

USDI, Bureau of Land Management  
Burns District  
28910 Highway 20 West  
Hines, Oregon 97738

FINDING OF NO SIGNIFICANT IMPACT  
and  
Decision Record  
for

Silvies Canyon Habitat Improvement  
Environmental Assessment  
OR-025-02-30

INTRODUCTION:

This Environmental Assessment (EA) was completed to analyze the impacts of implementing the Allotment Management Plans (AMPs) for the Landing Creek #07040 and Silvies Canyon #07053 Allotments. This encompasses a change in management and several range improvements which are needed to protect the Landing Creek and Silvies River riparian areas from seasonlong grazing. The fences in these areas are in extremely poor condition due to long-term lack of maintenance. There are also areas that have not been fenced which have allowed livestock to trespass from adjacent allotments. Nine hundred fifteen acres of juniper control is proposed to assist in keeping livestock from some of the riparian areas and help to increase flows along the stream corridors in the Landing Creek Allotment. Cutting and placement of juniper should act as a fence or physical barrier to prevent livestock from being in the riparian areas over a portion of Landing Creek. The juniper cutting will also release shrubs and forbs for livestock and wildlife forage. The area is located approximately 13 miles north-northwest of Burns, Oregon, in T. 21 S, R. 30 E., Sections 4, 7, 8, 9, 17, 18, and 34 and in T. 21 S., R. 29 E., Sections 1, 12, 13, 14, 24, and 25. This area is characterized by riparian vegetation, sagebrush grasslands, and juniper sagebrush grasslands.

SUMMARY OF PROPOSED ACTION:

Prescribed livestock management is a two pasture graze/rest rotation system on the Landing Creek Allotment and a one pasture deferred 2-day fall trail through the Silvies Canyon Allotment as specified in the EA. A combination of fence reconstruction, fence construction, spring development, and juniper control would take place to help prevent unauthorized use, help reduce noxious weed spread, improve riparian and aspen values, and increase grasses and forbs for wildlife and livestock use.

### Fence Reconstruction

Reconstruct approximately 12 miles of fence around the Landing Creek Allotment.

### Fence Construction

Construct approximately 5.5 miles of wire fence on the south, east, and west sides of Silvies Canyon Grazing Allotment. Construct approximately one-half mile of fence around a reservoir in T.21 S., R. 30 E., Section 8, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>. The fences would improve riparian values along approximately 3 miles of Silvies River and approximately 3 miles of Landing Creek by removing trespass livestock from the riparian corridor during late summer periods when livestock are known to excessively graze riparian vegetation. Construct approximately 1-mile of fence along the northwest corner of the Landing Creek Allotment.

### Juniper Control

Control juniper on approximately 915 acres in the Landing Creek Allotment. The juniper control would assist in improving streamflow, riparian, and upland vegetation in the Landing Creek Allotment.

### Spring Development

Develop one spring in T. 21 S., R. 30 E., Section 6, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>. The spring development would help move livestock from the Landing Creek riparian area and assist in the improvement of the riparian area along Landing Creek.

### FINDING OF NO SIGNIFICANT IMPACT:

This proposal is in conformance with objectives and land use plan allocations in the 1992 Three Rivers Resource Management Plan/Environmental Impact Statement (RMP/EIS). It is in conformance with the Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (August 12, 1997.) Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined that the proposed action and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an EIS is not necessary and will not be prepared.

## Rationale:

This determination is based on the following: The following critical elements of the human environment have been analyzed in the Three Rivers RMP/Final EIS, and are not known to be present in the project area or affected by enacting either alternative: Air Quality, Wilderness, Wilderness Study Areas, Areas of Critical Environmental Concerns, Wild and Scenic Rivers, Prime Farmlands, Paleontology, Floodplains or Hazardous Materials. The following two critical elements are not discussed in the Three Rivers RMP/EIS, but are either not known to be present or affected: Adverse Energy Impacts, and Environmental Justice. All potentially impacted resources were analyzed in the EA specific to the proposed action. The following resources were analyzed in the EA: Cultural heritage and American Indian religious concerns, noxious weeds, Special Status Fauna, Special Status Flora, water quality, wetlands/riparian zones, rangeland management, soils, wildlife, recreation and visual resources, and fish and aquatic resources. Impacts to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27 for the following reasons:

### Cultural Heritage and American Indian Religious Concerns

Significant sites would be protected by project design and avoidance. If a previously undetected archaeological site were identified during project implementation, work would be stopped immediately in order to assess the significance of the resource and formulate mitigation measures. Project work would resume when the Section 106 consultation process was completed.

### Noxious Weeds

Improvement in riparian and upland conditions would assist in reducing the spread of invasive nonnative vegetation. Weed infestations would be prevented and/or reduced by adherence to the Burns District noxious weed plan.

### Special Status Fauna

Sage-grouse habitat would be improved by improved riparian and meadow habitat quality due to livestock management and juniper control. Spotted frog habitat would improve. Design modification of the fence (change of location or type of fence), springs (type of spring development or avoidance of development), and/or juniper control (size or shape or type of control) may be recommended for Special Status animals.

Habitat for Great Basin redband trout and Malheur mottled sculpin would improve as riparian vegetation and stream channel conditions improved. Improved riparian vegetation and stream channel conditions would increase streambank stability, capture sediment, reduce water velocity and erosion by creating a capture and release system that helps to stabilize stream energy associated with high flows. Since high sediment loads disrupt spawning, lower dissolved oxygen levels and reduce foraging success of aquatic organisms, increasing streambank stability would help to remove these harmful effects on Great Basin redband trout and Malheur mottled sculpin.

### Special Status Flora

A site-specific botanical clearance will be completed in the appropriate season prior to project construction. Mitigation could include moving the project location if Special Status plant populations are located in the project area.

### Water Quality

The fence and water developments would facilitate a livestock grazing system that would help to improve water quality in Silvies River and Landing Creek by reducing fecal matter, streambank erosion, and by reestablishment of riparian filtering vegetation. Streambank stability, shade, and cover would increase in the reach of the streams affected by the plan analyzed in this EA. Stabilization of streambanks and an improved overstory would provide high quality aquatic habitat through development of pools and undercut banks, as well as the recruitment of fine woody debris to the stream. The increased quantity, distribution, and vigor of riparian vegetation, as well as an increase in bank stability would reduce stream sedimentation.

Development of the spring for livestock watering could alter the natural flow regime of the spring and could negatively impact water quality. Troughs with float valves are proposed to mitigate these possible impacts. Building an enclosure around the spring source would protect it from livestock, which may have more impacts to the spring than other ungulates. Keeping livestock out of the spring areas would allow riparian vegetation and aquatic habitat conditions to improve which would improve water quality at the springs.

### Wetland/Riparian Zones

Removal of the juniper from around the spring could increase the spring's flow. It will also cause a short-term increase of solar radiation to directly hit the spring, causing a rise in water temperature that could affect riparian conditions altering the biota at the spring. This would be a short-term impact. The riparian deciduous woody communities would grow and replace the downed juniper, which will produce a natural overstory providing shading of the spring source and reducing solar heating. Over time, the functioning condition of Silvies River would improve from "functioning at-risk with an upward trend" to "properly functioning." As riparian vegetation communities continue to move toward later seral stages with deep root masses and an increasing deciduous woody species component, the streambanks would stabilize, thereby reducing erosion, turbidity and sediment loading. The deciduous woody riparian species would also provide streambank cover, reducing solar radiation which would help prevent an increase to the water temperature. As the new floodplain develops, there would be higher floodwater retention and ground water recharge.

In general, the river would have more channel characteristics, resulting in greater habitat diversity causing an overall increase in biodiversity.

## Range

### a. Vegetation

Upland and riparian conditions would improve as plants are given an opportunity to reproduce and gain vigor under a graze/rest or a 2-day trail through deferred rotation system. Some areas along the new fence and near the developed springs would have increased use by livestock, but overall trend in range condition would move upward. The development of a spring would improve livestock distribution, resulting in decreased utilization in areas currently receiving heavy to severe utilization.

### b. Soils

Soil conditions would improve along the riparian corridor as the increased vegetation cover provides sediment retention. The upland soils would be maintained by the vegetation increase due to use during times when the plants are not actively growing. Until animals get used to the new fence boundaries, soil compaction could be greater along some of the fences due to increased livestock trailing along the fences.

## Livestock Management

Livestock management would function as described in the AMPs with the construction of protection fences, spring developments, and boundary fence reconstruction. The reduced trespass livestock grazing would improve plant vigor and condition and improve overall range condition. The changes in plant community composition with increases in forage species as well as improvement in vigor and condition of the plants could increase forage value on the allotment with associated weight gains for the livestock.

## Wildlife

Construction of the fences should have no direct impact on wildlife. Development of the spring would allow for healthier creek and spring riparian areas including an increase in plant community diversity in the creek and spring areas and improved water quality. The anticipated riparian improvement would be beneficial to a multitude of wildlife species that utilize good quality riparian habitat.

## Recreation and Visual Resources

There would be a slight change in the visual aspects of the area with new fence lines and grazing use contrast. Hunting opportunities would be little affected by the proposed action. Upland and riparian areas visual aspects will be improved by livestock management and juniper control. Off-Highway Vehicle use would not be affected.

## Fish and Aquatic Resources

Great Basin redband trout (*Oncorhynchus mykiss* ssp.), a Bureau tracking species in Oregon and Malheur mottled sculpin (*Cottus bairdi*), a Bureau sensitive species in Oregon are both present in the area affected by the proposed action. Other native and nonnative fish as well as invertebrates and aquatic plants are also present in the proposed project area. The riparian herbaceous vegetation, in Silvies Canyon and Landing Creek Allotments, should improve with management and reduction of seasonlong use to include all classes of riparian deciduous woody species. These management changes should improve the quality and quantity of fish habitat by reducing actively eroding streambanks and high sediment loading. Development of the springs could increase or decrease water availability at the springs. Heavy equipment used during construction as well as an increase in water consumption could alter the hydrology of the site changing the volume of water flowing from the spring. More or less flow could alter the biota naturally found at the spring. A recent study in Nevada concluded that 50 percent of the aquatic taxa endemic to the Great Basin (78 percent of which occupy springs) had declined due to diversion impacts. The float system in the trough will assist in reducing unnecessary diversions helping to maintain water at the spring source, however, depending on actual use and the natural flow regime, water flows could be reduced if water consumption is high and the ground water depleted.

\_\_\_\_ Signature on File \_\_\_\_\_  
Joan M. Suther  
Three Rivers Resource Area Field Manager

\_\_\_\_ 3/25/2004 \_\_\_\_\_  
Date

## DECISION RECORD:

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the Silvies Canyon Habitat Improvement EA, it is my decision to implement the proposed action which proposes to improve riparian and upland health, and improve important wildlife habitat. This decision pertains only to land administered by the Bureau of Land Management.

Rationale for Decision: I have selected the proposed action for the following reasons:

The proposed action would increase the health and vigor of Silvies River and Landing Creek riparian areas along approximately 6 miles of stream channel.

It promotes and sustains healthy ecosystems.

Based on past experience there is a high likelihood for success.

It includes coordination with local government, tribal entities, permittees, and other State and Federal agencies.

Public involvement consisted of direct mailing to seven individuals, organizations, tribes, and agencies and a notice in the local newspaper. I did not receive any negative comments during the Finding of No Significant Impact/EA review period.

It is in compliance with the Three Rivers RMP (1992).

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

I have also considered alternatives to the proposed action including:

Alternative I - No Action: This alternative proposed no changes in current livestock management or fence construction, fence reconstruction, spring development or juniper control identified in the proposed action. I did not select this alternative because it was not responsive to improving the riparian conditions along the Silvies River or Landing Creek, and it did not address allotment specific objectives or meet the standards for Rangeland Health.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738 by May 15, 2004. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

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Joan M. Suther  
Three Rivers Resource Area Field Manager

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Date