

U.S Department of the Interior, Fish and Wildlife Service

**Record of Decision
for the
Malheur National Wildlife Refuge
Final Comprehensive Conservation Plan and Environmental Impact Statement
Harney County, Oregon**

Through this Record of Decision (ROD), the U.S. Fish and Wildlife Service (Service) selects the Comprehensive Conservation Plan (CCP) for the Malheur National Wildlife Refuge (Refuge). This ROD includes brief summaries of the alternatives we considered in the Final CCP and environmental impact statement (EIS), the public involvement process, and our rationale for selecting Alternative 2 for management of the Refuge. The CCP will provide guidance for managing and conserving the Refuge's natural resources and public use activities during the next 15 years.

Public Involvement

We initiated the CCP process in February 2008 by announcing our intention to complete a CCP/EIS. Recognizing the complexity of challenges on the Refuge, we worked with the High Desert Partnership (HDP), and Oregon Consensus (OC), to engage diverse stakeholders in a transparent, collaborative, and constructive planning process. The HDP is a nonprofit organization focused on creating collaborative forums to enable people to discuss complex and controversial issues and arrive at points of agreement. The OC is a State agency affiliated with Portland State University; it provides conflict assessment and neutral facilitation services.

Public engagement through the collaborative process was structured on three tenets, commitment, honesty, and communication. By working with the HDP and OC, collaboration efforts were enhanced between the Refuge, local and conservation communities, scientists, elected officials, the Burns Paiute Tribe and many other stakeholders throughout the planning process. The number of interactions was extensive and included:

- 12 collaborator group meetings.
- 45 Conservation and Community Organization meetings.
- 21 meetings with County, State and Federal elected officials.
- 4 Tribal meetings.
- 48 agency and academia meetings.
- 6 open houses.
- 18 listening posts.
- 5 workshops/field reviews.
- Hundreds of discussions with individual stakeholders.
- 4 planning updates.
- 3 Federal Register notices.
- Multiple local and regional media releases (press and radio).
- A 60-day public comment period for the Draft CCP/EIS.

The public comment process for the Draft CCP/EIS provided an opportunity for further collaborative refinement of the document. The Final CCP includes changes in the inventory and monitoring process, and identifies implementation of wet meadows studies as a "very high" priority.

Pretreatment wildlife inventories will be completed, before any warm/growing season habitat treatments occur. We will document and develop a comprehensive account of all habitat treatments throughout the life of the CCP. The effectiveness of the habitat treatments will be monitored in coordination with the Ecology Work Group and collaborators, and development of a comprehensive inventory and monitoring plan is now a top priority. The habitat management language regarding the 60 percent to 40 percent ratio of treated to untreated habit (60% treated to 40% untreated), was clarified as only a starting point that will be adjusted through time based on site specific science. Alternative 2 now reflects our commitment to establishing a set of priority questions and objectives which will create the scientific foundation for developing an integrated riverine and wetland strategy.

The majority of comments we received during the comment period for the Draft CCP/EIS were in support of the collaborative process. The collaborative process encouraged participating stakeholders to take ownership in the creation of the CCP, and fostered a desire to continue working together during CCP implementation. The Final CCP now reflects continuation of the collaborative process through the life of the CCP, as we work together to achieve the vision for the Refuge.

Alternatives Considered

In the Draft CCP/EIS three alternatives were evaluated for the Refuge, including a no-action alternative (Alternative 1) as required under the Council on Environmental Quality's regulations (40 Code of Federal Regulations [CFR] 1500-1508). Summaries of the alternatives follow.

Alternative 1. Under Alternative 1, the no-action alternative, we would assume no change from current management. This alternative is considered the base from which to compare other alternatives. Under Alternative 1, management of invasive carp and the water quality in Malheur, Harney, and Mud Lakes would remain limited. Fish screens and ladders, water diversion dams, and carp barriers would remain, and riparian rehabilitation would continue. Habitat management in meadows, marshes, streams, and uplands would continue for waterbirds, shorebirds, and waterfowl. Flood irrigation would occur on meadows. Prescribed burning, haying, and rake-bunch grazing would reduce plant litter, and some meadows would be hayed or grazed annually. Wildlife observation, photography, interpretation, environmental education, hunting, and fishing would continue using existing facilities. Cultural resources would be preserved, restored, and interpreted.

Alternative 2. Under Alternative 2, our preferred alternative, fish and wildlife, habitat, and public use management will advance through key actions. Improving the aquatic health of Refuge lakes and wetlands will be the highest ecological priority, including reducing invasive carp in Malheur, Harney, and Mud Lakes. An integrated riverine/wetland rehabilitation plan will be developed. Prescriptive grazing, haying, rest, and farming will be used to manage terrestrial habitat for focal species. Terrestrial habitat responses to treatments will be monitored through a collaborative adaptive management structure. Visitor facilities and wildlife-dependent recreation will be upgraded or developed. Interpretation activities will be enhanced at physical sites and through social media. Accessibility for visitors with mobility-impairments will improve. Vehicle access will increase on the Boat Landing and East Canal Roads. Visitors will also be able to drive to Krumbo Reservoir year-round. Current hunt areas will remain open, the upland game hunt will open earlier, and additional areas at Malheur Lake and the Buena Vista Unit will open to waterfowl hunting. A new boat launch on Malheur Lake will be developed with seasonal access. Fishing opportunities at Krumbo Reservoir, Blitzen River, East Canal, Mud Creek, and Bridge Creek will continue with improved access. A new seasonal bank fishing opportunity will open near Refuge Headquarters.

The Oregon Department of Fish and Wildlife's triploid rainbow trout stocking program will continue at Krumbo Reservoir. A cultural resources management plan, and inventory and monitoring plans for focal species will be developed. Implementation of these actions will occur through an ongoing collaborative approach.

Alternative 3. Under Alternative 3, habitat management would be similar to Alternative 2 (Alt. 2); except that our emphasis on aquatic health improvement (carp management focus) and riverine/wetland rehabilitation would be equal. Other wetlands and habitat management would be the same as Alt. 2. Wildlife viewing, photography, education and interpretation would be similar to Alt. 2, with fewer facilities and more self-guided and off-trail experiences. The Blitzen Valley auto tour route would be closed to vehicles seasonally, and redesigned into shorter year-round routes. Free-roam, walk-in access along Center Patrol Road would be allowed seasonally, as would vehicle and walk-in access to Krumbo Reservoir. Vehicle access via Boat Landing Road to the Malheur Lake viewing platform would be open year-round. Temporary photography blinds would be permitted in free-roam areas. Waterfowl and game hunts would be similar to Alt. 2, except the Buena Vista waterfowl hunt would not occur. We would consider opening a youth hunt on the Double-O Unit. Fishing would be similar to Alt. 2, with less vehicle access. Other visitor and cultural resources management would be the same as Alt. 2. Implementation of these actions would occur through an ongoing collaborative approach.

Environmentally Preferable Alternative

The definition of "environmentally preferable alternative" (40 CFR 1505.2(b)) is different from that of the preferred alternative. The environmentally preferred alternative generally causes the least damage to the environment and best protects natural and cultural resources. For this CCP/EIS, Alternative 2, our preferred alternative, is also the environmentally preferable alternative. Under Alternative 2, wildlife and habitat management actions will be conducted as follows.

- Aquatic health will be a priority, and we will focus our efforts on actions having the greatest ecological benefit.
- Scientific studies will be advanced to obtain necessary life history information for common carp in and around the Refuge.
- Based on life history and other sources of information, sustainable strategies will be implemented to control carp populations at a level that allows ecological processes to function properly.
- An integrated riverine/wetland plan will be developed through assessments of the hydrologic, geomorphic, and biologic features associated with target riverine systems and wetlands.
- Based on an integrated riverine/wetland plan and successful carp management, we will conduct riverine pilot projects, to evaluate biological and physical responses to management actions.
- Beginning with wet meadows and submergent aquatics, a State and Transition Model (STM) will be developed for all habitat types based on data collected on the Refuge.
- Scientific experts in plant community modeling and associated ecological processes will form the Ecology Work Group with a focus on STM development. The Group will provide recommendations to the Refuge and collaborators for annual adjustments to the STM and associated habitat management strategies based on continuous inventory and monitoring. The Refuge will implement the CCP with engaged collaborators. New information, successes, and failures will be shared, to create solutions to complex challenges.

- Wildlife inventory and monitoring objectives, protocols, and data will be managed and stored using advanced electronic formats.

Decision

The Service has selected Alternative 2, as it is described in the Final CCP/EIS, for implementation on the Refuge. Alternative 2 is the most effective alternative for addressing the key issues identified during the planning process; it will best achieve the purposes and goals of the Refuge, and the goals of the National Wildlife Refuge System (Refuge System). Implementation of the CCP will occur over the next 15 years. Interested and affected parties are being notified of our decision.

Factors Considered in Making the Decision

In reaching our decision to implement Alternative 2, we identified and analyzed its impacts to the Refuge environment in Chapter 6 of the Draft and Final CCP/EIS. Issues, concerns, and opportunities presented by collaborators, organizations, agencies, individuals, and all other stakeholders throughout the planning process were also considered. Other relevant factors include achieving the purposes for which the Refuge was established, and complying with statutory and regulatory guidance.

Alternative 2 was selected for implementation for the following reasons.

- Alternative 2 will best achieve the Refuge's purposes and fulfill the Service's mission; the alternative is consistent with the principles of sound wildlife management and will facilitate priority public uses that are compatible with the purposes of the Refuge.
- The single most important issue to address is improving the Refuge's aquatic ecosystems that are impacted by common carp. Through management of carp populations, the ecological function of Malheur Lake and other Refuge lakes and wetlands can be enhanced. Improving the aquatic systems will provide benefits to migratory birds at the Refuge and flyway scales.
- Under Alternative 2 the Refuge will manage terrestrial habitats to support the various life stages of focal species. A comprehensive inventory and monitoring program carried out in collaboration with the Ecology Work Group will focus on maintaining desirable habitats and rehabilitating/restoring degraded habitats. A broad range of management tools will be available, including prescribed fire, haying, grazing, idling, and water management. Habitat responses to management tools will be evaluated annually, through a collaborative adaptive management approach, to ensure that the Refuge's vision, purposes, and goals are achieved.
- We will conduct a strategic riverine assessment; it will provide a greater understanding of the impacts on adjacent floodplain habitats and enable us to develop site specific knowledge of how riverine, wet meadow, and marsh communities would respond to hydrologic system changes. We will also utilize a science-based process to determine existing biological conditions and site capability, and to inform our river management decisions.
- Implementing this alternative will provide for a more developed and structured visitor experience, with additional opportunities for our six priority public uses—hunting, fishing, wildlife observation, photography, environmental education, and interpretation. These programs will provide quality experiences for our visitors while providing sufficient protection for wildlife and their habitats.
- This management approach will prove to be effective for inventorying, protecting, and enhancing (where appropriate) the Refuge's cultural and historic resources.

Alternative 1 was not selected as the preferred alternative for the following reasons:

- Under Alternative 1, we would continue to manage carp using existing strategies, which have not controlled the carp population to a level that would enable us to restore and sustain the proper ecological functions of Refuge lakes and wetlands.
- Under Alternative 1, habitat management would continue with limited assistance from collaborating ecologists. Habitat management strategies would not be based on a Refuge inventory and monitoring system that feeds a collaborative adaptive management decision making process. Due to the lack of information, there would be limited opportunity to restore plant communities that have crossed ecological thresholds.
- Efforts to address river functionality would be limited to existing strategies, without a comprehensive approach to incorporate biological conditions and site capability.
- The public use focus of Alternative 1 is on maintaining existing opportunities, interpretation, and educational materials. Historical and cultural resources would continue to be protected and maintained through partnerships.

Alternative 3 was not selected as the preferred alternative because managing aquatic health/carp, and implementing a comprehensive river/wetland strategic plan, would be equal in priority. Full research, planning and implementation of a river/wetland plan would significantly detract from available resources, and decrease the potential success of aquatic health/carp management actions. The visitor experience would also be less structured and developed.

Measures to Minimize Environmental Harm

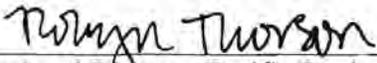
All practicable measures to avoid or minimize environmental harm that could result from implementing Alternative 2 have been identified and incorporated into the Final CCP/EIS at Chapter 2 (Alternatives, Goals, Objectives, and Strategies), Chapter 6 (Environmental Effects), and Appendix B (Compatibility Determinations). The stipulations identified in the compatibility determinations ensure that public uses and other uses are compatible with the Refuge System mission and the Refuge's purposes. The stipulations and other mitigation measures identified in Alternative 2 and Appendix B, are adopted by the Service in this ROD, and will be implemented by Refuge staff members, collaborators, volunteers, and other stakeholders.

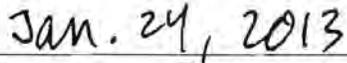
Findings Required by Other Laws and Executive Orders

The proposed action complies with all federal laws and executive orders related to the CCP planning process. A compliance statement has been completed, which explains how the selected alternative complies with the requirements of the National Wildlife Refuge System Administration Act, as amended, (16 U.S. Code [U.S.C.] 688dd-688ee); the National Environmental Policy Act (42 U.S.C. 4321 et seq.); the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884); the National Historic Preservation Act (16 U.S.C. 470-470b, 470c-470n); the Wilderness Act (16 U.S.C. 1131-1136); the Architectural Barriers Act, as amended, (42 U.S.C. 4151 et seq.); Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; Executive Order 12372, Intergovernmental Review; Executive Order 13186, Protection of Migratory Birds; Executive Order 12898, Environmental Justice; and Executive Order 13175, Consultation and Coordination with Indian Tribal Governments.

For Further Information

Questions about the CCP and ROD may be directed to Tim Bodeen, Project Leader, Malheur National Wildlife Refuge, 36391 Sodhouse Lane, Princeton, Oregon 97721, phone number (541) 493-2612, fax number (541) 493-2405, and e-mail Tim_Bodeen@fws.gov.


Regional Director, Pacific Region
Portland, Oregon


Date

Supporting References

U.S. Fish and Wildlife Service. 2012. *Malheur National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement*. U.S. Fish and Wildlife Service, Malheur National Wildlife Refuge, Princeton, OR.

U.S. Fish and Wildlife Service. 2012. *Malheur National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement*. U.S. Fish and Wildlife Service, Malheur National Wildlife Refuge, Princeton, OR.

Note: This ROD and supporting references are available for public review at the Malheur National Wildlife Refuge, 36391 Sodhouse Lane, Princeton, Oregon 97721, and the U.S. Fish and Wildlife Service, Division of Planning, Visitor Services, and Transportation, 911 NE 11th Avenue, Portland, Oregon 97232. These documents can be found on the internet at <http://www.fws.gov/malheur/>.