



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
VALE DISTRICT
100 Oregon Street
Vale, Oregon 97918
<http://www.or.blm.gov/Vale/>



Documentation of Land Use Plan Conformance and NEPA Adequacy Designating the Upper Leslie Gulch and Dago Gulch Trail System Determination of NEPA Adequacy (DNA)

Office: Malheur Field Office

Tracking Number: V040-2014-42-DNA

Proposed Action Title/Type: Designating the Upper Leslie Gulch and Dago Gulch Trail System

Location: See attached map

A. Describe the Proposed Action

Background

Leslie Gulch was designated as an Area of Critical Environmental Concern (ACEC) in 1983 to protect the relevant and important values of high quality scenery, California bighorn sheep habitat and special status plant species habitat. The objectives for management within the ACEC are to protect, conserve and enhance these values while authorizing compatible activities within the area.

The 11,653 acre Leslie Gulch ACEC drains into the Owyhee Reservoir approximately 50 miles south of Ontario, Oregon, and 60 miles southwest of Boise, Idaho. The boundary of the ACEC is generally defined by the Leslie Gulch Subwatershed (HUC #170501100603). This watershed includes Leslie, Slocum, Juniper, Dago and Runaway Gulches and their tributaries and private land boundaries along the south side.

Mule deer, Rocky Mountain elk and California big horn sheep are found in the upland habitats of the ACEC and in adjacent lands. Upland game birds such as chukar partridge and California quail occupy much of the area. The rugged canyons also provide habitat for coyote, bobcat, reptiles, and a variety of non-game migratory birds. Raptors, northern flickers and white-throated swifts use the numerous cliff crevices and cavities, which also provide potential habitat for bats.

Leslie Gulch is popular for recreational use. Developed recreational opportunities include boating, fishing, camping and sightseeing. The boat launch facility is a favored takeout point for floaters on the Owyhee National designation Wild and Scenic River (NWSR) and provides the only launch facility on the upper Owyhee Reservoir. Dispersed recreational opportunities include hiking, rockclimbing, hunting, outdoor photography and wildlife watching. Leslie Gulch and the greater Owyhee canyon lands provides one of the few places in Oregon where California bighorn sheep can be hunted. The developed rockclimbing routes within the ACEC are highly challenging.

Approximately 85% of the ACEC is made up of portions of three Wilderness Study Areas (WSAs). The Slocum Creek, Honeycombs and Upper Leslie Gulch WSAs have all been recommended by the BLM for wilderness designation. The Oregon Wilderness Environmental Impact Statement (1989) identified all three WSAs as having a high degree of naturalness and outstanding opportunities for solitude or primitive and unconfined types of recreation.

While in study status, the three Wilderness Study Areas within the Leslie Gulch ACEC are managed in accordance with BLM's Interim Management Policy and Guidelines for Lands under Wilderness Review (IMP) (BLM Manual Handbook 8550- 1) and Instruction Memorandum OR-94-023, "Interim Management of Wilderness Study Areas". In general, the only activities allowed under these guidelines are temporary uses that create no new surface disturbance. Proposed surface disturbing management actions which would require reclamation could not be implemented until Congress removes an area from WSA status. Surface disturbing actions proposed in this plan have been assessed and meet the IMP by providing for one or more of the following: 1) the action is the minimum necessary to protect or enhance wilderness values; 2) the action provides the minimum necessary facilities for public enjoyment of the wilderness values; or 3) the action is necessary for public health and safety in the use and enjoyment of the public lands' wilderness values. Implementation of any surface disturbing action within a WSA must be substantiated by appropriate monitoring. Monitoring results must show that the impacts on wilderness values require a project's implementation as a minimum action to protect or enhance the wilderness resources or their uses.

The BLM issued revised Manual 6330 (release 6-134), titled Management of Wilderness Study Areas on July 13, 2012. This revised manual provides staff with general policies for the administration and management of WSAs, which are part of the BLM's National Landscape Conservation System. The manual outlines procedures that ensure the Congressional mandate to manage Wilderness Study Areas in a manner that will not impair their suitability for designation as wilderness. Unless categorized as excepted under 1.6.C.2 of the manual, all proposed uses and/or facilities must meet the non-impairment standard (i.e. must be both temporary and not create surface disturbance) until Congress acts on the WSA by either designating the area as wilderness or releasing it for other purposes. Certain activities allowed in wilderness areas, such as recreational hiking, use of pack stock, or domestic livestock grazing, are recognized as acceptable within a WSA, although, in the literal sense, they cause surface disturbance.

The BLM's management policy is to continue resource use on lands designated as WSAs in a manner that will not impair the area's suitability for preservation as wilderness. However, exceptions to the non-impairment standard are allowed under the 6330 Manual (Part 1.6.C.2 Exceptions to non-impairment). Under the exceptions, the BLM will endeavor to minimize impacts to wilderness characteristics.

The Leslie Gulch pasture of the Three Fingers Grazing Allotment makes up approximately 90 percent of the ACEC. The remainder of the ACEC is within the Bannock pasture of the same allotment. All 11,673 acres are excused from grazing within the Leslie Gulch ACEC.

One 40-acre, privately owned parcel is located at the confluence of Leslie and Dago gulches and is surrounded by the ACEC. There is a cabin and a perennial spring on the parcel .

Planned Actions

Maintain approximately 1.5 miles of the Upper Leslie Gulch Trail and 1.0 miles of trail along the Dago Gulch Road, a non-motorized single use hiking trail system. An existing right of way to the private lands in upper Dago Gulch entitles the owner to use and maintain the road. The road is open to motor vehicles for access to private land owners and for administrative use only. The Upper Leslie Gulch Trail is currently a small network of already existing user made social trails. Planned actions will eliminate and reclaim unnecessary or redundant trails. Construction and maintenance will occur on selected existing user-made trail segments. The action would consist of clearing brush in a corridor three feet wide, followed by trail surface maintenance that will include minor excavation of soil and rock to form a safe and level walking surface 1-2 feet in width. The trail would be constructed to BLM standards, which include a tread out-slope of 1-2 percent, and a maximum sustained grade of 7-9 percent. The majority of

the trail is a five percent grade or less to allow for user comfort and reduced soil erosion potential. BLM staff, volunteers and youth crews would hike into the area and use hand tools to construct and maintain the trail. Maintenance of the trail would be conducted as needed by manual means. Recreation use of the trail would be year-round, and would be limited to non-motorized activities. However, it will be discouraged to use the trail in wet conditions. Horses and other domestic livestock are not allowed in the Area of Critical Environmental Concern. A sign will be placed at the end of the designated trails to notify visitors they are still within the ACEC, that no camping is allowed within the ACEC outside of Slocum Creek Campground and will display Leave No Trace backcountry ethics.

B. Land Use Plan (LUP) Conformance

LUP Name Southeastern Oregon Resource Management Plan (SEORMP) Record of Decision Date Approved 2002

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The SEORMP on page 16 states under RECREATION: *All public land will be identified as being within either special recreation management areas or extensive recreation management areas. Some areas may be subject to special measures to protect resources or reduce conflicts among uses. Where there is a demonstrated need, the BLM may develop and maintain recreation facilities, including campgrounds, picnic areas, interpretive sites, boat access, and trails.*

On page 62, titled Special Recreation Management Areas (SRMA) within the Recreation section, it also states specifically for the Owyhee River SRMA Complex: *The Owyhee River Complex SRMA at 462,134 acres (140,994 acres in Malheur Resource Area; 321,140 acres in JRA) will include the Main, West Little, and North Fork Owyhee NWSR corridors; a 0.5-mile-wide corridor between China Gulch and Crooked Creek; the Leslie Gulch, Owyhee Views and Honeycombs ACEC's; the Honeycombs, Upper Leslie Gulch, Slocum Creek, Blue Canyon, Owyhee Breaks, Lower Owyhee Canyon, Upper West Little Owyhee and Owyhee Canyon WSA's; about 4,100 acres between the Blue Canyon and Slocum Creek WSA's; and the Three Forks Road. The SRMA's primary values include: outstanding river canyon scenery, unique cultural sites, high-quality fishery, whitewater boating, hiking, camping, outstanding opportunities for solitude and primitive and unconfined outdoor recreation activities, and sightseeing opportunities. Overall management objectives for the area are to preserve outstandingly remarkable and high-quality scenic, recreational, geologic, wildlife, botanic, and cultural values and to enhance opportunities for high-quality outdoor recreation experiences, environmental education, and scientific studies while maintaining the integrity of the area's natural systems and cultural resources. The SRMA will be managed for primitive, semiprimitive nonmotorized, semiprimitive motorized, and roaded natural recreation opportunities and experiences.*

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Environmental Assessment OR-030-94-02 for Leslie Gulch Area of Critical Environmental Concern (ACEC)

Proposed Southeastern Oregon Resource Management Plan and Final Environmental Impact Statement, April, 2001

Final Leslie Gulch ACEC Management Plan Summary of Management Actions.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: The Final Leslie Gulch ACEC Management Plan specifically states, "New permanent structures, installations or trails are permitted if needed to preserve wilderness and resource values or provide the minimum necessary for public health and safety in the use and enjoyment of the public lands' wilderness values. Maintenance, construction or removal of existing structures and installations are permitted if accomplished by primitive means.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Environmental Assessment OR-030-94-02 for Leslie Gulch Area of Critical Environmental Concern states trails would be developed if monitoring indicates a need to protect significant resource values... any proposed new surface disturbing action such as pullout/parking areas, developed trails, road stabilization work, restrooms, fences or signs are assessed to determine if the action meets the IMP by providing for one or more of the following: 1) the action is the minimum necessary to protect or enhance wilderness values; 2) the action provides the minimum necessary facilities for public enjoyment of the wilderness values; and/or 3) the action is necessary for public health and safety in the use and enjoyment of the public lands' wilderness values.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: There is no significant new information or circumstances that would warrant additional analysis. Environmental Assessment OR-030-94-02 and the Final Leslie Gulch ACEC Management Plan references the proposed action.

Revised Management of Wilderness Study Areas manual 6330 provides staff with general policies for the administration and management of WSAs, which are part of the BLM's National Landscape Conservation System. The manual outlines procedures that ensure the Congressional mandate to manage Wilderness Study Areas in a manner that will not impair their suitability for designation as wilderness. Unless categorized as excepted under 1.6.C.2 of the manual, all proposed uses and/or facilities must meet the non-impairment standard (i.e. must be both temporary and not create surface disturbance) until Congress acts on the WSA by either designating the area as wilderness or releasing it for other purposes. Certain activities allowed in wilderness areas, such as recreational hiking, use of pack stock, or domestic livestock grazing, are recognized as acceptable within a WSA, although, in the literal sense, they cause surface disturbance.

The BLM's management policy is to continue resource use on lands designated as WSAs in a manner that will not impair the area's suitability for preservation as wilderness. However, exceptions to the non-impairment standard are allowed under the 6330 Manual. Under the exceptions, the BLM will endeavor to minimize impacts to wilderness characteristics.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation: Yes. The methodology and analytical approach used in EA 030-94-02 and the Final Leslie Gulch ACEC Management Plan will continue to be appropriate for the proposed action.

5. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Direct and indirect impacts of the proposed action are substantially the same as those analyzed in the proposed action and SEORMP. Cumulative impacts of the proposed action are substantially the same as those analyzed in the SEORMP.

6. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: The EA and SEORMP were analysis documents reviewed by a diverse representation of publics, including federal, state and local agencies as well as private entities.

E. Interdisciplinary Analysis:

The following team members conducting or participating in the preparation of this worksheet.

Brent Grasty	NEPA Compliance and Planning	_____
Todd Allai	NRS – Soil/Air/Water	_____
Cheryl Bradford	Archeologist	_____
Lynne Silva	Weeds Specialist	_____
Josh Travers	Outdoor Recreation Planner	_____
Megan Mcguire	Wildlife Biologist	_____
Kevin Eldredge	RMS	_____
Susan Fritts	Botanist	_____
Thomas "Pat" Ryan	Field Manager	_____

F. Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan, and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Decision: It is my decision to implement the Proposed Action in accordance with Environmental Assessment OR-030-94-02, the Final Leslie Gulch ACEC Management Plan, the SEORMP, and 43 Code of Federal Regulations (CFR) 1601.0-5 (b).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon, 97918 within 30 days of receipt of the decision. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

A petition for stay is required to show sufficient justification based on the standards listed below.

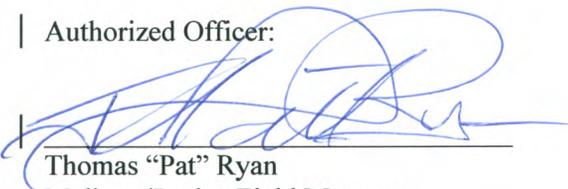
Standards for Obtaining a Stay

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

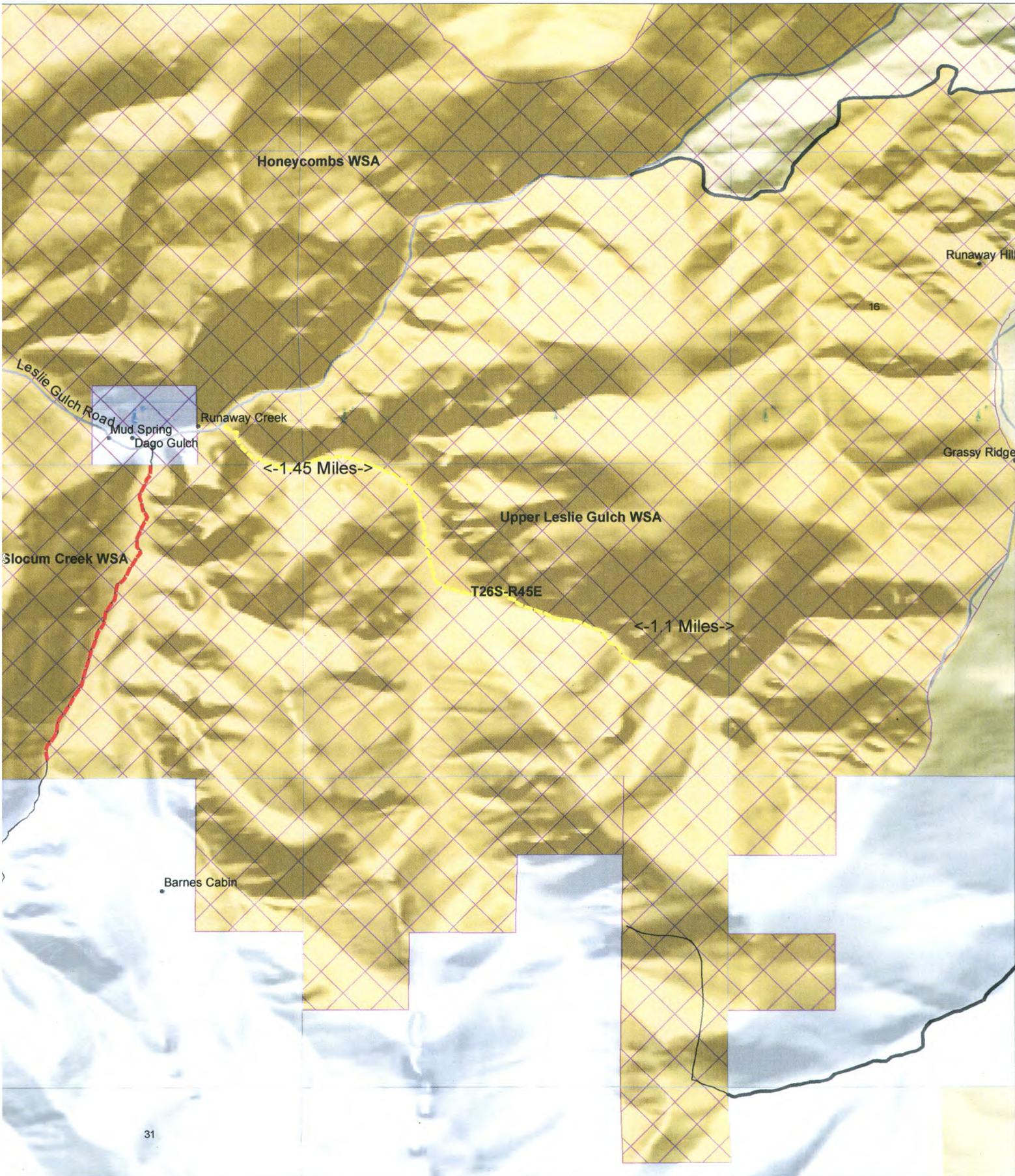
1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

| Authorized Officer:


Thomas "Pat" Ryan
Malheur/Jordan Field Manager

6/25/2014
Date



Leslie Gulch Trail Proposal

Legend			
	Upper Leslie Gulch Trail Proposal		County route
	Dago Gulch Trail Proposal		Bureau of Land Management
			Private road (no symbol)
			Not Known
			Areas of Critical Environmental Concern
			Wilderness Study Area



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were