

Vale District Bureau of Land Management
Upper Hunter Creek Riparian Fence Construction
Environmental Assessment
EA No. OR-030-01-015

I. INTRODUCTION

A. Background

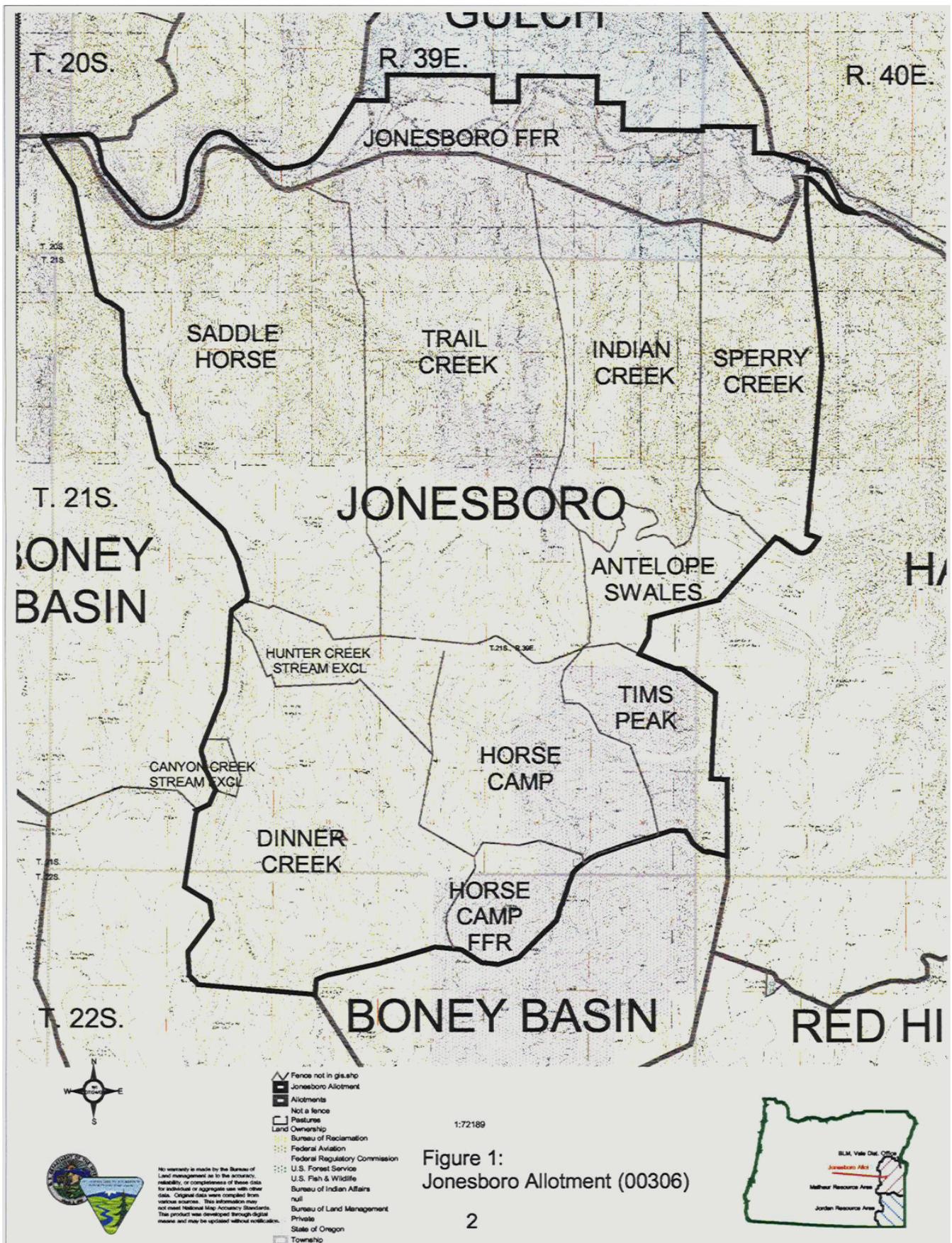
The Burns Paiute Tribe is authorized to graze 442 head of cattle within Jonesboro Allotment between 4/1 and 10/31 annually in accordance with an annual turnout statement cooperatively formulated prior to turnout each year (figure 1). The Jonesboro Allotment Management Plan (AMP) was developed and implemented in 1985 to refine and meet public land resource objectives identified in the land use plan for Malheur Resource Area. An allotment evaluation completed in 1995 identified the need to revise planned actions in the AMP to meet those site specific objectives. To date the AMP has not been revised, although the annual turnout statement is formulated to meet objectives identified in the AMP. The objective to improve riparian function adjacent to a number of streams is considered when formulating annual turnout statements, although not identified in the AMP.

In addition to the Burns Paiute Tribe's general interest in providing for habitat needs of wildlife and fish species, the Tribe has entered into agreement with Bonneville Power Administration (BPA) to provide wildlife habitat units at their Malheur River Project. The Tribe's obligation to BPA is to mitigate and enhance fish and wildlife values affected by the development and operation on federal hydroelectric projects of the Columbia River and its tributaries. Central to the Tribe's Malheur River Project is base property supporting their public land grazing permit in Jonesboro Allotment (00306).

B. Purpose and Need

Cattle grazing has been identified as one of the primary factors limiting the quality of riparian habitat (USDI-BLM 1997). The Southern Malheur Grazing Management Program EIS identified that many stream segments on public land have the potential to produce improved riparian vegetation cover through modification of grazing plans. A portion of Hunter Creek riparian vegetation communities was fenced separate from Dinner Creek Pasture of Jonesboro Allotment in 1994 with completion of Hunter Creek Riparian Fence. Planned grazing of Hunter Creek Riparian Enclosure is to excluded livestock, with the exception of short term trailing during livestock moves. The remaining portion of Hunter Creek riparian vegetation communities within Jonesboro Allotment, including the source of much of the water on private land, has continued to be grazed in conjunction with Horse Camp Pasture. Shortly following acquisition of private land at Jonesboro Ranch and issuance of the associated public land grazing authorization, the Burns Paiute Tribe mutually agreed with BLM to construct fencing to extend management of Hunter Creek riparian communities, including limitations on the season and intensity of livestock use, to public and private land adjacent to Hunter Creek in Horse Camp Pasture.

Upper Hunter Creek Riparian Fence (figure 2) would separate riparian vegetation communities adjacent to Hunter Creek, including water sources on private land supplying flow to that stream, from upland vegetation communities which are managed with different objectives and constraints of livestock grazing practices.



II. CONSISTENCY WITH LAND USE PLANS

Fence construction and maintenance to provide barriers to livestock movement is fully consistent with decisions in the Northern Malheur Management Framework Plan (MFP) dated March 14, 1983, the Southern Malheur Rangeland Program Summary (RPS) dated January 1984, the Malheur County Land Use Plan, and BLM policy. Hunter Creek was identified in Appendix D in the Draft Southeastern Oregon Resource Management Plan (RMP) EIS dated October 1998 as having riparian values. Management direction provided in the current land use plan, the MFP, as well as that proposed in the BLM's planning effort to update land use planning for Vale District, includes management of riparian communities to attain proper functioning condition as well as meeting additional wildlife, fisheries, aquatic, and water quality objectives.

III. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

Approximately 2.4 miles of four-strand barbed wire fence would be constructed within the Horse Camp Pasture of Jonesboro Allotment (T. 21S., R. 39E., W.M. Sections 26, 35, and 36). Approximately 75 percent of the fence would be constructed on private land while the remaining 25 percent would be constructed approximately on the property line between public and private land. The proposed fence would facilitate meeting the Burns Paiute Tribe's and BLM's objective for riparian improvement adjacent to Hunter Creek. The proposed fence would divide the Horse Camp Pasture to form a new pasture, Upper Hunter Creek Enclosure which would include the portion of Hunter Creek riparian communities currently in Horse Camp Pasture. The remainder of the current pasture would continue to be named Horse Camp Pasture. Brace points would be rock cribs located appropriately at ends, gates, drainage crossings, and significant topographic changes, while not exceeding 0.25 miles between brace points. The bottom wire would be placed a minimum of 18 inches above ground level and be smooth wire to facilitate antelope passage. The top wire would not exceed 42 inches in height so as to allow deer and elk passage. As depicted on figure 2, one livestock watering point approximately 200 feet in length and located on private land would be provided to Hunter Creek from the smaller Horse Camp Pasture. Soil and vegetation disturbance associated with fence construction would be limited to the immediate vicinity of rock cribs or other appropriate bracing construction and brush cutting in the immediate line of wire placement.

Livestock grazing within the created Upper Hunter Creek Enclosure would be managed with objectives to meet riparian proper functioning condition in addition to existing objectives to improve the ecological condition of upland vegetation composition. Livestock would be excluded from Upper Hunter Creek Enclosure for a minimum of three years, with the exception of short-term trailing between adjacent pastures. Upon recovery of riparian vegetation communities adjacent to Hunter Creek, the season and intensity of livestock use in Upper Hunter Creek Enclosure would be controlled so as to meet riparian and upland objectives, including standards of rangeland health (43 CFR 4180). Livestock grazing in the remainder of Horse Camp Pasture would continue according to annual turnout statements, developed with consideration of its reduced size and objectives to improve ecological condition of upland vegetation composition within the minimal public land acreage remaining.

B. No Action Alternative

Livestock management within Horse Camp Pasture of Jonesboro Allotment would continue as planned on an annual basis with objectives to improve ecological condition of upland vegetation composition on public land. The public land portion of Hunter Creek, as well as the portion on private land, would not be managed with specific objectives to improve or maintain riparian values, including the objective to manage for proper functioning condition in accordance with standards for rangeland health. No additional fencing would occur except as limited to private land to meet the Tribe's management objectives.

IV. AFFECTED ENVIRONMENT

A. Vegetation

Vegetation in Jonesboro Allotment consists of shrub steppe plant communities dominated by sagebrush species and bunchgrasses. The vegetation type which covers the majority of the allotments and specifically within Horse Camp Pasture is dominated by Wyoming big sagebrush (*Artemisia tridentata ssp wyomingensis*) with an understory of perennial grass species, primarily Bluebunch wheatgrass (*Pseudoroegneria spicata*), Sandberg bluegrass (*Poa sandbergii*), Thurber's needlegrass (*Stipa thurberiana*), basin wildrye (*Elymus cinereus*) and sparse cheatgrass (*Bromus tectorum*).

B. Noxious Weeds

Scotch thistle (*Onopordum acanthium*), an aggressive biennial, dominates a small acreage at a number of locations within the allotment. Whitetop or hoary cress (*Cardaria spp.*), another perennial noxious weed is also present, especially adjacent to roads and other routes of seed distribution. Medusahead (*Taeniatherum caput-medusae*), an aggressive annual grass, is present at limited sites with clay layers present in the soil. Noxious weed distribution in the allotment is more significant at lower elevation adjacent to Malheur River and cultivated lands. Noxious weed presence is sparse in Horse Camp Pasture.

C. Livestock Grazing

Jonesboro is an individual allotment with the Burns Paiute Tribe the sole livestock operator authorized to graze livestock on public land. The allotment is approximately 73 percent public land with the majority of private land in the allotment owned by the permittee. The Tribe is authorized to graze 442 head of cattle within the allotment for 2,661 AUMs of use between 4/1 and 10/31 annually. The Tribe is also authorized to graze livestock in a State of Oregon land block adjacent to Jonesboro Allotment. This state block includes approximately 1,174 acres of public land upon which 12 AUMs of use is authorized annually and is managed custodially by the permittee as Road Gulch Allotment (00229).

The Tribe has expressed an interest in reducing livestock numbers below authorized levels to better meet their management objectives and obligation to provide wildlife habitat units as identified earlier in this document. A moderate reduction in livestock use within Jonesboro Allotment is consistent with recommendations identified in the 1995 Jonesboro Allotment Evaluation while continuing to meet land use plan allocations for livestock grazing use in a manner that meets resource objectives.

D. Wildlife

The proposed project area for the construction of Upper Hunter Creek Fence is within year-long range for mule deer and pronghorn antelope. Elk also are present seasonally. Other wildlife species found in the area include neotropical migratory song birds, small mammals and reptiles. Sage grouse are present in adjacent areas with the nearest known lek site located two miles southeast at Tims Peak Reservoir and additional sites located east and west of the proposed project site.

Within the immediate area of the proposed project are no known wildlife species listed as threatened or endangered under the Endangered Species Act of 1973.

E. Fisheries

Redband/rainbow trout (*Oncorhynchus mykiss* ssp) occur in the Hunter Creek watershed but are restricted to upper Canyon Creek during summer low flow periods, where pools and lower water temperatures provide some refuge. Hunter Creek in Jonesboro Allotment lacks adequate trout habitat due to scarcity of riparian canopy, high stream temperatures, and poor pool development. However, speckled dace (*Rhinichthys osculus*) are present.

Genetic analysis of Canyon Creek trout in 1996 showed that redband trout alleles were dominant in this population but with some coastal rainbow introgression.

Columbia spotted frogs, a federal Candidate species, are not likely to occur in the project area due to lack of appropriate habitat. However, spotted frogs have been observed in nearby watersheds.

F. Recreation and Visual Resources

Dispersed outdoor recreation in the proposed project area consists primarily of off highway vehicle use and hunting of upland birds and big game animals. Some dispersed general sightseeing occurs. The public land portion of the project area is within a visual resource management Class IV area. The objective of Class IV is to provide for management activities that require major modification of the landscape. These management activities may dominate the view and become the focus of viewer attention. However, every effort should be made to minimize the impact of these projects by carefully locating activities, minimizing disturbance, and designing the projects to conform to the characteristic landscape.

G. Cultural Resources

Pre-European contact Native American peoples were extremely well adapted to their environment. The subsistence economy was strongly oriented toward gathering and collecting because plant foods were more abundant and dependable than fowl, fish or mammals. Mammals provided skins, furs, tools and many other by-products of aesthetic and practical value. Insects were often eaten, beetles, grasshoppers, locusts, crickets, ants and caterpillars were consumed, as well as most eggs and larva. Historic documents indicate that several hundred plants were used by the Indians of the Great Basin for medicinal purposes, fiber

sources and food. The Native people of the Great Basin, who practiced the ancestral lifeways into the 19th century were heirs to an extremely ancient cultural tradition with a technology both effective and efficient, with many multi-functional, light-weight and expendable tools.

Exploration into this area during the Historic period began with the expeditions of John Jacob Aster, after he heard the stories from the Lewis and Clark Expedition of 1804-1806. The first written observations of southeastern Oregon can be found in journals kept by men involved in the expansion of fur trapping territory. Trapping occurred along the major and minor tributaries in the area: Owyhee, Snake, Malheur, North Fork Malheur and South Fork Malheur Rivers. The era of the fur trade provided the basis for American families to travel west. For Native Americans, increased use of the Oregon Trail burdened grazing resources, killed off game, and displaced resident bands.

The Malheur Reservation located north of Juntura covered 1,778,560 acres and extended east almost to Westfall. The Reservation was established at Fort Harney in 1872, to contain "all the roving and straggling bands" in southeastern Oregon after the ending of hostilities in 1868. However, the area was only occupied between 1871 and 1878 when through a series of circumstances, groups abandoned the locality to participate in the Bannock War of 1878. Those who participated in the war and some who did not were interned for several years on the Yakima Reservation. On May 21, 1883, the president issued an order restoring to the public domain the Malheur reservation except 320 acres on which the old military post of Camp Harney stands. The reservation went on the market and was sold to Euro-American livestock ranchers in 1883.

Cultural resource surveys conducted in adjacent areas have been limited to areas where surface disturbing projects have been proposed. The diverse geomorphology and perennial water sources provide habitat for a variety of floral and faunal species that would have been attractive to Native Americans and settlers alike.

H. Threatened and Endangered (T&E) Plants

No plant species listed or proposed for listing under the Endangered Species Act of 1973 are known to be present within the project area. No special status plant species are known or suspected within the immediate area. The nearest known concerns are for a locally indigenous fiddle-neck species which occurs on tuffaceous slopes approximately 13 miles northwest of the proposed project site. These soil types are not known in Jonesboro Allotment.

I. Riparian Values

Riparian management objectives within Jonesboro Allotment are not identified in the Northern Malheur Management Framework Plan nor the Southern Malheur Rangeland Program Summary, both of which constitute the land use plan for Malheur Resource Area. Management actions to enhance riparian resources and associated values in portions of Canyon Creek and Hunter Creek have been implemented cooperatively with the livestock operator with the construction of Canyon Creek Riparian Enclosure and Hunter Creek Riparian Enclosure. The Draft Southeastern Oregon Resource Management Plan identifies 5.4 miles of Hunter Creek,

2.0 miles of Canyon Creek, and 1.8 miles of Dinner Creek, all of which have portions in Jonesboro Allotment, as supporting riparian values.

J. Climate/Topography

The project area is in rolling hills and steep talus slopes where the elevation above sea level ranges from approximately 4600 feet at the south end of the proposed fence near Hunter Creek to 4800 feet at the north end of the fence where it intersects the fence between Horse Camp and Trail Creek Pastures. Semi desert shrub steppe vegetation communities result from cold winters and hot dry summers. The long term average annual precipitation is twelve inches. Precipitation occurs primarily as snow fall during the winter with occasional mid summer thunder storms.

K. Wild Horse and Burro

Hog Creek HMA is located six miles northeast of the project area and across four fencelines and one major highway. Lakeridge HA is located nine miles northwest of the project area and does not have an active horse herd.

L. Wilderness Study Areas

The Camp Creek Complex of wilderness study areas is located immediately east of the proposed project site with it's most proximate boundary 0.15 miles east of the north end of the proposed fence. Private land is between all points on the fence and the boundary of wilderness study area with the exception being the north portion mentioned earlier.

M. Other Mandatory Elements

The following mandatory elements are either not present or would not be affected by the proposed action or alternatives:

1. Air Quality
2. Wild and Scenic Rivers
3. Native American Religious Concerns
4. Hazardous Wastes
5. Prime or Unique Farmlands
6. Areas of Critical Environmental Concern
7. Wetlands/Flood Plains
8. Environmental Justice

V. ENVIRONMENTAL CONSEQUENCES

A. Proposed Action

1. Vegetation

Fence construction would minimally increase traffic on existing roads and impacts to soil and vegetation resources on the route chosen to transport material. Minor disturbance of vegetation would occur within the 2.4 mile route of the fence as shrubs are clipped. Additional traffic resulting from maintenance activities would also minimally impact vegetation and soil resources in successive years. Livestock impacts to vegetation adjacent to the fence would increase as trailing is directed by the fence. Riparian and upland vegetation communities within the created Upper Hunter Creek Enclosure would benefit from a minimum of three years of rest from livestock grazing and subsequent restraints on seasons and intensities of grazing use. Impacts to vegetation resources on public land in the smaller Horse Camp Pasture would not differ from that which has occurred in previous years since the public land portion of this pasture is proportionately small and up slope from the typical areas of livestock use.

Associated voluntary reductions in livestock use within Jonesboro Allotment requested by the permittee would ensure that current use taken in the portion of Camp Creek Pasture temporarily excluded from livestock grazing in the proposed action, Upper Hunter Creek Enclosure, would not be displaced to other pastures of Jonesboro Allotment. Thus, potential indirect impacts to resource values offsite due to increased livestock use are not anticipated.

2. Noxious weeds

Traffic and ground disturbance during construction and maintenance would add additional risk for dispersal of weed seed along roads and routes of access as well as the area of project construction, providing sites for weed establishment. The anticipated increase in noxious weed presence or dominance due to fence construction or maintenance is small.

3. Livestock Grazing

The flexibility for options available for livestock management would be reduced as acreage is rested from use for three years and future objectives constrain seasons and intensities of use in Upper Hunter Creek Enclosure to meet desired future conditions for riparian vegetation communities and wildlife habitat values. Requested voluntary reduction in livestock use to meet the Tribe's and BLM's objectives would minimize this impact. Opportunities for more intensive livestock management would be provided with an additional pasture available following the identified three years of rest or time necessary to ensure meeting management objectives including meeting standards of rangeland health in Upper Hunter Creek Enclosure.

4. Soils/Watershed

Impacts to soils and watershed values would be minimally changed from those which have occurred in recent years, similar to impacts to vegetation identified above.

5. Wildlife

Negative impacts to wildlife would be minimal as a result of constructing the proposed fence. Potential for entanglement of animals in the new fence, especially during late winter when energy reserves of wildlife are low, would increase with additional fencing and dividing of pastures. The fence would be constructed in accordance with BLM policy so as to provide for wildlife passage to the extent possible. Management of livestock within Upper Hunter Creek

Enclosure as identified would benefit many wildlife species as riparian habitats are improved. Fish and other aquatic species would benefit from improved stream flow and water quality resulting from future actions following riparian management objectives.

6. Recreation and Visual Resources

Recreation values would be unchanged by the proposed action. Visual impacts of the proposed four-strand barbed wire fence would be consistent with objectives for Class IV management. Visual impacts for disturbance of vegetation and soil resources would be minimally changed from existing conditions.

7. Cultural Resources

Cultural resources would not be affected by the proposed action. A Class III cultural Resource Survey of the flagged fenceline was conducted on July 30, 2001. No prehistoric or historic sites were located during the survey.

8. T&E Plants

Special Status plant species would not be affected by the proposed action. Surveys would be conducted to locate any unknown special status plant sites and the fence would be located to mitigate potential negative impacts.

B. No Action Alternative

1. Vegetation

The no action alternative would not affect vegetation resources in ways other than are currently occurring.

2. Noxious weeds

The no action alternative would not change noxious weed distribution or dominance in ways other than are currently occurring.

3. Livestock Grazing

Livestock management in Horse Camp Pasture would continue as defined in the annual turnout statements pending completion of the evaluation of current management actions in the Mainstem Malheur Geographic Management Area planned for 2004. It is likely that riparian management objectives would be implemented for Hunter Creek and other smaller streams in Jonesboro Allotment as a result of implementing the Standards of Rangeland Health (43 CFR 4180) following that evaluation.

4. Soils/Watershed

The no action alternative would not affect soils or watershed values in ways other than is currently occurring.

5. Wildlife

Wildlife habitat values would remain unchanged with no additional direct impacts to wildlife species. Potential benefits from riparian improvement would not be realized.

6. Recreation and Visual Resources

The no action alternative would not change current recreation opportunities or visual resources.

7. Cultural Resources

The no action alternative would not affect cultural resources.

8. T & E Plant Species

The no action alternative would not affect T&E plant species or special status species.

VI. CONSULTATION AND COORDINATION

Dan Gonzalez and Jess Winnick of the Burns Paiute Tribe, livestock operator Jonesboro Allotment
Walt Van Dyke, Oregon Department of Fish and Wildlife
A file search identified no additional requests to be considered an interested public for Jonesboro Allot.

VII. LIST OF PREPARERS/REVIEWERS

Steve Christensen	Rangeland Management Specialist
Ron Rembowski	Rangeland Management Specialist
Tom Hilken	Rangeland Management Specialist; Planning and Environmental Coordinator
Jim Johnson	Wild Horse Specialist
Bob Alward	Outdoor Recreation Planner, Wilderness
Jean Findley	Botanist
Diane Pritchard	Archaeologist
Shaney Rockefeller	Hydrologist/Soil Scientist
Al Bammann	Wildlife Biologist
Cynthia Tait	Fisheries Biologist
Lynne Silva	Range Technician, Weeds
Jon Freeman	Multi Resources Staff Supervisor
Tom Dabbs	Acting Field Manager, Malheur Resource Area

XII. LITERATURE CITED

USDI-BLM 1984. Southern Malheur Rangeland Program Summary (RPS). U.S. Bureau of Land Management, Vale District, Oregon. 24 p.

USDI-BLM. 1997. Grazing Management for Riparian-Wetland Areas. U.S. Bureau of Land Management Technical Reference 1737-14. Denver, CO. 63 p.

XII. ENVIRONMENTAL ASSESSMENT DECISION REPORT

Finding of No Significant Impact / Decision Record

On the basis of the information contained in this Environmental Assessment and all other information available, it is my determination that the proposed action is in conformance with the land use plan for Malheur Resource Area and does not constitute a major federal action significantly affecting the quality of the human environment and that an EIS is not required.

/s/ Tom Dabbs
Acting Field Manager
Malheur Resource Area

09/04/2001
Date

It is my decision to implement the proposed action described in this EA (OR-030-01-015).

Acting Field Manager
Malheur Resource Area

Date