

## Forest Aquatic Restoration Project NEPA Compliance and Implementation Checklist

### Magone Fish Passage Restoration 2018

**Project Number:** 01-02-2018      **Date:** 2/22/2018      **Location:** T12S, R32E, sec. 18, SW ¼ of SW ¼; T12S, R31E, sec. 21, SW ¼ of SE ¼  
**Category:** 1 – Fish Passage Restoration, 14 – Riparian Vegetation Planting, 3 – Dam and Legacy Structure Removal

**Project Description:** Replacement of 2 fish passage barrier culverts, 1 on Tinker Creek and 1 on East Fork Beech Creek to restore fish passage.

**Heritage** (to be completed by heritage specialist)

Y      N      Initial  
            KW      Specific PDC for Heritage addressed (Heritage Surveys; Avoidance areas). -see attachment 8

**Botany** (to be completed by botany specialist)

Y      N      Initial  
            JK      Specific PDC for Botany addressed (Sensitive Plant Surveys).  
            AA      Specific PDC for Nox. 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		Y	N	Initial	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	4A Big Game Winter range	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	9 Research Natural Areas
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	6A & 6B Wilderness	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	10 Semi-Primitive Non-Motorized Recreation Areas
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	7 Scenic Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	22/22A Wild and Scenic River
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	8 Special Interest Areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DA</u>	Inventoried Roadless Areas

**Comments:**

Table 1. Projects Design Criteria and Forest Plan compliance checklist.

I have reviewed this project and have determined it is compliant with the Forest Plan and Aquatic EA Project Design Criteria identified for my resource.			
Resource	Signature	Date	Comments (additional PDCs may be noted if necessary)
Heritage	<u>Katherine L. Cueno</u>	03/05/18	no effects to historic properties
Botany	<u>Wendy Halverson</u>	2/27/18	No TES sites, documented, Surveys will be done by implementation
Invasive Plants	<u>Wendy Halverson</u>	2/27/18	Follow PDC's, known invasives w/in 1/2 mile of sites
Wildlife	<u>Wendy Halverson</u>	2/23/18	no known concerns -
Fish*	<u>Dan Combs</u>	2/22/18	benefit / rip rap removal may not occur as part of project
Hydrology*	<u>Mary Kelly</u>	2/22/18	per DN (Aquatic Restoration Decision Notice)
Range	<u>John</u>	2/22/18	ensure bypass access to allotments in the area.
Soils	<u>Robert C. M'heary</u>	2-26-18	ONLY TINY AREAS DISTURBED, MOSTLY ON EXISTING ROAD PRISMS
Recreation	<u>Justin Dixon</u>	2/26/18	Short term effects, but long term benefits for Recreation
Special Uses	<u>Shelley</u>	2/27/18	no lands subs identified.
Lands / Mining	<u>Shelley HG</u>	2/27/18	No mine claims present. 100 lands leases identified for marksmanship
Engineering	<u>3rd Party</u>	2/13/18	No concerns
Fuels / Fire	<u>3rd Party</u>	2/26/18	no concerns
Silviculture	<u>Monica Lindley</u>	2/23/18	no effects

\* 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: Katherine L. Cueno      Date: 5/7/18

Line Officer Signature: Wendy Halverson      Date: 5/7/18

# Implementation Description

## Magone Fish Passage Restoration 2018

**Table 1. Project information**

<u>Category 1</u> : Fish Passage Restoration <u>Category 14</u> : Riparian Vegetation Planting <u>Category 3</u> : Dam and Legacy Structure Removal	Lead Preparer: Dan Armichardy
Applicant: Blue Mountain Aquatics	NEPA Reference: Aquatic Restoration Decision Notice (located on project website*)
Location: (T/R, sec., ¼, ¼) T12S, R32E, sec. 18, SW ¼ of SW 1/4 T12S, R31E, sec. 21, SW ¼ of SE 1/4 USGS Quad: Magone Lake	Lease/ /Case File/ Serial #: N/A (Reference #):N/A
Begin Date: 01/15/2018	Due Date: 05/15/2018

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

### Purpose and Need

Nine culverts in the Magone planning area do not meet the current guidance for properly designed stream crossings; these culverts are barriers to fish passage and/or are unable to dissipate excess stream energy. The desired condition is to replace these culverts with structures of a proper size and alignment to increase natural movement of fish, bed load, and wood, and decrease the need for road maintenance. The desired condition is a state that would provide ecological resiliency in the face of a changing climate. Replacing these culverts would primarily benefit stream channel function and increase aquatic habitat connectivity. By allowing high flows and material to pass through these crossings, the integrity of both the stream channel and the road would be protected. Obtaining the desired condition requires phased implementation occurring over multiple years; this project proposal focuses on two of the nine culverts that are proposed for treatment in 2018. Subsequent phases will involve subsequent project proposals.

The purpose of the culvert replacement proposed on East Fork Beech Creek is to restore juvenile Middle Columbia River steelhead access to essential rearing habitat. Currently juvenile steelhead become trapped within the downstream plunge pool, which in some years becomes dry or has minimal water. A large bank of rock rip-rap is located upstream of the culvert and effectively funnels the stream into the culvert due to misalignment of the culvert on the valley floor. The culvert sits lower than the rip-rap creating high velocities within the pipe. Rip-rap would be modified as part of the culvert replacement.

Aquatic restoration work was completed in 2017 on East Fork Beech Creek upstream and downstream of the culvert and is anticipated to improve juvenile rearing habitat in proximity of existing adult spawning areas, and will potentially improve water storage within this area. Providing connectivity for these juvenile steelhead to move is critical for increasing survival within this area.

The purpose of the Tinker Creek culvert replacement is to provide adult and juvenile Middle Columbia River steelhead passage during high flows. Currently the culvert is undersized and during high flows likely becomes a velocity barrier. Additionally, a sediment wedge (composed of gravel) has developed upstream of the culvert that is misaligned with the valley floor, and this has altered sediment transport processes downstream. It is anticipated that aquatic restoration work completed on East Fork Beech Creek downstream from the confluence of Tinker Creek would capture any bedload movement, facilitating reconnection of abandoned floodplains within these areas and deposit spawning gravels.

Overall within East Fork Beech Creek and its tributaries there is a need to improve Middle Columbia River steelhead juvenile rearing habitat along with connectivity to late summer rearing habitat. Additionally, there is a need to improve water storage and bedload deposition and conveyance across the watershed.

## **Land Use Plan Conformance**

The project falls under management area (MA) 3B “Anadromous Riparian Areas” of the Malheur National Forest Land and Resource Management Plan (Malheur Forest Plan). The goal of MA3B 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, page IV-62). East Fork Beech Creek and Tinker Creek are within a category 1 riparian habitat conservation areas (RHCAs) (fish-bearing streams) as designated by PACFISH/INFISH and are listed as designated critical habitat for Middle Columbia River steelhead by the National Marine Fisheries Service (NMFS).

Project activities are located in the East Fork Beech Creek (HUC 170702010802) subwatershed in the Beech Creek (HUC 1707020108) watershed. The Blue Mountain Ranger District was tasked with identifying essential projects that would increase resilience within the Magone planning area. These projects would improve aquatic organism habitat connectivity and stream channel processes and functions, in particular for rearing juvenile steelhead.

## **Implementation Plan**

Obtaining the desired condition in the Magone planning area requires phased implementation occurring over multiple years; this project proposal focuses on two of the nine culverts that are proposed for treatment in 2018. To accomplish objectives on the East Fork Beech Creek and Tinker Creek fish passage barriers, the following activities are proposed:

- Replace existing fish passage barrier culvert on East Fork Beech Creek at National Forest System (NFS) Road 3200935 crossing with an aquatic organism passage (AOP) structure that would restore juvenile Middle Columbia River steelhead and redband trout access to 3 miles of habitat upstream of the existing crossing in East Fork Beech Creek and the primary tributary of McClellan Creek.
- Replace existing fish passage barrier culvert on Tinker Creek at the NFS Road 3600 crossing with an AOP structure to improve or restore adult and juvenile Middle Columbia River steelhead and redband trout access to 1.8 miles of habitat upstream to the next fish passage barrier culvert (NFS Road 2620). Also to allow large sediment wedge (composed of gravels) upstream of undersized culvert on Tinker Creek to move downstream and be distributed throughout aquatic restoration work that occurred on East Fork Beech Creek in 2017.
- Revegetate areas disturbed during culvert replacement with native riparian species that would occur under natural disturbance regimes. Work would include seeding as well as planting riparian hardwoods including willow, dogwood, and/or cottonwood. Conifers felled during culvert replacement and associated slash material may be used as a natural barrier, where appropriate, to reduce access by ungulates. Exclosure fencing may be considered if slash and trees provide insufficient protection.

In-channel work would occur during the in-stream work window from July 15 to August 31. Minor changes in road elevation or alignment near the crossings may also be necessary.

## Figures

Figure 1. East Fork Beech Creek and Tinker Creek culverts for replacement



**Figure 2. East Fork Beech Creek existing culvert inlet on National Forest System Road 3200935 showing rock rip-rap upstream and misalignment with valley bottom of culvert**



**Figure 3. East Fork Beech Creek existing culvert outlet on National Forest System Road 3200935 showing large scour pool formed by excessive stream energy concentrated by undersized and misaligned culvert**



**Figure 4. Tinker Creek existing culvert inlet on National Forest System Road 3600 showing large sediment wedge upstream of culvert and misalignment of pipe**



**Figure 5. Tinker Creek existing culvert outlet on National Forest System Road 3600 showing perched outfall, no jump pool for fish passage, and streambed scouring from stream flow concentrated by undersized culvert**

## **Appendix to the Aquatic Restoration EA** **Implementation Description**

Project Title: Magone Fish Passage Restoration 2018

Project Number: 01-02-2018

Category 1: Fish Passage Restoration

Category 14: Riparian Vegetation Planting

Category 3: Dam, Tidegate, and Legacy Structure Removal

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 –
  - b. Project name – Magone Fish Passage Restoration 2018
  - c. Location –

**Table 2. Project location information**

<b>Project</b>	<b>Magone Fish Passage Restoration 2018</b>	<b>Magone Fish Passage Restoration 2018</b>
Stream name	East Fork Beech Creek	Tinker Creek
6th field HUC	170702010802	170702010802
Latitude (decimal degrees)	-118.989	-118.909
Longitude (decimal degrees)	44.515	-44.528

- d. Agency contact – Dan Armichardy, Forest Service, [darmichardy@fs.fed.us](mailto:darmichardy@fs.fed.us), 541-575-3391
- e. Timing – Work will occur during 2018, with in-stream work happening July 15 to August 31, 2018.
- f. Activity category –
  - Category 1: Fish Passage Restoration
  - Category 14: Riparian Vegetation Planting
  - Category 3: Dam, Tidegate and Legacy Structure Removal
- g. Project description – Project description is available in the Implementation Description under the section “Implementation Plan” above.

- h. Extent- Work will occur within 300 feet upstream and downstream from stream crossings on East Fork Beech Creek at the NFS Road 3200935 road and Tinker Creek at the NFS Road 3600 road in the Beech Creek watershed.
  - i. Species affected –
    - i. Listed species: Mid-Columbia River steelhead
    - ii. Critical Habitat: Portions of Steelhead critical habitat
    - iii. MIS Species: Steelhead, Westslope cutthroat trout, and Redband trout
  - j. Date of submittal – To be completed in Spring of 2018, at least 30 days prior to implementation
  - k. Site assessments – Assessment for contaminants is not required at these locations.
  - l. Review – NMFS fish passage review and Restoration Review Team review are not required.
  - m. Verification – \_\_\_\_\_
  - n. SOD project notification – \_\_\_\_\_
3. Minor Variance: No variances from the criteria specified in the aquatic restoration document are being considered.
  4. NMFS Fish Passage Review and Approval: This work does not require review by the NFMS level 1 team member.
  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 FY19 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

#### 1. Fish Passage Restoration

Fish passage restoration includes the following: total removal of culverts or bridges, or replacing culverts or bridges with properly sized culverts and bridges, replacing a damaged culvert or bridge, and resetting an existing culvert that was improperly installed or damaged; stabilizing and providing passage over headcuts; removing, constructing (including relocations), repairing, or maintaining fish ladders; and constructing or replacing fish screens for irrigation diversions. Such projects will take place where fish passage has been partially or completely eliminated through road construction, stream degradation, creation of small dams and weirs, and irrigation diversions. Equipment such as excavators, bulldozers, dump trucks, front-end loaders, and similar equipment may be used to implement projects.

- a. **Stream simulation culvert and bridge projects:** All road-stream crossing structures shall simulate stream channel conditions per *Stream Simulation: An Ecological Approach to Providing Passage for*

*Aquatic Organisms at Road- Stream Crossings* (USDA-Forest Service 2008), located at: [http://stream.fs.fed.us/fishxing/aop\\_pdfs.html](http://stream.fs.fed.us/fishxing/aop_pdfs.html).

i. **Culvert criteria:** Within the considerations of stream simulation, the structure shall, at a minimum, accommodate a bankfull wide channel plus constructed banks to provide for passage of all life stages of native fish species (for more information, reference Chapter 6, page 35 of the USFS Stream Simulation Guide). The following crossing-width guidance applies to specific ranges of entrenchment ratios as defined by Rosgen (1996):

1. Non-entrenched Streams: If a stream is not fully entrenched (entrenchment ratio of greater than 1.4), the minimum culvert width shall be at least 1.3 times the bankfull channel width. This is consistent with *Anadromous Salmonid Passage Facility Design* (section 7.4.2 “Stream Simulation Design”) (NMFS 2011e). However, if the appropriate structure width is determined to be less than 1.3 times the bankfull channel width, processes for variances are listed in “iv” and “v” below.
2. Entrenched Streams: If a stream is entrenched (entrenchment ratio of less than 1.4), the culvert width must be greater than bankfull channel width, allow sufficient vertical clearance to allow ease of construction and maintenance activities, and provide adequate room for the construction of natural channel banks. Consideration should be given to accommodate the floodprone width. Floodprone width is the width measured at twice the maximum bankfull depth (Rosgen 1996).

### 3. Dam, Tidegate and Legacy Structure Removal

Dam, tidegate and legacy structure removal includes removal of dams, tidegates, channel-spanning weirs, legacy habitat structures, earthen embankments, subsurface drainage features, spillway systems, outfalls, pipes, instream flow redirection structures (for example, drop structure, gabion, and groin), or similar devices used to control, discharge, or maintain water levels. Projects will be implemented to reconnect stream corridors, floodplains, and estuaries, reestablish wetlands, improve aquatic organism passage, and restore more natural channel and flow conditions. Any instream water control structures that impound substantial amounts of contaminated sediment are not proposed. Equipment such as excavators, bulldozers, dump trucks, front-end loaders, and similar equipment may be used to implement projects.

c. **Removal of legacy structures:** This action includes the removal of past projects, such as large wood, boulder, rock gabions, and other in-channel and floodplain structures.

d. If the structure being removed contains material (large wood, boulders, concrete, etc.) not typically found within the stream or floodplain at that site, remove material from the 100-year floodplain.

e. If the structure being removed contains material (for example, large wood or boulders) that is typically found within the stream or floodplain at that site, the material can be reused to implement habitat improvements described under the Large Wood, Boulder, and Gravel Placement activity category in this opinion.

f. If the structure being removed is keyed into the bank, fill in “key” holes with native materials to restore contours of stream bank and floodplain. Compact the fill material adequately to prevent washing out of the soil during over-bank flooding. Do not mine material from the stream channel to fill in “key” holes.

g. When removal of buried log structures may result in significant disruption to riparian vegetation or the floodplain, consider using a chainsaw to extract the portion of log within the channel and leaving the buried sections within the streambank.

h. If a project involves the removal of multiple barriers on one stream or in one watershed over the course of a work season, remove the most upstream barrier first if possible.

i. If the legacy structures (log, rock, or gabion weirs) were placed to provide grade control, evaluate the site for potential headcutting and incision due to structure removal. If headcutting and channel

incision are likely to occur due to structure removal, additional measures must be taken to reduce these impacts.

j. If the structure is being removed because it has caused an over-widening of the channel, consider implementing other ARBO II restoration categories to decrease the width to depth ratio of the stream to a level commensurate with the geomorphic setting.

## 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 where 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.

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