tracked vehicles, or temporary mats or plates within wet areas or sensitive soils).
- b. **Fueling and cleaning and inspection for petroleum products and invasive weeds:**
 - i. All equipment used for instream work will be cleaned for petroleum accumulations, dirt, plant material (to prevent the spread of noxious weeds), and leaks repaired prior to entering the project area. Such equipment includes large machinery, stationary power equipment (for example, generators and canes), and gas-powered equipment with tanks larger than 5 gallons.
 - ii. Store and fuel equipment in staging areas after daily use.
 - iii. Inspect daily for fluid leaks before leaving the vehicle staging area for operation.
 - iv. Thoroughly clean equipment before operation below ordinary high water or within 50 feet of any natural water body or areas that drain directly to streams or wetlands and as often as necessary during operation to remain grease free.
- c. **Temporary access roads:** Existing roadways will be used whenever possible. Minimize the number of temporary access roads and travel paths to lessen soil disturbance and compaction and impacts to vegetation. Temporary access roads will not be built on slopes where grade, soil, or other features suggest a likelihood of excessive erosion or failure. When necessary, temporary access roads will be obliterated or revegetated. Temporary roads in wet or flooded areas will be restored by the end of the applicable in-water work period. Construction of new permanent roads is not permitted.
- d. **Stream crossings:** Minimize number and length of stream crossings. Such crossings will be at right angles and avoid potential spawning areas to the greatest extent possible. Stream crossings shall not increase the risk of channel re-routing at low and high water conditions. After project completion, temporary stream crossings will be abandoned and the stream channel and banks restored.
- e. **Work from top of bank:** To the extent feasible, heavy equipment will work from the top of the bank, unless work instream would result in less damage to the aquatic ecosystem.
- f. **Timely completion:** Minimize time in which heavy equipment is in stream channels, riparian areas, and wetlands. Complete earthwork (including drilling, excavation, dredging, filling and compacting) as quickly as possible. During excavation, stockpile native streambed materials above the bankfull elevation, where it cannot reenter the stream, for later use.

16. Site Restoration:

- a. **Initiate rehabilitation:** Upon project completion, rehabilitate all disturbed areas in a manner that results in similar or better than pre-work conditions through removal of project related waste, spreading of stockpiled materials (soil, large wood, trees, etc.) seeding, or planting with local native seed mixes or plants.
- b. **Short-term stabilization:** Measures may include the use of non-native sterile seed mix (when native seeds are not available), weed-free certified straw, jute matting, and other similar techniques. Short-term stabilization measures will be maintained until permanent

erosion control measures are effective. Stabilization measures will be instigated within three days of construction completion.

- c. **Revegetation:** Replant each area requiring revegetation prior to or at the beginning of the first growing season following construction. Achieve reestablishment of vegetation in disturbed areas to at least 70 percent of pre-project levels within three years. Use an appropriate mix of species that will achieve establishment and erosion control objectives, preferably forb, grass, shrub, or tree species native to the project area or region and appropriate to the site. Barriers will be installed as necessary to prevent access to revegetated sites by livestock or unauthorized persons.
 - d. **Planting manuals:** All riparian plantings shall follow Forest Service direction described in the Regional letter to Units, Use of Native and Nonnative Plants on National Forests and Grasslands May 2006 (Final Draft), and/or Bureau of Land Management (BLM) Instruction Memorandum No. OR-2001-014, Policy on the Use of Native Species Plant Material.
 - e. **Decompact soils:** Decompact soil by scarifying the soil surface of roads and paths, stream crossings, staging, and stockpile areas so that seeds and plantings can root.
17. **Monitoring:** Monitoring will be conducted by action agency staff, as appropriate for that project, during and after a project to track effects and compliance with this opinion.
- a. **Implementation:**
 - i. Visually monitor during project implementation to ensure effects are not greater (amount, extent) than anticipated and to contact Level 1 representatives if problems arise.
 - ii. Fix any problems that arise during project implementation.
 - iii. Regular biologist/hydrologist coordination if biologist/hydrologist is not always on site to ensure contractor is following all stipulations.
 - b. **401 Certification:** To minimize short-term degradation to water quality during project implementation, follow current 401 Certification provisions of the Federal Clean Water Act for maintenance or water quality standards described by the following: Oregon Department of Environmental Quality (Oregon BLM, Forest Service, and BIA); Washington Department of Ecology (Washington BLM); and the Memorandum of Understanding between the Washington Department of Fish and Wildlife (WDFW) and Forest Service regarding Hydraulic Projects Conducted by Forest Service, Pacific Northwest Region (WDFW and USDA-Forest Service 2012); California, Idaho, or Nevada 401 Certification protocols (BLM and Forest Service).
 - c. **Post project:** A post-project review shall be conducted after winter and spring high flows.
 - i. For each project, conduct a walk through/visual observation to determine if there are post-project affects that were not considered during consultation. For fish passage and revegetation projects, monitor in the following manner:
 - ii. Fish Passage Projects: Note any problems with channel scour or bedload deposition, substrate, discontinuous flow, vegetation establishment, or invasive plant infestation.
 - iii. Revegetation: For all plant treatment projects, including site restoration, monitor for and remove invasive plants until native plants become established.
 - iv. In cases where remedial action is required, such actions are permitted without additional consultation if they use relevant PDC and aquatic conservation measures and the effects of the action categories are not exceeded.
18. **Work Area Isolation, Surface Water Withdrawals, and Fish Capture and Release:** Isolate the construction area and remove fish from a project site for projects that include concentrated and major excavation at a single location within the stream channel. This condition will typically

apply to the following aquatic restoration categories: Fish Passage Restoration; Dam, Tidegate, and Legacy Structure Removal; and Channel Reconstruction/Relocation.

- a. **Isolate capture area:** Install block nets at up and downstream locations outside of the construction zone to exclude fish from entering the project area. Leave nets secured to the stream channel bed and banks until construction activities within the stream channel are complete. If block nets or traps remain in place more than one day, monitor the nets or traps at least on a daily basis to ensure they are secured to the banks and free of organic accumulation and to minimize fish predation in the trap.
- b. **Capture and release:** Fish trapped within the isolated work area will be captured and released as prudent to minimize the risk of injury, then released at a safe release site, preferably upstream of the isolated reach in a pool or other area that provides cover and flow refuge. Collect fish in the best manner to minimize potential stranding and stress by seine or dip nets as the area is slowly dewatered, baited minnow traps placed overnight, or electrofishing (if other options are ineffective). Fish must be handled with extreme care and kept in water the maximum extent possible during transfer procedures. A healthy environment for the stressed fish shall be provided—large buckets (five-gallon minimum to prevent overcrowding) and minimal handling of fish. Place large fish in buckets separate from smaller prey-sized fish. Monitor water temperature in buckets and well-being of captured fish. If buckets are not being immediately transported, use aerators to maintain water quality. As rapidly as possible, but after fish have recovered, release fish. In cases where the stream is intermittent upstream, release fish in downstream areas and away from the influence of the construction. Capture and release will be supervised by a fishery biologist experienced with work area isolation and safe handling of all fish.
- c. **Electrofishing:** Use electrofishing only where other means of fish capture may not be feasible or effective. If electrofishing will be used to capture fish for salvage, NMFS's electrofishing guidelines will be followed (NMFS 2000).
 - i. Reasonable effort should be made to avoid handling fish in warm water temperatures, such as conducting fish evacuation first thing in the morning, when the water temperature would likely be coolest. No electrofishing should occur when water temperatures are above 18 °C or are expected to rise above this temperature prior to concluding the fish capture.
 - ii. If fish are observed spawning during the in-water work period, electrofishing shall not be conducted in the vicinity of spawning fish or active redds.
 - iii. Only direct current (DC) or pulsed direct current shall be used.
 - iv. Conductivity less than 100, use voltage ranges from 900 to 1100. Conductivity from 100 to 300, use voltage ranges from 500 to 800. Conductivity greater than 300, use voltage to 400.
 - v. Begin electrofishing with minimum pulse width and recommended voltage and then gradually increase to the point where fish are immobilized and captured. Turn off current once fish are immobilized.
 - vi. Do not allow fish to come into contact with anode. Do not electrofish an area for an extended period of time. Remove fish immediately from water and handle as described above (PDC 20b). Dark bands on the fish indicate injury, suggesting a reduction in voltage and pulse width and longer recovery time.
 - vii. If mortality is occurring during salvage, immediately discontinue salvage operations (unless this would result in additional fish mortality), reevaluate the current procedures, and adjust or postpone procedures to reduce mortality.
- d. **Dewater construction site:** When dewatering is necessary to protect species or critical habitat, divert flow around the construction site with a coffer dam (built with non-erosive materials), taking care to not dewater downstream channels during dewatering. Pass flow

and fish downstream with a by-pass culvert or a water-proof lined diversion ditch. Diversion sandbags can be filled with material mined from the floodplain as long as such material is replaced at end of project. Small amounts of instream material can be moved to help seal and secure diversion structures. If Endangered Species Act (ESA) listed-fish may be present and pumps are required to dewater, the intake must have a fish screen(s) and be operated in accordance with NMFS fish screen criteria described below (in part e.iv) of this section. Dissipate flow energy at the bypass outflow to prevent damage to riparian vegetation or stream channel. If diversion allows for downstream fish passage, place diversion outlet in a location to promote safe reentry of fish into the stream channel, preferably into pool habitat with cover. Pump seepage water from the de-watered work area to a temporary storage and treatment site or into upland areas and allow water to filter through vegetation prior to reentering the stream channel.

e. Surface water withdrawals:

- i. Surface water may be diverted to meet construction needs, but only if developed sources are unavailable or inadequate. Where ESA-listed fish may be present, diversions may not exceed 10 percent of the available flow and fish screen(s) will be installed, operated, and maintained according to NMFS's fish screen criteria (NMFS 2011e).
- ii. For the dewatering of a work site to remove or install culverts, bridge abutments etc., if ESA-listed fish may be present, a fish screen that meets criteria specified by NMFS (2011e) must be used on the intake to avoid juvenile fish entrainment. If ESA-listed salmon, steelhead, eulachon, or green sturgeon may be present, the action agencies will ensure that the fish screen design is reviewed and approved by NMFS for consistency with NMFS (2011e) criteria if the diversion (gravity or pump) is at a rate greater than 3 cubic feet per second (cfs). NMFS approved fish screens have the following specifications: (1) An automated cleaning device with a minimum effective surface area of 2.5 square feet per cfs, and a nominal maximum approach velocity of 0.4 feet per second (fps), or no automated cleaning device, a minimum effective surface area of 1 square foot per cfs, and a nominal maximum approach rate of 0.2 fps; and (2) a round or square screen mesh that is no larger than 2.38 mm (0.094 inches) in the narrow dimension, or any other shape that is no larger than 1.75 mm (0.069 inches) in the narrow dimension.
- f. **Stream re-watering:** Upon project completion, slowly re-water the construction site to prevent loss of surface water downstream as the construction site streambed absorbs water and to prevent a sudden release of suspended sediment. Monitor downstream during re-watering to prevent stranding of aquatic organisms below the construction site.

Applicable Project Design Criteria

Project Design Criteria for Aquatic Restoration Activity Categories

2. Large Wood, Boulder, and Gravel Placement

Large wood, boulder, and gravel placement includes large wood and boulder placement, engineered log jams, porous boulder structures and vanes, gravel placement, and tree removal for large wood projects. Such activities will occur in areas where channel structure is lacking due to past stream cleaning (large wood removal), riparian timber harvest, and in areas where natural gravel supplies are low due to anthropogenic disruptions. These projects will occur in stream channels and adjacent floodplains to increase channel stability, rearing habitat, pool formation, spawning gravel deposition, channel complexity, hiding cover, low velocity areas, and floodplain function. Equipment such as helicopters,

excavators, dump trucks, front-end loaders, full-suspension yarders, and similar equipment may be used to implement projects.

a. Large wood and boulder projects:

- i. Place large wood and boulders in areas where they would naturally occur and in a manner that closely mimics natural accumulations for that particular stream type. For example, boulder placement may not be appropriate in low-gradient meadow streams.
- ii. Structure types shall simulate disturbance events to the greatest degree possible and include, but are not limited to, log jams, debris flows, windthrow, and tree breakage.
- iii. No limits are to be placed on the size or shape of structures as long as such structures are within the range of natural variability of a given location and do not block fish passage.
- iv. Projects can include grade control and bank stabilization structures, while size and configuration of such structures will be commensurate with scale of project site and hydraulic forces.
- v. The partial burial of large wood and boulders is permitted and may constitute the dominant means of placement. This applies to all stream systems but more so for larger stream systems where use of adjacent riparian trees or channel features is not feasible or does not provide the full stability desired.
- vi. Large wood includes whole conifer and hardwood trees, logs, and rootwads. Large wood size (diameter and length) should account for bankfull width and stream discharge rates. When available, trees with rootwads should be a minimum of 1.5 times bankfull channel width, while logs without rootwads should be a minimum of 2.0 times bankfull width.
- vii. Structures may partially or completely span stream channels or be positioned along stream banks.
- viii. Stabilizing or key pieces of large wood must be intact, hard, with little decay, and if possible have root wads (untrimmed) to provide functional refugia habitat for fish. Consider orienting key pieces such that the hydraulic forces upon the large wood increases stability.
- ix. Anchoring large wood – Anchoring alternatives may be used in preferential order:
 1. Use of adequate sized wood sufficient for stability
 2. Orient and place wood in such a way that movement is limited
 3. Ballast (gravel or rock) to increase the mass of the structure to resist movement
 4. Use of large boulders as anchor points for the large wood
 5. Pin large wood with rebar to large rock to increase its weight. For streams that are entrenched (Rosgen F, G, A, and potentially B) or for other streams with very low width to depth ratios (less than 12) an additional 60 percent ballast weight may be necessary due to greater flow depths and higher velocities.

b. Engineered logjams: are structures designed to redirect flow and change scour and deposition patterns. To the extent practical, they are patterned after stable natural log jams and can be either unanchored or anchored in place using rebar, rock, or piles (driven into a dewatered area or the streambank, but not in water). Engineered log jams create a hydraulic shadow, a low-velocity zone downstream that allows sediment to settle out. Scour holes develop adjacent to the log jam. While providing valuable fish and wildlife habitat they also redirect flow and can provide stability to a streambank or downstream gravel bar.

- i. **NMFS fish passage review and approve:** For engineered log jams that occupy greater than 25 percent of the bankfull area, the action agencies will ensure that the action is individually reviewed and approved by NMFS for consistency with criteria in Anadromous Salmonid Passage Facility Design (NMFS 2011e).
- ii. Engineered log jams will be patterned, to the greatest degree possible, after stable natural log jams.

- iii. Grade control engineered log jams are designed to arrest channel down-cutting or incision by providing a grade control that retains sediment, lowers stream energy, and increases water elevations to reconnect floodplain habitat and diffuse downstream flood peaks.
- iv. Stabilizing or key pieces of large wood that will be relied on to provide streambank stability or redirect flows must be intact, solid (little decay). If possible, acquire large wood with untrimmed rootwads to provide functional refugia habitat for fish.
- v. When available, trees with rootwads attached should be a minimum length of 1.5 times the bankfull channel width, while logs without rootwads should be a minimum of 2.0 times the bankfull width.
- vi. The partial burial of large wood and boulders may constitute the dominant means of placement, and key boulders (footings) or large wood can be buried into the stream bank or channel
- vii. Angle and offset: The large wood portions of engineered log jam structures should be oriented such that the force of water upon the large wood increases stability. If a rootwad is left exposed to the flow, the bole placed into the streambank should be oriented downstream parallel to the flow direction so the pressure on the rootwad pushes the bole into the streambank and bed. Wood members that are oriented parallel to flow are more stable than members oriented at 45 or 90 degrees to the flow.
- viii. If large wood anchoring is required, a variety of methods may be used. These include buttressing the wood between riparian trees, the use of manila, sisal or other biodegradable ropes for lashing connections. If hydraulic conditions warrant use of structural connections, such as rebar pinning or bolted connections, may be used. Rock may be used for ballast but is limited to that needed to anchor the large wood.

c. Porous boulder structures and vanes:

- i. Full channel-spanning boulder structures are to be installed only in highly uniform, incised, bedrock-dominated channels to enhance or provide fish habitat in stream reaches where log placements are not practicable due to channel conditions (not feasible to place logs of sufficient length, bedrock-dominated channels, deeply-incised channels, artificially constrained reaches, etc.), where damage to infrastructure on public or private lands is of concern, or where private landowners will not allow log placements due to concerns about damage to their streambanks or property.
- ii. Install boulder structures low in relation to channel dimensions so that they are completely overtopped during channel-forming flow events (approximately a 1.5-year flow event).
- iii. Boulder step structures are to be placed diagonally across the channel or in more traditional upstream pointing “V” or “U” configurations with the apex oriented upstream.
- iv. Boulder step structures are to be constructed to allow upstream and downstream passage of all native fish species and life stages that occur in the stream. Plunges shall be kept less than 6 inches in height.
- v. The use of gabions, cable, or other means to prevent the movement of individual boulders in a boulder step structure is not allowed.
- vi. Rock for boulder step structures shall be durable and of suitable quality to assure long-term stability in the climate in which it is to be used. Rock sizing depends on the size of the stream, maximum depth of flow, planform, entrenchment, and ice and debris loading.
- vii. The project designer or an inspector experienced in these structures should be present during installation.
- viii. Full spanning boulder step structure placement should be coupled with measures to improve habitat complexity and protection of riparian areas to provide long-term inputs of large wood.

d. Gravel augmentation:

- i. Gravel can be placed directly into the stream channel, at tributary junctions, or other areas in a manner that mimics natural debris flows and erosion.
- ii. Augmentation will only occur in areas where the natural supply has been eliminated, significantly reduced through anthropogenic disruptions, or used to initiate gravel accumulations in conjunction with other projects, such as simulated log jams and debris flows.
- iii. Gravel to be placed in streams shall be a properly sized gradation for that stream, clean, and non-angular. When possible, use gravel of the same lithology as found in the watershed. Reference the Stream Simulation: An Ecological Approach to Providing Passage for Aquatic Organisms at Road-Stream Crossings (USDA-Forest Service 2008) to determine gravel sizes appropriate for the stream.
- iv. Gravel can be mined from the floodplain at elevations above bankfull, but not in a manner that would cause stranding during future flood events. Crushed rock is not permitted.
- v. After gravel placement in areas accessible to higher stream flow, allow the stream to naturally sort and distribute the material.
- vi. Do not place gravel directly on bars and riffles that are known spawning areas, which may cause fish to spawn on the unsorted and unstable gravel, thus potentially resulting in redd destruction.
- vii. Imported gravel must be free of invasive species and non-native seeds. If necessary, wash gravel prior to placement.

e. Tree removal for large wood projects:

- i. Live conifers and other trees can be felled or pulled/pushed over in a Northwest Forest Plan (USDA and USDI 1994a) Riparian Reserve or PACFISH/INFISH (USDA-Forest Service 1995 ; USDA and USDI 1994b) riparian habitat conservation areas (RHCA), and upland areas (for example, late successional reserves or adaptive management areas for northern spotted owl and marbled murrelet critical habitat) for in-channel large wood placement only when conifers and trees are fully stocked. Tree felling shall not create excessive stream bank erosion or increase the likelihood of channel avulsion during high flows.
- ii. Danger trees and trees killed through fire, insects, disease, blow-down and other means can be felled and used for in-channel placement regardless of live-tree stocking levels.
- iii. Trees may be removed by cable, ground-based equipment, horses or helicopters.
- iv. Trees may be felled or pushed/pulled directly into a stream or floodplain.
- v. Trees may be stock piled for future instream restoration projects.
- vi. The project manager for an aquatic restoration action will coordinate with an action-agency wildlife biologist in tree-removal planning efforts.

5. Off- and Side-Channel Habitat Restoration

Off- and side-channel habitat restoration projects will be implemented to reconnect historic side-channels with floodplains by removing off-channel fill and plugs. Furthermore, new side-channels and alcoves can be constructed in geomorphic settings that will accommodate such features. This activity category typically applies to areas where side channels, alcoves, and other backwater habitats have been filled or blocked from the main channel, disconnecting them from most if not all flow events. These project types will increase habitat diversity and complexity, improve flow heterogeneity, provide long-term nutrient storage and substrate for aquatic macroinvertebrates, moderate flow disturbances, increase retention of leaf litter, and provide refuge for fish during high flows. Equipment such as excavators, bulldozers, dump trucks, front-end loaders, and similar equipment may be used to implement projects.

- a. **Review and approve:** When a proposed side channel will contain greater than 20 percent of the bankfull flow, 16 the action agencies will ensure that the action is reviewed by the restoration review team and reviewed and approved by NMFS for consistency with criteria in NMFS (2011e).

b. Data requirements: Data requirements and analysis for off- and side-channel habitat restoration include evidence of historical channel location, such as land use surveys, historical photographs, topographic maps, remote sensing information, or personal observation.

c. Allowable excavation: Off- and side-channel improvements can include minor excavation (less than 10 percent of volume) of naturally accumulated sediment within historical channels. There is no limit as to the amount of excavation of anthropogenic fill within historic side channels as long as such channels can be clearly identified through field or aerial photographs. Excavation depth will not exceed the maximum thalweg depth in the main channel. Excavated material removed from off- or side-channels shall be hauled to an upland site or spread across the adjacent floodplain in a manner that does not restrict floodplain capacity.

7. Set-Back or Removal of Existing Berms, Dikes, and Levees

Set-back or removal of existing berms, dikes, and levees will be conducted to reconnect historic freshwater deltas to inundation, stream channels with floodplains, and historic estuaries to tidal influence as a means to increase habitat diversity and complexity, moderate flow disturbances, and provide refuge for fish during high flows. Other restored ecological functions include overland flow during flood events, dissipation of flood energy, increased water storage to augment low flows, sediment and debris deposition, growth of riparian vegetation, nutrient cycling, and development of side channels and alcoves. Such projects will take place where estuaries and floodplains have been disconnected from adjacent rivers through drain pipes and anthropogenic fill. Equipment such as excavators, bulldozers, dump trucks, front-end loaders, and similar equipment may be used to implement projects.

a. Floodplains and freshwater deltas:

- i. Design actions to restore floodplain characteristics—elevation, width, gradient, length, and roughness—in a manner that closely mimics, to the extent possible, those that would naturally occur at that stream and valley type.
- ii. Remove drain pipes, fences, and other capital projects to the extent possible.
- iii. To the extent possible, remove nonnative fill material from the floodplain to an upland site.
- iv. Where it is not possible to remove or set-back all portions of dikes and berms, or in areas where existing berms, dikes, and levees support abundant riparian vegetation, openings will be created with breaches. Breaches shall be equal to or greater than the active channel width to reduce the potential for channel avulsion during flood events. In addition to other breaches, the berm, dike, or levee shall always be breached at the downstream end of the project or at the lowest elevation of the floodplain to ensure the flows will naturally recede back into the main channel, thus minimizing fish entrapment.
- v. Elevations of dike/levee setbacks shall not exceed the elevation of removed structures.
- vi. When necessary, loosen compacted soils once overburden material is removed. Overburden or fill comprised of native materials, which originated from the project area, may be used within the floodplain to create set-back dikes and fill anthropogenic holes provided that floodplain function is not impeded.

b. Estuary restoration:

- i. Project implementation shall be conducted in a sequence that will not preclude repairing or restoring estuary functions once dikes/levees are breached and the project area is flooded.
- ii. Culverts and tide gates will be removed using the design criteria and conservation measures, where appropriate, as described in Work Area Isolation, Surface Water Withdrawals, & Fish Capture and Release (PDC 20) and Fish Passage Restoration (PDC 21) above.
- iii. Roads within the project area should be removed to allow free flow of water. Material either will be placed in a stable area above the ordinary high water line or highest measured tide, or be used to restore topographic variation in wetlands.

- iv. To the extent possible, remove segmented drain tiles placed to drain wetlands. Fill generated by drain tile removal will be compacted back into the ditch created by removal of the drain tile.
- v. Channel construction may be done to recreate channel morphology based on aerial photograph interpretation, literature, topographic surveys, and nearby undisturbed channels. Channel dimensions (width and depth) are based on measurements of similar types of channels and the drainage area. In some instances, channel construction is simply breaching the levee. For these sites, further channel development will occur through natural processes. When required, use PDC in Channel Reconstruction/Relocation (PDC 24).
- vi. Fill ditches constructed and maintained to drain wetlands. Some points in an open ditch may be over-filled, while other points may be left as low spots to enhance topography and encourage sinuosity of the developing channel.

14. Riparian Vegetation Planting

Riparian vegetation planting includes the planting of native riparian species that would occur under natural disturbance regimes. Activities may include the following: planting conifers, deciduous trees, and shrubs; placement of sedge, rush mats, or both; and gathering and planting willow cuttings. The resulting benefits to the aquatic system can include desired levels of stream shade, bank stability, stream nutrients, large wood inputs, increased grasses, forbs, and shrubs, and reduced soil erosion. Equipment may include excavators, backhoes, dump trucks, power augers, chainsaws, and manual tools.

- a. Experienced silviculturists, botanists, ecologists, or associated technicians shall be involved in designing vegetation treatments.
- b. Species to be planted will be of the same species that naturally occur in the project area. Acquire native seed or plant sources as close to the watershed as possible.
- c. Tree and shrub species, willow cuttings, as well as sedge and rush mats to be used as transplant material shall come from outside the bankfull width, typically in terraces (abandoned flood plains), or where such plants are abundant.
- d. Sedge and rush mats should be sized to prevent their movement during high flow events.
- e. Concentrate plantings above the bankfull elevation.
- f. Removal of native and non-native vegetation that will compete with plantings is permitted.
- g. Exclosure fencing to prevent utilization of plantings by deer, elk, and livestock is permitted.

Project Design Criteria by Resource

Fisheries and Hydrology

Fisheries and hydrology resources will follow all mitigation measures and project design criteria for aquatic restoration activities as shown in the 'Aquatic Restoration Project Categories, Program Administration, General Aquatic Conservation Measures, and Project Design Criteria for Aquatic Restoration Activity Categories on the Malheur National Forest.'

Additional Aquatic project design criteria were developed for the following elements: tree tipping and felling, juniper treatments, tree hauling, and prescribed burning.

General For Inside Riparian Habitat Conservation Areas

All snags will be maintained within the RHCA unless deemed a hazard to the restoration activity.

Tree Tipping and Tree Felling for Large Wood Projects

Source trees being extracted (either by tipping or felling) as part of this project for instream restoration will not be harvested from within the primary shade zone.

Table 3. Primary shade zone width slope distance (feet), based on adjacent hillslope (percent)

Hillslope less than 30 percent	Hillslope 30 to 60 percent	Hillslope greater than 30 percent
50 feet	55 feet	60 feet

The Temperature Implementation Strategies allow the distances in the above table to be less (but not less than 25 feet.) if any of the following conditions applies:

- The trees are located on a south facing slope (175 to 185 degree azimuth) and therefore do not provide stream shade;
- An appropriate level of analysis is completed and documented, such as shade modeling, using site-specific characteristics to determine the primary shade tree width; and/or
- Field monitoring or measurements are completed to determine the width where optimum angular canopy density (65 percent or greater) is achieved (see TMDL Implementation Strategies).
- If trees are being felled for safety reasons they can be felled towards the stream.
- Source trees should come from but are not limited to: over or fully stocked upland and riparian stands, hazard trees, trees generated from administrative sites (maintenance, expansion, or new construction), and hardwood restoration.

There is no DBH (diameter at breast height) restriction for large wood, but consider the following before removing and placing trees:

Diameter:

- The key to establishing a logjam is utilizing larger diameter wood that resists decay. These pieces of wood are often called “key pieces,” and serve as the anchors for the logjam structure. Wood can improve fish habitat only if the wood is large enough to stay, influence flow patterns, and sediment sorting. Larger diameter wood retains its size longer as abrasion and decay occurs over the years. Larger diameter wood is more effective in creating pools and complex channels that improve fish populations. The minimum diameter required for a key piece of wood depends on the bankfull width of the stream is found in the following table:

Table 4. Bankfull widths and minimum diameter of logs to be considered key pieces

Bankfull width* (in feet)	Minimum diameter* (inches)
0 to 10	10
10 to 20	16
20 to 30	18
Over 30	22

*This table was taken from '1995 A Guide to Placement of Large Wood in Streams.

Length:

- The length of the wood is also important to stability. To be considered a key piece a log with a rootwad still attached should be at least 1 1/2 times (1.5 times) the bankfull or a log without a rootwad should be twice (2 times) the length of the stream's bankfull width. As the best fish habitat is formed around jams composed of three to seven logs, at least two key pieces should be used at each structure.
- Mimic natural accumulations of large woody debris based on stream type, valley setting, and community type and ensure future large woody debris recruitment
- Tailholds as part of tree tipping operations are permitted across perennial, intermittent and ephemeral streams, but the use of protective straps will be required to prevent tree damage.

Juniper Treatments

The majority of the juniper treatment areas would be within the riparian habitat conservation areas and adjoining uplands. For each area evaluated for juniper treatments, interdisciplinary teams would discuss the following questions in order to identify the attributes of an area and select the appropriate treatments:

- What kind of site (potential natural vegetation, soils)?
- Successional state of site?
- Components that need to be restored?
- How units may fit into the overall landscape mosaic?
- Long-term goals and objectives?

Utilize the "Western Juniper Field Guide: Asking the Right Questions to Select the Appropriate Management Actions (Bates et al. 2007, Circular 1321) (see <http://pubs.usgs.gov/circ/1321/pdf/circ1321.pdf>).

Tree and Boulder Hauling

- Apply mitigation and best management practices for dust abatement (water, lignosulfonate, calcium, and magnesium chlorides) dry conditions, and erosion control as directed by physical scientist or road engineer (see road maintenance project design criteria #6 for application).
 - ♦ Haul on gravel and native-surface roads will be limited to dry conditions.

Haul Restrictions to Prevent Fine Sediment Delivery to Streams

- Haul or maintenance is permitted on roads under the following conditions:
 - ♦ During haul, weather conditions are monitored daily for the chance of precipitation by the hydrologist or fish biologist.
 - ♦ No rutting of the road surface is occurring, indicating the subsurface is wet.
 - ♦ Frozen ground conditions.
 - ♦ Haul will cease at any time when the travelway of the road is wet and turbid water or fines are observed moving off the road surface to ditchlines that deliver to stream channels regardless of time of year.

Roads Exempt from Haul Restrictions Include (Due to No Mechanism for Sediment Delivery):

- Paved roads
- Surfaced Ridge top roads
- Surfaced out-sloped roads with no ditch or stream crossings

Prescribed Burning and Related Activities

- Mechanical piling and burning of large piles will be restricted to existing roads and landings.
- Include all relevant PDC in silviculture prescriptions and burn plan objectives for all fuel treatment activities within RHCAs.
- Use all available fuel treatments and preparation activities as necessary (for example, multiple entries, slash pull-back, modified ignition methods, locations, timing, and sequence, thinning of small green trees, pruning of green trees and snags, prescribed fire, fire suppression, jack pot burning, etc.) to achieve the specific PDC. Suppression should be used only as a last resort to achieve other PDC.

For Perennial and Fish-Bearing Stream Channels:

- Avoid removing trees along stream banks (for example, don't cause bank instability or increase erosion).

- Within primary shade zone retain 100 percent of the overstory canopy closure with the exception of hardwood treatment.
- For intermittent, non-fish-bearing stream channels:
 - ◆ Within 50 feet of the stream channel backing fire is preferred.
- For the maintenance and use of water sources and draft sites:
 - ◆ Minimize disturbance of existing riparian vegetation to the greatest extent practical; in particular, maintain shade, bank stability, and large woody material recruitment potential.
 - ◆ Use sediment control measures such as straw bales, filter cloth, or sediment fences when conditions warrant.
 - ◆ Maximize maintenance activities during late summer and early fall to best avoid wet conditions.
 - ◆ Do not pump from streams that do not have continuous surface flow. When pumping water in all situations from streams, ensure that at least one-half of the original streamflow remains below the pump site.
 - ◆ Refuel power equipment, or use absorbent pads for immobile equipment, and prepare concrete at least 150 feet (or as far as possible from the water body where local site conditions do not allow a 150 foot setback) from water bodies to prevent direct delivery of contaminants into associated water bodies.
 - ◆ Fisheries, hydrology or other qualified personnel must work with engineering/fire personnel to review proposed activities to minimize potential effects to fish, stream channel conditions, and water quality.
 - ◆ Use and develop off-channel ponds outside of stream channels were feasible and appropriate. Work with fire folks to prioritize and decommission unnecessary in-stream drafting sites.
 - ◆ Water withdrawal equipment must have a fish screen installed, operated and maintained in accordance to NOAA Fisheries guidelines.

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.
- Where possible, retain trees with inactive nests that may be important to secondary nesters (for example, great gray owl).
- Any snags in riparian areas or uplands will be protected from disturbance, removal, or use in stream restoration activities unless deemed a safety hazard at a specific work site.

Big Game

- Within big game winter range a wildlife biologist will be consulted between December 1 and April 1 to determine if activities should be restricted for big game needs.

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 feet 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).
- Cutting of old-growth juniper shall be prohibited. Old-growth characteristics include: sparse limbs, dead limbed or spiked-tops, deeply furrowed and fibrous bark, branches covered with bright-green arboreal lichens, noticeable decay of cambium layer at base of tree, and limited terminal leader growth in upper branches.

Groundwater-Dependent Ecosystems

- The integrity of groundwater-dependent ecosystems shall be maintained. Spring developments shall not dewater groundwater-dependent ecosystems. Spring developments shall not be allowed if the spring is occupied by rare or sensitive plant species, or in peatlands, fens, or where histic soils are present. These sites should be buffered 100 feet from all operational activities where topography does not restrict such a distance, and be identified as areas to protect.
- Heavy equipment, vehicle operation, road construction, staging areas, stockpile areas, piling of slash, fence construction, fire lines, and other operational activities shall not be allowed in springs, seeps, or any other groundwater dependent ecosystem, unless it is for the benefit or protection of the groundwater dependent ecosystems or development of the spring.
- Spring developments should not disturb the spring orifice (point where water emerges). Spring head boxes should be placed in a location that will cause the least amount of disturbance to the soils and vegetation of the groundwater dependent ecosystems. Preferable locations for spring head boxes should be in an established channel downstream from the orifice or a location where flowing water becomes subsurface.
- When necessary, construct fenced exclosures around spring developments to prevent damage from wild ungulates and livestock.

- Spring developments shall have a return flow system to minimize the diversion of surface and subsurface water from the catchment area. Consider using a float valve or similar device to reduce the amount of water withdrawn from the groundwater dependent ecosystems.
- When developing springs, place troughs far enough away from groundwater-dependent ecosystems, wetlands, and other sensitive or unique habitats to prevent erosion, compaction, or degradation to sensitive soils and vegetation due to livestock congregation.

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.
- Actions conducted on National Forest System Lands that will operate outside the limits of the road prism, require the cleaning of all heavy equipment (bulldozers, skidders, graders, backhoes, dump trucks, etc.) prior to entering the Malheur National Forest. Cleaning will be inspected and approved by the forest officer in charge of administering the project.
- 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 or mulch is not available, individual national forests should require sources certified to be weed-free using the North American Weed Free Forage Program standards or a similar certification process.
- Inspect active gravel, fill, sand stockpiles, quarry sites, and borrow material for invasive plants before use and transport. Treat or require treatment of infested sources before any use of pit material. Use only gravel, fill, sand, or rock that are judged to be weed free by District or Forest weed specialists.
- Prohibit heavy equipment operation, vehicle travel, staging areas, fire-control lines, and any other operational activities in invasive plant infestations, unless the activities are for the express purpose of eradicating the infestation or INV1 and INV2 have been completed.
- 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 (for example, 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 or not economically feasible, and (4) in permanently altered plant communities.
- Under no circumstances shall non-native invasive plant species 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 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

- For projects involving heavy machinery off roads, the project proponents shall inspect the site for existing impacts to the soil. If existing impacts appear to be heavy on the Malheur National Forest or moderate on the Ochoco National Forest, they shall contact a soil scientist, who shall determine what site specific project design criteria are necessary to meet Forest Plan and Forest Service Manual standards and guidelines. (If a soil scientist is not available, a silviculturist or hydrologist can do the work.) If standards and guidelines cannot be met, heavy machinery shall not be used.
- Erosion would be minimized by following General Aquatic Conservation Measures (see section, above) and by implementing the appropriate project design criteria based on the type of activity (see Appendix A).
- Erosion from heavy machinery use would be minimized; by minimizing compaction and puddling, rutting would be minimized.
- For Livestock Stream Crossings and Off-Channel Watering Facilities, out-of-channel erosion would be minimized.
- For Road Erosion Control, erosion would be minimized.
- For Juniper Removal, erosion would be minimized. It is possible that juniper removal would increase ground cover within a few years, and thereby reduce erosion.
- Prescribed fire (including for disposal of slash after juniper removal) can involve only low- and moderate-severity fire, and erosion from fire lines would be minimized, so erosion from prescribed fire would not be significant.

Fire and Fuels

- Mechanical tools may be necessary to prepare fire control lines for these burns, but would be limited, and typically no heavy equipment would be used. Prescribed burns or wildfires could temporarily affect air quality.
- The project design criteria for both Juniper Removal and Riparian Vegetation Treatment (controlled burning) would be followed. National, state, and local policies regarding prescribed fire implementation will be met.
- Activities that are expected to create smoke emissions would follow the State of Oregon Smoke Management Plan. Prior to burning, approval will be obtained from the Oregon Department of

Forestry, who determines compliance with the Clean Air Act. State smoke forecasts, which predict wind direction and smoke mixing height, will be obtained prior to all burning to ensure smoke intrusions will not occur in the local smoke sensitive receptor areas.

- Burning will follow the guidance provided by the Oregon Smoke Management Plan (Directive 1-4-1-601, Operational Guidance for the Oregon Smoke Management Program), which is an agreement between federal land management agencies in northeast Oregon and Oregon Department of Forestry limiting smoke emission amounts. Oregon Department of Forestry monitors activity, and if a limit is reached it will shut down prescribed fire 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 (SHPO) 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.

Recreation

- Motorized aquatic restoration methods would not be used within wilderness, wild portions of wild and scenic rivers, and inventoried roadless areas.
- Mechanized aquatic restoration methods would not be used within wilderness or wild portions of wild and scenic rivers.

Grazing

General

- Range and fire specialists and permittees would coordinate activities including scheduling of burning activities in grazing units.
- Utilize the Forest Post-Fire Interim Grazing Guidelines to aid in determining when to resume grazing activities.
- Whenever possible, units to be rested would be burned in the spring of the year to be rested or in the fall prior to the rest year.
- If a rest period is required following a burn the permittee has the option to exclude cattle grazing from those portions of a pasture that were burned through the use of fencing and could continue to graze the unburned areas of a unit.

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.
- Fence right-of-ways (6 feet either side of fence), trails, other developments and access to them would be cleared of slash produced by project activities.

Aspen Restoration

- New aspen enclosure fences would have gates installed in proper locations to allow for removal of stray livestock. Aspen fences would be maintained each year and repaired whenever necessary. Plans for aspen enclosures will define when restoration of the protected stand has been achieved and who has responsibility for maintenance of the structure. When fences are no longer needed, aspen fences should be removed.
- Alternate livestock water sources to those being used in aspen stands would be developed off-site before fencing aspen or re-evaluate fencing of the aspen site. Coordinate with range specialist and permittee.

Notification

- During the 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.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer and lender.