

## Forest Aquatic Restoration Project NEPA Compliance and Implementation Checklist

**Project Number:** 01032017

**Date:** March 13, 2017

**Title & Category:** Magone Headwaters, Category 2

**Location:** EF Beech and Grub Creek SWSs

**Project Description:** Place coarse and large woody material in eroding intermittent streams, ephemeral draws and areas of shallow soils ("scabs") by hand to control concentration of overland flow, enhance infiltrations and control accelerated erosion throughout the East Fork Beech Creek and Grub Creek Subwatersheds.

**Heritage**

- Specific PDC for Heritage addressed (Heritage Surveys; Avoidance areas).

**Botany**

- Specific PDC for Botany addressed (Sensitive Plant Surveys).

- Specific PDC for Nox. Weeds addressed.

**Land Management Consistency**

- |                                  |                        |                             |   |
|----------------------------------|------------------------|-----------------------------|---|
| <input type="checkbox"/> 4A      | Big Game Winter range  | <input type="checkbox"/> 9  | Research Natural Areas                        |
| <input type="checkbox"/> 6A & 6B | Wilderness             | <input type="checkbox"/> 10 | Semi-Primitive Non-Motorized Recreation Areas |
| <input type="checkbox"/> 7       | Scenic Area            | <input type="checkbox"/> 22 | Wild and Scenic River                         |
| <input type="checkbox"/> 8       | Special Interest Areas | <input type="checkbox"/>    | Inventoried Roadless Areas                    |

**Comments:**

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

I have reviewed this project and have determined it is within the Project Design Criteria identified for my resource.			
Resource	Signature	Date	Comments
Heritage	<i>Katey Wiche</i>	04/12/2017	no effect to historic properties #see attached PA report
Botany	<i>Joe Perry</i>	3/27/17	No issues or concerns
Wildlife	<i>David Hallam</i>	3/21/17	Beneficial impact to wildlife. No known concerns.
Fish*	<i>Kim Brumby</i>	3/21/17	Beneficial for water & Fish outside MCR STA CH - No Issues
Hydrology*	<i>John</i>	3/17/17	Beneficial impact to water storage on landscape and will improve its beneficial use.
Range	<i>MRS</i>	4-3-17	Coordinate w/ RAG
Soils	<i>Allyson</i>	3/23/17	Beneficial to soils; foot travel on scabs - be cautious of disturbing biological crusts
Recreation	<i>Justin Dixon</i>	3/27/2017	No Recreation concerns
Lands and Special Uses	<i>Stacy</i>	3/22/17	No lands SUP issues identified. / Minerals - no mine claims present <i>thunder</i>
Engineering	<i>John Lichten</i>	4/4/17	No Concerns
Fuels / Fire	<i>[Signature]</i>	4/3/17	No known issues
Silviculture	<i>David Hallam</i>	3/20/17	No known concerns

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

Line Officer Signature: *David Hallam*

Date: 5-8-17

## Implementation Description:

### **Magone Headwaters (multiphase) Project**

Category 2: Large wood, Boulder, and Gravel placement; including tree removal for large wood placement	Lead Preparer: Mary Lou Welby
Applicant: Blue Mountain RD Watershed	NEPA Reference: DN For Aquatic Restoration EA <a href="http://www.fs.usda.gov/detailfull/malheur/landmanagement/?cid=STELPRD3817723&amp;width=full">http://www.fs.usda.gov/detailfull/malheur/landmanagement/?cid=STELPRD3817723&amp;width=full</a>
Location: T11S, R31E, S31, 32, 33, 34, 35, 36; T11S, R32E, S31, 32 T12S, R31E, S1-24 except 16; T12S, R32E, S5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24  USGS Quad: Johnson Saddle, Magone Lake, Cougar Rock	Lease/ /Case File/ Serial #: na (Reference #):na
Begin Date: 06/25/17	Due Date: 4/25/17

#### **Purpose/Need:**

The purpose of this project is to improve riparian and aquatic habitat, including tributaries and upland drainage to critical habitat for the threatened Middle Columbia River steelhead, and Interior redband trout, a sensitive species, in East Fork Beech Creek and Grub Creek subwatersheds. There is a need to improve aquatic habitat, including stream flows altered in timing and quantity from legacy effects of historic timber, grazing and roading practices by enhancing infiltration on upland scabs and infiltration and storage in ephemeral draws and intermittent streams and by controlling excess overland flow in East Fork Beech Creek and Grub Creek subwatersheds. Ameliorating soil conditions that limit infiltration and concentrate overland flow would result in greater subsurface flow and more typical stream flows in Grub Creek and in East Fork Beech Creek and its tributaries, supporting use of downstream fish habitat.

Ephemeral draws, intermittent and small perennial streams and various areas of shallow soils (“scabs”) show evidence of active erosion indicating that a greater proportion of runoff leaves the project area as overland flow and accelerated and concentrated stream flow and a smaller proportion infiltrates than indicated by soil potential. These conditions are affecting the downstream channel integrity and function of East Fork Beech Creek and its named fish-bearing (Clear, McClellan, Thompson, Lake and Tinker creeks) and unnamed non-fishbearing perennial tributaries and Grub Creek and its tributaries. Water temperature and instream large wood are important aquatic habitat features (riparian management objectives) identified in the Forest Plan as amended by PACFISH.

The desired condition of the ephemeral draws, smaller streams, and areas of shallow soil is that vegetative ground cover (live and dead) and coarse to large woody material slow overland flow and allow it to infiltrate, preventing accelerated and concentrated overland flows and that large and coarse woody material in intermittent and small perennial streams provide in-channel hyporheic storage areas, trap sediment allowing riparian vegetation to become established, and contribute to downstream, late season flows in habitat used by mid-Columbia ERU steelhead, listed as Threatened under the Endangered Species Act and other aquatic species.

Reaching this desired condition for tributaries and scabs draining to the fish-bearing streams in East Fork Beech Creek and Grub Creek subwatersheds (Clear, McClellan, Thompson, Lake, Tinker, East Fork Beech and Grub creeks) requires increasing the time that runoff remains on the landscape and infiltrates

and the travel time for stream flow through the stream network. Adding wood to streams, draws, and shallow soil areas through this project will assist in storing water on the landscape.

### **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 (LRMP). The goal of MA 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). East Fork Beech Creek is considered a perennial tributary to Beech Creek, a tributary to the main stem John Day River in the East Fork Beech Creek Subwatershed in the Beech Creek Watershed. Currently East Fork Beech Creek becomes an interrupted stream, with dry segments, by mid-summer. Grub Creek is a perennial tributary to the main stem John Day River in the Grub Creek Subwatershed in the Grub Creek – John Day River Watershed.

This project was originally identified through the Magone Project planning process. The entire project is located within East Fork Beech Creek Subwatershed (HUC 170702010802) and Grub Creek Subwatershed (HUC 170702010607). The project area is located above the approximately 15 miles of Mid-Columbia River steelhead critical habitat (CH) designated on Clear, McClellan, Thompson, Lake, Tinker, East Fork Beech and Grub creeks. The project lies primarily in the John Day and Round Top allotments.

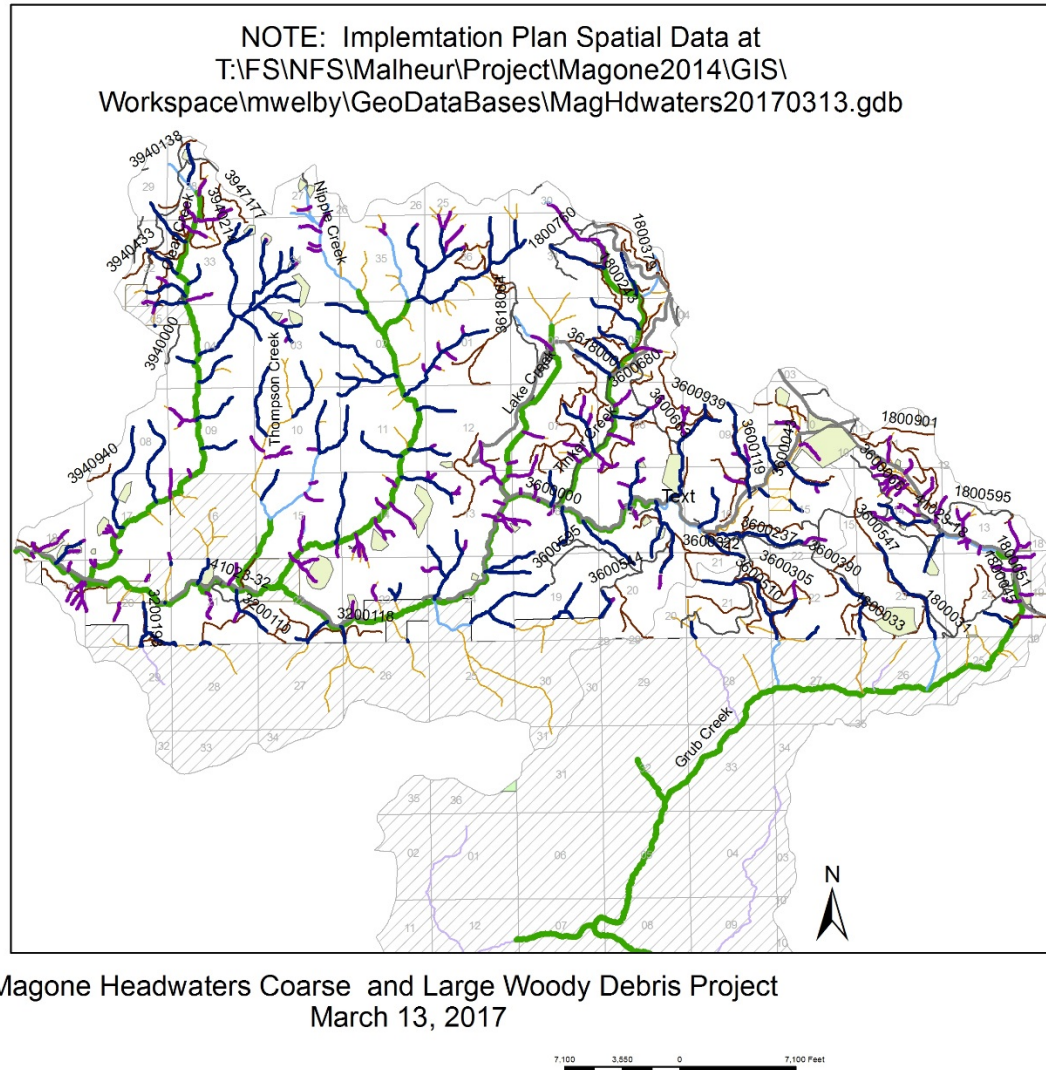
The drainage network and areas of shallow soils in these two subwatersheds were heavily impacted by legacy activities (logging, roading, and season-long grazing) on the District and show evidence of active erosion and concentration of overland flow. Some streams and draws have eroded to bedrock or cobble that functions as bedrock and no longer exhibit defined banks or thalwegs; they do not meet Forest Plan standards for large woody debris. Recently exposed fine roots are visible in ephemeral draws. These conditions combine to route substantial amounts of overland flow off the landscape and to accelerate its timing, contributing to much reduced late season flows downstream in fish habitat. Run off and snowmelt are “captured, stored and safely released” in a timely manner.

### **Proposed Action / Implementation Plan:**

The desired conditions were described above and can be summarized as “capture, store, and safely release water” in East Fork Beech Creek and Grub Creek subwatersheds in order to provide more timely stream flows for downstream habitat that is capable of supporting viable populations of anadromous Mid-Columbia River steelhead, resident fish, and wildlife. The desired condition is a state that would provide ecological resiliency in the face of a changing climate. Youth and other crews would gather and place coarse and large woody material by hand in ephemeral draws, small streams and scabs. They would generally use hand tools although Forest Service employees and other adults may use chainsaws part of the time. Work in perennially flowing streams would occur during the in-stream work window from July 15 to Aug 15, unless an instream work variance is granted. To attain the desired conditions, the USFS is proposing the following actions:

Crews would hand fell generally pre-commercial-sized material from within dense clumps near the implementation sites or encroaching on scabs. Material would be limbed, bucked, carried by hand, and placed in areas where overland flows are concentrating or to control actively eroding areas. Trees up to 12 inches in diameter may be felled with chainsaws, limbed, and bucked. The material would be hand placed. The order of priority for selecting conifer species would be juniper, grand fir, ponderosa or lodgepole pine, and Douglass fir and would depend on local availability.

**Figures**



**Figure 1. Magone headwaters coarse and large woody debris project map.**

## Appendix to the Aquatic Restoration EA Implementation Description

Project Title: Magone Headwaters (multi-phase) Project

Project Number: 01032017

Category 2: Large Wood, Boulder, and Gravel Placement

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

### 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 BA as well as ARBO II.
  
2. Project notification: The following information will be provided to the NMFS Level 1 Aquatics members 30 days prior to implementation as a Project Notification Form 7.
  - a. Action identifier – Category 2. Large Wood, Boulder, and Gravel Placement
  - b. Project name – Magone Headwaters Project
  - c. Location –

Stream Name	Multiple unnamed ephemeral draws and intermittent and small perennial tributaries to East Fork Beech Creek, Clear Creek, Thompson Creek, McClellan Creek, Lake Creek and Tinker Creek and to Grub Creek and upland areas of shallow soil contributing overland flow to the above draws and streams.
6 <sup>th</sup> field HUC	170702010802 (East Fork Beech Creek and named tribs above) 170702010607 (Grub Creek)
Latitude (Decimal Degrees)	X Not sure how to ID for large area
Longitude (Decimal Degrees)	X Note sure how to ID for large area

- d. Agency contact – Mary Lou Welby, [mwelby@fs.fed.us](mailto:mwelby@fs.fed.us)
- e. Timing – This project is proposed to start in the early summer of 2017.
- f. Activity category –
  - Category 2: Large wood, Boulder, and Gravel placement; including tree removal for large wood placement
- g. Project description – Project description is available in the Implementation Description under the section “Implementation Plan” above.
- h. Species affected –
  - i. Listed species: None
  - ii. Critical Habitat: None

- iii. MIS Species: None
  - i. Date of submittal – To be completed in Spring of 2017, 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 – \_\_\_\_\_
  - m. SOD project notification – \_\_\_\_\_
- 3. Minor Variance: No variances are proposed for this project.
- 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 five years, completion and annual reporting of annual phases will occur in the winters of FY18, FY19, FY20, FY21, FY22 before February 15<sup>th</sup>, if activities are implemented in the previous fiscal year.

## **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 15<sup>th</sup> and August 15<sup>th</sup>.
- 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 >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

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 (e.g., 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, and 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 (e.g., large wood, boulders, 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 (e.g., minimally-sized, low pressure tires, minimal hard turn paths for tracked vehicles, 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 (e.g., generators, canes), and gas-powered equipment with tanks larger than five 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
- 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% 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 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 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; 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 and 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 <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.
- 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 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% 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 cfs. NMFS approved fish screens have the following specifications: a) 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 b) 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 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 mimic 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 1.5x bankfull channel width, while logs without rootwads should be a minimum of 2.0x 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 (<12) an additional 60% ballast weight may be necessary due to greater flow depths and higher velocities.
- e. Tree Removal for Large Wood Projects
- x. 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 (e.g., 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.
  - xi. 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.
  - xii. Trees may be removed by cable, ground-based equipment, horses or helicopters.
  - xiii. Trees may be felled or pushed/pulled directly into a stream or floodplain.
  - xiv. Trees may be stock piled for future instream restoration projects.
  - xv. The project manager for an aquatic restoration action will coordinate with an action-agency wildlife biologist in tree-removal planning efforts.

## 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 and or falling) as part of this project for instream restoration will not be harvested from within the primary shade zone.

**Table 35 Primary shade zone width, based on adjacent hill slope.**

	Hill Slope less than 30%	Hill Slope 30% to 60%	Hill Slope greater than 30%
Primary Shade Zone Width (slope distance)	50 ft.	55 ft.	60 ft.

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

- The trees are located on a south facing slope (175-185 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% 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 36 Bankfull widths and minimum diameter of logs to be considered key pieces.**

<b>Bankfull Width* - Feet</b>	<b>Minimum Diameter* - Inches</b>
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 one and one-half times (1.5X) the bankfull or a log without a rootwad should be twice (2X) the length of the stream's bankfull width. As the best fish habitat is formed around jams composed of 3 to 7 logs, at least 2 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.

### *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 (Do to no mechanism for sediment delivery):

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

For perennial and fish-bearing stream channels:

- Avoid removing trees along stream banks (e.g. don't cause bank instability or increase erosion)
- Within primary shade zone retain 100% of the over-story canopy closure with the exception of hardwood treatment.

## **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 (e.g. 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.

## **Botany**

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

### *Rare and Sensitive Plants and Habitats*

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

### *Sensitive and Unique Habitats*

- The integrity of unique habitats shall be maintained. Unique habitats [may] include meadows, rimrock, talus slopes, cliffs, animal dens, wallows, bogs [fens], seeps and springs. This shall be accomplished by incorporating cover buffers approximately 100 feet in width.

- Heavy equipment, vehicle operation, road construction, staging areas, stockpile areas, piling of slash, fence construction, recreation sites, prescribed fires, fire lines, and other operational activities shall not occur within, or at the interface of lithosols (scablands).
- 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 ft. 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 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 and/or mulch is not available, individual Forests should require sources certified to be weed-free using the North American Weed Free Forage Program standards or a similar certification process.
- 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, and/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 (e.g., soil stability, water quality, and to help prevent the establishment of invasive species), (2) as an interim, non-persistent measure designed to aid in the re-establishment of native plants, (3) if native plant materials are not available and/or are not economically feasible, and (4) in permanently altered plant communities.
- Under no circumstances shall non-native invasive plant species and/or noxious weeds be used for revegetation.
- Development, review and/or approval of revegetation, rehabilitation, and restoration prescriptions, including species selection, genetic heritage, growth stage, seed mixes, sowing guidelines, and any needed site preparation, shall be accomplished by a plant materials specialist who is knowledgeable and trained or certified in the plant community type where the revegetation will occur.
- Concentrate plantings above the bank-full elevation. Sedge and rush mats should be placed and sized to prevent their movement during high flow events.
- Newly planted and/or seeded areas should be protected from animals and activities that may prevent, retard, or slow the establishment and recovery of native vegetation. Site-specific measures may include building fences, piling slash, jackstrawing, closing areas to vehicles, and/or temporarily changing grazing regimes until the desired condition is sufficiently achieved.

## **Soils**

- 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 or moderate on the Ochoco, 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 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.

## **Heritage Resources**

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

## **Grazing**

### *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 (6ft either side of fence), trails, other developments and access to them would be cleared of slash produced by project activities.

### **Notification**

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