Decision Notice
and
Finding of No Significant Impact

House Creek, West Malheur and Wolf Mountain Allotments

USDA Forest Service
Pacific Northwest Region
Malheur National Forest
Emigrant Creek Ranger District
265 Hwy 20 S.
Hines, Oregon 97738
Harney and Grant Counties, Oregon

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Hines, Oregon 97738
541.573.4300
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Introduction

The House Creek, West Malheur and Wolf Mountain Allotments Environmental Assessment (EA), released for 30-day public comment on August 11, 2005, documents the analysis of a proposed action and two alternatives considered in detail. This EA proposes to continue authorization of livestock grazing in a manner that is consistent with the Malheur Forest Plan as amended. Based on the analysis in the EA and public comments received, I have reached decisions, documented in this Decision Notice, on management within the House Creek, West Malheur and Wolf Mountain Allotments.

Planning for this project was initiated in 2004. Based on needs identified for each allotment, a specific proposed action was developed and the NEPA (National Environmental Policy Act) process was initiated. Through scoping of officials, agencies, tribes, organizations, and individuals, key issues involving potential conflicts between impacts of the proposed action and the protection of the human environment were identified. Alternatives responding to these issues were developed for analysis.

The project area is comprised of three livestock grazing allotments, located on the Malheur National Forest, Emigrant Creek Ranger District and is approximately 30 miles northeast of Burns, Oregon. The three allotments, House Creek, West Malheur and Wolf Mountain, encompass approximately 57,800 acres of National Forest Lands. The allotments are primarily contained in the Wolf Creek Watershed with a lesser amount in Bear Creek and Trout Creek Watersheds.
Decision

Based on the analysis in the EA and the associated Planning Record, I have decided to implement the Proposed Action Alternative (Alt. 2). This alternative follows all applicable laws and regulations such as: State Water and Air Quality Standards, the National Environmental Policy Act (NEPA), and the National Forest Management Act (NFMA). This alternative is also consistent with, and implements, the Forest Plan, as amended. This Decision Notice documents the specific components and rationale for my decision.

During the decision process for this project, I realized I would not be able to fully satisfy all public concerns, as many of them are mutually exclusive. I have selected an alternative that is ecologically sound, both for the short and long term. It includes a practical management approach that reflects sensitivity to conflicting public concerns. In making my decision, I considered and balanced numerous factors.

Specific Laws, Regulations and Policies I Considered

Based on the analysis in the EA I considered the specific laws, regulations and policies (pages 22-26):

- The Preservation of American Antiquities Act of 1906
- The National Historic Preservation Act
- The Endangered Species Act of 1973, as amended
- The Migratory Bird Treaty Act of 1918
- The National Environmental Policy Act (NEPA) of 1969, as amended
- The National Forest Management Act (NFMA) of 1976
- The Clean Air Act, as amended in 1990
- Multiple-Use Sustained-Yield Act of 1960
- Migratory Bird E.O. 13186
- Natural or Depletable Resource Requirements and Conservation Potential
- Prime Farmland, Rangeland, and Forestland
- Floodplains and Wetlands (E.O. 11988 and 11990)
- Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974, as amended
- Executive Order 12962 (Aquatic Systems and Recreational Fisheries)
- Executive Order 13112 (Invasive Species)
Elements of the Decision

My decision consists of a number of separate actions for each Allotment designed to meet the Purpose and Need for the project as described in the House Creek, West Malheur and Wolf Mountain Allotments EA, on pages 6-9. Specifically, these actions are as follows:

I have decided to continue authorization of domestic livestock grazing on the House Creek, West Malheur and Wolf Mountain Allotments. This action will authorize grazing and update 3 Allotment Management Plants (AMP). Implementation of the allotment management plans that emerge from this analysis is anticipated to begin in the spring of 2006.

The following tables list specific proposed actions by allotment. Cattle would be the permitted livestock on all allotments. Maps showing the proposed activities are attached to this document.

House Creek Allotment

<table>
<thead>
<tr>
<th>FS Acres</th>
<th>Potential Season of Use</th>
<th>Permit/Average Number</th>
<th>Maximum AUMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,250</td>
<td>5/15 – 9/30</td>
<td>60</td>
<td>318 AUMs</td>
</tr>
</tbody>
</table>

- Allotment utilization for forage would not exceed 45% except where otherwise noted.
- Regenerate aspen stands in Bridge Creek, 17 road, House Creek and CHE springs drainages by conifer removal, prescribed burning and protection by fencing and excluding livestock grazing.
- Fence in spring (about 1-2 acres) on category 2 portion of House Creek and exclude grazing.
- Utilization would not exceed 35% in two riparian pastures.
- Stabilize existing head cut with rocks, wood and filter cloth.
- Construct a drift fence in the south pasture.

West Malheur Allotment

<table>
<thead>
<tr>
<th>FS Acres</th>
<th>Potential Season of Use</th>
<th>Permit/Average Number</th>
<th>Maximum AUMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>22,310</td>
<td>5/1 – 9/30</td>
<td>225</td>
<td>1040 AUMs</td>
</tr>
</tbody>
</table>

- Allotment utilization for forage would not exceed 45% except where otherwise noted.
- Reroute pasture boundary fence between Pierpont and Cougar pastures.
- Reduce the size of Squaw Springs Cow Camp pasture.
- Shift part of livestock grazing allocation from Rock Springs to Pierpont pasture to reduce impacts to upland shrubs.
- Regenerate aspen stands in Squaw Creek, Van Gulch and Magpie Creek drainages by conifer removal, prescribed burning and protect by fencing and excluding livestock grazing.
- Prescribe burn Cougar Flat and rest from livestock grazing for 1 year prior to the burn and for up to 2 growing seasons after the burn.
- Utilization would not exceed a 6-inch stubble height in the floodplains of identified Botrychium habitat in Pierpont pasture.
- Fell timber around Dead Horse Spring to create “jackstraw” barrier to livestock to protect Botrychium habitat.
- Enclose and stabilize headcuts on Squaw Creek, East Fork Wolf Creek and Van Gulch and exclude livestock grazing.
- Install rock structures and/or LWD placement in Squaw Creek, East Fork Wolf Creek and Van Gulch.
Wolf Mountain Allotments

<table>
<thead>
<tr>
<th>FS Acres</th>
<th>Potential Season of Use</th>
<th>Permit/Average Number</th>
<th>Maximum AUMs</th>
</tr>
</thead>
<tbody>
<tr>
<td>31,650</td>
<td>5/1 – 10/12</td>
<td>286</td>
<td>1651 AUMs</td>
</tr>
</tbody>
</table>

- Allotment utilization for forage would not exceed 45% except where otherwise noted.
- Enlarge Beaverdam Meadow pasture to include a headcut area and use only as a gathering pasture (overnight use only).
- Fence existing population of *Botrychium crenulatum* and exclude from livestock grazing.
- Regenerate aspen stands in West Fork Bridge Creek, Beaverdam Creek, Dry Gulch and Schurtz Creek drainages by conifer removal, prescribed burning and protect by fencing and excluding livestock grazing.
- Fell timber along main-stem of Bridge Creek to create “jackstraw” barrier to livestock trailing.
- Utilization would not exceed a 6 inch stubble height in the floodplain of identified *Botrychium* habitat in Antelope and Wolf Creek pastures.
- Plant and protect willows in Beaverdam Creek in Beaverdam Meadow Pasture.
- Stabilize headcuts on Beaverdam Creek and Bridge Creek with rocks, wood or filter cloth.
- Install rock structures and LWD placement in Beaverdam Creek and Bridge Creek.
- Decommission Forest Road 1619805

The AMPs will describe how domestic livestock grazing, at proper use levels, would be conducted and will include the following additional terms and conditions:

- Structural range improvement standards and maintenance assignments
- Requirements for livestock distribution, including herding and salting
- Monitoring protocols

**Monitoring and Mitigation Measures**

I will implement the following management requirements, constraints, and mitigation measures to minimize, reduce, or eliminate environmental harm (EA on pages 40-44). These measures are in addition to standard management direction in the Forest Plan and include measures to protect unique and sensitive habitats, soil and water quality, wildlife, vegetation, range, threatened, endangered, and sensitive animals and plants, cultural resources, and to deal with noxious weeds.
### Range

<table>
<thead>
<tr>
<th>Management Requirement/Mitigation Measure</th>
<th>Objective</th>
<th>Responsible Person</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternative 2</strong></td>
<td></td>
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</tr>
<tr>
<td>New water developments would be constructed by digging a hole approximately 2-6 feet deep, which would allow for the placement of a springbox for water collection. A buried pipe would extend to a water trough, preferably equipped with a limiter switch to conserve water. Water troughs would be placed well away from the spring source to protect the headworks from possible trampling. If the spring rests in a wet area, an exclosure would be constructed to provide additional protection to the spring source. All headworks and spring sources would be protected by fencing.</td>
<td>To maintain and improve spring conditions.</td>
<td>Range Management Specialist</td>
</tr>
</tbody>
</table>

### Silviculture

<table>
<thead>
<tr>
<th>Management Requirement/Mitigation Measure</th>
<th>Objective</th>
<th>Responsible Person</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternatives 1 &amp; 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place salt blocks outside of conifer or aspen plantations where the trees are less than 6’ high.</td>
<td>To avoid damaging regeneration.</td>
<td>Range Management Specialist and Silviculturist</td>
</tr>
</tbody>
</table>

### Watershed

<table>
<thead>
<tr>
<th>Management Requirement/Mitigation Measure</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternative 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For fence construction along riparian areas, no repeated use (going back and forth over the same path) of ATVs or other motorized vehicles would occur within riparian areas.</td>
<td>To avoid damaging soil and riparian conditions</td>
<td>Range Management Specialist, Hydrologist, or Fish Biologist</td>
</tr>
</tbody>
</table>

### Fisheries

<table>
<thead>
<tr>
<th>Management Requirement/Mitigation Measure</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternatives 1 &amp; 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place salt blocks outside of RHCAs.</td>
<td>Reduce impacts to riparian areas</td>
<td>Range Management Specialist</td>
</tr>
<tr>
<td><strong>Alternative 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emphasize placing new water gaps in portions of channels where fine spawning gravels are not present</td>
<td>Eliminate damage to redds</td>
<td>Range Management Specialist</td>
</tr>
<tr>
<td>Construction of rock structures, addition of large woody debris and head cut stabilization would be performed during the instream work period with hand equipment.</td>
<td>Stabilize streambanks and reconnect the flood plain with the stream channel.</td>
<td>Fisheries Biologist and Hydrologist</td>
</tr>
</tbody>
</table>
## Terrestrial Wildlife

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternatives 1 &amp; 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Known raptor nests and new raptor nests discovered in or immediately adjacent to the Planning Area will have nest protection and disturbance standards adhered to during fence/water development construction and reconstruction. To conduct these activities during a prohibited date a waiver must be obtained from the District Biologist.</td>
<td>Protect raptor nests from alteration and disturbance</td>
<td>Range Specialist, District Wildlife Biologist</td>
</tr>
<tr>
<td>Riparian shrub standards (related to livestock grazing) would also apply to hardwood tree species of black cottonwood and quaking aspen.</td>
<td>Improve this “featured” habitat</td>
<td>Range Specialist</td>
</tr>
<tr>
<td>Aspen restoration by thinning and burning would be accomplished by hand methods.</td>
<td>Restore aspen</td>
<td>District Wildlife Biologist</td>
</tr>
<tr>
<td>All livestock water troughs would have wildlife escape ramps permanently installed.</td>
<td>Reduce drowning impacts to birds, small mammals and bats.</td>
<td>Range Specialist</td>
</tr>
</tbody>
</table>

## Fuels

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternative 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prescribed burning of Cougar Flat and aspen stands would occur during the spring or fall burning window by hand methods and/or ATVs.</td>
<td>Restore vegetation to an early seral stage. Stimulate aspen regeneration.</td>
<td>Fuels Specialist</td>
</tr>
</tbody>
</table>
### Heritage

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Alternatives 1 &amp; 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If site inspection indicates a need for mitigation measures at any archaeological or historic sites these would be developed in consultation with the Oregon State Historic Preservation Office and would be tailored to the specific conditions at each site.</td>
<td>Protect NRHP eligible and potentially eligible sites from significant grazing related impacts</td>
<td>District Archaeologist, Range Specialist</td>
</tr>
<tr>
<td>Past experience demonstrates that one or more of the following mitigation measures will normally suffice:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- The erection of permanent or temporary fence around site perimeters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Altering livestock on/off dates within the allotment in order to lessen disturbance at sites with subsurface components located in areas vulnerable during wet or moist seasons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Data recovery for small lithic scatters with no subsurface component</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Streambank stabilization in riparian areas where erosion is threatening a site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Providing alternative water sources for livestock in cases where troughs or stock ponds are within site perimeters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other mitigation measures may be considered.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any newly discovered sites located during new survey will be evaluated for NRHP eligibility and submitted to SHPO for concurrence, along with all potential mitigation recommendations (for examples, see above).</td>
<td>Protect NRHP eligible and potentially eligible sites from significant grazing related impacts</td>
<td>District Archaeologist, Range Specialist</td>
</tr>
<tr>
<td>Salt blocks would not be located on archeological and historic sites.</td>
<td>Protect NRHP eligible and potentially eligible sites from significant grazing related impacts</td>
<td>District Archaeologist, Range Specialist</td>
</tr>
<tr>
<td><strong>Alternative 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For proposed range improvement projects, clearances under Section 106 of the National Historic Preservation Act would be completed and concurred with as needed by the Oregon State Historic Preservation Office before the projects are implemented.</td>
<td>Protect NRHP eligible and potentially eligible sites from significant grazing related impacts</td>
<td>District Archaeologist, Range Specialist</td>
</tr>
</tbody>
</table>

### Noxious Weeds

Executive Order 13112 requires Federal agency whose actions may affect the status of invasive species to identify those actions and within budgetary limits, “(i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species…(iii) monitor invasive species populations…(iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded:…(vi) promote public education on invasive species…and (3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species…unless, pursuant to guidelines that it has pre-scribed, the agency has determined and made public…that the benefits of such actions clearly outweigh the
potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.”

The following management requirements and mitigation measures meet the intent of Executive Order 13112.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Alternatives 1 &amp; 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permittees would be provided with a current list of noxious weeds identification material. A map showing known noxious weed infestations sites within each allotment would be reviewed at each annual operating meeting. Permittees would be asked to add known noxious weed locations not shown on the map.</td>
<td>To reduce the risk of spreading noxious weeds</td>
<td>Range Specialist</td>
</tr>
<tr>
<td>All equipment used to construct, reconstruct, or maintain water developments and fences would be cleaned in a manner sufficient to prevent noxious weeds from being carried onto the Planning Area. This requirement does not apply to passenger vehicles or other equipment used exclusively on roads. Cleaning will occur off of National Forest System lands. Cleaned equipment would be inspected and approved by the Forest Officer in charge of administering the project prior to the equipment being moved into the project area.</td>
<td>To reduce the risk of introducing noxious weeds</td>
<td>Range Specialist, District Botanist</td>
</tr>
<tr>
<td>Any seed used in the construction, reconstruction, or maintenance of water developments or in restoration projects will be certified weed free.</td>
<td>To reduce the risk of introducing noxious weeds</td>
<td>Range Specialist, District Botanist</td>
</tr>
</tbody>
</table>

I will also implement the following monitoring as described in the EA on pages 45-46. These monitoring items are in addition to standard monitoring direction in the Forest Plan. The objectives of monitoring are to determine if management activities are moving resources towards desired conditions.

**Noxious Weed Monitoring**

Noxious weeds would be monitored for changes in populations. (Range Specialist)

**Aspen Treatment Monitoring**

Aspen stand treatment and protection measures would be monitored for effectiveness. When aspen protection measures are deemed no longer needed (aspen shoots are at least 8 feet high), they would be removed. (Wildlife Biologist and Silviculturist)

**Sensitive Plant Monitoring**

The known sensitive plant site would be monitored for changes in populations and effectiveness of excluding from livestock grazing. The areas identified as potential sensitive plant habitat would be monitored for sensitive plants and effectiveness of requiring at least a 6-inch stubble height on the floodplains. (Botanist)
Aquatic/Hydrology Monitoring

Stream temperatures (303 (d)), sediment/substrate, LWD, pools, bank stability, lower bank angle, width/depth ratio, PFC survey and fish survey monitoring would continue at established sites. Headcut treatments would be monitored for effectiveness. (Fish Biologist and/or Hydrologist)

Heritage Resource Monitoring

Monitor sites that have exhibited evidence of grazing impacts after the implementation of appropriate mitigation measures (as discussed in Chapter 2 under Management Requirements, Constraints, and Mitigation Measures-Heritage) on a regular basis to be determined in consultation with Oregon SHPO. This monitoring will evaluate the effectiveness of implemented mitigations. (Archeologist)

Monitor other NRHP sites or potentially eligible sites in areas of frequent, heavy cattle congregation in order to determine if mitigation measures need to be implemented. (Archeologist)

Range Resource Monitoring

A combination of 1) The Malheur National Forest Draft Range Monitoring Guidelines (June 2005) (Appendix A), 2) The Malheur National Forest Riparian Monitoring (Condition and Trend) Strategy (2005) (Appendix B), and 3) the monitoring protocol developed by the Interagency Implementation Team (IIT), as amended in 2004 (IIT 2004), would be used to determine if grazing is allowing movement towards desired conditions and Forest Plan Standards, as amended. Based on these monitoring results, the Forest Service may adjust grazing management using a variety of management tools to adjust timing, intensity, duration, and season of use. Methods may be used singly or in combination with each other. These methods could include (but are not limited to):

- Changing livestock numbers;
- Changing the time livestock are in a pasture (length of use);
- Changing the time of year a pasture is used (season of use);
- Riding/herding/salting (i.e. more intensive management);
- Fencing areas to limit access and use (fences may be permanent or temporary);
- Temporarily curtailing/suspending use (resting pastures); and/or
- Cancellation of grazing permits in whole or part.

(Range Specialist, Botanist, Wildlife Biologist, Fish Biologist and/or Hydrologist)
Rationale for the Decision

I have reviewed the interdisciplinary analysis for this project area, the alternatives, the issues and comments from the public and the interdisciplinary teams, the Forest Plan, and conditions in the project area. After this review, I have concluded that Alternative 2 – Proposed Action best meets the purpose and need and is a responsible course of action for the House Creek, West Malheur and Wolf Mountain Allotment Management Plans.

The purpose of this proposed action is to continue authorization of livestock grazing in a manner that is consistent with the Malheur Forest Plan as amended (EA pages 6-7).

Alternative 2 meets the purpose and need of this proposal, to evaluate grazing management with the House Creek, West Malheur and Wolf Mountain Allotments and review the issues and concerns associated with management regarding the range and other resources. It also evaluates management on the affected allotments as provided in the Forest Plan, in such a manner as to ensure compliance with applicable laws, regulations, policies, and direction.

Alternative 2 meets the purpose to provide forage for the local livestock industry and to determine the appropriate flexibility in grazing, including kind, class, number, and season of use to be permitted (if any). It also identifies the appropriate management practices to implement on the allotments associated with this decision (EA pages 6-7).

Alternative 2 addresses the need to implement the direction and objectives of the Malheur National Forest Land and Resource Management Plan, by developing Allotment Management Plans (AMP) for the listed allotments. The goal of these AMP will be to maintain or improve vegetative conditions through the use of livestock management while providing for other uses (EA pages 6-7).

Congressional intent to allow grazing on suitable lands (Multiple Use Sustained Yield Act of 1960, Wilderness Act of 1964, Forest and Rangeland Renewable Resources Planning Act of 1974, Federal Land Policy and Management Act of 1976, National Forest Management Act of 1976), where consistent with other multiple use goals and objectives, is met with this alternative (EA pages 6-7).

It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans, Alternative 2 addresses this need. (FSM 2203.1) (EA pages 6-7)

Alternative 2 meets Forest Service policy to continue contributing to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood (Forest Service Manual 2202.1) (EA pages 6-7).

Alternative 2 identifies that forage producing lands will be managed for livestock grazing where consistent with land management plans (36 CFR 222.2 (c)) (EA pages 6-7).

Alternative 2 will ensure compliance with the 1995 Rescissions Bill, Public Law 104-19. A portion of this bill, Section 504, pertains to grazing on National Forest System lands, specifically allotment analysis, grazing permit issuance, and compliance with NEPA. This bill requires the Forest Service to complete an analysis and update allotment management plans on all Forest allotments over the next 15 years (EA pages 6-7).
Within the House Creek, West Malheur and Wolf Mountain Allotments resource needs have been identified where vegetation and other resource conditions are not always consistent with the Malheur Forest Plan as amended, and livestock distribution and utilization can be modified to better contribute to desired conditions (EA pages 7-9). Adjustments from current management are proposed where existing conditions are not moving or are not moving at an acceptable rate towards desired conditions.

Alternative 2 best meets the need to enhance and restore aspen stands within the three allotments. Alternative 2 will regenerate and protect from browsing all known aspen stands. Alternatives 1 and 3 do not regenerate or protect any aspen stands from ungulate browsing (EA pages 32-40).

Alternative 2 will best enhance and restore riparian conditions in all three allotments by implementing the following activities in identified areas: excluding livestock, reducing utilization, fencing and stabilizing headcuts, felling timber to create jackstraw barriers, installing rock structures and large wood placement, planting and protecting willow, and decommissioning Forest Road 1619805. Alternative 1 would only use adaptive management practices to exclude and reduce utilization. Alternative 3 would not permit livestock grazing (EA pages 32-40).

Alternative 2 will best improve livestock grazing distribution patterns because improvements as well as adaptive management practices will be utilized. Alternative 1 only uses adaptive management practices and Alternative 3 would not permit livestock grazing (EA pages 32-40).

Alternative 2 will utilize a combination of fencing, reducing utilization and adaptive management practices to best enhance and restore upland shrubs and bunchgrasses. Alternative 1 only uses adaptive management practices and Alternative 3 would not permit livestock grazing (EA pages 32-40).

Alternative 2 will best enhance and restore Botrychium species (moonworts) and its habitat because utilization will be reduced in identified habitat and an existing population will be fenced to protect it from livestock grazing. Alternative 1 would only use adaptive management practices and Alternative 3 would not permit livestock grazing (EA pages 32-40).

Alternative 2 will best restore upland and riparian vegetation in Cougar Flat because it will prescribe burn the area and reconnect the stream channel to the floodplain in order to promote riparian species capable of stabilizing stream banks. Alternatives 1 and 3 would not restore upland and riparian vegetation in Cougar Flat (EA pages 32-40).

These actions respond to the goals and objectives outlined in the Malheur National Forest Plan as amended, and helps move the project area towards desired conditions described in that plan. These actions also initiate many of the recommendations made in the Lower Malheur Watershed Assessment (December 1996) (EA pages 32-40).

Other Alternatives

In addition to the selected alternative, I considered two other alternatives in detail, the Current Management Alternative (Alt. 1) and the No Grazing Alternative (Alt. 3).
**Current Management Alternative (Alternative 1)**

Under the Current Management Alternative, resource areas of concern would be dealt with through adaptive management and administrative changes. Adaptive management allows the Forest Service to adjust grazing management using a variety of management tools to adjust timing, intensity, duration, and season of use. Adaptive management and administrative changes are designed to provide flexibility for continued grazing and to help move towards meeting INFISH and other Forest direction with no changes to the range management infrastructure such as fences and water developments. Moving towards meeting INFISH and other Forest direction is not expected to occur overnight or even within the life of the environmental assessment. Current Management Alternative is designed to move towards meeting INFISH and other Forest direction mainly through intensive range management. This alternative uses existing fences, existing water developments and other existing range improvements to control livestock distribution and use. It does not add new improvements, which are included in the selected Alternative. I did not select this alternative because:

- It does not regenerate or protect any aspen stands from ungulate browsing (EA pages 185 and 194).
- It would not restore upland and riparian vegetation in Cougar Flat (EA page 63).
- It would not adequately protect *Botrychium* species (moonworts) and its habitat (EA page 77).
- It only uses adaptive management practices and limits management tools to improve livestock management (EA pages 32-34).
- It would take the longest, 50+ years (EA page 47) to meet INFISH and other Forest direction.

**No Grazing Alternative (Alternative 3)**

Under the No Grazing Alternative, all Term Grazing Permits for the three affected allotments would be cancelled upon implementation of the decision and resolution of the appeals process. I did not select this alternative because:

- It does not adequately regenerate or protect any aspen stands from ungulate browsing (EA pages 187 and 195-196).
- No permits would be issued to graze livestock on the House Creek, Wolf Mountain, West Malheur and Van allotments unless there was a subsequent NEPA analysis and a decision to re-stock any or all of the allotments (EA pages 93-94).
- No grazing fees would be collected on these allotments and no range betterment dollars from these 3 allotments would be returned to the Malheur National Forest (EA pages 93-94).
- Operational costs would dramatically increase for the permittees with the loss of summer pasture, increased feed costs, transportation costs, potential impacts to private land and disruption of current marketing strategies. These changes
translate to a significant negative economic impact on the permittees (EA pages 93-94).

- Alternative 3 does not meet the purpose of continuing authorization of livestock grazing in a manner that is consistent with the Malheur Forest Plan as amended (EA pages 6-7).

- Alternative 3 does not meet the purpose of providing forage for the local livestock industry (EA pages 6-7).


- Alternative 3 does not meet the intent of Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans. (FSM 2203.1) (EA pages 6-7)

- Alternative 3 does not meet the intent of Forest Service policy to continue contributing to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood (Forest Service Manual 2202.1) (EA pages 6-7).

- Alternative 3 does not meet the intent of identifying that forage producing lands will be managed for livestock grazing where consistent with land management plans (36 CFR 222.2 (c)) (EA pages 6-7).

**Alternatives Considered but not Fully Developed**

Only alternatives or specific design elements that were responsive to purpose and need were fully developed and analyzed. Alternatives are, by definition, other strategies or ways to meet purpose and need. Additional alternatives were considered during the analysis, but not fully developed. Alternatives that were considered but not fully developed are discussed in the EA (pages 30-31).

**Public Involvement**

The proposal was listed in the Schedule of Proposed Actions as two separate projects. The Wolf/Van Grazing AMP project was listed in the Schedule of Proposed Actions in the summer/fall 2002 issue. This project included the Van, Wolf Mountain and West Malheur Allotments. The House Creek Grazing AMP project was listed in the Schedule of Proposed Actions in the Winter/Spring 2004 issue. The proposals were combined and provided to the public and other agencies for comment during the scoping period from August 13 to September 13, 2004. Separate scoping letters were sent to the permittees using the allotments in August, 2004. Through the environmental analysis process it was determined that the Van Allotment may have effects not supported by a Finding of No Significant Impact (FONSI). Since the Van Allotment is not a connected action (40 CFR
1508.25(1)) to the other allotments a separate Environmental Impact Statement (EIS) will be prepared.

Agency personnel also met with all permittees in May 2005. Every effort was made to address permittee concerns. The permittees provided input on alternatives and site specific development proposals for their respective allotments.

I received comments on the Preliminary EA from a total of 6 individuals, permittees and organizations. All comments received were reviewed. Substantive comments received the focus during this review. Substantive comments are defined by 36 CFR part 215, 215.2 (Definitions) as “Comments that are within the scope of the proposed action, have a direct relationship to the proposed action and include supporting reasons for the Responsible Official to consider”. Substantive comments were analyzed by the ID team, read by other District staff, and considered by myself. Where appropriate, comments were incorporated into the Final Environmental Assessment. The complete record of the public involvement process, including documentation of substantive comment consideration, is available for review in the project file.

**Tribal Consultation**

Tribal scoping letters were sent for comment during the scoping period from August 13 to September 13, 2004. Letters were sent to the Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs Reservation of Oregon and the Nez Perce Tribe. No responses were received.

On March 15, 2005 District Ranger Margaret David Bailey, NEPA Coordinator Lori Bailey and Vegetation Manager George Wynn met with members of the Burns Paiute Tribe as per the process of the existing Memorandum of Understanding (MOU). Topics included an overview of the project, potential alternatives and timelines. Verbal comments were in agreement with the proposed action.

I sent the Preliminary EA to the tribes listed above; I received no comments.

**Finding of No Significant Impact**

I have reviewed the Council on Environmental Quality Regulations for Significance (40 CFR 1508.27) and I have determined that the decision is not a major federal action that would significantly affect the quality of the human environment either individually or cumulatively; nor would this decision affect the quality of the human environment in either context or intensity. Therefore, an environmental impact statement will not be prepared. This conclusion and finding is based on the following factors found in the documentation:

**Context**

The actions described in Alternative 2 are limited in scope and geographic application (40 CFR 1508.27(a)). The location of the actions is described in the EA (pages 3-4) and on maps (EA, figures 1 and 2). The physical and biological effects are limited. No significant effects are expected to extend beyond the project area or the Wolf Creek, Bear Creek and Trout Creek Watersheds because livestock grazing would be managed so that
effects from livestock grazing would not carry over to the following grazing season, thus allowing a “near natural” rate of recovery of riparian areas as defined by PACFISH Enclosure B (Appendix J) (EA page 68).

Intensity

Based on the site-specific analysis summarized in the Environmental Assessment for the House Creek, West Malheur and Wolf Mountain Allotments and on previous experience with similar proposals, I have determined that implementation of the actions described in Alternative 2 are not a major Federal action, individually or cumulatively, and will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts (40 CFR 1508.27). This determination is based on the context factors stated above, project design including mitigation and resource protection measures (EA pages 40 to 44), and consideration of the following intensity factors:

1. **Impacts that may be both beneficial and adverse.** Both beneficial and adverse impacts (40 CFR 1508.27(b)(1)) of implementing Alternative 2 have been fully considered within the EA. Beneficial and adverse direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and intensity. There will be no significant direct, indirect, or cumulative effects to the various resources of the area or other components of the environment. I base this finding on the following:
## Non-Significant Impacts From Alternative 2

<table>
<thead>
<tr>
<th>Resource</th>
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<th>Size or Scope of the Impact</th>
<th>Reason an Impact of this Size or Scope is not Significant</th>
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<tr>
<td>Sensitive Plants: <em>Botrychium</em> species</td>
<td>Within the West Malheur and Wolf Mountain Allotments, the Proposed Action Alternative would have direct and indirect effects to <em>Botrychium</em> habitat by trampling and could be injurious to unknown populations.</td>
<td>Limited to areas described in the EA as potential habitat.</td>
<td>Because the six <em>Botrychium</em> species considered here have a broad distribution on the continent, and because more of them are being found each year as intensive surveys are conducted in appropriate habitats, any possible impacts on individuals from this alternative would not jeopardize the survival of the species as a whole. Livestock grazing at a level that results in retaining at least a 6-inch stubble height of grasses, sedges, and rushes in the riparian zone (floodplain) in identified habitat, may impact <em>Botrychium</em> habitat, not individuals (MIIH), but would not cause a loss of viability or trend toward federal listing. No impacts (NI) to the <em>Botrychium crenulatum</em> population (in the Wolf Mountain Allotment) would occur because it would be fenced and livestock grazing would be excluded. (EA page 78)</td>
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<td>Noxious Weeds</td>
<td>Permitted livestock can introduce noxious weeds by transporting seeds in their hair or in digestive systems. Proposed ground disturbing activities may also increase the chance of noxious weed introduction and spread.</td>
<td>Limited to allotment boundaries.</td>
<td>The probability of domestic livestock transporting seeds in their digestive system is low because cattle do not generally consume the noxious weeds found on the three allotments. Livestock grazing or associated permittee actions are not a major factor in the establishment and spread of noxious weeds in the project area (EA page 84). Management requirements, constraints and mitigation measures identified in Chapter 2 would help lessen the potential for spread. Specifically, cleaning of equipment and seeding disturbed ground with certified weed free seed would reduce the chances of spread of noxious weeds (EA page 86).</td>
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<tr>
<td>Economics</td>
<td>The proposed action requires an increased level of livestock management. Emphasis in this alternative involves changing cattle use and distribution near aspen stands, riparian areas, <em>Botrychium</em> habitat and other areas of concern.</td>
<td>Limited to allotment boundaries.</td>
<td>As part of the public involvement process, the agency met with all permittees in May 2005. Every effort was made to address permittee concerns. The permittees provided input on alternatives and site specific development proposals for their respective allotments. The permittees and the Forest Service will be cooperatively involved in the implementation of these activities. Implementation will occur over several years (EA page 17 and 93).</td>
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<td>Soil - Erosion</td>
<td>Concentrated livestock grazing may cause localized soil compaction which in turn may cause erosion.</td>
<td>Limited to areas where livestock congregate in the three allotments (meadows, watering areas, and grassy riparian areas)</td>
<td>Because livestock in these allotments tend to concentrate in small areas near watering points, springs, and riparian zones, the total area of soil compaction is less than or equal to 5% of the total allotment acreage (EA pages 98, 99 and 101). Under Alternative 2, existing detrimental soil disturbance may continue at sites where livestock gather (EA pages 114, 116-117). However, soil compaction did not induce or exacerbate erosion on the sites that were assessed (EA pages 98-99 and 102). Erosion is the detrimental impact that would cause permanent impairment of land productivity; impairment from compaction is reversible (EA page 97). Additionally, under the selected alternative, soil quality indicators in fenced and managed areas for compaction, riparian trampling, and upland trampling are expected to improve and trend upward due to less grazing pressure. Soil nutrients are likely to trend upward due to lower forage utilization rates. For areas where forage utilization is decreased by fencing and adaptive management procedures, recover of desired conditions is likely, while grazing continues (EA pages 114-115).</td>
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<td>Resource (RMOs)</td>
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<td>Fisheries (RMOs)</td>
<td>Grazing can affect bank stability with the removal of riparian vegetation. Livestock may cause mechanical damage of stream banks from hoof shear. Undercut banks that reduce stream exposure to sunlight to maintain water temperatures and provide hiding cover for fish can be destroyed under the weight of cattle; this is exacerbated where deep-rooted, late seral vegetation has been replaced with more shallow-rooted, early seral species. This increase in bank instability can lead to changes in channel profile by increasing width and decreasing depth, modifying bank angle as well as increasing sediment input to the stream.</td>
<td>Wolf Creek, Bear Creek and Trout Creek Watersheds.</td>
<td>Overall decreased utilization levels, improved livestock distribution, riparian livestock enclosures, riparian pastures, headcut stabilization, spring protection and channel restoration activities would improve stream conditions and fisheries habitat on all allotments and move these aquatic systems towards a desired future condition (DFC) through a near natural rate of recovery process, as described in INFISH/PACFISH (EA page 164). The selected alternative is consistent with Forest Plan direction and none of the potential combined effects are expected to adversely affect INFISH/PACFISH RMOs or population viability (EA page 155). It is expected that most Forest RMOs may be met in 30-40 years, depending on the current condition, site potential, fires, and precipitation (EA page 164). Continued application of INFISH/PACFISH direction is expected to improve fish habitat conditions and move aquatic habitat towards the DFC within the project area. Stream channel conditions are expected to improve with activities and actions completed under this alternative. The Proposed Action Alternative includes aquatic conservation and restoration actions that would improve the quality, quantity, function, sustainable productivity, and distribution of recreational fisheries as directed under Executive Order 12962, Recreational Fisheries (Appendix K) (EA page 155).</td>
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<td>Wolverine – Sensitive species</td>
<td>Human disturbance related to proposed management activities of herding, salting, fence maintenance, and watering livestock might displace transient dispersing wolverine from potential foraging habitat during the duration of the project.</td>
<td>Limited to wolverine habitat in the three allotments.</td>
<td>The high road densities and human disturbance in the planning area would limit wolverine use. Wolverine occurrence in the project area would be rare. Due to this possible short-term indirect effect from disturbance and potential negative impacts on big game winter range, a may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population (MIIH) is given (EA, Appendix H pages 13-17).</td>
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<td>Western Sage Grouse – Sensitive species</td>
<td>Reduced grazing pressure in identified pastures would reduce the potential for livestock to utilize forbs which would improve forb production.</td>
<td>Limited to sage grouse habitat in the three allotments.</td>
<td>Activities proposed under the Proposed Action Alternative may improve late season brood rearing habitat by applying light grazing on the Rock Spring pasture. A MIIH (may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population)/BI (Beneficial Impact) is given (EA, Appendix H pages 21-24).</td>
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<td>Gray Fly Catcher – Sensitive species</td>
<td>Grazing management may be impeding the reproduction of shrubs in the Rock Springs pasture of the West Malheur Allotment. It can be surmised that reduction in recruitment of shrubs would degrade habitat for gray flycatchers and other birds requiring shrubs for nesting and/or foraging.</td>
<td>Limited to gray flycatcher habitat mainly in the Rock Springs pasture of the West Malheur allotment</td>
<td>Since the ecological condition of the shrub-steppe habitats would improve under the Proposed Action alternative, activities may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population (MIIH)/Beneficial Impact (BI) is given (EA, Appendix H pages 24-26).</td>
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</table>

2. *The degree to which the action affects public health or safety.* Alternative 2 would not significantly affect public health or safety (40 CFR 1508.27(b)(2)). This finding is supported by knowledge of past similar projects in which no effects to public health or safety have occurred.

3. *Unique characteristics of the geographic Area.* There will be no significant effects on unique characteristics of the area (40 CFR 1508.27(b)(3)) such as historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. With the design criteria (EA, page 43) Alternative 2 conforms to those federal laws and guidelines for the protection of NRHP-eligible sites (EA, page 205). The area does not contain parklands, prime farmlands, or wild and scenic rivers.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial* (40 CFR 1508.27(b)(4)). These types of activities have taken place on the Emigrant Creek Ranger District in similar areas and the resulting effects are well known. In that sense, there is no known scientific controversy over the impacts of the project. CEQ guidelines on controversy refer not to the amount of public opposition, but to a substantial dispute as to the size, nature, or effect of the action.

My decision falls within the scope of the analysis for the Malheur National Forest Land and Resource Management Plan, as amended, and it’s supporting Final Environmental Impact Statement. The desired future condition, standards and guidelines and the analysis for the Forest Plan support the
management of livestock grazing on lands allocated for such use. Effects on the quality of the human environment are not considered highly controversial because management of livestock grazing has taken place in this area and in similar areas across the Forest for many years and the resulting effects are well known and understood. My decision does not include activities that were not already addressed in the Forest planning process.

Given the site-specific conditions and impacts disclosed in the EA chapter 3, the effects of implementation of this decision on the quality of the human environment are not likely to rise to the level of scientific controversy as defined by the Council of Environmental Quality.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The selected alternative would not impose highly uncertain, or involve unique or unknown, risks (40 CFR 1508.27(b)(5)). We have considerable experience with the types of activities to be implemented. The activities proposed in this decision are well-established land management practices. The risks are well known and understood. Based on previous similar actions the probable effects of this decision on the human environment, as described in the Environmental Assessment, do not involve effects that are highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principal about a future consideration.** Alternative 2 does not set a precedent for other projects that may be implemented to meet the goals and objectives of the Forest Plan, nor does it represent a decision in principle about a future consideration (40 CFR 1508.27(b)(6)). The actions described in Alternative 2 are limited in scope and geographic application (40 CFR 1508.27(a)).

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** Alternative 2 is not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)). The EA, Appendix C provides a tabular display of all activities and natural events that already have occurred, are currently occurring, or are likely to occur in the area of potential cumulative effect. The information in Appendix C is then incorporated into cumulative effects discussions in the environmental consequences sections of Chapter 3. Past, present, and reasonably foreseeable future activities were analyzed, along with proposed activities, to determine cumulative effects. This was done in a manner consistent with CEQ guidance contained in a June 24, 2005 Memorandum. Specifically, that cumulative effects analysis consider relevant past actions to the extent needed to determine if the effects from the proposed alternatives would add to, modify, or mitigate the currently existing effects from such past actions. Relevant past, present, and reasonably foreseeable future activities are displayed in Appendix C. There will be no significant cumulative effects to vegetation and rangeland resources pages 68-69, 64-65, forested vegetation pages 72-73, biological soil crusts page 75, sensitive

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the national register of historic places or may cause loss or destruction of significant scientific, cultural, or historic resources. Cultural resource surveys and reconnaissance have occurred and are ongoing. With the design criteria (EA, page 43) Alternative 2 conforms to those federal laws and guidelines for the protection of NRHP-eligible sites (EA, page 205). Alternative 2 would not adversely affect districts, sites, highways, structures, or objects listed in, or eligible for, listing in the NRHP or cause loss or destruction of significant scientific, cultural, or historical resources (40 CFR 1508.27(b)(8)). For proposed range improvement projects, clearances under Section 106 of the National Historic Preservation Act will be completed and concurred with as needed by the Oregon State Historic Preservation Office before the projects are implemented.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat. The actions are not likely to significantly adversely affect any endangered, threatened, or sensitive terrestrial wildlife species, aquatic species, plant species, or designated critical habitat (40 CFR 1508.27(b)(9)) under the Endangered Species act of 1973. Specifically, the proposed action will have No Effect (NE) on endangered gray wolf and threatened bald eagle and lynx (EA, Appendix H). Additionally, no other threatened or endangered species are present within the three allotments (EA, Biological Evaluations in Appendices F, G and H).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. I find this decision is compliant with relevant Federal, State, and local laws, regulations, and requirements designed for the protection of the environment (40 CFR 1508.27(b)(10)). Applicable laws and regulations were considered in the EA (see EA pages 22-26).

My decision to implement the projects as described in Alternative 2 is consistent with the intent of Forest Plan management direction (goals, desired conditions, standards, guidelines).

Findings Required by Other Laws_______________________

Forest Plan Consistency

Federal regulations (36 CFR 219.10(e)) require me to insure that permits, contracts, cooperative agreements, and other activities carried out on the Malheur National Forest are consistent with the Forest Plan. Accordingly, I have reviewed my decisions against Forest Plan direction, and I have determined my decisions are consistent with forest
management direction established in the *Malheur National Forest Land and Resource Management Plan FEIS* (approved May 25, 1990), as amended by:


- Regional Forester’s Amendment #2 for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales, dated June 5, 1995.

**National Forest Management Act**

I find this decision to be consistent with the requirements of the National Forest Management Act implementing regulations.

**INFISH**

Alternative 2 is fully compliant with the *Inland Native Fish Strategy EA, Decision Notice and FONSI*, dated July 28, 1995.

**Public Law 92-488**

This law recognizes the Burns Paiute Tribe and their reservation. As a Federally recognized tribe, the Burns Paiute Tribe retains rights of inherent sovereignty. The planning area is within the traditional and current use area of the Burns Paiute Tribe. The planning area is within the aboriginal use area of the Burns Paiute Tribe. All actions to be taken must fully consider and comply with Native American treaty rights. Alternative 2 is not expected to have an adverse effect on the Burns Paiute Tribe and would not prevent continuation of traditional practices (EA, page 205).

**Environmental Justice**

On February 11, 1994, President Clinton signed Executive Order 12898. This order directs each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. On the same day, the President also signed a memorandum emphasizing the need to consider these types of effects during NEPA analysis. On March 24, 1995, the Department of Agriculture completed an implementation strategy for the E.O. Where Forest Service proposals have the potential to disproportionately and adversely affect minority or low-income populations, these effects must be considered and disclosed (and mitigated to the degree possible) through the NEPA analysis and documentation. There is no indication in the EA that there is disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations (EA, pages 87-94, 207).
Consumers, Civil Rights, Minorities, and Women

All Forest Service actions have potential to produce some form of impacts, positive or negative, on the civil rights of individuals or groups, including minorities and women. An analysis of this potential impact is required by Forest Service Manual and Forest Service Handbook direction (see Socio-Economic, Chapter 3). There is no indication in the EA that Alternative 2 will have impacts, positive or negative, on the civil rights of individuals or groups, including minorities and women (EA, pages 87-94, 207).

Implementation

When no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.15).

Except for emergency situations (36 CFR 215.10(c)), when an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.2). In the event of multiple appeals of the same decision, the implementation date is controlled by the date of the last appeal disposition.

Right to Appeal or Administrative Review

My decision is subject to administrative appeal. Organizations or members of the general public may appeal my decision according to Title 36 CFR Part 215. This decision is subject to appeal by a permittee under either 36 CFR 251 Subpart C or 36 CFR 215, but not under both (as per 36 CFR 215.11 (d)). Appeals under 36 CFR 251 by a permittee must be consistent with 36 CFR 251.90 (content of notice of appeal), and must be made in writing, postmarked, and sent to the Appeal Deciding Officer within 45 days of the date on the written notice to the permittee of this decision. The 45-day appeal period begins the day following the date the legal notice of this decision is published in the Burns Times Herald, Burns, Oregon, the Emigrant Creek Ranger District’s official newspaper of record. The Notice of Appeal must be filed with the Appeal Deciding Officer:

Appeal Deciding Officer
Pacific Northwest Region
USDA Forest Service
Attn. 1570 Appeals
P.O. Box 3623
Portland, OR  97208-3623

Appeals may also be filed electronically at: appeals-pacificnorthwest-regional-office@fs.fed.us, or hand delivered to the above address between 8:00 AM and 4:30 PM, Monday through Friday except legal holidays. It is the responsibility of those who appeal a decision to provide the Appeal Deciding Officer sufficient written evidence and rationale to show why my decision should be changed or reversed. The appeal must be filed with the Appeal Deciding Officer (36 CFR 215.8) in writing. At a minimum, an appeal must include the following:
1. Appellant's name and address (§ 215.2), with a telephone number, if available;
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
3. When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;
4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
5. The regulation under which the appeal is being filed (36 CFR Part 215 or 36 CFR 251 subpart C (§ 215.11(d)).
6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
9. How the appellant believes the decision specifically violates law, regulation, or policy.

For additional information concerning the specific activities authorized with my decision, you may contact:

Lori Bailey
IDT Leader
Emigrant Creek Ranger District
265 Hwy. 20 S.
Hines, OR 97738
(541) 573-4300

[Signature]
CAROLYN FREEBORN
District Ranger

12/21/05
DATE