I.  Background

Historic railroad logging operations, timber harvest, and road construction removed larger conifers from the valley bottom, reducing the future recruitment of large wood to Five Points Creek. Historic grazing and increased big game herds have reduced overall riparian vegetation diversity and caused additional impacts to the riparian area along Five Points Creek.

The portion of Five Points Creek within the project area is broken into three reaches. The valley bottom within the project area supports deciduous and coniferous vegetation, including hawthorn, ponderosa pine, and Douglas fir. The 10 to 25 year flood plain is largely without vegetation indicating a large flood event in the recent past. The riparian area outside of the flood prone area is well vegetated with deciduous and coniferous vegetation, with the exception of Camp One. Multiple ATV trails are causing sedimentation and vegetation impacts to the stream and riparian area. A stream survey of Five Points Creek conducted in 2010 indicated poor numbers of pools per mile and low amounts of large wood within the medium and large size classes.

Five Points Creek provides spawning and rearing habitat for Snake River Basin summer steelhead and redband trout. Five Points Creek is also designated critical habitat for bull trout. The summer steelhead, spring/summer chinook salmon, and bull trout are federally listed under the Endangered Species Act (ESA) as threatened species. Redband trout are on the U.S Forest Service Region 6, Regional Forester’s Sensitive Species List.

An old diversion structure constructed in the 1920’s for the Union Pacific Railroad is located in lower Five Points Creek. It is currently a passage barrier for some of the life stages of summer steelhead, spring/summer chinook salmon, and bull trout. There is potential for spring/summer chinook salmon rearing habitat in Five Points Creek, once the diversion structure barrier is removed. The summer steelhead, spring/summer Chinook salmon, and bull trout are federally listed under the Endangered Species Act (ESA) as threatened species. Redband trout are on the U.S Forest Service Region 6, Regional Forester’s Sensitive Species List.

Grazing does occur within the project area, and extensive trailing limits livestock use in Five Points Creek. Trailing includes riding every three days during the use of the pastures to remove livestock from the riparian areas adjacent to Five Points Creek. The Camp One area is readily accessible to livestock, limiting the riparian vegetation abundance and diversity.

II. Decision to be Implemented

This Decision Memo documents my decision to proceed with the Five Points Creek Large Woody Debris and Planting project. The Five Points Creek project area consists of National Forest System (NFS) lands on the La Grande Ranger District of the Wallowa-Whitman National Forest (WWNF). The project area is located on Five Points Creek, a tributary to the Grande...
Ronde River, in Union County. Project activities will occur along 7 miles of Five Points Creek and tributaries, starting at approximately River Mile 1.0 to River Mile 8.5. The legal location for this project is: T2S, R36E, sections 3, 4, 5, 7, 8, 9, 18, 19, and 30 (refer to attached project map). The Five Points Creek project area is allocated to Management Area 3 (Big Game Winter Range) in the Land and Resource Management Plan for the Wallowa-Whitman National Forest.

III. Description of the Decision

The Five Points Creek Large Woody Debris and Planting Project will place wood within 6 miles of Five Points Creek on national forest land at 65 structure sites. A portion of the old diversion structure will be removed to improve fish passage to approximately 22 miles of upstream habitat. An additional 0.72 miles of wood placement will occur on a tributary to Five Points Creek. A 0.7 mile long exclosure fence encompassing 16 acres will be constructed around Camp One to limit livestock impacts and promote growth and establishment of riparian vegetation. Approximately 0.25 mile of user created all-terrain vehicle (ATV) trail will be obliterated, and 2 miles of user created ATV trail closed. Approximately 1,500 deciduous seedlings, 6,000 conifer seedlings, and 55,000 deciduous cuttings will be planted within the project area. All disturbed areas will be seeded with native seed after project completion.

Structure Construction
Sixty-five large wood structure sites will be installed within the Five Points Creek main stem portion of the project. Most of the structures are a combination of cut logs, root wads and boulders. Each structure site will average 15 pieces of large woody debris. Approximately 85 large pieces of wood, 34 boulders and 32 loads of brush (small wood and limbs) will be hauled into lower Five Points Creek for structure construction. Approximately 611 pieces of large wood will be flown in by helicopter from two staging sites (refer to map). These trees will be hauled from Catherine Creek Summit, National Forest lands adjacent to I-84 within the ODOT right of way, and trees removed from the natural gas pipeline corridor adjacent to Dry Creek.

Approximately 307 trees will be pushed over within 300 feet of structure sites 10, 12, 14, 17, 18, 19, 23, 24, 26-30, 32 (Lower) and 1, 2, 3, 6, 11, 12, and 15 (Upper.) A portion of the trees will be over 21 inch diameter at breast height (dbh). Pinning with rebar will occur where logs cross. Boulders, where available, and racking material (small wood and limbs on structures sites upstream of private land) will be obtained on site. All racking material will be felled/cut with a chainsaw. All of the trees/boulders will be imported into the creek with the use of an excavator and chokers, where needed. Approximately 1 to 6 pieces (of the 15 pieces per site) of wood will be excavated into the stream bank per structure site, with the exception of the structure sites located at Camp One. No excavation will occur at Camp One to avoid impacts to cultural resources. Pool excavation involving digging within the high water channel area, to add water depth within the structure site will occur at 50% of the structure sites.

Approximately 75 pieces of large wood will be placed within No Name Creek (tributary to Five Points Creek) adjacent to FS road 8405131. Approximately 35 trees will be pushed over within 300 feet of the stream to obtain the 75 pieces. None of the trees will be over 21 inch dbh and no excavation will occur.

Flood prone areas (devoid of vegetation from a recent flood) will receive additional wood placement to provide for floodplain roughness and plant protection from browse. Limited flood prone wood placement will occur on 0.5 mile of Five Points Creek (just downstream of the diversion dam) to protect road infrastructure.
Diversion Removal
A portion of an old diversion constructed in the 1920's for the railroad will be removed to enhance fish passage into 22 miles of Five Points Creek and its tributaries. The removal will involve removing the concrete barrier and reshaping the channel to mimic channel characteristics up and downstream. The reshaping will involve redistributing bedload within the channel downstream and on the floodplain. The east face wall of the diversion that butts up against the basalt rock outcrop will be removed. Remains of the east face wall will be left at the site location close to the diversion structure. The diversion box, west face wall, and pipe associated with the diversion shall remain and not be disturbed by this project work.

Fencing
Approximately 0.7 mile of 4 strand barb wire, livestock exclosure fence will be constructed around Camp One. Approximately 300 pods (small exclosures) will be constructed around deciduous seedlings. The exclosure will include an open corridor from road 8405131 across Camp One to an existing road up Little John Day Creek on the north side of Camp One. This corridor will allow for movement of livestock and recreational access.

ATV User Created Road Obliteration
Approximately 0.25 miles associated with two user created ATV roads will be obliterated within this project. The obliteration will involve road recontouring and rehabilitation. Approximately 2 miles of user created ATV road will be closed within this project. The closure will be made possible by the construction of the exclosure fence in the Camp One area, and the placement of wood and three dump truck loads of boulders just downstream of Camp One.

Planting
Within Camp One, No Name Creek area, and areas where trees for structure construction are obtained a total of 1,500 native deciduous seedlings and 6,000 conifer seedlings will be planted. All of the planting will be completed by hand. All of the deciduous seedlings will be fenced. The deciduous seedlings will also be protected (as much as possible) from drought. Drought protection includes scalping (by hand), watering the trees twice during the first year, adding soil moisture granules, tree mat placement, and shade cards.

Throughout the remainder of the project area a total of 55,000 deciduous cuttings will be planted with excavators within the un-vegetated flood prone areas adjacent to Five Points Creek. These flood prone areas will receive additional wood placement to provide for floodplain roughness and plant protection from browse. Limited flood prone wood placement will occur on 0.5 mile of Five Points Creek (just downstream of the diversion) to protect road infrastructure.

Seeding
All areas disturbed by equipment will be seeded with a native grass/forb seed mixture after the project is completed. Mulching will occur where necessary for erosion control.

Mitigation Measures and Management Requirements

The following items are included to provide the measures necessary to keep project impacts at acceptable levels. These items will be applied to the project as it is implemented on the ground.

1- Onsite green trees used for racking and woody debris will be thinned out of dense stands.

2- Ground-based equipment operations will occur during dry soil conditions.
3- The contractor will be required to have a written Spill Prevention Control and Containment Plan (SPCCP), which describes measures to prevent or reduce impacts from potential spills (fuel, hydraulic fluid, etc.) The SPCCP should contain a description of the hazardous materials that will be used, including inventory, storage, and handling procedures, along with a description of quick response containment supplies that would be available on the site (e.g. a silt fence, straw bales, and an oil-absorbing, floating boom whenever surface water is present).

4- The existing roadway will be used as a staging area during construction, where possible. Or, staging areas would be designated at least 300 feet slope distance from the stream, which should be outside of the 100 year floodplain, where possible. These staging areas would be used for fueling, equipment storage, and maintenance.

5- All equipment used for in-stream work shall be cleaned and leaks repaired prior to entering the project area. External oil and grease, along with dirt and mud would be removed prior to construction operations. Thereafter, equipment would be inspected daily for leaks or accumulation of grease, and any identified problems would be fixed before entering streams or areas that drain directly into streams or wetlands.

6- All in-stream work will be completed between July 1st and October 15th, during the approved in-stream work window outside spawning activity months. In-stream work is defined as all work that is completed within the bank full channel.

7- To reduce risk of noxious weed species dispersal, equipment will be cleaned prior to use, and not operated or parked at noxious weed sites. Noxious weeds at Camp One will be treated.

8- Should any Proposed, Endangered, Threatened, or Sensitive (PETS) species be discovered in the area during project implementation, the appropriate district biologist will be notified and adequate protection measures will be employed.

9- Should any new cultural resource sites be discovered during project activities, work will halt, the project archaeologist will be notified immediately, and appropriate protection measures employed.

10- Slash treatments - the stream restoration work crew shall lop and scatter all residual materials generated from restoration activities. Tree removal areas shall be lopped and scattered to create floodplain roughness, soil stability, and planting microsites.

11- A fisheries biologist/hydrologist and archaeologist will be on site during project operations as needed to ensure that the project design and mitigation measures are implemented as planned.

12- Monitoring will be accomplished to assure that activities conform to objectives of the Forest Plan, assure that the project design is implemented as planned, and assure that the desired results are achieved. Monitoring of the structure construction will include photo points before and after the project work is done, and at 1, 3, and 5 years after the project is completed. Region 6 Level II stream habitat inventory was conducted prior to project implementation, and will be done again at 1 and 5 years after project completion. Native plantings and seeded areas will be evaluated for survival on a
yearly basis for 3 years after project completion through photo points and determining plant survival. If plant/seed survival is poor, then subsequent planting and/or seeding would occur. Noxious weeds will be monitored yearly, for 3 years after project operations. Two preliminary final reports that describe the actual implementation of the project and associated monitoring will be completed in winter 2015 and 2016. A final report will be completed in the winter of 2017. Monitoring reports will be completed during the winter following completion of monitoring.

13- Maintenance of the exclosure fences will be done by the U.S. Forest Service. Maintenance will involve ensuring the fences are up after spring flows every year in June. Once the trees and shrubs are above browse height or exhibit sufficient growth to withstand grazing pressure, the small fences (pods) will be removed or used in additional areas on the stream. The exclosure at Camp One will remain intact for over 10 years.

14- A portion of the diversion structure will be left intact as a mitigation measure for the diversion site. The diversion box, west face wall, and pipe shall remain where they are located and not be disturbed by this project. The east face wall of the diversion that butts up against the basalt rock outcrop will be removed. Remains of the east face wall will be left at the site location close to the diversion structure. The removal of the east face wall will not damage the diversion box except at the point of contact.

15- Avoidance areas and buffer zones for heritage resource sites will be protected, and will be flagged by the Forest Service Archaeologist for protection.

16- Work on and around the existing isolated segments of the Five Points railroad grade will include the following recommendations of the Forest Service Archaeologist. Identified segments of the railroad grade will be flagged by the Archaeologist before the work begins. No machinery will operate within 12 feet of the edge of all isolated segments of the railroad grade in either direction. Trees marked for removal on the railroad grade will be directionally felled away from the railroad grade. They will be lifted off the railroad grade (not dragged) so no damage will occur. Trees will not be removed with roots attached. Trees on the railroad grade will be felled by flush cutting, where practical. Trees adjacent to the railroad grade will be directionally felled away from the railroad grade. The work around the identified railroad grade segments will be monitored by the Archaeologist.

IV. Reason for the Decision

My reasons for deciding to implement the Five Points Creek Large Woody Debris and Planting Project as described include:

- Implementation of this project will improve habitat for several Endangered Species Act listed fish species including spring/summer Chinook salmon, summer steelhead, and designated critical habitat for bull trout.
- Project will result in improved conditions for resident regionally listed sensitive redband trout.
- Restoration activities will aid in improving water quality and overall watershed function consistent with our agency mission.
- The restoration activities and primary objectives are responsive to tribal interests including First Foods (water, fish) important to the Confederated Tribes of the Umatilla
Indian Reservation.

- Restoration activities will contribute to local and regional economies and employment through a variety of service contract opportunities.

The Five Points Creek project will benefit fish habitat and overall water quality by improving or increasing the following habitat elements:

- Improve floodplain function
- Improve fish passage
- Improve riparian and wetland diversity, vigor and function
- Improve water capture, storage and safe release within the floodplain
- Increase quantity and quality of pools
- Increase fish cover
- Increase habitat complexity
- Increase forage availability for fish
- Increase residual pool depth
- Increase number of large and medium pieces of large woody debris in the stream
- Decrease erosion of fine sediment
- Increase spawning gravel recruitment

V. Reasons For Categorically Excluding The Decision

Decisions on national forest system lands may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA) when they meet the following criteria.

- Proposed activities are defined within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1(b) (3), or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15-2010-1 sections 31.1 or 31.2.
- There are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. This conclusion is based on information presented in this document and the entirety of the project record.

Category of Exclusion

The proposed actions on NFS lands can be categorically excluded from an EA or EIS because they fall within category 7, Section 32.12, FSH 1909.15-2010-1. Category 7, as stated in Amendment 1909.15 section 32.2 requires a Decision Memo. Category 7 is the “modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices”.

Based on analysis and previous experience this project will have limited context and intensity, and it will produce little or no individual or cumulative environmental affects to either the biological or the physical components of the human environment.
Relationship to Extraordinary Circumstances

1. **Steep Slopes or Highly Erosive Soils**
The soils in the affected area are classified as having a moderate resistance to erosion. All disturbed soil with high erosion potential associated with this project will be recontoured, mulched, or have woody material placed on it, and seeded to limit potential soil erosion.

This decision excludes ground-based heavy equipment from slopes greater than 35%. This decision should not result in significant slope-related impacts.

To further ensure that slope and soil-related impacts are minimized, Best Management Practices are incorporated. This decision should not result in significant soil-related impacts.

2. **Threatened and Endangered Species or Their Critical Habitat**
The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. In accordance with Section 7(c) of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was obtained from the U.S. Fish and Wildlife Service.

A biological evaluation and assessment was completed to determine the effects of this project on any U.S. Fish and Wildlife Service (USFWS) proposed, endangered, or threatened species, and on any species on the U.S. Forest Service Region 6, Regional Forester’s sensitive species list. The biological evaluation and assessment is located in the project file.

The Five Points Creek Project may impact redband trout individuals or habitat for this species for the short term (2 years or less), but would not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species. Over the long term, restoration activities are expected to benefit all aquatic organisms and their habitat within the project area.

US Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) of the U.S. Department of Commerce have been consulted under the Programmatic Aquatic Restoration Biological Opinion (ARBO II) for aquatic threatened or endangered species including spring/summer Chinook salmon, summer steelhead trout and bull trout. This project meets criteria and incorporates best management practices of the WWNF Land and Resource Management Plan and the Project Design Criteria under the programmatic ARBO of NOAA/NMFS and USFWS. Project activities may affect, and are likely to adversely affect summer steelhead, spring/summer Chinook salmon, or bull trout individuals only in the short-term. The project will beneficially affect spring/summer Chinook salmon, steelhead trout, and bull trout in the long term through improved habitat conditions. A letter of agreement on ESA programmatic consultation for ARBO II for the Five Points Creek project was received on January 6, 2015, and is located in the analysis file.
The Five Points Creek project would have no effect to the Canada Lynx, a federally listed threatened species on the U.S. Fish and Wildlife Service list of proposed, endangered, and threatened species. This project will have no impact on bald eagles (a USFS Region 6 sensitive species) or their habitat. The Five Points Creek project will have no impact on wolverine habitat. This project would have no effect to the gray wolf (a USFS Region 6 sensitive species) or habitat. This project may impact individuals or habitat of the fringed myotis (bat) and Johnson’s Hairstreak butterfly, but would not likely contribute to a trend towards federal listing or cause a loss of viability of these species.

There are no Federally listed threatened, endangered, proposed, or candidate plant species or their habitat within the project area. During field surveys conducted in 2013 and 2014 in the project area, no sensitive plants were located, and no highly suitable habitat for sensitive plant species was discovered. Potential habitat for four sensitive plant species does exist within the project area, but there are no known sites of sensitive plant species within the project area. There will be no impact to any documented locations of any sensitive plant species from the Five Points project, as all documented sites are located at least two to five miles away from project activities. There is little to no potential for sensitive plants to occur within the area of disturbance in the project activities. It was determined that there will be no effect to any Federally listed (threatened, endangered, or proposed) plant species from the Five Points Creek project. This decision will have no impact on any USFS Region 6 sensitive plant species. This project will not contribute to a loss of viability of a species, or move a species toward federal listing (FSM 2672.43).

3. Floodplains, Wetlands, or Municipal Watersheds

Floodplains: Executive Order 11988 aims to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “...the lowland and relatively flat areas, adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent (100-year recurrence) or greater chance of flooding in any one year.”

This decision includes activities within floodplains. This has been validated by map and site-review. This project was determined to have no negative floodplain-related impacts, only positive impacts will occur. This project would benefit the floodplain through plantings and wood placement in the channel and floodplain. Field review (monitoring) of similar projects validates acceptable resource effects from similar activities.

To further ensure that floodplains-related impacts are minimized, Best Management Practices are incorporated.

The appropriate permits will be obtained for proposed activities within the floodplain.

The Five Points Creek project will not degrade water quality in the long term. The project will have the potential to increase sediment delivery in the short term (2 years), but the effects will be minimized by the stated mitigation measures in this decision.

Wetlands: Executive Order 11990 aims to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “...areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or
aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

This project is consistent with EO 11990 because wetlands adjacent to the stream would be enhanced. This decision will not adversely affect wetlands. This decision will have a positive effect on wetlands through planting and wood placement.

**Municipal Watersheds:**
There are no municipal watersheds in this project area. This decision will not affect municipal watersheds.

4. **Congressionally Designated Areas**
There are no congressionally designated areas within the project area. This decision will not affect wildernesses or wilderness study areas. The majority of Five Points Creek proposed for restoration work in this project was identified as a Wild and Scenic study river as part of a negotiated appeal settlement for the Wallowa-Whitman Forest Plan. Current management direction for study rivers is to maintain these corridors to ensure the protection of the river’s outstandingly remarkable values (ORVs) and free-flow until the river is either designated or determined unsuitable for designation as a wild and scenic river (WSR). The ORVs for Five Points Creek are scenery, fisheries, and wildlife. Breaching the diversion on the lower reach of the creek will ensure the free flowing nature of the creek. Fisheries enhancement projects will also enhance the fisheries ORV. Scenery within the area will experience a short-term impact during project activities but overall will be benefited in the long term by improving riparian habitat and health. Removing user built ATV trails within the area will enhance wildlife security habitat. This project will maintain and enhance ORVs and will not preclude potential designation of this river segment as Wild under the WSR Act in the future.

5. **Inventoried Roadless Areas and Potential Wilderness Areas**
There are no Inventoried Roadless Areas (RARE II or Forest Plan) in the decision area; therefore, they will not be affected by implementation of this project. Portions of the area would meet inventory criteria for wilderness outlined in FSH 1909.12 71.1; however, the actions described in this project would enhance the wilderness characteristics such as apparent naturalness, solitude, rehabilitation of user built ATV trails, and restoring much of the affected area to ecological conditions that would normally be associated with the area without human intervention.

6. **Research Natural Areas**
There are no Research Natural Areas in this project area. This decision does not affect Research Natural Areas.

7. **Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas**
Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It
affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts.

Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Five prior surveys were completed in the project area and a recent survey was done in the Five Points Creek project area in 2014. A "historic properties adversely affected" determination was made for the Five Points Creek Large Woody Debris and Planting Project. Consultation on this finding occurred with the State Historic Preservation Office (SHPO) under the programmatic agreement for heritage resources among the USFS R6, ACHP, and SHPO dated June 2004. Heritage sites in the project area will be avoided during the project work, and will be flagged by the Archaeologist to protect and avoid the sites. The specific recommendations made by the Archaeologist for operating machinery and removing trees when working around any segments of the old railroad grade, will be followed to protect the site. Mitigation measures for the water diversion structure, will include leaving part of the diversion intact. The diversion box, west face wall, and pipe will remain where they are located and not be disturbed. The remains of the east face wall will be left at the site location close to the diversion structure.

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The project area lies within the territories of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The Forest is engaged in ongoing consultation with CTUIR. Maps of the project area and a description of the project were provided to the CTUIR Cultural Resources Protection Program at staff-to-staff meetings on May 20, 2013 and June 4, 2014. This information was also presented to the Cultural Committee on June 25, 2013 and July 15, 2014. Information was presented at Wallowa-Whitman National Forest and CTUIR Board of Trustees government-to-government meetings on August 23, 2013 and August 23, 2014.

No other extraordinary circumstances related to the project were identified.

**VI. Public Involvement**

The Five Points Creek project was first published in the April 2013, Wallowa-Whitman National Forest Schedule of Proposed Actions, a quarterly newsletter that is posted on the Forest’s web site at: http://www.fs.usda.gov/wallowa-whitman. A description of this project is also on the Forest website at: http://www.fs.usda.gov/projects/wallowa-whitman/landmanagement/projects. No comments were received from the public on this project; however, one person requested to be listed as an interested party in this project. A notice soliciting public comment on the Five Points Creek project was published in the Observer newspaper, La Grande, Oregon, on April 17, 2013.

This project has been coordinated with the Tribes and consultation is ongoing
Consultation with NMFS and USFWS for aquatic threatened and endangered species has been completed. A letter of agreement under the Endangered Species Act, Section 7, formal programmatic consultation for Aquatic Habitat Restoration Activities in Oregon and Washington Biological Opinion (ARBO II) process consistency was signed on January 6, 2015 and is located in the project file.

Documentation of all scoping and collaborative efforts is located in the project file for this project at the La Grande Ranger District office.

VII. Findings Required By And/Or Related To Other Laws And Regulations

Our decision will comply with all applicable laws and regulations. We have summarized some pertinent ones below.

Federal Land Policy and Management Act - This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Plans). The Wallowa-Whitman National Forest (WWNF) Plan was approved in April 1990, as required by this Act. It has since been amended several times. The amended plan provides for guidance for all natural resource management activities on NFS lands. The Act requires all projects and activities be consistent with the Forest Plan. The WWNF Plan has been reviewed in consideration of this project. This decision is consistent with the standards and guidelines contained in the Plan.

Vegetation Manipulation (National Forest Management Act) – Proposed actions often carry out management prescriptions selected and scheduled during land and resource management plan development. This decision is consistent with the requirements for management prescriptions. The regulations found at 36 CFR 219.27 require that “Management prescriptions that involve vegetative manipulation of tree cover for any purpose shall” comply with the following seven requirements:

- Be best suited to the goals in the Forest Plan. The applicable goals are stated in Section I of this document. This decision is responsive to those goals and is best suited to meet those goals.

- Assure that technology and knowledge exists to adequately restock lands within five years after final harvest when trees are cut to achieve timber production. Restocking is not applicable; the area treated will remain fully stocked after treatment.

- Not to be chosen primarily because they give the greatest dollar return or the greatest output of timber (although these factors shall be considered). This decision was based on a variety of reasons. It was not primarily chosen for its expected dollar return. Economics was only one of the many factors considered.

- Be chosen after considering potential effects on residual trees and adjacent stands. The effects on residual trees and adjacent stands were considered in development of the Plan. The
decision, including adherence to applicable Plan Standards and Guidelines, is designed to provide the desired effects of management practices on the resource values. This decision is consistent with the Plan and provides the desired effect on residual trees and adjacent stands.

- **Be selected to avoid permanent impairment of site productivity and to ensure conservation of soil and water resources.** This decision avoids impairment of site productivity. The nature of the decision and use of Best Management Practices will protect soil and water resources.

- **Be selected to provide the desired effects on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation users, aesthetic values, and other resource yields.** The decision, including adherence to applicable Plan Standards and Guidelines, is designed to provide the desired effects of management practices on the resource values. This decision is consistent with the Plan and provides the desired effect on the above resources.

- **Be practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.** The project area is adequately roaded, no new permanent or temporary roads are necessary to implement this decision. The treatment in this decision is appropriate to accomplish project objectives, and is economically practical.

**Endangered Species Act** – See Relationship to Extraordinary Circumstances above and Biological Evaluations and Assessment in the project file.

**Sensitive Species (Forest Service Manual 2670)** - See Relationship to Extraordinary Circumstances above and Biological Evaluations and Assessment in the project file.

**Clean Water Act** - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

**Wetlands (Executive Order 11990)** - See Relationship to Extraordinary Circumstances above.

**Floodplains (Executive Order 11988)** - See Relationship to Extraordinary Circumstances above.

**Clean Air Act** - Under this Act, areas of the country were designated as Class I, II, or III air sheds for Prevention of Significant Deterioration purposes. Impacts to air quality have been considered for this decision. This decision will have no measurable impact on air quality.

**Federal Cave Resources Protection Act** - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiate that no caves are in the area. No known cave resources will be affected by this decision. Any subsequently identified caves would be protected.

**National Historic Preservation Act** – See Relationship to Extraordinary Circumstances above and the archaeological report in the project file.

**Archaeological Resources Protection Act** - See Relationship to Extraordinary Circumstances above and the archaeological report in the project file.

**Native American Graves Protection and Repatriation Act** - See Relationship to Extraordinary Circumstances above and the archaeological report in the project file.
Wild and Scenic Rivers Act - See Relationship to Extraordinary Circumstances above.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately affect minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

VIII. Administrative Review Or Appeal Opportunities

This decision is not subject to a pre-decisional administrative review process (Objection) for National Forest System projects and activities pursuant to 36 CFR 218.1. Therefore, implementation of this decision may occur immediately following signing of the decision memo.

Implementation Date

Implementation of the Five Points Creek project will begin in June 2015 and will continue on a yearly basis for the next 2-3 years. All instream work will be done during the instream work window, which is July 1st to October 15th.

Contact Person

Further information about this decision can be obtained during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) from:

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La Grande, OR 97850
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Signature and Date

/S/ Bill Gamble  
3/12/2015

Bill Gamble  
District Ranger  
La Grande Ranger District  
Wallowa-Whitman National Forest

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