



# Diamond J Spring Development and Conifer Treatment 2023

## Aquatic Restoration Checklist USDA Forest Service Emigrant Creek Ranger District, Malheur National Forest Harney County, Oregon

### Implementation Description

#### Project Information

<b>Project Information</b> (select the <b>+</b> on right of selection to add additional categories)	
Category 9: Livestock Fencing, Stream Crossings and Off-Channel Livestock Watering Category 12: Juniper Removal Category 13: Riparian Vegetation Treatment (Controlled Burning)	
Lead Preparer: Lisa Grant, Rangeland Management Specialist	
Location: Township 18 S., Range 33 E., Section 35 SWSE. Shapefiles can be found at T:\FS\NFS\Malheur\Program\Range-2200\GIS\ECRD\NEPA\Aquatics\2023\DiamondJ	
Lease/ Case File/ Serial number: 16714	
Begin Date: 8/10/2023	Due Date: 12/31/2025

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

#### Purpose and Need

Within the North Pasture of the Muddy Allotment there is one, non-functioning spring development that needs restoration to a functioning condition. Redeveloping and protecting the spring source and removal of encroaching juniper and other conifer would provide reliable water for livestock grazing management; reliable water for wildlife; and protect the spring source and associated riparian habitat for various other species.

#### Project Description

General project design includes a spring headbox which would be installed, and water plumbed to a new trough to provide clean water outside of the riparian area (Category 9). Removal of encroaching juniper (Category 12) and other conifer (Category 13) would occur to promote riparian species and health of the surrounding uplands. Livestock fencing would be constructed to exclude livestock grazing from the spring sources and associated riparian area (Category 9).

### 1. Spring Development and Protection Fence (Category 9)

Project files state that this spring was developed in 1980 with a wooden headbox and rebuilt in 1982. The development has no existing protection fence. There is currently plastic pipe moving water but it isn't being transported to the existing trough. There is evidence of a pond that the file says was constructed in 1990, but has since then filled in.



**Figure 1** Existing trough at Diamond J Spring.



**Figure 2** Proposed new headbox location.



**Figure 3** Proposed New trough location (approximately 43.961302 / -118.72329)

The proposed action at Diamond J Spring is to use a backhoe to install a new spring headbox at the proposed new location (approximately at 43.961105/-118.723387) with a shutoff valve accessible from the surface. A trench would be dug to bury approximately 100 feet of poly pipe from the headbox to the new trough location.

A new aluminum trough would be installed near 43.961303/-118.723289 with approximately 60 feet of poly pipe buried as an overflow back into the spring channel. Rock or woody material would be placed at the outlet pipe for protection from trampling and clogging by fine sediments and to ensure that the return flow outlet does not create erosion/downcutting. Two wildlife escape ramps would be installed on opposite corners of the trough.

A four-wire fence would be constructed around the spring source and headbox to protect the riparian area and investment. The length of the new fence would be approximately 425 feet. The wire spacing would be wildlife friendly and follow guidance by Paige (2012) as follows. The top wire would be barbed and 40-42 inches in height from the ground. The second wire would be barbed and 28 inches in height from the ground. The third wire would be barbed and 22 inches from the ground. The bottom wire would be smooth and 16-18 inches from the ground. A gate would be constructed at best site location.

## **2. Juniper and Other Conifer Treatment (Categories 12 & 13)**

The proposed juniper and other conifer treatment (further referred to as conifer) area is approximately 70 acres within the riparian area and adjoining uplands. Conifer removal is to be conducted in riparian areas and adjoining uplands to aid in the restoration of plant species composition and structure that would occur under natural fire regimes. Removing encroaching conifer from the Diamond J Spring and surrounding uplands would allow the condition of desired riparian species such as willow, cottonwood, aspen, alder, sedge, and rush to improve at the riparian area. The improvement of desirable riparian species would aid in improving ground cover and water infiltration into the soil.

Equipment that may be used for the removal of conifer trees are chainsaws, pruning shears, winch machinery, feller-bunchers, and slash-busters. If feller-buncher or slash-buster equipment is used machinery should be operated to minimize soil compaction and disturbance to soils and native vegetation to the extent possible. Equipment exclusion zones such as those buffering stream channels would be as wide as the feller-buncher or slash-buster arm.

Juniper exhibiting old growth characteristics would not be cut. These characteristics include large 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.

All trees cut would be machine or hand piled, depending on gradient and distance from riparian area, with slash piles burned following a period of cure. No piles would be placed within 30-feet of the stream channel. No piles will be larger than 20 square feet and therefore not considered “large” which would require placement along existing roads or landings, as per the Project Design Criteria by Resources section on Prescribed Burning and Related Activities.

## Project-Specific Project Design Criteria (PDC)

The following site specific PDC's apply to this proposal:

### PROJECT DESIGN CRITERIA

- Follow wildlife-friendly fencing design (Paige 2012) and consult with the wildlife biologist.
- If during project activities cultural material is encountered, all work will cease immediately, and a Forest Service archaeologist will be contacted to evaluate the inadvertent discovery.
- Old troughs, exposed pipes, old headboxes, and old or unused fenced material will be removed from Forest Service managed lands once the projects are complete.
- New troughs should be placed on timbers on top of a 6" bed of crushed rock and be properly braced.
- Metal pipe is required for all above ground use.
- Rock should be placed at the outlet pipe for protection from trampling and clogging by fine sediments between maintenance checks. Ensure that return flow outlet does not create erosion/downcutting by placing rock and/or woody material.

### MAINTENANCE

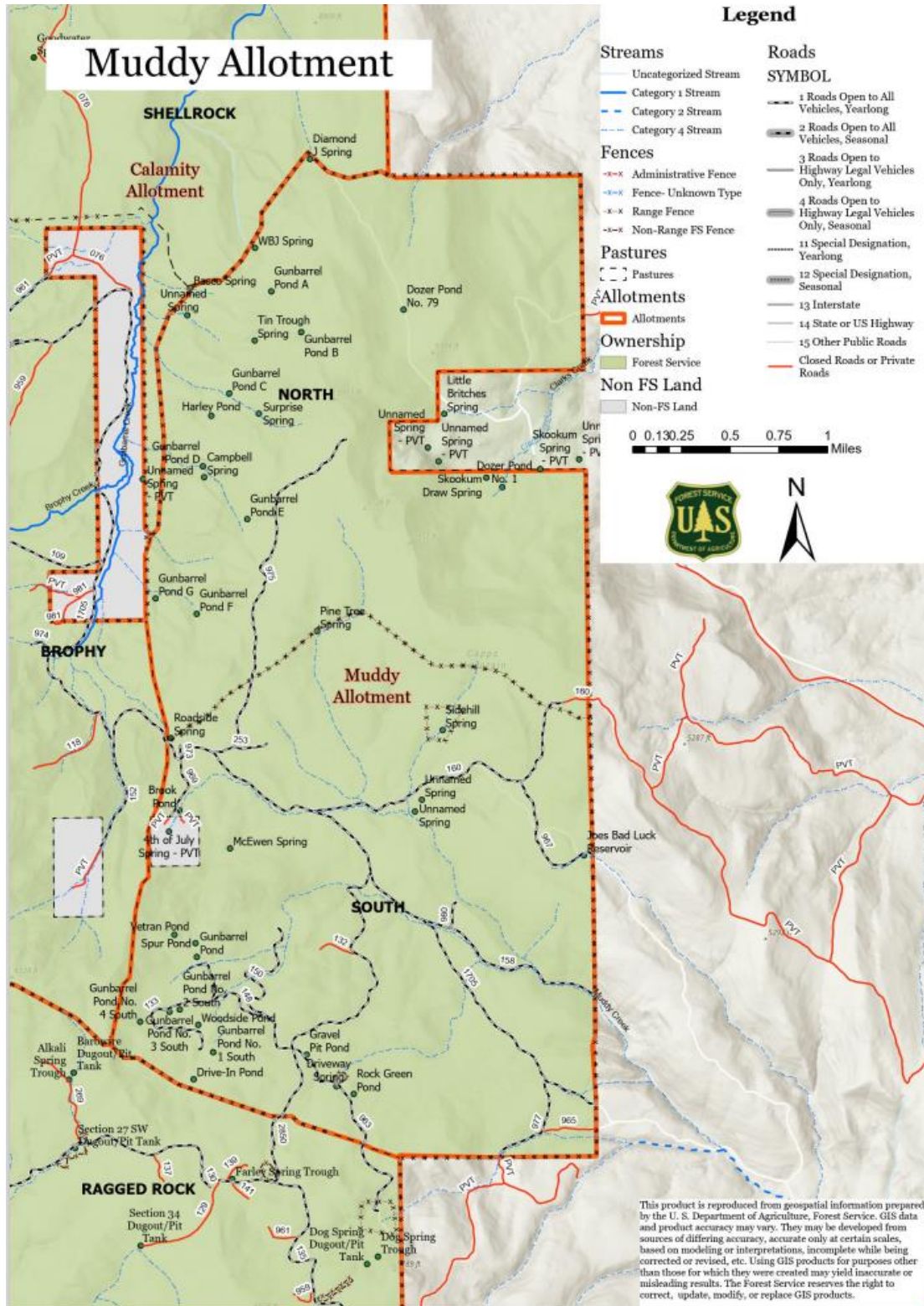
- Once completed, the grazing permittee will maintain the Diamond J Spring Development and fencing as a term and condition of their permit.

## Desired Conditions

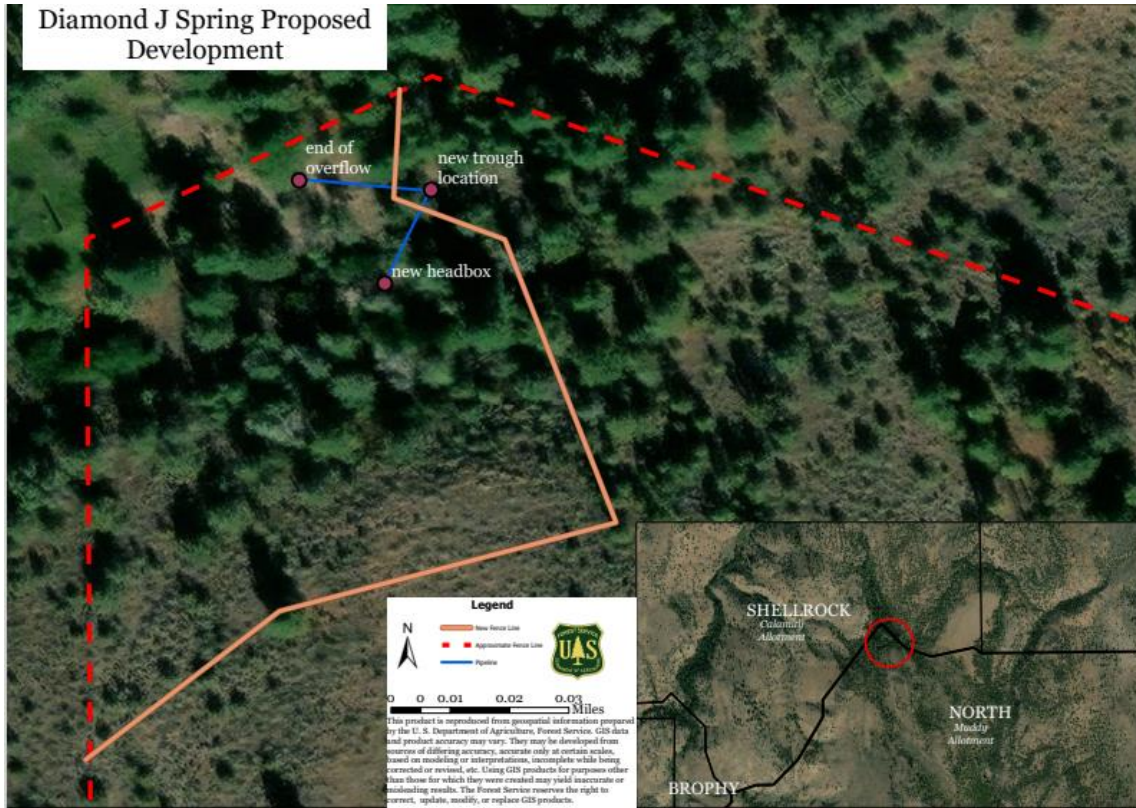
Ecologically sustainable spring developments (Gurrieri 2020):

- Soils of springs and wetlands are intact and functional; erosion and deposition are within the natural range.
- Livestock herbivory and trampling are not adversely affecting springs and wetlands.
- Groundwater systems functions under normal patterns of recharge, flow, and discharge and are free of contamination. Groundwater-dependent ecosystems (e.g., water-table elevations) necessary to persist and to sustain associated plant and animal species.
- The ecological structure, diversity, and function of springs and wetlands are maintained or restored.
- Livestock and wildlife have clean water available that comes from a sustainable source.

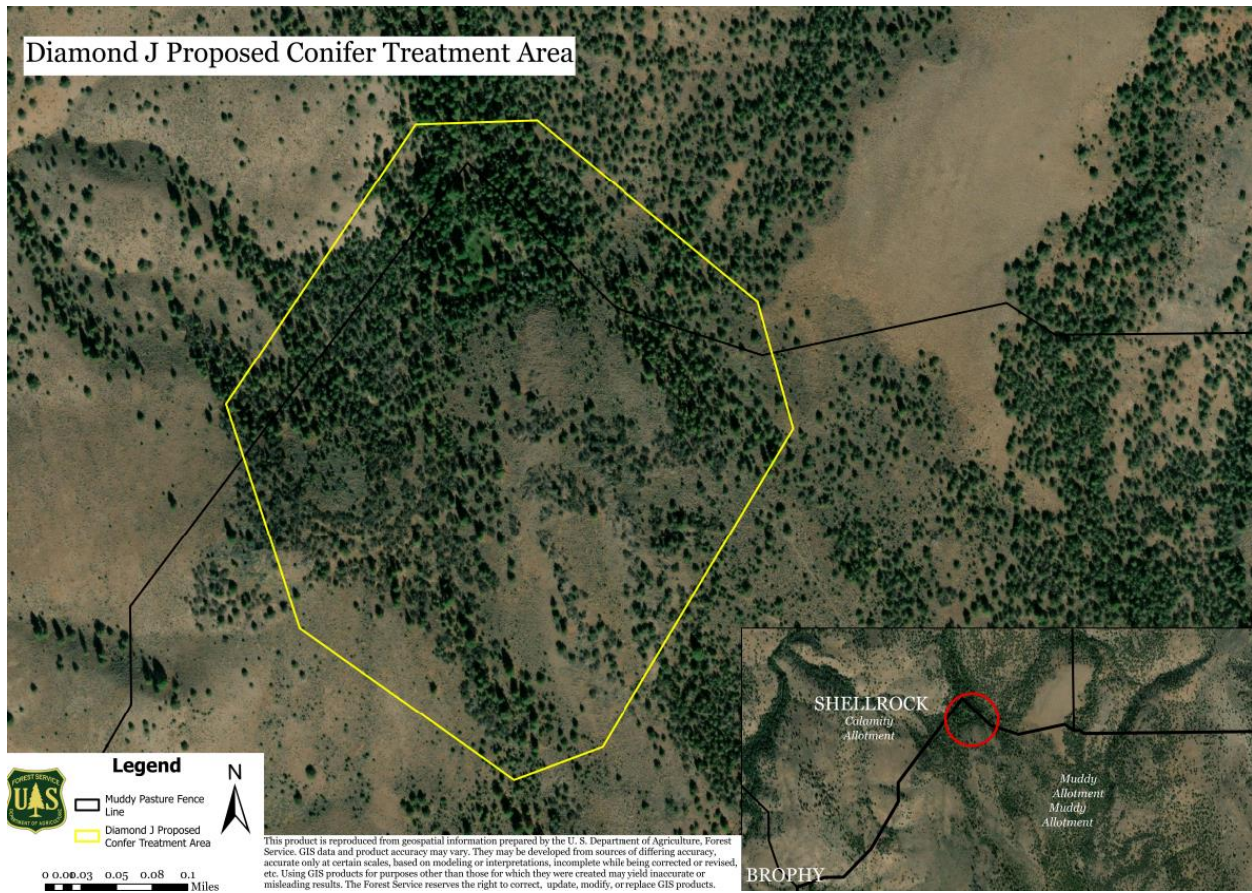
# Maps



Map 1: Muddy Allotment Map



Map 2: Diamond J Spring Proposed Development – Main Map



**Map 3: Diamond J Proposed Conifer Treatment Area Map**

## References Cited

Gurrieri, Joseph T. 2020. Rangeland water developments at springs: best practices for design, rehabilitation, and restoration. Gen. Tech. Rep. RMRS-GTR-405. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 21p.

Paige, C. 2012. A Landowner's Guide to Wildlife Friendly Fences (Second Edition). Landowner/Wildlife Resources Program, Montana Fish, Wildlife and Parks, Helena, MT. 21 p.

USDA Forest Service. 1990. Malheur National Forest Land and Resource Management Plan. USDA Forest Service, Malheur National Forest, John Day, Oregon. Available online at: <http://www.fs.usda.gov/main/malheur/landmanagement/planning>

# Project Review

## Malheur National Forest Aquatic Restoration Project NEPA Compliance and Implementation Checklist

**Project Number:** 02012024      **Date:** 10/2/2023      **Location:** T18S., R33E., Sec 35 SWSE

**Category:** 9, 12, 13

**Project Description:** Diamond J Spring Development and Conifer Treatment

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

Y / N Initial

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

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

Y / N Initial

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

Y LF Specific PDC for noxious weeds addressed.

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

Y / N Initial

N MW 4A big game winter range

N MW 6A and 6B wilderness

N MW 7 scenic area

N MW 8 special interest areas

Y / N Initial

N MW 9 research natural areas

N MW 10 semi-primitive non-motorized recreation areas

N MW 22/22A Wild and Scenic River

N MW Inventoried Roadless Areas

**Comments:** [Click here to enter additional comments.](#)

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

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

Resource	Signature	Date	Comments (additional PDCs may be noted if necessary) *May continue on
Heritage	<u>/s/Alyson Kral</u>	11/13/2023	Area was intensively surveyed, no previously recorded sites. Follow PDC's.
Botany	<u>/s/Lisa Foster</u>	10/10/2023	Area was surveyed for sensitive plants. No sensitive plants or habitat were found.
Invasive Plants	<u>/s/Lisa Foster</u>	10/10/2023	Area was surveyed for invasive plants. No invasive plants were found, follow prevention PDCs to reduce chances of infestation during implementation.
Wildlife	<u>/s/Lauren Alfrey</u>	11/16/2023	This area is not within the big game winter range habitat and would not adversely affect any wildlife species.
Fish*	<u>/s/Ryan Palsgrove</u>	10/31/2023	This project will not adversely affect Columbia Spotted frog. The project area is suitable adult Columbia Spotted frog habitat, but none were observed during the site visit. The site is not suitable spawning/rearing habitat for Columbia Spotted frogs. Trough will likely attract spawning frogs.
Hydrology*	<u>/s/Kenny Withee</u>	10/31/2023	Follow PDC's and all relevant BMP's as to not dewater groundwater dependent ecosystem or cause unnecessary erosion.

Range	<u>/s/Lisa Grant</u>	11/16/2023	All proposed actions would benefit multiple resource values. Livestock would have access to clean water while the spring source and associated riparian area would be protected. Follow PDC's during implementation and future maintenance.
Soils	<u>/s/Kenny Withee</u>	11/16/2023	Follow PDC's as to not cause unnecessary erosion or soil impacts.
Recreation	<u>/s/Ty Cronin</u>	10/30/23	Rec activities may include hunting or hiking. No Recreation concerns in the project area.
Special Uses	<u>/s/ Your Name</u>	<u>Date</u>	<u><a href="#">Click here to enter comments</a></u>
Lands	<u>/s/ Your Name</u>	<u>Date</u>	<u><a href="#">Click here to enter comments</a></u>
Mining	<u>/s/ Your Name</u>	<u>Date</u>	<u><a href="#">Click here to enter comments</a></u>
Engineering	<u>/s/ Your Name</u>	<u>Date</u>	<u><a href="#">Click here to enter comments</a></u>
Fuels / Fire	<u>/s/Ryan Hussey</u>	11/16/2023	Piled material would have minimal effect on hazard fuels accumulation.
Silviculture	<u>/s/ Angela Yost</u>	11/8/2023	No Concerns, this will enhance the riparian area by reducing conifers to historical conditions.

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

District Environmental Coordinator: /s/ Melissa Ward Date: 11/20/2023

Line Officer Signature: \_\_\_\_\_ Date: 11/27/2023

# Appendix to the Aquatic Restoration EA

## General Aquatic Conservation Measures

1. **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.
  
2. **Climate change:** due to the small scale of this work, future climate changes impacts will not have dramatic effects on this work.
3. **In-water work period:** In-stream activities will occur between July 15th and August 15th.
4. **Fish passage:** Not applicable.
5. **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.
  
6. **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.
7. **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.
8. **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.
9. **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.
10. **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.

11. **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

#### 9. Livestock Fencing, Stream Crossings and Off-Channel Livestock Watering Facilities

Livestock fencing, stream crossings and off-channel livestock watering facilities projects will be implemented by constructing fences to exclude riparian grazing, providing controlled access for walkways that livestock use to transit across streams and through riparian areas, and reducing livestock use in riparian areas and stream channels by providing upslope water facilities. Such projects promote a balanced approach to livestock use in riparian areas, reducing livestock impacts to riparian soils and vegetation, streambanks, channel substrates, and water quality. Equipment such as excavators, bulldozers, dump trucks, front-end loaders, and similar equipment may be used to implement projects.

##### a. Livestock fencing:

- i. Fence placement must allow for lateral movement of a stream and to allow establishment of riparian plant species. To the extent possible, fences will be placed outside the channel migration zone.
- ii. Minimize vegetation removal, especially potential large wood recruitment sources, when constructing fence lines.
- iii. Where appropriate, construct fences at water gaps in a manner that allows passage of large wood and other debris.

##### b. Livestock stream crossings:

- i. The number of crossings will be minimized.
- ii. Locate crossings or water gaps where streambanks are naturally low. Livestock crossings or water gaps must not be located in areas where compaction or other damage can occur to sensitive soils and vegetation (for example, wetlands) due to congregating livestock.
- iii. To the extent possible, crossings will not be placed in areas where ESA-listed species spawn or are suspected of spawning (for example, pool tailouts where spawning may occur), or within 300 feet upstream of such areas.
- iv. Existing access roads and stream crossings will be used whenever possible, unless new construction would result in less habitat disturbance and the old trail or crossing is retired.
- v. Access roads or trails will be provided with a vegetative buffer that is adequate to avoid or minimize runoff of sediment and other pollutants to surface waters.
- vi. Essential crossings will be designed and constructed or improved to handle reasonably foreseeable flood risks, including associated bedload and debris, and to prevent the diversion of streamflow out of the channel and down the trail if the crossing fails.

- vii. If necessary, the streambank and approach lanes can be stabilized with native vegetation or angular rock to reduce chronic sedimentation. The stream crossing or water gap should be armored with sufficient-sized rock (for example, cobble-size rock) and use angular rock if natural substrate is not of adequate size.
- viii. Livestock crossings will not create barriers to the passage of adult and juvenile fish. Whenever a culvert or bridge—including bridges constructed from flatbed railroad cars, boxcars, or truck flatbeds—is used to create the crossing, the structure width will tier to project design criteria listed for Stream Simulation Culvert and Bridge Projects under Fish Passage Restoration (PDC 21).
- ix. Stream crossings and water gaps will be designed and constructed to a width of 10 to 15 feet in the upstream-downstream direction to minimize the time livestock will spend in the crossing or riparian area.
- x. When using pressure-treated lumber for fence posts, complete all cutting or drilling offsite (to the extent possible) so that treated wood chips and debris do not enter water or flood-prone areas.
- xi. Riparian fencing is not to be used to create livestock handling facilities or riparian pastures.

**c. Off-channel livestock watering facilities:**

- i. The development of a spring is not allowed if the spring is occupied by ESA-listed species.
- ii. Water withdrawals must not dewater habitats or cause low stream flow conditions that could affect ESA-listed fish. Withdrawals may not exceed 10 percent of the available flow.
- iii. Troughs or tanks fed from a stream or river must have an existing valid water right. Surface water intakes must be screened to meet the most recent version of NMFS fish screen criteria (NMFS 2011e)(NMFS 2011e)(NMFS 2011e)(NMFS 2011e)(NMFS 2011e)(NMFS 2011e)(NMFS 2011e), be self-cleaning, or regularly maintained by removing debris buildup. A responsible party will be designated to conduct regular inspection and as-needed maintenance to ensure pumps and screens are properly functioning.
- iv. Place troughs far enough from a stream or surround with a protective surface to prevent mud and sediment delivery to the stream. Avoid steep slopes and areas where compaction or damage could occur to sensitive soils, slopes, or vegetation due to congregating livestock.
- v. Ensure that each livestock water development has a float valve or similar device, a return flow system, a fenced overflow area, or similar means to minimize water withdrawal and potential runoff and erosion.
- vi. Minimize removal of vegetation around springs, wet areas.
- vii. When necessary, construct a fence around the spring development to prevent livestock damage.

## 12. Juniper Tree Removal

Juniper tree removal will be conducted in riparian areas and adjoining uplands to help restore plant species composition and structure that would occur under natural fire regimes. Juniper removal will occur in those areas where juniper have encroached into riparian areas as a result of fire exclusion, thereby replacing more desired riparian plant species such as willow, cottonwood, aspen, alder, sedge, and rush. This action will help restore composition and structure of desired riparian species, thereby improving ground cover and water infiltration into soils. Equipment may include chainsaws, pruning shears, winch machinery, feller-bunchers, and slash-busters. The following measures will apply:

- a. Remove juniper to natural stocking levels where BLM and Forest Service determines that juniper trees are expanding into neighboring plant communities to the detriment of other native riparian vegetation, soils, or streamflow.
- b. Do not cut old-growth juniper, which typically has several of the following features: 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 (Miller et al. 2005).

c. Felled trees may be left in place, lower limbs may be cut and scattered, or all or part of the trees may be used for streambank or wetland restoration (for example, manipulated as necessary to protect riparian or wetland shrubs from grazing by livestock or wildlife or otherwise restore ecological function in floodplain, riparian, and wetland habitats).

d. Where appropriate, cut juniper may be placed into stream channels and floodplains to provide aquatic benefits. Juniper can be felled or placed into the stream to promote channel aggradation as long as such actions do not obstruct fish movement and use of spawning gravels or increase width to depth ratios.

e. On steep or south-facing slopes, where ground vegetation is sparse, leave felled juniper in sufficient quantities to promote reestablishment of vegetation and prevent erosion.

f. If seeding is a part of the action, consider whether seeding would be most appropriate before or after juniper treatment.

g. When using feller-buncher and slash-buster equipment, operate equipment in a manner that minimizes soil compaction and disturbance to soils and native vegetation to the extent possible.

Equipment exclusion areas (buffer area along stream channels) should be as wide as the feller-buncher or slash-buster arm.

### 13. Riparian Vegetation Treatment

Riparian vegetation treatment (controlled burning) includes reintroduction of low and moderate-severity fire into riparian areas to help restore plant species composition and structure that would occur under natural fire regimes in dry forest types east of the Cascade mountains and in southwestern Oregon.

Additionally, controlled burns may be implemented in localized lowland areas in western Oregon (oak woodlands). Conifer thinning may be required to adjust fuel loads for moderate-severity burns to regenerate deciduous trees and shrubs. Equipment would include drip torches and chainsaws, along with fire suppression vehicles and equipment.

#### a. Low and moderate severity burns:

i. Experienced fuels specialists, silviculturists, fisheries biologist, and hydrologists shall be involved in designing prescribed burn treatments.

ii. Prescriptions will focus on restoring the plant species composition and structure that would occur under natural fire regimes.

iii. Burn plans are required for each action and shall include, but not be limited to the following: a description of existing and desired future fire classifications, existing and target stand structure and species composition (including basis for target conditions); other ecological objectives, type, severity, area, and timing of proposed burn; and measures to prevent destruction of vegetation providing shade and other ecological functions important to fish habitat.

iv. Low-severity burns will be used except where the objective is to restore deciduous trees, as describe below under part “v.”, with a goal of creating a mosaic pattern of burned and unburned landscape. Low-severity burns are characterized by the following: Low soil heating or light ground char occurs where litter is scorched, charred, or consumed, but the duff is left largely intact. Large wood accumulation is partially consumed or charred. Mineral soil is not changed. Minimal numbers of trees, typically pole or saplings, will be killed.

v. Moderate-severity burns are permitted only where needed to invigorate decadent aspen stands, willows, and other native deciduous species and may be targeted in no more than 20 percent of the area within RHCAs or Riparian Reserves/6th field HUC/year. Such burns shall be contained within the observable historical boundaries of the aspen stand, willow site, other deciduous species, and associated meadows; additional area outside of the “historical boundaries” may be

added to create controllable burn boundaries. Moderate severity are characterized by the following: Moderate soil heating or moderate ground char occurs where the litter on forest sites is consumed and the duff is deeply charred or consumed, but the underlying mineral soil surface is not visibly altered. Light colored ash is present. Large wood is mostly consumed, except for logs, which are deeply charred.

vi. Fire lines will be limited to 5 feet in width, constructed with erosion control structures, such as water bars, and restored to pre-project conditions before the winter following the controlled fire. To the extent possible, do not remove vegetation providing stream shade or other ecological functions that are important to streams.

vii. Ignition can occur anywhere within the riparian reserve and riparian habitat conservation areas (RHCA) as long as project design criteria are met.

viii. Avoid water withdrawals from fish bearing streams whenever possible. Water drafting must take no more than 10 percent of the stream flow and must not dewater the channel to the point of isolating fish. Pump intakes shall have fish screens consistent with NMFS fish screening criteria (NMFS 2011e).

**b. Non-commercial thinning associated with moderate-severity burns:**

i. Non-commercial tree thinning and slash removal is allowed only as required to adjust fuel loads to implement a moderate-severity burn to promote growth of deciduous trees and shrubs, such as aspen, cottonwood, willow, other deciduous species, and associated meadows.

ii. Thinning is allowed only in dry forest types, such as east of the Cascade mountains and southwestern Oregon, and in localized lowland areas in western Oregon, (oak woodlands).

iii. To protect legacy trees, thinning from below is allowed. If conifers are even-aged pole, sapling, or mid-seral with no legacy trees, thin existing trees to the degree necessary to promote a moderate-severity burn.

iv. No slash burning is allowed within 30 feet of any stream. To the extent possible, avoid creating hydrophobic soils when burning slash. Slash piles should be far enough away from the stream channel so any sediment resulting from this action will be unlikely to reach any stream.

v. Apply PDC in National Fire Plan salmonid criteria (USDI-Bureau of Land Management 2005) for limits on mortality to residual overstory vegetation.

vi. Only hand equipment—chain saws, axes, Pulaski's, etc.—may be used for felling.

vii. Where livestock or wildlife grazing could be a threat to restoration of aspen, cottonwood, willow, alder, and other deciduous vegetation and an immediate moderate-severity burn would consume large amounts of felled trees, consider delaying the burn and leaving felled trees in place to create grazing barriers to help assure plant growth.

viii. If in an existing grazing allotment, projects in this category shall be accompanied by livestock grazing practices that promote the attainment of moderate-severity burn objectives.

## 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 2. 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 3. 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 outsloped roads with no ditch or stream crossings

### **Prescribed Burning and Related Activities**

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

burning, etc.) to achieve the specific PDC. Suppression should be used only as a last resort to achieve other PDC.

**For Perennial and Fish-Bearing Stream Channels:**

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

**Wildlife**

*Threatened, Endangered or Sensitive Species*

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

*Raptors*

- No activities will occur within currently known goshawk or other raptor nest stands. To conserve nesting habitat and to minimize disturbance to nesting individuals, restrictions would be executed according to the requirements of the species involved.
- With all newly discovered raptor nests, a buffer zone would be established by the wildlife biologist to restrict activities near the nest area during occupancy.
- Where possible, retain trees with inactive nests that may be important to secondary nesters (for example, great gray owl).

- Any snags in riparian areas or uplands will be protected from disturbance, removal, or use in stream restoration activities unless deemed a safety hazard at a specific work site.

### *Big Game*

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

### *Botany*

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

### *Rare and Sensitive Plants and Habitats*

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

### *Sensitive and Unique Habitats*

- The integrity of unique habitats shall be maintained. Unique habitats [may] include meadows, rimrock, talus slopes, cliffs, animal dens, wallows, bogs [fens], seeps and springs. This shall be accomplished by incorporating cover buffers approximately 100 feet in width.
- Heavy equipment, vehicle operation, road construction, staging areas, stockpile areas, piling of slash, fence construction, recreation sites, prescribed fires, fire lines, and other operational activities shall not occur within, or at the interface of lithosols (scablands).
- Cutting of old-growth juniper shall be prohibited. Old-growth characteristics include: sparse limbs, dead limbed or spiked-tops, deeply furrowed and fibrous bark, branches covered with bright-green arboreal lichens, noticeable decay of cambium layer at base of tree, and limited terminal leader growth in upper branches.

### *Groundwater-Dependent Ecosystems*

- The integrity of groundwater-dependent ecosystems shall be maintained. Spring developments shall not dewater groundwater-dependent ecosystems. Spring developments shall not be allowed if the spring is occupied by rare or sensitive plant species, or in peatlands, fens, or where histic soils are present. These sites should be buffered 100 feet from all operational activities where topography does not restrict such a distance, and be identified as areas to protect.
- Heavy equipment, vehicle operation, road construction, staging areas, stockpile areas, piling of slash, fence construction, fire lines, and other operational activities shall not be allowed in springs, seeps, or any other groundwater dependent ecosystem, unless it is for the benefit or protection of the groundwater dependent ecosystems or development of the spring.

- Spring developments should not disturb the spring orifice (point where water emerges). Spring head boxes should be placed in a location that will cause the least amount of disturbance to the soils and vegetation of the groundwater dependent ecosystems. Preferable locations for spring head boxes should be in an established channel downstream from the orifice or a location where flowing water becomes subsurface.
- When necessary, construct fenced exclosures around spring developments to prevent damage from wild ungulates and livestock.
- Spring developments shall have a return flow system to minimize the diversion of surface and subsurface water from the catchment area. Consider using a float valve or similar device to reduce the amount of water withdrawn from the groundwater dependent ecosystems.
- When developing springs, place troughs far enough away from groundwater-dependent ecosystems, wetlands, and other sensitive or unique habitats to prevent erosion, compaction, or degradation to sensitive soils and vegetation due to livestock congregation.

### *Invasive Plant Species*

- ***Pre-Implementation:*** Proposed restoration projects shall be surveyed for invasive plants early in the implementation planning process by a qualified invasive plant specialist /technician, to identify and assess any undocumented invasive plant infestation.
- ***Pre-Implementation:*** For project areas that overlap or are adjacent to invasive plant infestations, assure that there is sufficient time prior to develop a long-term site strategy for control, eradication, and revegetation of the site. This shall be accomplished by a qualified invasive plant specialist in collaboration with the interdisciplinary team and other stakeholders.
- All activities shall be conducted in a manner as to minimize or prevent the potential spread or establishment of invasive species.
- Actions conducted on National Forest System Lands that will operate outside the limits of the road prism, require the cleaning of all heavy equipment (bulldozers, skidders, graders, backhoes, dump trucks, etc.) prior to entering the Malheur National Forest. Cleaning will be inspected and approved by the forest officer in charge of administering the project.
- Assure that all materials are weed-free. Use weed-free straw and mulch for all projects conducted or authorized by the Forest Service on National Forest System Lands. If State certified straw or mulch is not available, individual national forests should require sources certified to be weed-free using the North American Weed Free Forage Program standards or a similar certification process.
- Inspect active gravel, fill, sand stockpiles, quarry sites, and borrow material for invasive plants before use and transport. Treat or require treatment of infested sources before any use of pit material. Use only gravel, fill, sand, or rock that are judged to be weed free by District or Forest weed specialists.
- Prohibit heavy equipment operation, vehicle travel, staging areas, fire-control lines, and any other operational activities in invasive plant infestations, unless the activities are for the express purpose of eradicating the infestation or INV1 and INV2 have been completed.
- Conduct post-implementation monitoring for invasive plants. Continue monitoring, treating, and removing invasive plants until all infestations are eradicated and native plant species are well established.

### *Native Plant Materials and Revegetation*

- ***Pre-Implementation:*** Where the need for native plant materials is anticipated, assure that there is sufficient time for the plant materials specialist to develop a native plant materials plan and/or prescription prior to implementation of planned revegetation, rehabilitation, and restoration

projects. This may include allowing for enough time to harvest and store hardwood cuttings, produce suitable quantities of native seed, and/or grow-out container stock.

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

## Soils

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

## Fire and Fuels

- Mechanical tools may be necessary to prepare fire control lines for these burns, but would be limited, and typically no heavy equipment would be used. Prescribed burns or wildfires could temporarily affect air quality.
- The project design criteria for both Juniper Removal and Riparian Vegetation Treatment (controlled burning) would be followed. National, state, and local policies regarding prescribed fire implementation will be met.
- Activities that are expected to create smoke emissions would follow the State of Oregon Smoke Management Plan. Prior to burning, approval will be obtained from the Oregon Department of Forestry, who determines compliance with the Clean Air Act. State smoke forecasts, which predict wind direction and smoke mixing height, will be obtained prior to all burning to ensure smoke intrusions will not occur in the local smoke sensitive receptor areas.
- Burning will follow the guidance provided by the Oregon Smoke Management Plan (Directive 1-4-1-601, Operational Guidance for the Oregon Smoke Management Program), which is an agreement between federal land management agencies in northeast Oregon and Oregon Department of Forestry limiting smoke emission amounts. Oregon Department of Forestry monitors activity, and if a limit is reached it will shut down prescribed fire activity.

## Heritage Resources

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

If the cultural resources are determined to be potentially eligible for listing on the National Register of Historic Places work will either be permanently halted or a mitigation plan will be developed in consultation with the Oregon SHPO before work continues.

## Recreation

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

## Grazing

### *General*

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

### *Protection of Government and Permittee Investments*

- All existing structural range improvements (fences, gates, spring developments, etc.) and permanent ecological plots would be contractually protected.
- Maintain structural integrity of range improvements.
- If structural improvements are damaged during project operations they would be repaired to Forest Service standards prior to livestock scheduled use by the party responsible for causing the damage. Repairs would be required of the purchaser if damage were done during thinning or fuel treatment contractors or by force account where appropriate.
- Three or more splices to a single wire within a distance of 20 feet will be replaced with a single splice.
- Fence right-of-ways (6 feet either side of fence), trails, other developments and access to them would be cleared of slash produced by project activities.

### *Aspen Restoration*

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

### Notification

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

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