

**Maka Oyate
Sundance Native American
Religious Ceremony**

**Environmental Assessment
OR-114-07-01**

**Bureau of Land Management
Ashland Resource Area
Medford District Office
3040 Biddle Road
Medford, OR 97504**

July 2, 2007

1. Purpose and Need

Chapter 1 introduces a proposal to issue a three-year authorization to the Maka Oyate Sundance Lodge of the Nemenhah, Nemenhah Band and Native American Traditional Organization, Oklevueha Native American Church of Sanpete (Maka Oyate Sundance Society) for the purposes of conducting an annual Sundance Native American religious ceremony within the Cascade-Siskiyou National Monument. It begins with an introduction to the analysis, background information about the proposal, followed by an explanation of the need for action and a statement of the proposed action developed.

This chapter describes the environmental setting, cites management direction, and displays the decisions to be made in analyzing this proposal. It defines the scope of the analysis, summarizes the scoping process, and describes the issues identified during scoping.

1.1 Introduction

In 1976 Congress enacted the Federal Land Policy and Management Act (FLPMA), making changes to the management of public lands overall, including the use of public lands for specified purposes. Sections 302, 303, and 310 of FLPMA (43 USC 1732, 1733, 1740) authorized the Secretary of the Interior to issue regulations providing for the use, occupancy, and development of public lands through leases, permits, and easements (43 CFR 2920.0-3). The BLM manages FLPMA permits in accordance with 43 CFR 2920.

For the past 24 years the BLM has used the FLPMA permit authority in the 43 CFR 2920 to authorize use of BLM lands for the Sundance religious ceremony. The ceremony is attended by 300-500 people over a two-three week period during the wildfire season. The group builds structures, has ceremonial fires, and digs pits for their religious ceremonies which remain in place throughout the year. The ceremony occurs on lands in the Cascade-Siskiyou National Monument (CSNM), established on June 9, 2000 by presidential proclamation (Proclamation 7318). The CSNM is a unique biological area protected because of its spectacular variety of rare and beautiful species of plants and animals whose survival in this region depends upon its continued ecological integrity. Within the CSNM, the BLM is required to protect the objects of biological interests and sustain the natural ecosystem dynamics. The BLM does “pre-” and “post-” resource and impact monitoring for the ceremony and has been working with the Sundance Society for several years to bring the event into conformance with the requirements of the monument proclamation.

This document will be concerned solely with the site-specific issues related to the proposal. The purposes of conducting an environmental analysis and then documenting the findings in an environmental assessment (EA) are to provide sufficient evidence to determine whether to prepare an environmental impact statement, provide the deciding officer with sufficient information on which to base decisions, and estimate the effects of implementing the proposed action and alternatives.

1.2 Environmental Setting

The proposed authorized area encompasses approximately 580 acres north of Pilot Rock in T. 40 S., R. 2 E., Section 25 and T. 40 S. R. 3 E., Section 30, W.M. on BLM lands within the Cascade-Siskiyou National Monument (Figure 1).

1.3 Background

The Maka Oyate Sundance Society has been issued a special use permit for conducting an annual Sundance Native American religious ceremony on the BLM lands near Pilot Rock for approximately 24 years. There were a couple of years where the ceremony was held at lower elevations due to health issues of the medicine man. Previous permits were for approximately 80 acres with concentrated use in the ceremonial, camping, and parking areas encompassing approximately 10 acres. The annual event draws 300-500 persons. Although the Maka Oyate is not a federal recognized tribe, their membership includes both Native Americans from a number of federally recognized tribes and non-Native Americans.

In 2004, the BLM determined that holding a large gathering the size of the Sundance Native American religious ceremony at the site near Pilot Rock (now within the CSNM boundary) was not consistent with protecting the objects of biological interests and sustaining the natural ecosystem dynamics, as required in the proclamation. The BLM advised the Maka Oyate that the group would need to find an alternate site outside of the monument, and permitted the group to continue ceremonies through 2006 to complete the ceremony cycle. In May of 2006 the group asked the BLM to reconsider the decision to relocate the event.

On July 7, 2006, the BLM met with Gerald Skelton, Culture and Heritage Director of the Klamath Tribes, several Klamath Tribal elders and members of the Maka Oyate Sundance Society. John Snider of Congressman Walden's staff also attended the meeting at which the Klamath Tribe's representative stated that the Klamath Tribe considers the site to be a "sacred area" and that the Klamath Tribes considers Michael Two Feathers, of the Maka Oyate Sundance Society, to be an authoritative representative of an Indian religion.

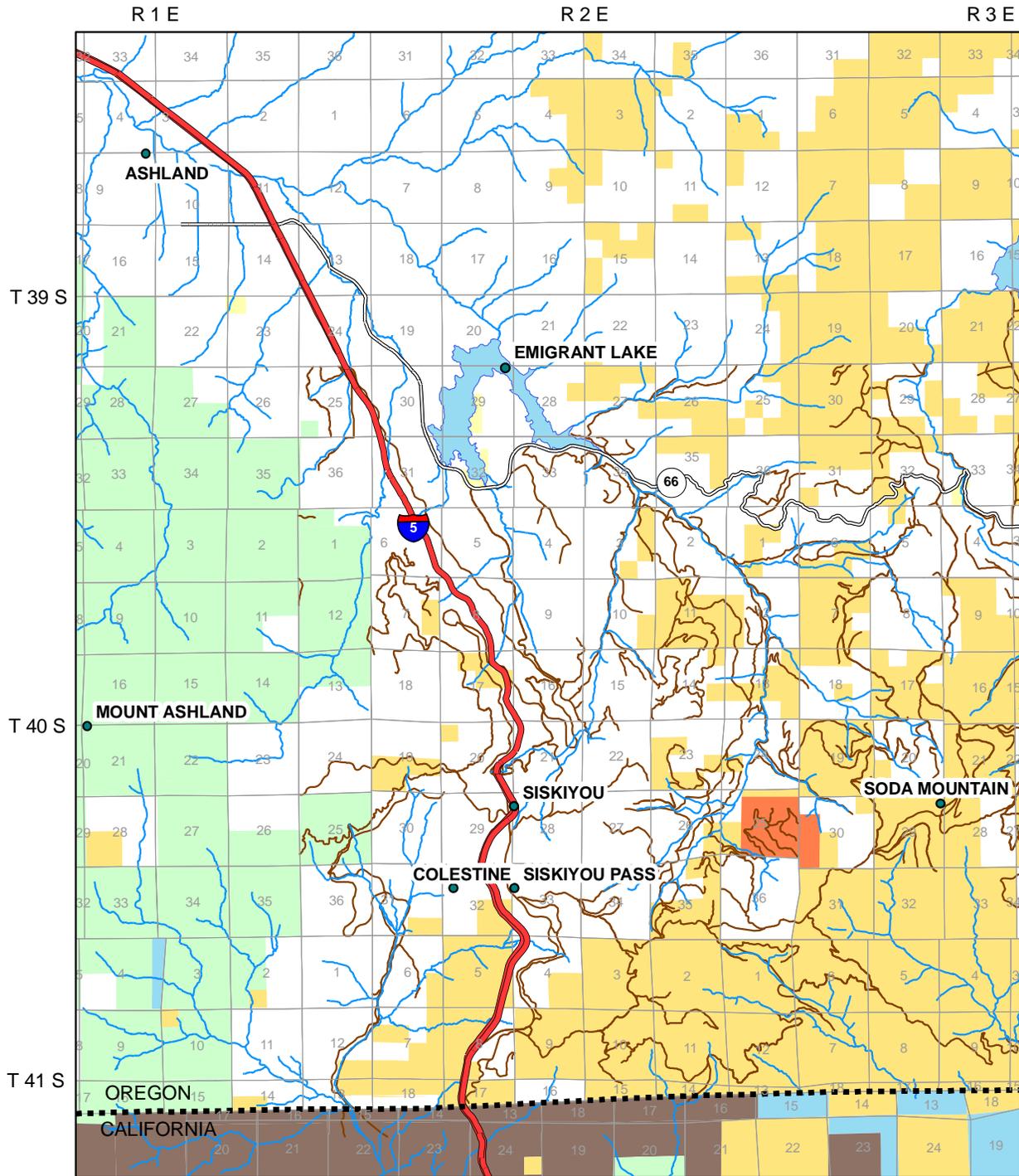
In October 2006, Allen Foreman, Chairman of the Klamath Tribe, affirmed Mr. Skelton's declaration stating that the Soda Mountain area has been a place of ceremony for members of the Klamath Tribes for at least the last 30 years. As a result, the BLM is evaluating whether to issue an authorization to use BLM lands in the CSNM for the purposes of conducting the Sundance Native American religious ceremony through this environmental analysis.

1.4 Need for Action

This section explains the underlying need to which the agency is responding in preparing this EA.

The special use permit issued for conducting the 2005 and 2006 Sundance religious ceremonies to complete the four-year cycle (OR 61478) has expired. There is a need to evaluate whether to authorize the use of the area for conducting the Sundance Native American religious ceremony with special conditions that minimize the impacts to the objects of biological interest protected by the monument proclamation.

Figure 1. Maka Oyate Sundance Ceremony Proposed Site Vicinity Map
 T. 40 S., R. 2 E., Sections 25 and T. 40 S., R. 3 E. Section 30.



Legend			
	I-5		Bureau of Land Management
	Lakes		Bureau of Reclamation
	Streams		Corps of Engineers
	Main Roads		Forest Service
	ASHLAND		Local Government
	EMIGRANT LAKE		National Park
	MOUNT ASHLAND		Private
	SISKIYOU		State
	COLESTINE		State Department of Forestry
	SISKIYOU PASS		Undetermined
	SODA MOUNTAIN		
	Sundance Permit Area		



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1.5 Proposed Action

The proposed action is to issue a three-year, renewable authorization to use BLM lands for the Maka Oyate Sundance Native American religious ceremony. The proposed authorized area encompasses 580 acres of BLM lands within the CSNM. The ceremony occurs during the summer over a two to three week period and is attended by 300-500 people. To facilitate the ceremony, the group builds sweat lodges and arbors which remain in place.

The Native American religious ceremony would be accommodated with specific measures (special conditions) to protect monument resources and adjacent landowners. The authorization would be issued under Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1761) subject to the terms and conditions in 43 CFR 2920.

1.6 Decisions to be Made

The Ashland Field Manager, as the responsible official, will make the following decisions based on the interdisciplinary analysis summarized in this Environmental Assessment:

- To issue an authorization under FLPMA to the Maka Oyate Sundance Society for purposes of conducting the Sundance Native American religious ceremony with special conditions designed to protect monument resources; or
- To take no action at this time.

1.7 Scoping Process

Scoping is the process the BLM uses to identify issues related to the proposal (40 CFR 1501.7) and determine the extent of environmental analysis necessary for an informed decision. A letter describing the Scoping Proposal and inviting comments was mailed to interested individuals, organizations, and other agencies on March 7, 2007.

Six written responses were received. Issues related to the Scoping Proposal were identified by the interdisciplinary team after reviewing the input received during scoping. Issues that could not be resolved with the Proposed Action will be carried forward for analysis as significant issues.

1.8 Issues Related to the Proposed Action

1.8.1 Issue 1 (Wildfire)

The Sundance Native American religious ceremony traditionally takes place in late-July through early-August. Ceremonial fires and sweat lodge fires are permitted during the ceremony and some of the participants also build campfires near where they are camping. Vehicles park alongside the road in grass and vehicles have been observed driving off-road through dry vegetation. These activities are permitted to occur during fire season when vegetation is dry and the risk of wildfire is high.

1.8.2 Issue 2 (Parking)

The ceremony attracts between 300-500 people. Using a figure of 2.5 people per vehicle, that equates to roughly 120-200 vehicles at the ceremony. Parking is very limited in the authorized area and vehicles have parked alongside the roads, off-road, in ditches, and blocking roads. This is a safety issue. If there were a medical or fire emergency, it may be difficult for emergency workers to access the area, as well as difficult for ceremonial participants to evacuate the area.

1.8.3 Issue 3 (Cascade-Siskiyou National Monument)

The Cascade-Siskiyou National Monument was reserved by presidential proclamation in recognition of its remarkable ecology and to protect a diverse range of biological, geological, aquatic, archaeological, and historic objects. The proclamation directs the BLM to protect the monument objects. The annual Sundance religious ceremony, with up to 500 people in attendance, has the potential to impact the objects identified in the presidential proclamation.

1.8.4 Issue 4 (Riparian Conditions)

Riparian and wetland areas are the most productive and highly prized resources found on BLM lands. These areas play a significant role in restoring and maintaining the chemical, physical, and biological integrity of water sources (USDI 1993, USDI 1994).

The riparian areas of concern within the authorized area are two springs, a constructed pond, and the perennial stream that flows from the pond to Green Mountain Creek. One spring is located above Road 40-2E-25.1 (east). Evidence of vehicle traffic and use of this spring area was apparent during a recent field trip. Outflow from this spring is diverted by an old skid road before reaching a ditch which leads to a culvert that passes under the road to the constructed pond on the west side of Road 40-2E-25.1. Outflow from the pond leaves through an 18-inch culvert. The second spring is below the outlet of the pond. Water from this spring flows into the perennial stream that flows into Green Mountain Creek.

Concentrated use in the authorized area has the potential to negatively impact the riparian and wetland areas within the proposed authorized area. People traveling through and using riparian areas may cause localized soil disturbance; sedimentation; compaction; and streambank and vegetation trampling. Human use of the springs and wet areas will compact the spongy wet areas and could lead to reduced water storage capacity and decreased hydrologic function over the long-term.

1.8.5 Issue 5 (Noxious Weeds)

Canada thistle (*Cirsium arvense*) is present in the proposed authorized area. An infestation of approximately ½ acre is located in a small meadow along Road 39-2E-34.0. The infestation has been treated with glyphosate. There is the potential for Canada thistle seed to be spread by vehicles in the authorized area.

2. Alternatives Including the Proposed Action

The following sections present the alternatives considered, including the Proposed Action in detail.

2.1 Alternative 1 (No Action)

This alternative would not issue an authorization to the Maka Oyate Sundance Society for conducting the Sundance Native American religious ceremony at the site near Pilot Rock (T. 40 S., R. 2 E., Section 25 and T. 40 S. R. 3 E., Section 30, W.M).

2.2 Alternative 2 (Proposed Action)

The Proposed Action, as described in Section 1.5, is to issue a three-year, renewable authorization for the Maka Oyate Sundance Society to use BLM lands for conducting a Native American religious ceremony. The authorized area would encompass 580 acres of BLM lands within the CSNM. The ceremony occurs during the summer over a two to three week period and is attended by 300 to 500 people.

The Native American religious ceremony would be accommodated with specific measures (special conditions) to protect monument resources and adjacent landowners. The authorization would be issued under Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1761) subject to the terms and conditions in 43 CFR 2920.

Mandatory Conditions

The authorization would be subject to the following mandatory conditions:

1. The authorization is issued for the period of time specified in the authorization letter. It is revocable at the discretion of the BLM, at any time upon notice (we would not be revoking the designation as a sacred area, but terminating the use of the authorized area when flagrant, violations of terms and conditions occur). This authorization is subject to valid adverse claims heretofore or hereafter acquired.
2. This authorization is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
3. This authorization may not be assigned without prior approval of the BLM.
4. The Maka Oyate must not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
6. The Maka Oyate must pay the United States for any damage to its property resulting from their use.
7. The Maka Oyate must notify the BLM of address change immediately.

8. The Maka Oyate must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and must keep the premises in a neat, orderly, and sanitary condition.
9. The Maka Oyate must take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
10. The authorization is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.

Special Conditions

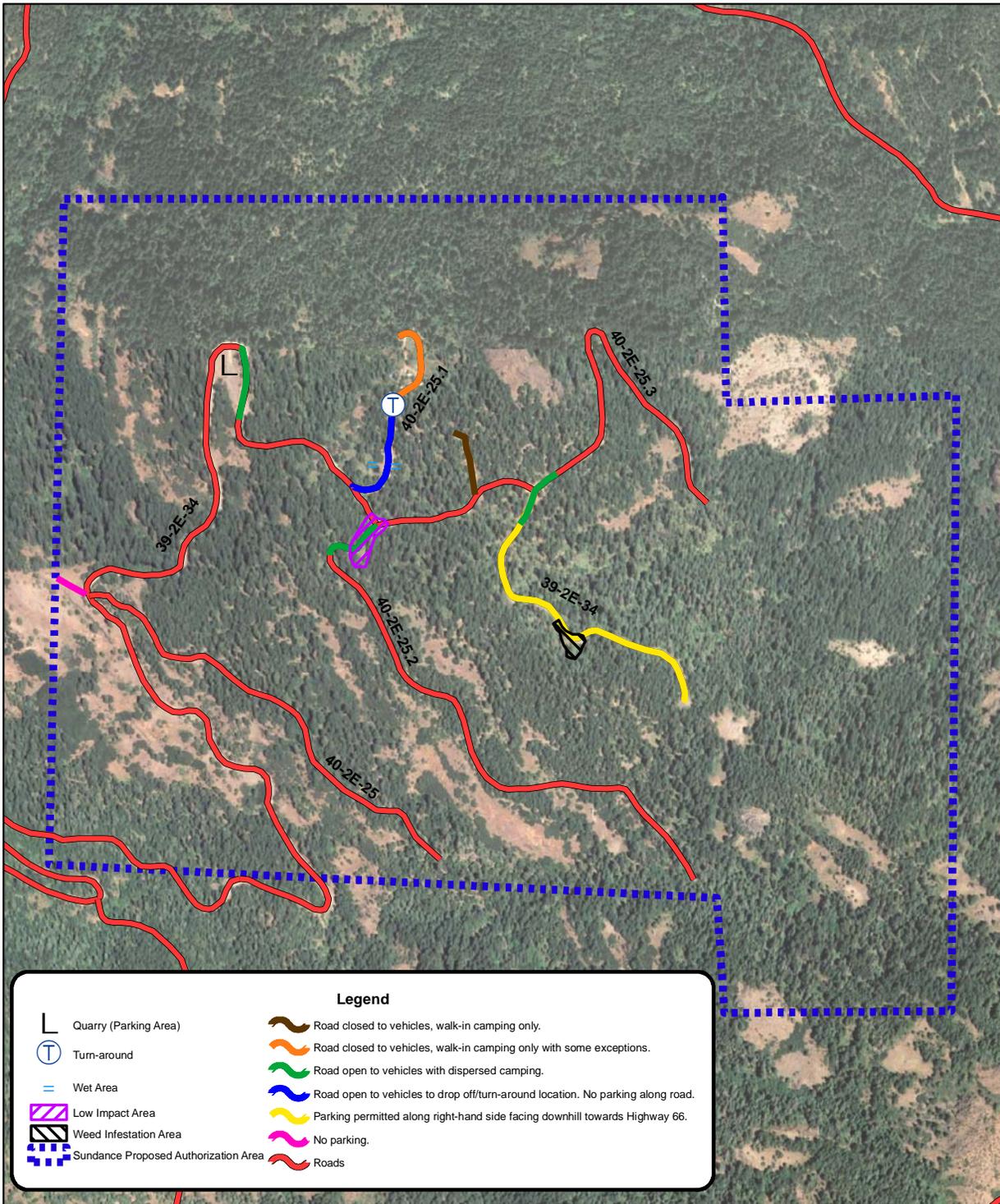
The following special conditions will be included in the authorization in addition to the mandatory conditions required:

1. The Maka Oyate shall provide chemical toilets onsite during the entire period of the Sundance Native American religious ceremony.
2. The Maka Oyate shall obtain authorization from the Oregon Department of Forestry which allows for fire for ceremonial use. A copy of the authorization must be submitted to the Medford District Office of the BLM.
3. All refuse shall be cleaned up and removed from the site within five days of the ceremony ending date. Cleanup includes removal of benches, tables, structures at the campsites unrelated to the ceremony. Religious/ceremonial structures and items may remain on the ceremonial grounds.
4. Firewood shall not be removed or cut from the authorized area or from within the Cascade-Siskiyou National Monument unless approved and designated by the BLM.
5. Local complaints will be resolved by the Maka Oyate Sundance Society.
6. A list of contact persons (with telephone numbers) shall be provided to the Medford District Office of the BLM.
7. A \$250.00 cash bond shall be deposited at the Medford District Office of the BLM annually prior to the ceremony. Upon approval of cleanup of the authorized area, the cash bond will be refunded.
8. A monetary contribution of \$250 each year shall be paid to the BLM to comply with 43 CFR 2920.8. This contribution will be used to support and protect the authorized area.
9. A designated off-loading and turn-around location on Road 40-2E-25.1 ("lower road"), as identified in 2006, will be used to facilitate walk-in camping at the lower area. Only

service vehicles for delivery of supplies and items for ceremonial uses at the altar and vehicles used by the elderly, handicapped, or spiritual leaders (medicine people) for camping, sleeping, and cooking will be permitted beyond the turn around location (Figure 2).

10. Walk-in camping is permitted in the meadow above and directly east of the primary ceremonial site (“upper meadow”). Vehicles are not permitted in the upper meadow (Figure 2).
11. Dispersed camping is permitted along Road 40-2E-25.2 (Figure 2). The area provides limited group camping with vehicle access. Dispersed camping with vehicles is also permitted along Road 39-2E-34.0 near the quarry and in the flat area near the junction with Road 40-2E-25.3 (Figure 2). All vehicles shall be parked within 50 feet of the existing road.
12. Parking is permitted at the rock quarry on Road 39-2E-34.0. Space for approximately 60-80 vehicles is available at the rock quarry (Figure 2). Parking is also permitted along Road 39-2E-34.0, southeast of its junction with Road 40-2E-25.3. Vehicles shall turn around at the end of Road 39-2E-34.0 and park along the right-hand side of the road facing downhill and back towards Highway 66 for safety and rapid egress from the site in the event of an emergency (Figure 2). Roads will not be blocked at any time with parked vehicles.
13. Grass cutting is required two weeks prior to start of the religious ceremony in all areas where vehicles will be parked.
14. Vehicle access is prohibited on the rock outcrop west of the junction of Roads 39-2E-34.0 and 40-2E-25 (Figure 2).
15. No new foot trails shall be created without prior BLM approval.
16. Vehicle and foot traffic (including mechanized or motorized off-highway vehicles) are not permitted in the two spring areas within the authorized area (Figure 2).
17. No new ceremonial pits will be built in riparian reserves.
18. To prevent the spread of Canada thistle, no parking would be permitted on the 200 ft. stretch adjacent to the area identified as “Weed Infestation Area” (Figure 2) along Road 39-2E-34.0. The stretch would be effectively marked on the ground by the BLM.
19. To mitigate impacts to the population of *Fritillaria*, no ground disturbing activities (including digging and campfires) would be permitted in the small meadow identified as “Low Impact Area” (Figure 2) along Road 40-2E-25.2.

Figure 2. Alternative 2: Maka Oyate Sundance Ceremony Proposed Action.



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2.3 Alternatives Considered, but Not Analyzed in Detail

The following alternatives were considered, but eliminated from detailed analysis because they were either not feasible or they did not meet the need for action.

- An alternative to change the time of year that the ceremony takes place in response to the concerns about wildfire risk. This alternative was dropped from consideration because it would not meet the needs of the Maka Oyate Sundance Society and other seasons would present other resource concerns. Site conditions in the fall or spring would be wetter and there would be more visible impacts to soils and riparian areas.
- An alternative to issue a four-year authorization to coincide with the ceremonial cycle was proposed during scoping. This alternative was not carried forward because 43 CFR 2920.1-1(b) requires that authorizing uses of public land not exceed three years.
- An alternative to issue an authorization in perpetuity was proposed during scoping. This alternative was not carried forward because 43 CFR 2920.1-1(b) requires that authorizing uses of public land not exceed three years.
- An alternative that prohibited parking in the authorized area was proposed during scoping. The proposal was to stage all vehicles outside the authorized area and shuttle equipment and people to the authorized area. This alternative was not carried forward because it was considered infeasible. There are no good locations on public or private lands close to the authorized area to park large numbers of vehicles. The ceremony lasts for approximately two-three weeks, requiring a significant amount of equipment. This alternative would have up to 500 people within the authorized area with no immediate transportation in the event of a medical or wildfire emergency.

3. Affected Environment

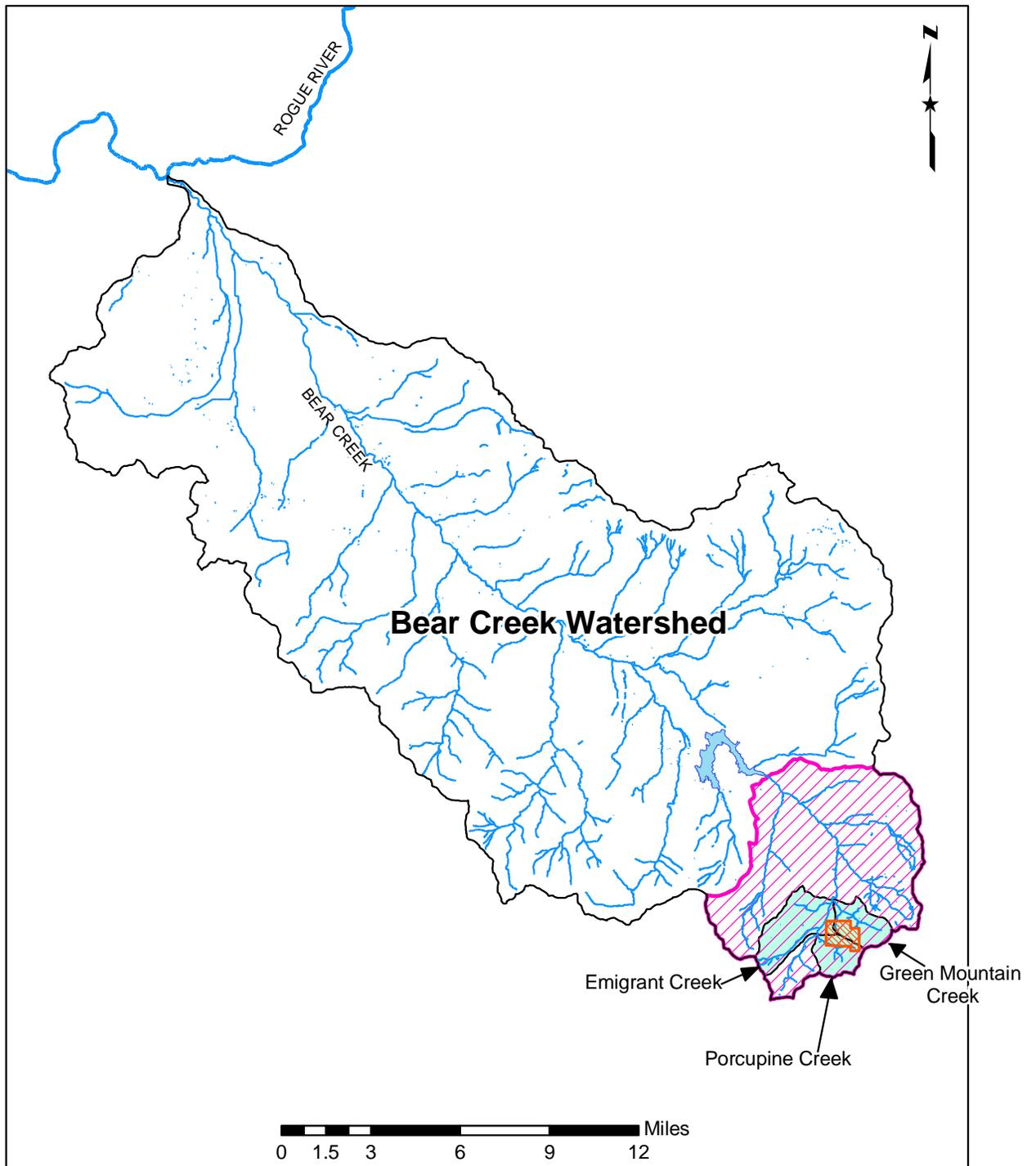
3.1 Riparian Areas and Aquatic Resources

3.1.1 Hydrology/Riparian Conditions

The proposed authorized area is located in T. 40 S., R. 2 E., Section 25 and T. 40 S., R. 3 E., Section 30, W.M., within the Emigrant Creek, Green Mountain Creek, and Porcupine Creek level 7 drainages (HUC 7), Upper Emigrant Creek level 6 subwatershed (HUC 6), Bear Creek level 5 watershed (HUC 5) (Figure 3). The authorization is for August when much of the wetland areas are dry and streams have very little flow.

Riparian surveys were conducted in the authorized area by the BLM in 2000 (USDI BLM 2000). There are approximately 1.40 miles of perennial streams and 0.42 miles of intermittent streams within the authorized area and seven inventoried springs. The streams in the authorized area are all in properly functioning condition (PFC) primarily affected by roads and past logging activities. Douglas fir, alder, bigleaf maple, Oregon ash, and Pacific yew are the dominant

Figure 3. Maka Oyate Sundance Ceremony Proposed Site.



Legend

- Sundance Proposed Authorization Area
- Bear Creek Level 5 Watershed
- Streams
- Upper Emigrant Level 6 Subwatershed
- Level 7 Drainages



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riparian overstory species. Bigleaf maple, incense-cedar, willow and oceanspray are the most common understory species.

The riparian areas of concern within the authorized area are two springs, a constructed pond, and the perennial stream that flows from the pond to Green Mountain Creek. One spring (10 ft. x 5 ft.) is located above Road 40-2E-25.1 (east). Evidence of vehicle traffic and use of this spring area was apparent during a recent fieldtrip. Outflow from this spring is diverted by an old skid road before reaching a ditch which leads to a culvert that passes under the road to the constructed pond (30 ft. x 40 ft.) on the west side of Road 40-2E-25.1. Outflow from the pond leaves through an 18-inch culvert. The second spring (5 ft. x 5 ft.) is below the outlet of the pond. Water from this spring flows into the perennial stream that flows into Green Mountain Creek.

3.1.2 Water Quality

3.1.2.1 Public Water Systems

The 1996 amendments to the Safe Drinking Water Act (SDWA) mandated that state agencies conduct source water assessments for every public water system. A federally-regulated public water system provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average or at least 25 people for at least 60 days a year. The states must delineate the groundwater and surface water source areas which supply public water systems, inventory each of those areas to determine potential sources of contamination, and determine the most susceptible areas at risk for contamination.

The authorization falls within the source water area for the cities of Gold Hill, Rogue River, and Grants Pass. The surface water source for the three cities is the Rogue River downstream from Bear Creek. The Bear Creek Watershed is included in the source water area and the 580-acre authorized area is within the Upper Emigrant Creek subwatershed (Figure 3) of Bear Creek. The authorized area in the Bear Creek Watershed is well over 30 miles upstream from the closest public water system intake.

Source water assessments have been completed by the DEQ and the Oregon Department of Human Services for the cities of Gold Hill, Rogue River, and Grants Pass. The assessments include an inventory of potential contaminant sources within the source water areas. Grazing animals (greater than five large animals or equivalent per acre) were identified as a potential contaminant source for the Gold Hill, Rogue River, and Grants Pass drinking water protection areas. The assessments recognized that concentrated livestock may contribute to erosion and sedimentation of surface water bodies. Grazing in the Bear Creek Watershed portion of the CSNM consists of open range grazing with an average of less than 200 cows across the 6,181 acres of monument land. Best management practices and the Aquatic Conservation Strategy are being implemented to protect the drinking water source areas and minimize potential adverse effects.

3.1.2.2 Water Quality Limited Waterbodies (303(d) List)

The Oregon Environmental Quality Commission has adopted numeric and narrative water quality standards to protect designated beneficial uses. In practice, water quality standards have been set at a level to protect the most sensitive uses. The Oregon Department of Environmental Quality (DEQ) is required by the federal Clean Water Act (CWA) to maintain a list of stream

segments that do not meet water quality standards for one or more beneficial uses. This list is called the 303(d) list because of the section of the CWA that makes the requirement. DEQ's 2004/2006 303(d) list is the most recent listing of these streams (ODEQ 2006a).

The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM and DEQ have a Memorandum of Agreement (MOA) that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. In accordance with the MOA, the BLM in cooperation with the Forest Service, DEQ, and the Environmental Protection Agency is implementing the Forest Service and Bureau of Land Management Protocol for Addressing Clean Water Act Section 303(d) Listed Waters (USDA and USDI 1999). Under the Protocol, the BLM will protect and maintain water quality where standards are met or surpassed, and restore water quality limited waterbodies within their jurisdiction to conditions that meet or surpass standards for designated beneficial uses. The BLM would also adhere to the State Antidegradation Policy (OAR 2005; 340-041-0004) under any proposed actions. The DEQ has not determined the Total Maximum Daily Load (TMDL) for the Rogue Basin.

Section 303 of the Clean Water Act further requires that Total Daily Maximum Loads (TMDLs) be developed for waters included on the 303(d) list. A TMDL defines the amount of pollution that can be present in the waterbody without causing water quality standards to be violated. A Water Quality Management Plan (WQMP) is developed by DEQ to describe a strategy for reducing water pollution to the level of the load allocations and waste load allocations prescribed in the TMDL. The approach is designed to restore water quality and result in compliance with water quality standards, thus protecting the designated beneficial uses of water of the state. The Oregon DEQ has not yet completed the Rogue Basin TMDL and the WQMP.

In advance of a TMDL setting specific numeric targets for the planning area, the Oregon statewide narrative criteria found in OAR 340-041-0007(1) (ODEQ 2006b) is the water quality criteria that applies to BLM management.

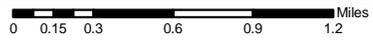
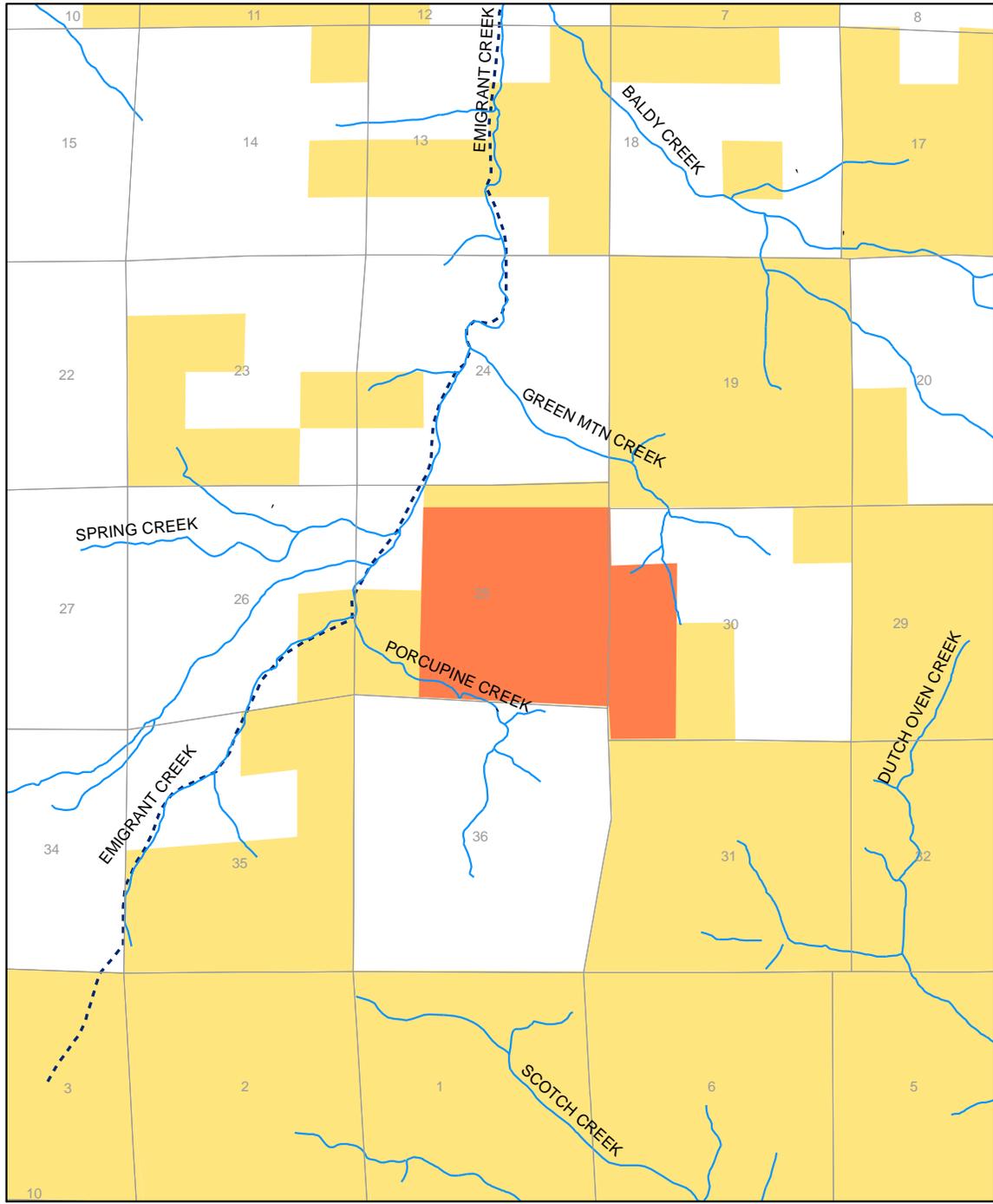
(1) Notwithstanding the water quality standards contained in this Division, the highest and best practicable treatment and/or control of wastes, activities, and flows must in every case be provided so as to maintain dissolved oxygen and overall water quality at the highest possible levels and water temperatures, coliform bacteria concentrations, dissolved chemical substances, toxic materials, radioactivity, turbidities, color, odor, and other deleterious factors at the lowest possible levels.

Emigrant Creek is listed as water quality limited for temperature (summer) from stream mile 5.6 to 15.5 (ODEQ 2006a). Emigrant Creek lies to the northwest of the authorized area (Figure 4). The highest use area in the authorized area (the ceremonial site) drains into Green Mountain Creek which flows into Emigrant Creek. Some of the access road and parking areas (the quarry) drain directly into the listed portion of Emigrant Creek; other portions of the access road drains into Porcupine Creek which flows into Emigrant Creek.

3.1.3 Fish and Other Aquatic Fauna

There are no fish populations in the authorized area, however, salmonids are present in Green Mountain Creek 0.6 miles below the authorized area; in the Upper Emigrant Creek subwatershed at two road crossings used to access the authorized area; and in Porcupine Creek, approximately

Figure 4. 303(d) Listed Emigrant Creek.



Legend

- Streams
- 303(d) Listed
- Sundance Proposed Authorization Area
- Bureau of Land Management



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0.8 miles downstream of a road crossing. The potential impacts to fish are limited to the road crossings in the Upper Emigrant Creek subwatershed. Potential impacts to other aquatic organisms occur at these road crossings and within the authorized area.

3.1.3.1 Native Fish

Both resident rainbow (*Oncorhynchus mykiss*) and cutthroat trout (*O. clarki*) reside in the Upper Emigrant Creek subwatershed (above Emigrant Reservoir). Resident rainbow trout are found in 10.9 miles of upper Emigrant Creek 1.1 miles of Green Mountain Creek. Resident cutthroat trout are present in 14.0 miles of upper Emigrant Creek and 0.1 miles of Porcupine Creek (Figure 5).

Fish distribution may have been different historically because connectivity is poor within the analysis area. Anadromous steelhead may have used upper Emigrant Creek and the lower reaches of Green Mountain Creek before the construction of the Emigrant Dam. The dam blocks all anadromous fish passage approximately 6.2 miles downstream of the project area.

Historical information on local fish populations is not well known. Fish numbers were likely higher before the construction of dams and roads in the area limited connectivity and before timber harvest occurred. Reticulate sculpin (*Cottus perplexus*) is the only native non-salmonid fish known to reside in the upper analysis area or the Upper Emigrant Creek subwatershed.

3.1.3.2 Non-Native Fish

ODFW annually releases hatchery-reared steelhead and coho salmon into Emigrant Reservoir. Emigrant Reservoir is approximately 6.2 miles downstream of the analysis area (Upper Emigrant Creek subwatershed) and approximately nine miles below the authorized area. It is unknown how far upstream these non-native fish go, but it is assumed that they have altered the genetic integrity of at least some native fish in Emigrant Creek. Many other non-native fish reside in Emigrant Reservoir; however, it is unlikely they travel very far upstream in Emigrant Creek due to steep channel gradient.

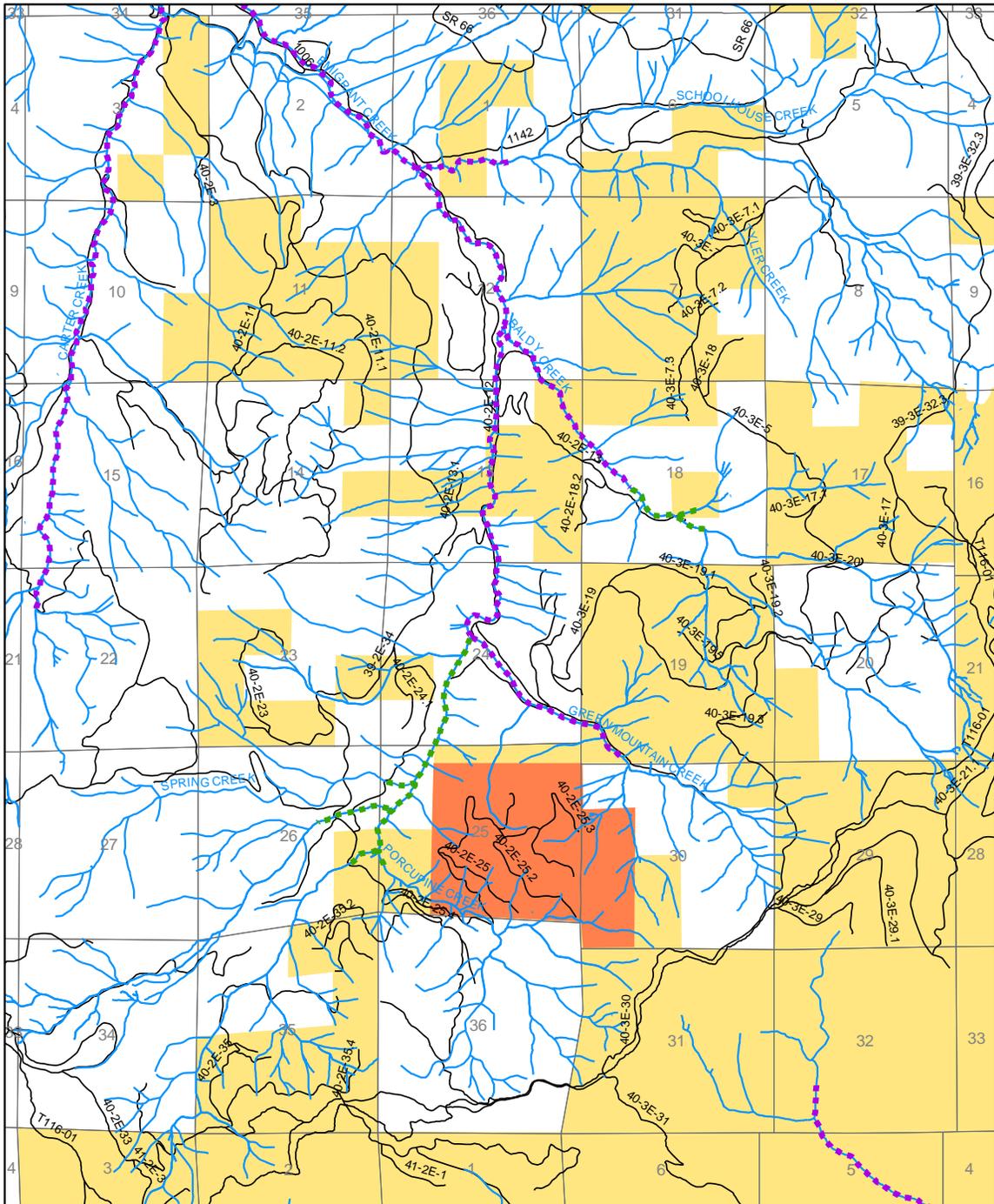
3.1.3.3 Amphibians and Reptiles

There is little information available on amphibians in the Upper Emigrant Creek subwatershed. Pacific tree frog (*Pseudacris regilla*) and giant salamanders (*Dicamptodon tenebrosus*) are present in the subwatershed, however they have never been documented in the authorized area. Rough skin newt (*Taricha granulose*) and foothill yellow-legged frog (*Rana boylei*) are suspected residents of the Upper Emigrant Creek subwatershed because of the close proximity to populations known to exist in Jenny Creek and the Klamath River–Iron Gate Watersheds (USDI 2005).

3.1.3.4 Other Aquatic Organisms

There is an ongoing spring habitat study of macroinvertebrate populations within the CSNM and the Upper Emigrant Creek subwatershed. The study is relevant to analysis of the project area because there are wetlands and springs present in the authorized area. Although no sample sites are within the authorized area, several sites are in close proximity, elevation, impacts, and habitat types. Macroinvertebrate population within the vicinity indicate that springs/wetlands in the CSNM have a high amount of biodiversity and richness (Hosten et al. in prep.). There is no

Figure 5. Fish Distribution.



Legend	
Fish	
Cutthroat Trout	Streams
Rainbow Trout	Roads
	Sundance Proposed Authorization Area
	Bureau of Land Management
	Private



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information on macroinvertebrate populations in the Emigrant Creek or Green Mountain Creek drainages.

Aquatic mollusks were not observed in the pump chance during BLM surveys conducted in 2000. Freshwater clams were confirmed in a roadside spring along the 39-2E-34 Road, approximately five miles from Highway 66 during BLM surveys conducted in 1999. Pebblesnails (*Fluminicola n. sp.*) occur in the subwatershed but have not been confirmed in the authorized area.

Crustacean populations in the Upper Emigrant Creek subwatershed have not been studied. There is no information on species composition or population dynamics in this system. Crayfish occur throughout the Emigrant Creek drainage, however their exact distribution and population is unknown.

3.1.4 Aquatic Habitat

There are no fish bearing streams in the authorized area. The closest fish bearing stream is Green Mountain Creek, 0.6 miles away. The only affected aquatic habitat in the project area would be located in a drainage in T. 40S, R.2 E., Section 25 that flows into Green Mountain Creek, 0.6 miles from the authorized area. The drainage consists of perennial springs, wetlands and a non-continuous perennial creek. These wetland/spring areas are historically important to aquatic organisms because they provide a source for high quality, cool water to aquatic organisms such as macroinvertebrates and fish (downstream of the area). The aquatic habitat in the drainage has impacts that include a degraded road, cattle grazing and off-highway vehicle (OHV) use. These impacts are degrading water quality by reducing vegetation and adding sediment to the aquatic habitat in the authorized area. The impacts are limited to aquatic organisms (such as macroinvertebrates) in the authorized area because the stream turns into wetlands and goes subsurface throughout the reach. An inventory of springs with similar impacts in the CSNM shows that there is an increase in macroinvertebrate species that are tolerant to disturbance and a decrease of intolerant species (Hosten et al. in prep.).

Primary factors affecting fish and aquatic health in Upper Emigrant Creek subwatershed (downstream of the authorized area) include aquatic habitat, food availability, water quality, connectivity and distribution. Primary deficiencies for fish survival and production include a lack of large wood and the lack of complex salmonid pool habitat associated with large wood.

Fish connectivity is poor in the Upper Emigrant Creek Watershed. Emigrant Dam blocks all anadromous fish from the historical habitat in the Upper Emigrant Creek Watershed. Five partial barriers exist in the Upper Emigrant Creek subwatershed. Two of these barriers are culverts that exist at road crossing tributaries to upper Emigrant Creek. These are considered to be partial barriers (mostly for juvenile fish) and do not affect salmonids during key migration periods (ODFW). The other three are located close to the end of the natural distribution of cutthroat trout which are located higher up in the watershed.

The aquatic inventories carried out by the ODFW and the BLM rate the aquatic and riparian habitats in Emigrant and Green Mountain Creeks as moderate (Table 1) with the exception of the amount of large woody debris (LWD) (ODFW 1990, USDI in prep.). The habitat lacks

complexity due to the low amounts of LWD material necessary for maintenance of pools, cover, and bank stability (Table 2). Low amounts of LWD are the major limiting factor for salmonid survival and production in these creeks.

Table 1. Fisheries and Aquatic Ratings

Indicator	Rating (Poor, Moderate, Excellent)	Measurement Indicator	Rationale
Fish Habitat	Moderate	ODFW, BLM Aquatic Inventories	All Habitat Indicators for surveys indicate Fair except for woody debris (poor).
Water Quality	Moderate	DEQ, BLM	Upper Emigrant Creek is 303D listed from 5.6-15.5. All other streams are not listed.
Macroinvertebrate Population	Excellent	Ongoing BLM Studies	No study sites in the area but similar sites indicate good species richness and diversity.
Other Aquatics	Unknown		Very few studies

Table 2. Key Habitat Elements (Interpreted from 1991 and 2007 Stream Surveys).

	Pool Quality	% Gravel	% Sediment	Large Wood Material	Overall Condition
Upper Emigrant Creek	Fair	Fair	Fair	Poor	Fair
Green Mountain Creek	Fair	Fair	Fair	Poor	Fair

Water quality in the Upper Emigrant Creek Watershed is in moderate condition. Water temperature is one of the most important variables controlling habitat suitability for salmonids. Optimum temperatures for coho, steelhead, and cutthroat trout are 55 to 60° F and temperatures over 84° F are considered lethal (Meehan 1991). Salmonids subject to higher water temperatures (67-75.2° F) exhibit higher metabolic demands which can lead to growth suppression and early mortality (Brett 1982). The Department of Environmental Quality (ODEQ) monitors water quality throughout the Upper Emigrant Creek Watershed. Stream temperatures in Emigrant Creek from stream mile 5.6 to 15.4 exceed temperature threshold levels for salmonids during summer months (ODEQ 2006a). No other water quality thresholds have been reported for the Upper Emigrant Creek Watershed.

3.2 Botany

The concentrated use area for the religious ceremony is smaller than the proposed authorized area. It is roughly in the middle, east and southeast portions of T. 40 S., R. 2 E., Section 25. Approximately 190 acres, larger than the actual concentrated use area, was surveyed for special status vascular and non-vascular plants in June 2007 (Figure 6). It is primarily a white fir forest with Douglas-fir, ponderosa pine and incense cedar providing additional sub-dominant canopy cover. The forested areas have moderate to very light herbaceous cover where the canopy is closed. Small meadows are interspersed in the area and support lush herb/forb/graminoid ground cover. Here, the species are a mix of native and non-native herbs/grasses.

An unknown non-flowering *Fritillaria* species was discovered in a small meadow during surveys (Figures 7 and 8). The federally-listed *Fritillaria gentneri* tends to produce flowers infrequently and sporadically (Thorpe, Rohland and Kaye 2006). Since flowers are required to correctly identify the suite of species related to the *Fritillaria gentneri*, it is uncertain which species it is. For the purpose of this proposed action, it is assumed that the species is *Fritillaria gentneri*. An infestation, approximately ½ acre in size, of Canada thistle is located in a small meadow along Road 39-2E-34.0 road (Figures 7 and 8).

3.3 Wildlife

The larger landscape in which the proposed authorized area is located, provides habitat for approximately 200 terrestrial wildlife species known or suspected to occur in the area. Species are recognized as "special status" if they are federally listed as Threatened or Endangered, proposed or a candidate for federal listing as Threatened or Endangered, if they are Northwest Forest Plan Survey and Manage Species or if they are a BLM sensitive or assessment species. BLM Oregon State Office policy is to protect, manage, and conserve these species and their habitat such that any Bureau action will not contribute to the need to list any of these species (USDI 2003).

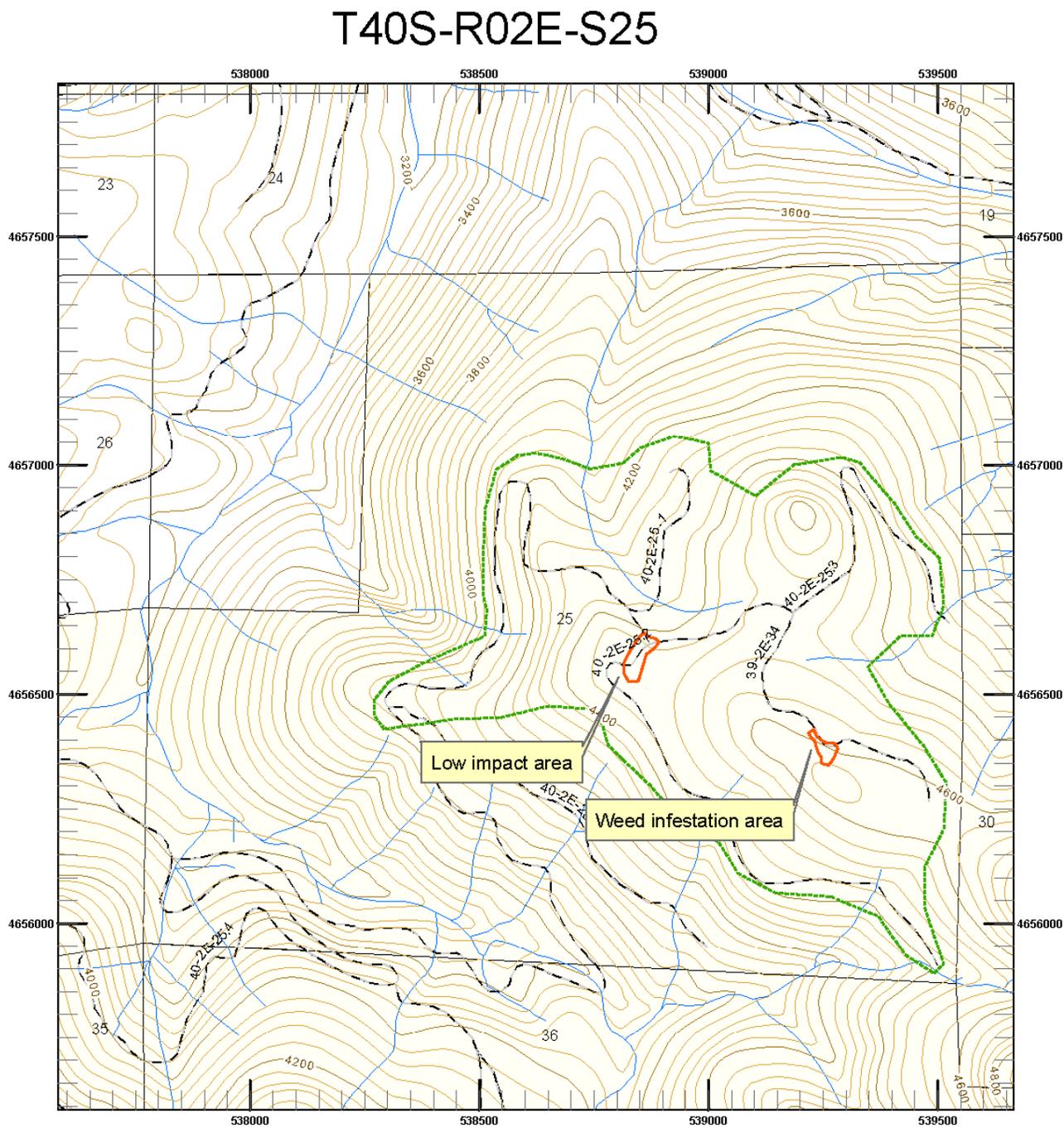
3.3.1 Threatened and Endangered Species

Northern spotted owl (<i>Strix occidentalis caurina</i>)	FT
--	----

FT – Federal Threatened

The project area is within the breeding season home range of five known northern spotted owl sites. It also contains approximately 150 acres of habitat designated as northern spotted owl activity centers.

Figure 6. Survey area for special status vascular and non-vascular plants.



0 0.25 0.5 Miles

1:12,000



LEGEND

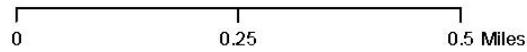
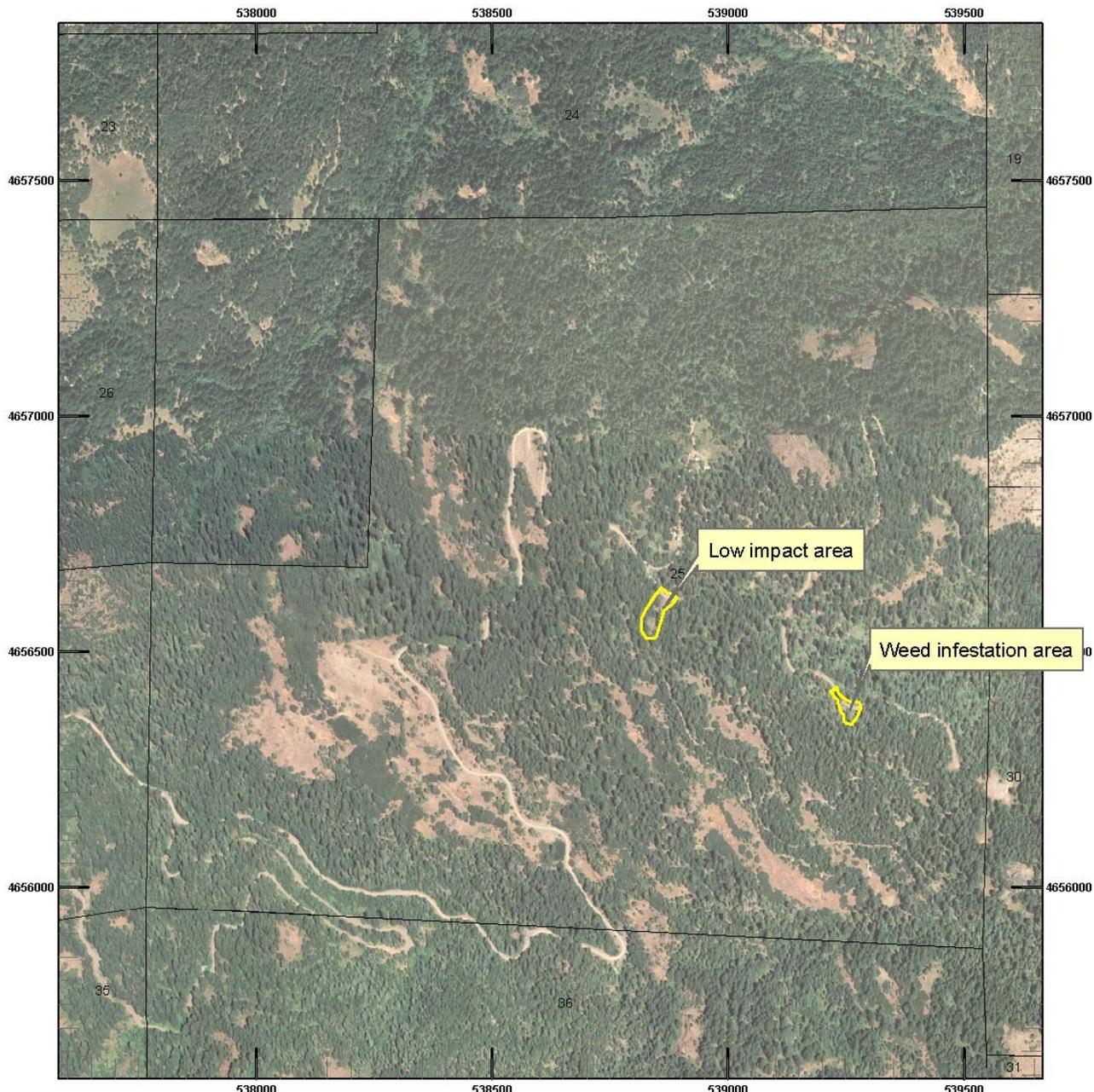
- Plant Survey Area
- Plant Restriction Areas

Map Created On: Jun 14, 2007
HUC 5: Bear Creek
Resource Area: Ashland

This Map Was created using the Map Series Extension.
The maps series grid was designed by Sean Mohren, District Wildlife/Botany Data Steward, Medford BLM.
541-618-2530

Figure 7. Low impact area for *Fritillaria* and weed infestation area.

T40S-R02E-S25



1:12,000



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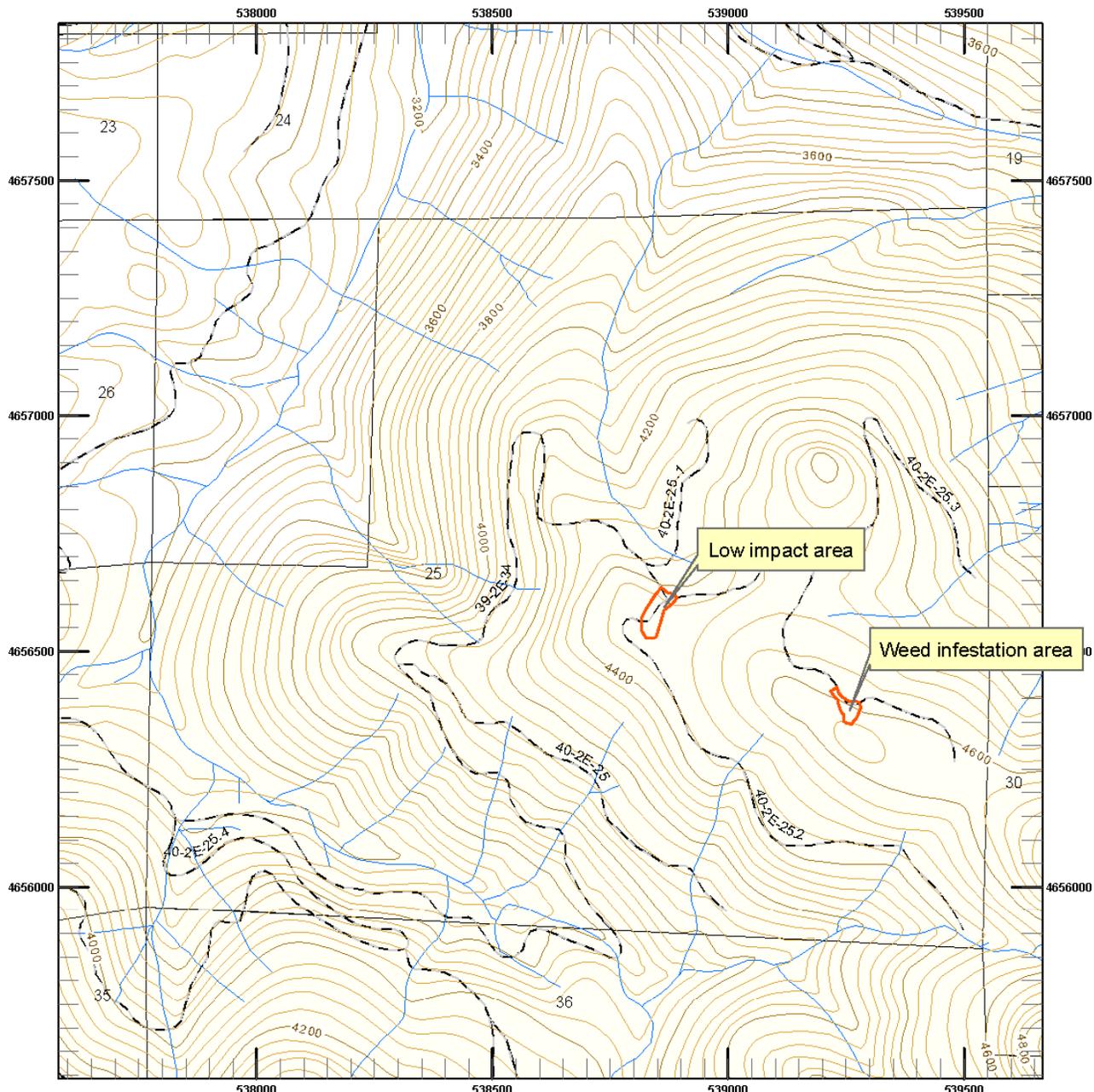
 ASRA_WeedRx_Lyr

Map Created On: Jun 14, 2007
HUC 5: Bear Creek
Resource Area: Ashland

This Map Was created using the Map Series Extension.
The maps series grid was designed by Sean Mohren, District
Wildlife/Botany Data Steward, Medford BLM.
541-618-2530

Figure 8. Low impact area for *Fritillaria* and weed infestation area.

T40S-R02E-S25



0 0.25 0.5 Miles

1:12,000



LEGEND

 ASRA_WeedRx_Lyr

Map Created On: Jun 14, 2007
HUC 5: Bear Creek
Resource Area: Ashland

This Map Was created using the Map Series Extension.
The maps series grid was designed by Sean Mohren, District Wildlife/Botany Data Steward, Medford BLM.
541-618-2530

3.3.2 Northwest Forest Plan Survey and Manage Species

Species	Status
Great gray owl (<i>Strix nebulosa</i>)	S&M
Evening fieldslug (<i>Deroceras hesperium</i>)	S&M
Crater Lake tightcoil (<i>Pristiloma arcticum crateris</i>)	S&M
Siskiyou sideband (<i>Monadenia chaceana</i>)	S&M

S&M - Northwest Forest Plan Survey and Manage

These species are not documented to occur in the project area. The project area is within the established geographic distribution of these species, and some suitable habitat for each of these species occurs within the project area.

3.3.3 Other Special Status Species

Species	Status
Northwestern pond turtle (<i>Clemmys marmorata marmorata</i>)	BSO
Foothill Yellow-legged frog (<i>Rana boylei</i>)	BA

BSO - Bureau Sensitive Oregon

BA – Bureau Assessment

These species are not documented to occur in the project area. The project area is within the established geographic distribution of these species, and some suitable habitat for each of these species occurs within the project area.

3.3.4 Big Game Winter Range Area

Approximately 40 acres of the proposed authorized area are designated as Big Game Winter Range Area for deer and elk in the Medford RMP. General dates for the use of the area for deer and elk winter range is Oct. 1st- April 30th (ODFW 2002). In addition to the winter months, this area is important deer and elk habitat areas used throughout the year.

3.4 Livestock Grazing

The proposed authorized area is located within the Soda Mountain Allotment (35,619 acres) and represents 2 percent of the allotment. There are three grazing leases within the allotment that authorize a total of 366 cattle for 1,794 animal unit months (AUMs) during the grazing season. An AUM is the amount of forage required to sustain a cow and calf for one month. The season-of-use for the Soda Mountain Allotment is May 1st-October 15th.

3.5 Native American Uses

The lands within the CSNM (including the proposed authorized area) were formerly inhabited by the Takelma Indians. The Shasta Indians and the Klamath Tribe also utilized the area. Following the Rogue Indian Wars in 1856, surviving Takelma and Shasta Indians were relocated to reservations in northern Oregon, where their descendants are members of two federally

recognized tribes: the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz. Shasta natives also managed to survive south of the border in California; descendants of the Shasta Indians are federally recognized as the Quartz Valley Rancheria.

3.6 Recreation

The proposed authorized area is within the Cascade-Siskiyou National Monument and has long been popular for recreation. The primary recreational use of the area is dispersed camping, hiking, and hunting.

4. Environmental Consequences

The following sections analyze the environmental effects of implementing either of the alternatives proposed in Chapter 2.

4.1 Riparian Areas and Aquatic Resources

4.1.1 Water Quality

4.1.1.1 Public Water Systems

Although the authorized area is within the sourcewater area for the cities of Gold Hill, Rogue River, and Grants Pass, it is unlikely that the proposed ceremony and associated camping would significantly contribute contaminants to the source water areas. The nearest public water intake system is located over 30 miles downstream from the authorized area. There is a risk of contamination to the springs and creeks in the authorized area from chemicals or human waste, but this contamination would be localized to the site level and the risk is small given the special conditions associated with the proposed action prohibiting vehicle and foot traffic through the springs.

4.1.1.2 Water Quality Limited Waterbodies (303(d) List)

The proposed action does not affect stream temperatures in Emigrant Creek. The authorization does not allow the removal of riparian vegetation. The special conditions prohibiting vehicle traffic through the springs provide protection of the water-holding capacity of these small ecosystems.

4.1.2 Riparian Conditions

The proposed action authorizing 300-500 people to camp in a concentrated location for approximately two weeks in late summer will degrade riparian conditions at the site scale. People traveling through and using riparian areas will cause localized soil disturbance; sedimentation; compaction; and streambank and vegetation trampling. Human use of the springs and wet areas will compact the spongy wet areas and could lead to reduced water storage capacity and decreased hydrologic function over the long-term.

The proposed action mitigates some of these concerns by including special conditions in the authorization that prohibit the removal of vegetation (including firewood) and prohibit vehicle and foot traffic in the spring areas. The proposed action will not affect riparian conditions beyond the site scale.

4.1.3 Aquatic Conservation Strategy

The Aquatic Conservation Strategy of the Northwest Forest Plan (and incorporated by the 1995 Medford District RMP and the 2007 (in prep.) CSNM RMP) was developed to restore and maintain the ecological health of watersheds and aquatic systems on public lands. The Aquatic Conservation Strategy includes four components, they are: riparian reserves, watershed analysis, key watersheds and watershed restoration (NWFP p. B-12). The Northwest Forest Plan also identifies nine objectives for meeting the intent of the Aquatic Conservation Strategy (NWFP p. B-11). These objectives, along with watershed analysis, provide the context for agency review of proposed actions for determining whether a proposed action “meets” or “does not prevent attainment” of the Aquatic Conservation Strategy Objectives. Standards and guidelines specific to the four components listed above are included in the NWFP (p. C-3, C-7, and C-30 to C-38) and the Medford District RMP (RMP p. 22-23 and 26-32). The standards and guidelines are designed to ensure project compatibility with the Aquatic Conservation Strategy objectives. The Aquatic Conservation Strategy focuses on the maintenance and restoration of ecosystem health at the watershed and landscape scales as opposed to individual projects or small watersheds (NWFP p. B-9 to B-10).

4.1.3.1 Aquatic Conservation Strategy Objectives

The ACS objectives guide BLM’s management of riparian dependent resources. The proposed action does not retard or prevent attainment of any ACS objectives. Analysis of the proposed action identified the potential for localized degradation at the site-scale of the physical integrity of the aquatic system (Objective #3); water quality (Objective #4); and water table elevations of the springs (Objective #7). Special conditions associated with the authorization will mitigate these impacts at the site scale and effects of the proposed action would not be detectable at the level 7 drainage, level 6 subwatershed, or level 5 watershed spatial scales.

4.1.3.2 Riparian Reserves

There are two standards and guidelines for recreation management in riparian reserves (NWFP p. C-34). These are intended to regulate recreation activities that prevent or retard attainment of ACS objectives.

RM-1. New recreational facilities within Riparian Reserves, including trails and dispersed sites should be designed to not prevent meeting Aquatic Conservation Strategy objectives. Construction of these facilities should not prevent future attainment of these objectives. For existing recreation facilities within Riparian Reserves, evaluate and mitigate impact to ensure that these do not prevent, and to the extent practicable contribute to, the attainment of Aquatic Conservation Strategy objectives.

The special conditions associated with the proposed action do not allow trails to be created without BLM approval. They also prohibit vehicle and foot traffic in sensitive spring areas.

RM-2. Adjust dispersed and developed recreation practices that retard or prevent attainment of Aquatic Conservation Strategy objectives. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy.

The special conditions associated with the proposed action identify where dispersed camping, vehicle traffic, and parking are to occur. This should reduce impacts to riparian reserves. The authorized area will be monitored before, during, and after religious ceremonies occur. Activities associated with the ceremony may be adjusted if necessary to meet ACS objectives.

4.1.3.3 Key Watersheds

The authorized area is not within a key watershed identified in the Northwest Forest Plan.

4.1.3.4 Watershed Analysis

The authorized area is within the Bear Creek Watershed. The Upper Bear Creek Watershed Analysis was completed in 2000. The environmental conditions for this portion of the Bear Creek level 5 watershed and the Upper Emigrant Creek level 6 subwatershed are described in this document.

4.1.3.5 Watershed Restoration

Watershed-level restoration is discussed in the Upper Bear Creek Watershed Analysis (2000) and the Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan (in prep.). Overall, there has been very little active restoration in the project area.

4.1.4 Fisheries

4.1.4.1 Threatened and Endangered Aquatic Species and Essential Fish Habitat

This project is determined to be a “No Effect (NE)” for listed coho salmon, their Critical Habitat, and Essential Fish Habitat. The authorized area (580 acres of public lands) is approximately 9.2 miles upstream from the upper extent of coho salmon distribution in Emigrant Creek. The Emigrant Dam blocks all anadromous fish passage several miles downstream of the project area.

4.1.4.2 Direct, Indirect, and Cumulative Effects to Fisheries from Implementing Alternatives

4.1.4.2.1 Alternative 1 (No Action)

The No Action Alternative would have no direct or indirect effects on fish populations or other aquatic resources within Porcupine Creek, Emigrant Creek, and Green Mountain level 7 drainages (HUC 7); Upper Emigrant Creek level 6 subwatershed (HUC 6); or Bear Creek level 5 watershed (HUC 5). Salmonid habitat and water quality would remain in moderate condition and fish connectivity will remain poor. Macroinvertebrate populations would remain excellent and other aquatic life would not be affected.

4.1.4.2.1.1 Cumulative Effects

The cumulative affects of past and future actions of BLM must be considered in this analysis of the project area. Determining the effect of a disturbance to fish and aquatic populations is difficult because of the varied environmental factors which effect fish and aquatic populations. For example, non-point sources of sediment from natural and unnatural causes are usually indistinguishable. Additionally, salmonids distribution varies seasonally and temporally making it difficult to assess the exact effect of any sediment increases.

The authorized area has been the site for the Maka Oyate Religious Ceremony for approximately 24 years. Ground disturbing activities that have occurred within Riparian Reserves include trail making, ceremonial pit construction, off-road use and vehicle parking. The trails are ½ to 1 foot wide and have very little vegetation because of compaction. There is an estimated 0.4 miles of foot trails in riparian reserves. The ceremonial pit construction involved manual excavating approximately 3' deep by 5' wide holes in the ground. There are approximately three of these within the Riparian Reserves. The off-road use is apparent; there are several 50' by 50' compacted areas where vegetation is sparse due to compaction by vehicles. The impacts have caused minimal amounts of sedimentation in the springs and creeks because the majority of the disturbance is at least 150 feet from the streams/springs in the area. Vegetation between the disturbed areas and the stream is adequate to displace much of the sediment before it reaches the streams/springs.

Roads and skid trails are contributing sediment directly into the spring/stream system in the authorized area. The most obvious areas of impact are along road 40-2E-25.1. Public off-road vehicle use in the springs and excessive winter use of the road is causing sedimentation to the stream system. These areas will continue to degrade and the roads will continue to add sediment to the stream system. This would have an adverse cumulative effect on aquatic resources through potential cumulative increases in stream sediment levels.

Federal lands within the CSNM are not managed for timber, however approximately 60-65 percent of the Upper Emigrant Creek Watershed is on private land. Most of the private timber land is harvested by tractor logging. Tractor logging is known to cause the most ground disturbance of all harvest methods. Cumulatively, the harvest on intermingled private timber land and the widespread use of tractors is expected to contribute to the existing sediment levels in streams within the Upper Emigrant Creek Watershed Analysis unit. It is expected that more harvest would occur in private industrial timber land in the foreseeable future. This would likely cause more erosion and subsequent sedimentation to local streams, which would have a negative cumulative affect to fish and aquatic habitat.

The project area is located within the Soda Mountain cattle grazing allotment. Past cattle grazing within the project area has had direct and indirect impacts on the aquatic organisms such as macroinvertebrates within the project area. Cattle graze streamside vegetation within the project area. The springs and streambanks in the authorized area have several patches of exposed soil from hoof prints. These impacts reduce water quality by adding sediment during rain events and can increase in water temperature through exposing waterways to more solar radiation. Cattle grazing within the project area is expected to continue into the future.

4.1.4.2.2 Alternative 2 (Proposed Action)

Alternative 2 would have no direct or indirect effects on fish populations or other aquatic resources within Porcupine, Emigrant, and Green Mountain Creeks level 7 drainages (HUC 7); Upper Emigrant Creek level 6 subwatershed (HUC 6); or Bear Creek level 5 watershed (HUC 5). Salmonid habitat and water quality would remain in moderate condition and macroinvertebrate populations would stay in excellent condition.

4.1.4.2.2.1 Authorized Area-Fisheries

No endangered or threatened species of fish occur in the Upper Emigrant Creek subwatershed. The nearest fish-bearing stream to the project area, Green Mountain Creek, is approximately 0.6 miles from the project area. Green Mountain Creek has one perennial tributary (Figure 5) that flows through the project area approximately 0.6 miles upstream of the confluence with Green Mountain Creek. The area was inspected by the project fish biologist and hydrologist for existing and potential impacts. Stream A does not have the capability to transport sediment out of the project area because it flattens out into several highly vegetated wetland areas and goes sub-surface in other reaches before it reaches Green Mountain Creek. No mechanism exists to transport sediment or any other potential aquatic impacts from the authorized area to Green Mountain Creek 0.6 miles away. There are no direct or indirect effects to fisheries from actions in the authorized area from the proposed action. Fish habitat would remain in moderate condition in the Upper Emigrant subwatershed with this alternative.

4.1.4.2.2.2 Authorized Area-Aquatic Populations

There is a total of approximately 1.8 miles of riparian reserves within the authorized area. Approximately 0.5 miles of riparian reserves are in the ceremonial areas (high use area). The remaining 1.3 miles of riparian reserves in the authorized area are not heavily used and no long-term impacts to aquatics are expected.

No endangered or threatened aquatic species are known to exist in authorized area. Ground disturbing activities that have occurred within riparian reserves as observed from past events include trail making, ceremonial pit construction, off-road vehicle use and vehicle parking. The following are the special conditions and specific measures included in the site specific design of the authorization to minimize adverse impacts to aquatics. Some of those have been included here for ease of fully understanding the effects of the project.

1. Firewood shall not be removed or cut from the authorized area or from within the CSNM without prior authorization from the BLM.
2. A designated off-loading and turn-around location on Road 40-2E-25.1 (“lower road”), as identified in 2006, will be used to facilitate walk-in camping at the lower area. Only service vehicles and vehicles used to transport elderly, handicapped, or spiritual leaders (medicine people) to the arbor area will be permitted beyond the turn around location (Figure 2).
3. Vehicle and foot traffic (including mechanized or motorized off-highway vehicles) are not permitted in the two spring areas within the authorized area (Figure 2).
4. No new foot trails would be created without prior approval from the BLM.
5. No new ceremonial pits will be built in riparian reserves.

By following the special conditions of the authorization, aquatic habitat would improve over the long-term in the authorized area. Reducing the number of parking areas and restricting foot

traffic to existing trails in riparian reserves would reduce compaction. Reducing disturbance in riparian reserves would allow vegetation to re-establish and decrease sediment sources. Over the long-term, shade would improve as a result of firewood cutting restrictions. Sedimentation from ceremonial pits would be reduced as new pit construction would be prohibited within riparian reserves.

In the short-term, there would be a slight decrease in the localized macroinvertebrate population within the high use areas immediately following the ceremony. The long-term macroinvertebrate population would improve because sedimentation would decrease by following the special conditions for the authorization. The long-term and short-term aquatic impacts from activities within the authorized area would be limited to the site. There is no aquatic connectivity between the streams in the authorized area and downstream segments because of subsurface flow and wetlands in the project area.

4.1.4.2.2.3 Traffic Routes

Approximately 120-250 cars will travel on Road 39-2E-34.0 which passes over Emigrant Creek and a tributary to Emigrant Creek to reach the parking area for the ceremony. These streams support trout populations approximately 1.3 miles downstream of the crossing. Porcupine Creek has populations of cutthroat approximately 0.8 miles from a road crossing. No other salmonid species are in the area. The nearest population of coho (listed as “threatened” under the Endangered Species Act) or any other anadromous fish populations are located over 7 miles downstream, below Emigrant Dam. If sediment would be delivered to ditch lines and streams from road traffic, it would be an insignificant amount, dispersed during the first few rains. Therefore, the potential impacts from the road traffic entering the project area would be immeasurable and insignificant to fish at the HUC 7, HUC 6, and HUC 5 scales. Road traffic would not impact the currently moderate condition of salmonid habitat and water quality and the currently excellent condition of macroinvertebrate populations in the Emigrant Creek Watershed.

4.1.4.2.2.4 Cumulative Effects

See cumulative effects section under Alternative 1 for ongoing and future BLM projects in the area.

The cumulative effect of elevated stream temperature in Upper Emigrant Creek has resulted in stream temperatures above the ODEQ’s summer standard of a maximum of 64° F. This alternative is not expected to cumulatively increase stream temperatures because no riparian vegetation would be removed along stream channels. Water quality would remain in moderate condition in the Upper Emigrant Creek subwatershed.

The net cumulative benefit of reduced sedimentation of streams in the authorized area by following the special conditions would benefit aquatic organisms within the authorized area. Macroinvertebrate populations would remain excellent in the Upper Emigrant Creek Watershed. The net cumulative benefits to fisheries from improved conditions in the authorized area would be inconsequential in reducing the overall sediment levels throughout the Upper Emigrant Creek subwatershed. The localized short-term increase in sediment from road traffic would likewise be inconsequential to fisheries in the short-term and long-term. Fisheries habitat would remain moderate condition in the Upper Emigrant Creek subwatershed.

4.2 Botany

4.2.1 Special Status Plant Species

The objectives of the Bureau of Land Management's special status species policy are to a) conserve threatened and endangered species and the ecosystems on which they depend; and b) ensure that actions authorized on BLM administered lands do not contribute to the need to list any other Special Status species under the provisions of the ESA (BLM Manual 6840.02).

The suite of *Fritillaria* species, including the federally-listed *Fritillaria gentneri*, blooms and senesces by early- to mid-July in the proposed authorized area. The proposed action includes special conditions in the design of the authorization that will mitigate adverse impacts to the *Fritillaria* species. Only "low impact" activities will be permitted in the area where the vegetative *Fritillaria* species occur. No digging or fire-building would be allowed in this area.

No other bureau special status species were detected during surveys. Therefore, there will be no affect on special status plant species.

4.2.2 Noxious Weeds

The approximately ½ acre infestation of Canada thistle has been treated by spraying glyphosate to kill this year's (2007) plants. It is a vigorously rhizomatous species that will certainly sprout plants for the next few years despite control efforts. In order to not contribute to the spread of this weed and its seeds, the proposed action includes special conditions in the authorization design prohibit parking or equipment in zones where the weeds are present (Figure 8).

4.3 Wildlife

4.3.1 Threatened and Endangered Species and Special Status Species

No modification of habitat is proposed in either of the alternatives. The proposed action takes place after June 30th each year. The critical reproductive period for the northern spotted owl is from March 15 through June 30 each year. This activity is "Not Likely to Adversely Affect (NLAA)" the northern spotted owls breeding or dispersing in this area.

The proposed action is not expected to impact other special status species as it takes place outside of the reproductive period for all such species. As with the northern spotted owl, the great gray owl has completed nesting by this time of year and any fledged young are highly mobile and able to avoid disruptive activities. Mollusc species have completed their spring activity period and are aestivating in protected locations. The northwestern pond turtle and the Foothills yellow-legged frog are restricted to riparian areas or other water bodies in this locale and at this time of year, and should not be impacted by the proposed action.

4.3.2 Big Game Winter Range Area

No effects to elk or deer winter range are expected as the religious ceremony takes place prior to October 1st. General dates for the use of the area for deer and elk winter range is October 1st through April 30th.

4.4 Livestock Grazing

4.4.1 Effects of Implementing Alternative 1 (No Action) on Livestock Grazing

The authorization would not be issued and effects to livestock grazing through the disruption of livestock movement and/or grazing patterns would be inconsequential because interaction between livestock and other public land users is limited in number and scattered geographically.

4.4.2 Effects of Implementing Alternative 2 (Proposed Action) on Livestock Grazing

Issuance of the authorization for the Maka Oyate Sundance religious ceremony would affect livestock grazing by disrupting livestock movement and/or grazing patterns during the two to three week event. Livestock would likely avoid this area during the ceremony.

4.5 Cultural Resources

The BLM Medford District's survey databases were reviewed for the presence of cultural resources. No cultural resource sites have previously been recorded in the database. Survey transects were run through the proposed authorized area ceremonial site and at Joe's Rock. No cultural resources or sites were found.

4.6 Recreation

4.6.1 Effects of Implementing Alternative 1 (No Action) on Recreation

The proposed authorized area would continue to be used for camping, hiking and hunting throughout the entire year if the authorization was not issued.

4.6.2 Effects of Implementing Alternative 2 (Proposed Action)

Opportunities for the general public to recreate within the proposed authorized area would be restricted during the two to three weeks that the Sundance Native American religious ceremony takes place. However, many opportunities are available for similar recreational experiences within the CSNM for members of the public wishing to recreate during those particular two to three weeks of the year.

4.7 Cumulative Effects

Cumulative effects are the effects on the environment resulting from the incremental impact of implementing the proposed action in combination with other past, present, and reasonably foreseeable future actions outside the scope of this EA, either within the proposed authorized area or outside of it.

The proposed authorized area falls within the CSNM and the Maka Oyate Sundance religious ceremony was within the scope of actions considered when evaluating the cumulative impacts on specific resources, local communities, and other users of the monument that result from implementing the resource management plan. Cumulative effects are discussed in the CSNM Proposed Resource Management Plan/Final Environmental Impact Statement (USDI 2005).

5. Consultation with Others

Scoping letters were sent to approximately 90 adjacent landowners, agencies, organizations and interested individuals announcing the proposed action to issue a three-year authorization to conduct an annual Sundance Native American religious ceremony within the Cascade-Siskiyou National Monument. A description of the activities expected and the exact location were included in the mailing, along with a request for public input regarding the proposed authorization.

Additionally, the following tribes were consulted:

- The Klamath Tribes
- The Quartz Valley Indian Reservation
- The Confederated Tribes of the Grand Ronde Community of Oregon
- The Confederated Tribes of the Siletz Indians

A copy of the EA is available upon request from the Ashland Resource Area, Bureau of Land Management, 3040 Biddle Road, Medford, OR 97504, or by calling (541) 618-2200.

This EA was distributed to the following agencies, organizations, and tribes:

- Lessees authorized to graze livestock on the Soda Mountain Allotment
- The Klamath Tribes
- The Quartz Valley Indian Reservation
- The Confederated Tribes of the Grand Ronde Community of Oregon
- The Confederated Tribes of the Siletz Indians
- Shasta Nation
- Southern Oregon Research and Extension Center (SOREC)
- Top of the State Unit of BCAC
- People for the USA
- US West Communications
- The Wilderness Society
- Siskiyou Regional Education Project
- US Fish and Wildlife Service
- Northwest Indian Fisheries Commission
- World Wildlife Fund
- Rogue Group Sierra Club
- Wildwood Consulting
- Friends of the Cascade-Siskiyou National Monument
- National Landscape Conservation System
- The Sierra Club
- PacifiCorp
- Southern Oregon Nature Excursions
- Rogue Valley Council of Governments
- Southern Oregon Pacific Crest Trail Association
- Pacific Forest Trust

- NOAA Fisheries
- Pacific Power
- Klamath Siskiyou Wildlands Center
- Friends of the Greensprings
- Soda Mountain Wilderness Council
- Yeshe Nyingpo, Inc.
- Wilderness Trails, Inc.
- Wasser and Winters Company
- Rogue Valley Audubon Society
- OSPIRG, Southern Oregon University
- Mt. Shasta Bioregional Ecology Center
- Meriwether Southern Oregon
- Pilot Rock Land Association, LLC

6. List of Preparers

The following individuals participated in the formulation and analysis of the alternatives and subsequent preparation of this Environmental Assessment.

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