



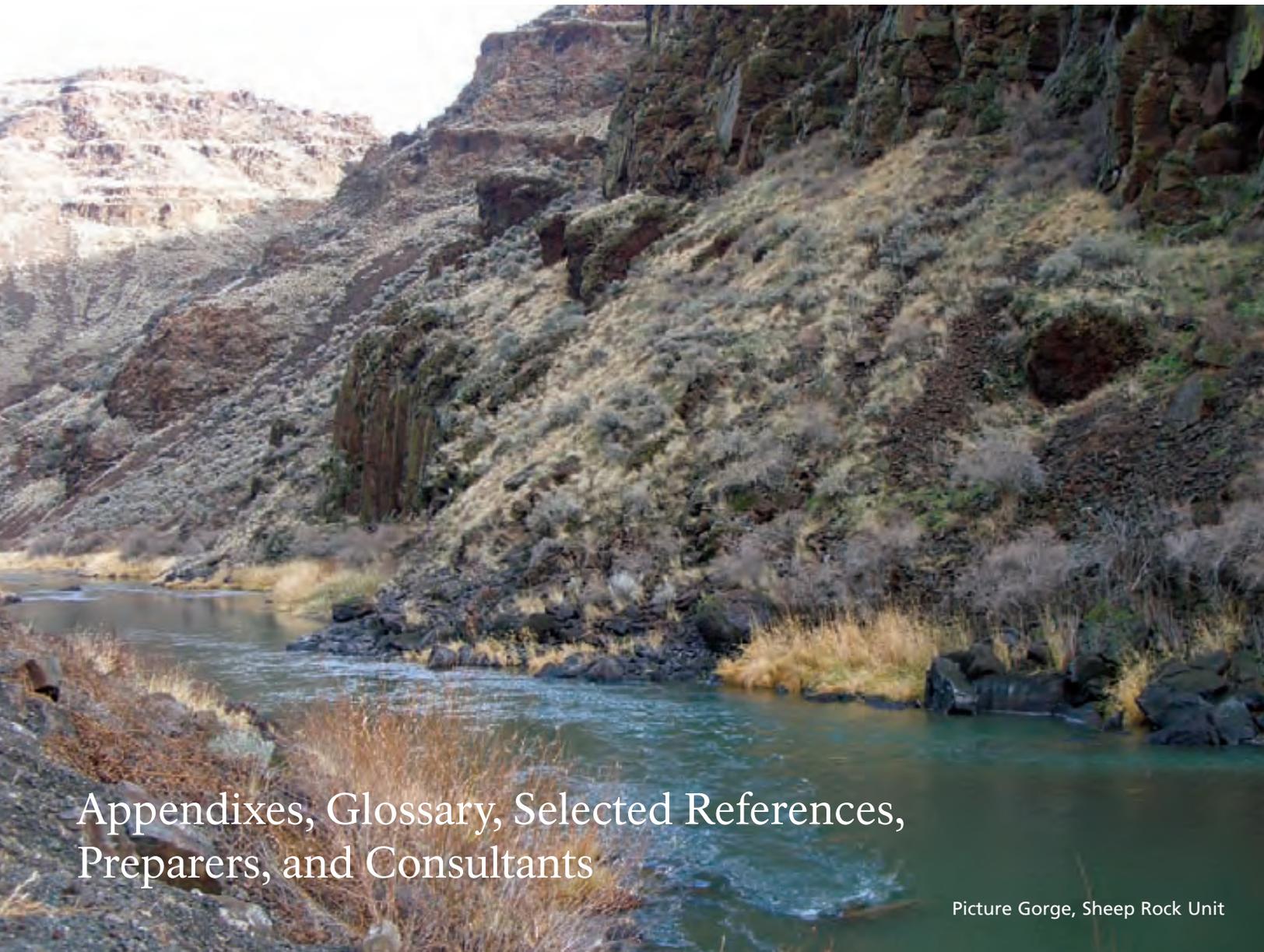
Cant Ranch, Sheep Rock Unit



Clarno Unit



Cant Ranch, Sheep Rock Unit



Appendixes, Glossary, Selected References,
Preparers, and Consultants

Picture Gorge, Sheep Rock Unit

APPENDIX A: LEGISLATION

(NOTE: Sections relating to John Day Fossil Beds National Monument are in **bold** type.)

Public Law 93-486
93rd Congress, H. R. 13157
October 26, 1974

An Act

To provide for the establishment of the Clara Barton National Historic Site, Maryland; **John Day Fossil Beds National Monument, Oregon**; Knife River Indian Villages National Historic Site, North Dakota; Springfield Armory National Historic Site, Massachusetts; Tuskegee Institute National Historic Site, Alabama; Martin Van Buren National Historic Site, New York; and Sewall-Belmont House National Historic Site, Washington, District of Columbia; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Historic sites and national monument. Establishment.

Sec. 101. (a) Unless otherwise provided hereafter, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by purchase with donated or appropriated funds, donation, exchange, or by transfer from another Federal agency such lands and interests in lands as hereafter provided for establishment as units of the national park system as follows:

Land acquisition.

(1) for establishment as the Clara Barton National Historic Site, Maryland, those lands depicted on the map entitled "Boundary Map, Clara Barton National Historic Site, Maryland", numbered NHS-CLBA 90,001 and dated February 1974, which shall include the land and improvements occupied by Clara Barton, founder of the American Red Cross located at 5801 Oxford Road, Glen Echo, Maryland: *Provided*, That the above-mentioned land and improvements may be acquired only by donation: *And pro provided further*, That the donation of any privately owned lands within the historic site may not be accepted unless and until the property is vacant;

Clara Barton National Historic Site, Md.
16 USC 461 note.

(2) for establishment as the **John Day Fossil Beds National Monument, Oregon**, those lands depicted on the map entitled "Boundary Map, John Day Fossil Beds National Monument", numbered NM-JDFB-20,014-A and dated June 1971: *Provided*, That the national monument shall not be established unless and

John Day Fossil Beds National Monument, Oregon.
16 USC 431 note.

until the State of Oregon donates or agrees to donate the Thomas Condon-John Day Fossil Beds, Clarno, and Painted Hills State Parks : *Provided further*, That the Secretary shall not acquire a fee title interest to more than one thousand acres of privately owned lands except by donation or exchange : *Provided further*, That the Secretary shall designate the principal visitor center as the "Thomas Condon Visitor Center";

Thomas Condon Visitor Center, designation.

(3) for establishment as the Knife River Indian Villages National Historic Site, North Dakota, those lands depicted on the map entitled "Boundary Map, Knife River Indian Villages National Historic Site, North Dakota", numbered 468-20,012 and dated July 1970;

Knife River Indian Villages National Historic Site, N. Dak. 16 USC 461 note.

(4) for establishment as the Springfield Armory National Historic Site, Massachusetts, those lands depicted on the map entitled "Boundary Map, Springfield Armory National Historic Site, Massachusetts", numbered NHS-SPAR-91,003 and dated January 1974, the oldest manufacturing arsenal in the United States: *Provided*, That the historic site shall not be established unless an agreement is executed which will assure the historical integrity of the site and until such lands as are needed for the historic site are donated for this purpose;

Springfield Armory National Historic Site, Mass. 16 USC 461 note.

(5) for establishment as the Tuskegee Institute National Historic Site, Alabama, those lands depicted on the map entitled "Boundary Map, Tuskegee Institute National Historic Site, Alabama", numbered NHS-TI 20,000-C and dated September 1973, which shall include the home of Booker T. Washington, the Carver Museum, and an antebellum property adjacent to the campus of Tuskegee Institute, known as Grey Columns ; and

Tuskegee Institute National Historic Site, Ala. 16 USC 461 note.

(6) for establishment as the Martin Van Buren National Historic Site, New York, those lands depicted on the map entitled "Boundary Map, Martin Van Buren National Historic Site, New York", numbered NHS-MAVA-91,001 and dated January 1974, which shall include the home of Martin Van Buren, eighth President of the United States.

Martin Van Buren National Historic Site, N.Y. 16 USC 461 note.

(b) The Secretary may also acquire personal property associated with the areas referred to in subsection (a) of this section. Lands and interests therein owned by a State or any political subdivision thereof which are acquired for the purposes of subsection (a) of this section may be acquired only by donation.

Personal property, acquisition.

Sec. 102. (a) When the Secretary determines that an adequate interest in lands has been acquired to constitute an administrable unit for each of the areas described in section 1 of this Act, he may, after notifying the Committees on Interior and Insular Affairs of the United States Congress of his intention to do so at least fourteen days in advance, declare the establishment of such unit by publication of a notice to that effect in the Federal Register. Such notice shall contain a map or other description of the boundaries of the unit, together with an explanation of the interests

Notice to congressional committees.

Publication in Federal Register.

acquired and the costs incident thereto. The Secretary may refrain from acquiring property for establishment of any unit authorized by this Act where, in his judgment, satisfactory agreements or donations with respect to properties which are needed for the protection and administration of a particular unit have not been consummated with the owners of such properties.

(b) Pending the establishment of each unit and, thereafter, the Secretary shall administer the property acquired pursuant to this Act in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and, to the extent applicable, the provisions of the Act of August 21, 1935 (49 Stat. 666), as amended.

Administration.

16 USC 1.
16 USC 461.

Sec. 103. Notwithstanding any other provision of law, the Secretary is authorized to construct roads on real property in non-Federal ownership within the boundaries of the Tuskegee Institute National Historic Site. Any roads so constructed shall be controlled and maintained by the owners of the real property.

Tuskegee National
Historic Site, road
construction.

Sec. 104. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, the following:

Appropriation

(a) Clara Barton National Historic Site, \$812,000 for acquisition of lands and interests in lands and for development ;

(b) John Day Fossil Beds National Monument, \$400,000 for the acquisition of lands and interests in lands and \$4,435,200 for development ;

(c) Knife River Indian Villages National Historic Site, \$600,000 for the acquisition of hands and interests in lands and \$2,268,000 for development ;

(d) Springfield Armory National Historic Site, \$5,300,000 for development;

(e) Tuskegee Institute National Historic Site, \$185,000 for the acquisition of lands and interests in lands and \$2,722,000 for development; and

(f) Martin Van Buren National Historic Site, \$213,000 for acquisition of lands and interests in lands and \$2,737,000 for development.

TITLE II

Sec. 201. In order to preserve for the benefit and inspiration of the people of the United States as a national historic site, the Sewall-Belmont House within the District of Columbia, the Secretary of the Interior is authorized to enter into a cooperative agreement to assist in the preservation and interpretation of such house.

Sewall-Belmont
House National
Historic Site, D.C.

Sec. 202. The property subject to cooperative agreement pursuant to section 101 of this Act is hereby designated as the "Sewall-Belmont House National

16 USC 461 note.

Historic Site".

Sec. 203. The cooperative agreement shall contain, but shall not be limited to, provisions that the Secretary, through the National Park Service, shall have right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such property and interpreting it to the public, that no changes or alterations shall be made in such property except by mutual agreement between the Secretary and the other parties to such agreement. The agreement may contain specific provisions which outline in detail the extent of the participation by the Secretary in the restoration, preservation, and maintenance of the historic site.

Cooperative agreement.

Sec. 204. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$500,000.

Appropriation.

Approved October 26, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1285 (Comm. on Interior and Insular Affairs)
SENATE REPORT No. 93-1233 (Comm. on Interior and Insular Affairs)
CONGRESSIONAL RECORD, Vol.120 (1974):

Aug. 19, considered and passed House.

Oct. 8, considered and passed Senate, amended.

Oct. 16, House concurred in Senate amendments.

Excerpted from
Public Law 95-625
November 10, 1978

(11) John Day Fossil Beds National Monument, Oregon : To add approximately one thousand four hundred and eleven acres, and to delete approximately one thousand six hundred and twenty acres as generally depicted on the map entitled "Boundary Map, John Day Fossil Beds National Monument, Oregon", numbered 177-30,000-B, and dated May 1978: \$3,500,000. The Act of October 26, 1974 (88 Stat. 1461), which designates the John Day Fossil Beds National Monument is amended by deleting the second proviso of section 101(a) (2). Furthermore, notwithstanding any other provision of law to the contrary, the Secretary may, if he determines that to do so will not have a substantial adverse effect on the preservation of the fossil and other resources within the remainder of the monument, convey approximately sixty acres acquired by the United States for purposes of the monument in exchange for non-Federal lands within the boundaries of the monument, and, effective upon such conveyance, the boundaries of the monument are hereby revised to exclude the lands conveyed.

Land conveyance

APPENDIX B: ANALYSIS OF BOUNDARY ADJUSTMENT AND LAND PROTECTION CRITERIA

The National Park and Recreation Act of 1978 (16U.S.C. § 1a-7) directs the National Park Service to consider, as part of a planning process, what modifications of external boundaries might be necessary to carry out park unit purposes. Subsequent to this act, Congress also passed Public Law 101-628, the Arizona Desert Wilderness Act. Section 1216 of this act, codified at 16 U.S.C. §1a – 12, directs the Secretary of the Interior to develop criteria to evaluate any proposed changes to the existing boundaries of individual park units. 16 U.S.C. §1a-13 calls for among other things the National Park Service to consult with affected agencies and others regarding a proposed boundary change, and to provide an estimate of acquisition cost, if any, related to the boundary adjustment. The legislation also requires that a statement on the relative priority of acquisition of each parcel be provided.

These legislative provisions are implemented through NPS *Management Policies* 2006, Section 3.5, which states that the National Park Service will conduct studies of potential boundary adjustments and may make boundary revisions to

- protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes;
- address operational and management issues, such as the need for access or the need for the boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads; or
- otherwise protect park resources critical to fulfilling park purposes.

If the acquisition will be made using appropriated funds, and is not merely a technical boundary revision, the criteria set forth by Congress at 16 U.S.C. 4601-9(c)(2) must be met.

- The added lands will be feasible to administer, considering their size, configuration, and ownership; costs; the views of and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of hazardous substances or exotic species.
- Other alternatives for management and resource protection are not adequate.

During the course of the planning process, one area, known as the Cathedral Rock Property, was identified as potential addition to John Day Fossil Beds National Monument. The following is a review of the criteria for boundary adjustment as applied to John Day Fossil Beds National Monument. This review is included as supporting documentation for the alternatives, which include a recommendation for a boundary adjustment in the Sheep Rock Unit of the monument.

This plan does not address the legislative requirement to provide a cost estimate for the boundary adjustment nor does it include the relative priority for acquisition. However, the legislative proposal for the boundary adjustment and accompanying support materials would include both of these requirements.

CATHEDRAL ROCK PROPERTY

The monument would pursue a land exchange with an adjacent private landowner and the Bureau of Land Management in order to protect the scenery of Cathedral Rock, an important landmark and key geologic feature; to protect riparian resources along the John Day River; and to facilitate public access and enjoyment of this resource.

Description of the Property

The property is approximately 100 acres and is located along State Highway 19 and the John Day River halfway in between the Blue Basin area and the Foree area in the northern portion of the Sheep Rock Unit. The property is adjacent to an isolated 40-acre NPS-owned parcel and is highly visible by the public traveling on State Highway 19. The property is currently owned by Jim and Charlotte Barker and contains no permanent improvements. Their primary interest is to obtain title to BLM land adjacent to their ranch. The area that surrounds Cathedral Rock is a steep canyon and encompasses the John Day River.

Criterion: To protect significant resources and values or to enhance opportunities for public enjoyment related to park unit purposes.

Protection of Significant Resources or Values. The property contains dramatic scenery that flanks Cathedral Rock. Cathedral Rock is identified in the *General Management Plan* as a fundamental resource and value. Fundamental resources and values are those elements that are essential to maintaining the significance of the monument and meeting its legislated purpose. The Cathedral Rock area is specifically identified as a representative example of a scenic resource. The property also contains approximately one mile of the John Day River. The John Day River is identified in the *General Management Plan* as a fundamental resource and value. The property contains important riparian habitat and is a valued resource. Acquiring the property would ensure the National Park Service's ability to protect the dramatic scenery of and surrounding Cathedral Rock and prevent cattle from damaging vegetation and causing erosion around the well-known feature and in the riparian zone. Acquisition of the property would also protect them from future development.

Enhance Opportunities for Public Enjoyment. Acquisition of the property would enhance public enjoyment by protecting the impressive scenic resources of Cathedral Rock. Both Cathedral Rock and the John Day River are highly visible by the public traveling on State Highway 19. Acquisition of the property would also provide general public access to the John Day River, as well as present a special opportunity to provide a put-in/takeout site for recreational boating and fishing. The property would offer opportunities for visitors seeking to view scenic lands, explore a remote natural area, and participate in river recreation.

Criterion: The added lands will be feasible to administer, considering their size, configuration, ownership; costs; the views of and impacts on local communities and surrounding jurisdictions; and other factors such as the presence of hazardous substances or exotic species.

Feasibility to Administer. The recommended addition and boundary adjustment will be feasible for the National Park Service to manage and would not substantially increase the NPS workload to manage these lands. Acquisition of the property would allow the National Park Service to eliminate cattle grazing in the vicinity of Cathedral Rock and in its adjacent riparian zone. The added lands can be conveniently accessed and are adjacent to existing NPS land. Acquiring the

property actually improves access to the adjacent monument land since the property can be accessed from State Highway 19.

Impacts to Local Communities. These lands are currently in private ownership. However, since public lands would be traded on an equal value basis there would be no change to tax revenue to Wheeler County.

Other Factors. There are no known hazardous substance issues associated with the property, and appropriate hazardous material surveys would be conducted prior to acquisition.

Criterion: Other alternatives for management and resource protection are not adequate.

Other alternatives for management and resource protection have been considered and are not adequate. The alternative to NPS acquisition is the continuation of private ownership. Historic and current land use has been primarily cattle grazing, which has degraded this key scenic resource and continues to impact the riparian and scenic qualities of the area. Acquiring fee simple title to the property is the only way to adequately protect the resource. The current landowner is willing to cooperate with a land exchange involving the Bureau of Land Management and the National Park Service. This is a creative approach, and actual costs are unknown at this time. This opportunity could be lost if these lands are sold to another owner.

APPENDIX C: CONSULTATION LETTERS



United States Department of the Interior

NATIONAL PARK SERVICE
John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, OR 97848

IN REPLY REFER TO:

D18(9325)

December 13, 2004

Mr. Ron Suppah, Chairperson
Confederated Tribes of the Warm Springs Reservation Tribal Council
P.O. Box 1299
Warm Springs, (OR) 97761-1299

Dear Mr. Suppah:

The National Park Service (NPS) has initiated the preparation of a general management plan/ environmental impact statement (GMP) for John Day Fossil Beds National Monument in the central part of Oregon. The GMP will provide National Park Service managers a comprehensive planning framework for managing the national monument over the next 15 to 20 years. Consistent with the national monument's purpose, significance, and legislative mandates, the plan will identify strategies for achieving desired resource conditions, visitor experiences, and the appropriate types and locations of potential future development. In compliance with the National Environmental Policy Act of 1969, as amended, and NPS policy, the GMP will be combined with an environmental impact statement (EIS). The GMP/EIS will identify significant issues and concerns, present a reasonable range of management alternatives for addressing these issues, and will analyze the environmental impacts of each alternative.

In accordance with provisions of the National Historic Preservation Act of 1966, as amended, and other laws, executive orders, and policies, we invite you to meet for government-to-government consultations. We would meet at your convenience and at a place of your selection such as your tribal headquarters. Please contact me.

We of course will continue to keep you informed as the planning effort progresses over the next few years and when the plan will be ready for review. In addition to formal meetings, we would welcome at any time your comments and advice on decisions regarding protection and preservation of John Day Fossil Beds National Monument's diverse array of significant cultural and historic properties.

Sincerely,

Jim Hammett, Superintendent
Telephone 541-987-2333 extension 212, e-mail Jim_Hammett@nps.gov



United States Department of the Interior

NATIONAL PARK SERVICE
John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, OR 97848

IN REPLY REFER TO:

D18(9325)

December 13, 2004

Mr. Tim Wood
State Historic Preservation Officer
Oregon Parks and Recreation Department
725 Summer Street N.E., Suite C
Salem, Oregon (OR) 97301-1266

Re: John Day Fossil Beds National Monument, Oregon, Commencement of
General Management Plan / Environmental Impact Statement

Dear Mr. Wood:

The National Park Service (NPS) has initiated the preparation of a general management plan/ environmental impact statement (GMP) for John Day Fossil Beds National Monument in the central part of Oregon. The GMP will provide National Park Service managers a comprehensive planning framework for managing the national monument over the next 15 to 20 years. Consistent with the national monument's purpose, significance, and legislative mandates, the plan will identify strategies for achieving desired resource conditions, visitor experiences, and the appropriate types and locations of potential future development. In compliance with the National Environmental Policy Act of 1969, as amended, and NPS policy, the GMP will be combined with an environmental impact statement (EIS). The GMP/EIS will identify significant issues and concerns, present a reasonable range of management alternatives for addressing these issues, and will analyze the environmental impacts of each alternative.

In accordance with provisions of the National Historic Preservation Act of 1966, as amended, and the 1995 Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, we invite your participation as the Oregon state historic preservation officer in the GMP planning process. We will continue to keep you informed as the planning effort progresses over the next few years and when the plan will be ready for review. We would welcome at any time your comments and advice on decisions regarding protection and preservation of John Day Fossil Beds National Monument's diverse array of significant historic properties.

Sincerely,

Jim Hammett, Superintendent
Telephone 541-987-2333 extension 212, e-mail Jim_Hammett@nps.gov



United States Department of the Interior

NATIONAL PARK SERVICE
John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, OR 97848

IN REPLY REFER TO:

D18(9325)

December 13, 2004

Mr. Antone Minthorn, Chairperson
Confederated Tribes of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon (OR) 97801-0638

Re: John Day Fossil Beds National Monument, Oregon, Commencement of
General Management Plan / Environmental Impact Statement

Dear Minthorn:

The National Park Service (NPS) has initiated the preparation of a general management plan/ environmental impact statement (GMP) for John Day Fossil Beds National Monument in the central part of Oregon. The GMP will provide National Park Service managers a comprehensive planning framework for managing the national monument over the next 15 to 20 years. Consistent with the national monument's purpose, significance, and legislative mandates, the plan will identify strategies for achieving desired resource conditions, visitor experiences, and the appropriate types and locations of potential future development. In compliance with the National Environmental Policy Act of 1969, as amended, and NPS policy, the GMP will be combined with an environmental impact statement (EIS). The GMP/EIS will identify significant issues and concerns, present a reasonable range of management alternatives for addressing these issues, and will analyze the environmental impacts of each alternative.

In accordance with provisions of the National Historic Preservation Act of 1966, as amended, and other laws, executive orders, and policies, we invite you to meet for government-to-government consultations. We would meet at your convenience and at a place of your selection such as your tribal headquarters. Please contact me.

We of course will continue to keep you informed as the planning effort progresses over the next few years and when the plan will be ready for review. In addition to formal meetings, we would welcome at any time your comments and advice on decisions regarding protection and preservation of John Day Fossil Beds National Monument's diverse array of significant cultural and historic properties.

Sincerely,

Jim Hammett, Superintendent
Telephone 541-987-2333 extension 212, e-mail Jim_Hammett@nps.gov



United States Department of the Interior

NATIONAL PARK SERVICE
John Day Fossil Beds National Monument
32651 Hwy 19
Kimberly, OR 97848

IN REPLY REFER TO:

D18(9325)

December 13, 2004

Ms. Barbara Sam, Chairperson
Burns Paiute Tribe
100 Pasigo Street
Burns, Oregon (OR) 97720-2442

Re: John Day Fossil Beds National Monument, Oregon, Commencement of
General Management Plan / Environmental Impact Statement

Dear Ms. Sam:

The National Park Service (NPS) has initiated the preparation of a general management plan/ environmental impact statement (GMP) for John Day Fossil Beds National Monument in the central part of Oregon. The GMP will provide National Park Service managers a comprehensive planning framework for managing the national monument over the next 15 to 20 years. Consistent with the national monument's purpose, significance, and legislative mandates, the plan will identify strategies for achieving desired resource conditions, visitor experiences, and the appropriate types and locations of potential future development. In compliance with the National Environmental Policy Act of 1969, as amended, and NPS policy, the GMP will be combined with an environmental impact statement (EIS). The GMP/EIS will identify significant issues and concerns, present a reasonable range of management alternatives for addressing these issues, and will analyze the environmental impacts of each alternative.

In accordance with provisions of the National Historic Preservation Act of 1966, as amended, and other laws, executive orders, and policies, we invite you to meet for government-to-government consultations. We would meet at your convenience and at a place of your selection such as your tribal headquarters. Please contact me.

We of course will continue to keep you informed as the planning effort progresses over the next few years and when the plan will be ready for review. In addition to formal meetings, we would welcome at any time your comments and advice on decisions regarding protection and preservation of John Day Fossil Beds National Monument's diverse array of significant cultural and historic properties.

Sincerely,

Jim Hammett, Superintendent
Telephone 541-987-2333 extension 212, e-mail Jim_Hammett@nps.gov



Received DSC-P

OCT 29 2004



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office

2600 SE 98th Avenue, Suite 100

Portland, Oregon 97266

Phone: (503) 231-6179 FAX: (503) 231-6195

**TAKE PRIDE
IN AMERICA**

Reply To: 8330.00131(05)
File Name: Sp0013.wpd
TS Number: 05-43

OCT 25 2004

Michael Rees
National Park Service - Denver Service Center
Division of Planning
P.O. Box 25287
Denver, Colorado 80225-0287

**Subject: John Day Fossil Beds National Monument Project
USFWS Reference # 1-7-05-SP-0013**

Dear Mr. Rees:

This is in response to your Species List Request Form, dated October 7, 2004, requesting information on listed and proposed endangered and threatened species that may be present within the area of the John Day Fossil Beds National Monument Project in Wheeler and Grant Counties. The Fish and Wildlife Service (Service) received your correspondence on October 7, 2004.

We have attached a list (Enclosure A) of threatened and endangered species that may occur within the area of the John Day Fossil Beds National Monument Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). National Park Service (NPS) requirements under the Act are outlined in Enclosure B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, NPS is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Enclosure B, as well as 50 CFR 402.12.

If NPS determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, NPS is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

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Enclosure A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published May 4, 2004, in the Federal Register (Vol. 69, No. 86, 24876) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, NPS is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, NPS may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages NPS to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Kevin Maurice or Corissa Larvik at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact NOAA Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,


for Kemper M. McMaster
State Supervisor

Enclosures
1-7-05-SP-0013

cc electronic:
Nongame, Oregon Department of Fish and Wildlife, Salem, Oregon.

Enclosure A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
 CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
 AREA OF THE JOHN DAY FOSSIL BEDS NATIONAL MONUMENT PROJECT
 1-7-05-SP-0013

LISTED SPECIES^{1/}

Birds

Bald eagle^{2/} *Haliaeetus leucocephalus* T

Fish

Steelhead (Middle Columbia River)^{4/} *Oncorhynchus mykiss* **T

PROPOSED SPECIES

None

CANDIDATE SPECIES^{6/}

Birds

Yellow-billed cuckoo^{8/} *Coccyzus americanus*

Amphibians and Reptiles

Columbia spotted frog *Rana luteiventris*

SPECIES OF CONCERN

Mammals

Pygmy rabbit *Brachylagus idahoensis*
 Pale western big-eared bat *Corynorhinus townsendii pallescens*
 Silver-haired bat *Lasiorycteris noctivagans*
 Small-footed myotis (bat) *Myotis ciliolabrum*
 Long-eared myotis (bat) *Myotis evotis*
 Fringed myotis (bat) *Myotis thysanodes*
 Long-legged myotis (bat) *Myotis volans*
 Yuma myotis (bat) *Myotis yumanensis*
 California bighorn *Ovis canadensis californiana*

Birds

Northern goshawk *Accipiter gentilis*
 Western burrowing owl *Athene cunicularia hypugea*
 Ferruginous hawk *Buteo regalis*
 Olive-sided flycatcher *Contopus cooperi borealis*
 Willow flycatcher *Empidonax trailli adastus*
 Yellow-breasted chat *Icteria virens*
 Lewis's woodpecker *Melanerpes lewis*
 Mountain quail *Oreortyx pictus*
 White-headed woodpecker *Picoides albolarvatus*

Amphibians and Reptiles

Northern sagebrush lizard *Sceloporus graciosus graciosus*

Fish

Pacific lamprey
Interior redband trout

Lampetra tridentata
Oncorhynchus mykiss gibbsi

Invertebrates

California floater (mussel)

Anodonta californiensis

Plants

Wallowa ricegrass
Dwar evening-primrose
Disappearing monkeyflower
Little mousetail
Oregon semaphore grass
Arrow-leaf thelypody
Howell's thelypody

Achnatherum wallowaensis
Camissonia pygmaea
Mimulus evanescens
Myosurus minimus ssp. *apus* var. *sessiliflorus*
Pleuropogon oregonus
Thelypodium eucosum
Thelypodium howellii ssp. *howellii*

(E) - Listed Endangered

(T) - Listed Threatened

(CH) - Critical Habitat has been designated for this species

(PE) - Proposed Endangered

(PT) - Proposed Threatened

(PCH) - Critical Habitat has been proposed for this species

(S) - Suspected

(D) - Documented

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

** Consultation with National Marine Fisheries Service may be required.

¹ U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, *Endangered and Threatened Wildlife and Plants*, 50 CFR 17.11 and 17.12

² Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle

³ Federal Register Vol. 64, No. 57, March 25, 1999, Final Rule - Middle Columbia and Upper Willamette River Steelhead

⁴ Federal Register Vol. 69, No. 86, May 4, 2004, Notice of Review - Candidate or Proposed Animals and Plants

⁵ Federal Register Vol. 66, No. 143, July 25, 2001, 12-Month Finding for a Petition To List the Yellow-billed Cuckoo

ENCLOSURE B

FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a)-Consultation/Conference

Requires:

- 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and
- 3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

SECTION 7(c)-Biological Assessment for Major Construction Projects¹

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or for potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed species will be affected. Upon completion, the report should be forwarded to our Portland Office.

¹A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332. (2)c). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.

GLOSSARY

Adaptive Use — A use for a structure or landscape other than its historic use, normally entailing some modification of the structure or landscape.

Archeological Resource — Any material remains or physical evidence of past human life or activities which are of archeological interest, including the record of the effects of human activities on the environment. They are capable of revealing scientific or humanistic information through archeological research (NPS DO-28).

Best Management Practices (BMPs) — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices implemented to prevent or reduce resource degradation.

Claypan — A dense, compact, slowly permeable layer in the subsoil having much higher clay content than the overlying material, from which it is separated by a sharply defined boundary. Claypans are usually hard when dry, and plastic and sticky when wet. They limit or slow the downward movement of water through the soil.

Cultural Landscape — A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or esthetic values. There are four non-mutually-exclusive types of cultural landscapes: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

Cultural Resource — An aspect of a cultural system that is valued by or significantly representative of a culture or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice.

Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places; and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes.

Eocene — An epoch of the lower Tertiary period, spanning the time between 55.5 and 33.7 million years ago.

Epoch — One subdivision of a geologic period, often chosen to correspond to a stratigraphic series.

Ethnographic Resource — Objects and places, including sites, structures, landscapes, and natural resources, with traditional cultural meaning and value to associated peoples. Research and consultation with associated people identifies and explains the places and things they find culturally meaningful. Ethnographic resources, eligible for the National Register of Historic Places are called traditional cultural properties.

Fossil — Any evidence of past life found in a geological context.

Fossiliferous — Containing fossils.

Geologic Period — The period is a basic unit of geological time. Two or more periods comprise a geological era. Most periods are divided into smaller units called epochs.

Hancock Mammal Quarry — A location within the Clarno Unit of the monument that contains important and unusual vertebrate fossils from the late Eocene. It has been partially excavated and may be re-opened.

Historic District — A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. (NPS DO-28).

Hypertragulid — A member of the family Hypertragulidae, a type of extinct cloven-hoofed mammal distantly related to the modern “mouse-deer” or chevrotain. The modern forms extant in modern Indonesia are often called “living fossils” in that they resemble these organisms. The hypertragulids are the most abundant fossil mammals in certain units of the John Day strata most frequently visited by the public, such as in Blue Basin.

Locality — A specific place; here, refers to a specific location that contains one or more paleontological sites. For example, Blue Basin is one locality, but contains several hundred sites; the Clarno Nut Beds locality consists of five sites, and so forth. At present, the monument locality database contains about 800 discrete localities on a variety of lands east of the Cascades.

Mitigation — An activity designed to avoid, minimize, rectify, eliminate, or compensate for the impacts of a proposed project. A mitigation measure should be a solution to an identified environmental problem.

Morphological — The external structure of rocks in relation to the development of erosional forms or topographic features.

Museum Collection — Assemblage of objects, works of art, historic documents, or natural history specimens collected according to a rational scheme and maintained so they can be preserved, studied, and interpreted for public benefit. Museum collections normally are kept in park museums, although they may also be maintained in archeological and historic preservation centers (NPS DO-28).

Museum Object — A material thing possessing functional, aesthetic, cultural, symbolic, or scientific value, usually movable by nature or design. Museum objects include prehistoric and historic objects, artifacts, works of art, archival material, and natural history specimens that are part of a museum collection (NPS DO-28).

National Register of Historic Places — The comprehensive federal listing of nationally, regionally, or locally significant districts, sites, buildings, structures, and objects of national, regional, state, and local significance in American history, architecture, archeology, engineering, and culture kept by the National Park Service in authority of the National Historic Preservation Act of 1966.

Nonpoint Source Pollution — A source of pollution that does not come from a single source or point. It comes from many unidentifiable sources with no specific solution to rectify the problem, making it difficult to regulate. An example of nonpoint source pollution would be urban runoff of items like oil, fertilizers, and lawn chemicals.

Oligocene — A geologic period that extends from about 34 million to 23 million years before the present. As with other older geologic periods, the rock beds that define the period are well identified but the exact dates of the start and end of the period are subject to correlation refinements. The Oligocene follows the Eocene epoch and is followed by the Miocene epoch. The Oligocene is the third and final epoch of the Palaeogene period.

Oreodont — A sheep-sized, cud-chewing plant-eater with a short face, tusk-like canine teeth, heavy body, long tail, short feet, and four-toed hooves. It is sometimes called a prehistoric “ruminating hog,” although they are neither ruminants nor

hogs, but are distantly related to camels, hippos, and peccaries.

Paleontological Resource — A tangible resource or physical evidence of past geological periods.

Paleontology — A science dealing with the life of past geological periods as known from fossil remains.

Paleosol — (1) A soil that formed on a landscape in the past with distinctive morphological features resulting from a soil-forming environment that no longer exists; (2) soils containing fossils that are found buried within either sedimentary or volcanic deposits.

Permineralized — Tissue replaced by silicates.

Preservation — For the purposes of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the act or process of applying measures to sustain the existing form, integrity, and material of a historic structure, landscape, or object. Work might include preliminary measures to protect and stabilize the property, but generally focuses on the ongoing preservation, maintenance, and repair of historic materials and features rather than extensive replacement and new work (NPS DO-28).

Prime Farmland — Farmland that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. Prime farmlands have the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and

growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks (USDA-Natural Resources Conservation Service).

Radiometrically — A term used to describe a technique used to date materials that is based on knowledge of the decay rates of naturally occurring isotopes, and their current abundance. It is the principal source of information about the age of the Earth and a significant source of information about rates of evolutionary change. It is often called radioactive dating.

Rehabilitation — In reference to cultural resources, the act or process of making possible an efficient compatible use for a historic structure or landscape through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, and architectural values (NPS DO-28).

Research Natural Area (RNA) — Research Natural Areas are part of a national network of sites administratively designed to facilitate research and preserve natural features. RNAs are usually established in a typical example of an ecological community type, preferably one having been little disturbed in the past and where natural processes are not unduly impeded. The tract is set aside permanently and is managed exclusively for approved nonmanipulative research; i.e., research that measures but does not alter existing conditions. Activities in RNAs are restricted to nonmanipulative research, education, and other activities that will not detract from an area's research values. An RNA in a park is designated by the National Park Service.

Restoration — From a cultural resource perspective, (1) The act or process of accurately depicting the form, features, and character of a historic structure, landscape, or object as it appeared at a particular period of time by means of the removal of

features from other periods in its history and reconstruction of missing features from the restoration period; (2) The resulting structure, landscape, or object (NPS DO-28).

From a natural resource perspective, restoration refers to the reestablishment/recovery of biological community structure, natural functions and processes in landscapes that have been disturbed or altered by people — actions taken to return disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. Landscapes that have been disturbed by natural phenomena, such as floods and hurricanes, generally are allowed to recover naturally in parks unless manipulation is necessary to protect other park resources, developments, or employee and public safety.

Section 106 — Refers to Section 106 of the National Historic Preservation Act of 1966, which requires federal agencies to take into account the effects of their proposed undertakings on properties included or eligible for inclusion in the National Register of Historic Places and give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the proposed undertakings (NPS DO-28).

Sedimentary — Of, relating to, or containing sediment (material deposited by wind, water, or glaciers); formed by or from deposits of sediment.

Soundscape — The natural soundscape is the aggregate of all the natural sounds that occur in parks, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive, and can be transmitted through air, water, or solid materials.

Social Trail — A trail that is created by humans and is not part of the monument's official designated trail system; also called unofficial and visitor-created trails.

Soil Association — A group of soils or miscellaneous areas geographically associated in a characteristic repeating pattern and defined and delineated as a single map unit.

Soil Map Units — A unit of description used in soil surveys. It is a locality of soil containing specific characteristics. Soil associations can contain many different soil map units.

State Historic Preservation Officer (SHPO) — An official in each state appointed by the governor to administer the state historic preservation program and carry out certain responsibilities relating to federal undertakings in the state (NPS DO-28).

Steppe — A plain without trees (apart from those near rivers and lakes); it is similar to a prairie, although a prairie is generally considered to be dominated by tall grasses, and short grasses are said to be normal in the steppe. It may be semi-desert, or covered with grass or shrubs or both, depending on the season and latitude. The term is also used to denote the climate encountered in regions too dry to support a forest, but not dry enough to be a desert.

Stratigraphic — Pertaining to the composition, sequence, and correlation of stratified rocks. A stratigraphic sequence is a set of beds deposited that reflects the geologic history of a region.

Structure — Structures are constructed works, usually immovable by nature or design, consciously created to serve some human activity. Examples are buildings of various kinds, monuments, dams, roads, railroad tracks, canals, millraces, bridges, tunnels, locomotives, nautical vessels,

stockades, forts and associated earthworks, Indian mounds, ruins, fences, and outdoor sculpture. In the national register program “structure” is limited to functional constructions other than buildings (NPS DO-28).

Taphonomic — A term used to describe the study of a decaying organism over time. The term taphonomy was introduced to paleontology in 1940 by Russian scientist, Ivan Efremov, to describe the study of the transition of remains, parts, or products of organisms, from the biosphere, to the lithosphere, i.e. the creation of fossil assemblages.

Tertiary Period — A geological time interval that covers roughly the time span

between the demise of the non-avian dinosaurs and the beginning of the most recent Ice Age, approximately 65 million to 1.8 million years ago.

User Capacity — The type and level of use that can be accommodated while sustaining the quality of park resources and visitor opportunities consistent with the purposes of the park. It is not necessarily a set of numbers or limits, but rather a process involving establishing desired conditions, monitoring, evaluation, and actions (managing visitor use) to ensure park values are protected.

Volcaniclastics — Sedimentary rock derived from volcanic activity.

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- B.S., Natural Resources and Environmental Management; M.P.A., Environmental Policy Analysis. One year with the National Park Service; nine years with state and local government; two years with a nonprofit land trust.

Michael Rees, Natural Resource Specialist

- Responsible for writing the description of natural resources; assessing impacts on natural resources; and writing the floodplain statement of findings.
- B.A., Environmental Studies; M.F.S., Forest Science. Sixteen years with the National Park Service.

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- Responsible for writing the descriptions of archeological resources, historic structures, and cultural landscapes; and assessing impacts on these resources.
- B.A., History; M.A., Anthropology; Ph.D., Anthropology. Twenty-eight years with the National Park Service.

National Park Service, John Day Fossil Beds National Monument

Regan Dunn, Paleobotanist

- Involved in the development of alternatives and the selection of the preferred alternative; provided input on paleontological concerns, needs, and impacts.
- Five years with the National Park Service.

John Fiedor, Chief of Visitor Services

- Involved in the development of alternatives and interpretive and visitor service concerns, needs, and impacts.
- Thirty-two years with the National Park Service.

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- Involved in the development of alternatives and paleontological concerns, needs, and impacts.
- Twenty-seven years with the National Park Service.

Jim Hammett, Superintendent

- Involved in all aspects of the general management plan, from initial planning through selection of the preferred alternative.
- Thirty-three years with the National Park Service.

Shirley Hoh, Integrated Resource Manager

- Involved in the development of alternatives and the selection of the preferred alternative; provided input on natural and cultural resource concerns, needs, and impacts.
- Twenty-nine years with the National Park Service.

National Park Service, Pacific West Regional Office

Keith Dunbar, Chief of Park Planning and Environmental Compliance

- Involved in the development of alternatives and the selection of the preferred alternative; provided input on planning concerns and needs.
- Thirty years with the National Park Service.

Erica Owens, Historical Landscape Architect

- Assisted with the description and impact assessment of historic structures and cultural landscapes; involved in the development of alternatives for and the selection of the preferred alternative.
- Five years with the National Park Service.

Cheryl Teague, Landscape Architect/Planner

- Involved in the development of alternatives and the selection of the preferred alternative; provided input on planning concerns and needs.
- Fourteen years with the National Park Service.

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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

