

**ANNUAL REPORT:**

**COMPLIANCE MONITORING OF GRAZING IN**

**LOST RIVER AND SHORTNOSE SUCKER HABITAT**

**and in BULL TROUT HABITAT**

**ON THE**

**FREMONT-WINEMA NATIONAL FORESTS**

**IN 2003**

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**Introduction**

This report addresses the 2003 grazing season use of 34 active, vacant and closed allotments (77 pasture monitoring sites) under consultation with the U.S. Fish and Wildlife Service on the Lakeview, Bly, Silver Lake, Paisley, Klamath and Chiloquin Ranger Districts of the Fremont-Winema National Forests in southeastern Oregon. This is the seventh year of consultation covered by the Fremont Grazing Programmatic Biological Opinions #1-10-97-F-017 and #1-7-97-F-147 issued by the U.S. Fish and Wildlife Service May 22, 1997. This consultation was amended in 1998 to include grazing activities within the range of bull trout. Based on direction found in Biological Opinion (BO) #1-10-00-71-1-F, grazing was permitted in the Silver Creek Pasture of the Foster Butte Allotment, Silver Lake RD. A short reach of Coyote Creek, the only stream of concern in this pasture, runs through this unit. Livestock were managed in accordance with the conditions of the Biological Opinion and end-of-season monitoring showed less than 5% use by livestock.

All pastures reported as non-compliant in 2002 were reported in compliance in 2003. Four pastures out of the 52 monitored did not comply in 2003. One pasture did not meet the stubble height standards, and three pastures did not meet utilization standards. In all instances, permit administration procedures were taken to address the problems and permittees were notified of the non-compliance issue.

**2003 Grazing Season Report**

**Weather Influences:** In Lake County precipitation by turn-on was 80% of the yearly average (NRCS water quantity prediction, April 1, 2003, Lake County, Goose Lake Basin). The April 1 snow pack was running at about 49% of normal. A mild, but damp spring resulted in rapid green up of both the upland hill slopes and riparian bottom lands. Forage conditions were generally ready by late May across most of the allotments. Upland range quickly dried out by late June with wet meadow communities following suit by late July. August and September were the driest months. Greenline re-growth on sedges and other *Carex* species did reasonably well, up until about October 8th when temperatures dipped below freezing, ending the growing season. Livestock were off the range on or before October 30th.

In Klamath County upland range conditions started out good with the spring moisture but quickly dried out by late June with wet meadow communities following suit in late July. Greenline re-growth on sedges did reasonably well up until about October 1st. Temperatures dipped below freezing on October 10 with an on/off freezing cycle up to the end of the month when the low temperature dropped to 18 degrees F. ending the growing season. Livestock were generally off the range on or before October 30th.

The 2003 precipitation was only 12.68 inches in Lakeview. The precipitation in Klamath Falls was about 7.48 inches. Seventy-five years of record keeping has only produced a yearly mean of 14.93 inches at Lakeview and 8.88 at Klamath Falls (NRCS climatologic data).

### **Reasonable and Prudent Measures**

The U.S. Fish and Wildlife Service outlines under the Klamath Basin Listed Sucker Biological Opinion (reference #1-10-97-F-017 and #1-7-97-F-147), the following measures as being necessary and appropriate for minimizing incidental "TAKE" on Shortnose and Lost River Suckers. The Forest shall:

◀ Minimize adverse impacts to riparian habitats from grazing activities, which are essential and necessary for the biological and physical conservation of the Shortnose and Lost River Sucker within its diverse riverine habitats.

◀ The Forest shall conduct Service approved stream surveys along each perennial stream reach contained in the pastures and covered under the 1997 BO for comparison with existing baseline information.

Biological Opinions (reference # 1-10-00-71-1-F, # 1-10-99-F-102, and #1-10-98-F-083) also addresses Bull trout and their habitat.

◀ The Forest shall minimize adverse impacts to riparian habitats from grazing activities on occupied and designated critical habitat for Bull Trout.

◀ The Forest shall also monitor long-term effects of adherence to stubble height and utilization standards on riparian vegetation, channel morphology, and any major changes in fine sediment levels downstream of an identified problem area; as described under the 1997 grazing BO. Reports shall be submitted to the Service by March 2001 and again in 2007.

### **Biological Opinion - Terms and Conditions**

To be exempt from the prohibitions of Section 9 of the Act, the Forest must ensure compliance with the following terms and conditions, which implement the above reasonable and prudent measures. Terms and conditions are non-discretionary and must be undertaken as a binding condition of each permit.

#### **BO # 1-10-97-F-017 and #1-7-97-F-147 / May 22, 1997/ Sucker Programmatic BA**

#### **BO # 1-10-98-F-83 / October 20, 1998 / Bull Trout Programmatic BA**

a. Strict adherence to pasture use guidelines dealing with maximum utilization levels, stubble height limits, and prescribed grazing strategies. During an authorized period of use, the pasture needs to be monitored frequently. Outside of the authorized use period and when livestock are located nearby then item ( c ) below applies.

b. Complete "PFC" assessments on all pastures with completion by 1998.

c. Monitor all pastures for unauthorized and excess use so as to not be more than 5% above the allowed use level, nor have the pasture fail to meet its year end stubble height limitation.

d. At any time an emergency situation arises, related to wildfire or any other natural disaster, the Forest

will notify the Service and the permittees.

e. Following the 1997 flood situation, re-assess of the environmental baseline needs to be conducted.

**BO #1-10-99-F-102 / August 26, 1999 / Bull Trout (Brownsworth Creek Pasture Pothole Allotment)**

The Pothole allotment boundary was changed in 2000 to remove the Brownsworth Creek pasture from management. The pasture is no longer grazed and will no longer be considered in this report.

**BO # 1-10-00-71-1-F / July 26, 2000 / Bull Trout (Silver Creek-Foster Butte Allotment)**

Livestock Management

a. The grazing period in the Silver Creek Pasture will be limited to May 15 through July 31 (Early Grazing Schedule).

b. Livestock will be restricted to the permitted numbers of cattle. Only light use (< or = to) 20% would be allowed in the Coyote Creek area.

c. Maximum allowed forage/browse utilization levels are as follows: Key Area SC-2 (Coyote Creek) 20% on meadow forage, no use on the willows; Key Area SC-1 (Indian Creek) 40% on the meadow forage.

d. Turn-out will occur in the north end of the pasture, away from Coyote Creek.

e. A rider will be provided to monitor Coyote Creek for cattle and remove them if found. If the Forest Service notifies the permittee of cattle use then livestock removal is expected within the next 24-hour period.

f. Ninety percent of the permitted livestock numbers shall be removed from the pasture when its use date is reached. Five days will be allowed for beyond the closure date for strays. Any animal found within the pasture after that time frame will be considered in unauthorized use.

Monitoring

a. Monitoring results from the 2000 grazing season will be evaluated by the Forest, the permittee, and the Bull Trout Working Group to assess seasonal results.

b. Photo monitoring will be established prior to turn out and immediately after the grazing period to determine incidental take on bull trout for each year grazed.

c. The Forest Service will monitor forage/browse utilization on Key Area SC-2 and for livestock presence on Coyote Creek on a weekly basis.

d. Willow use will be monitored. Livestock will be removed within seven days from when livestock use

on willows is detected.

e. Final utilization checks will be made immediately after cattle are removed. Results will be submitted in the annual Range BO Monitoring Report.

f. Outside of the scheduled grazing period, the pasture will be monitored for unauthorized and excessive livestock use as often as necessary to meet the reasonable and prudent measure clause.

g. Effectiveness monitoring sites will be established on Coyote Creek and will follow the established protocol used under the Sucker BO.

### Minimize and Avoidance

a. Failure of the permittee to meet forage utilization levels and livestock management requirements will result in the following actions: first offense results in 20% reduction of permitted numbers; second offense requires construction of a stream side fence eliminating livestock access to the greenline; permit cancellation is a last resort option.

b. Incidental take resulting from grazing which does not adhere to the established guidelines is not covered under this biological opinion, except where such use is consistent with allowed unauthorized use guidelines, and shall be grounds for reconsultation.

c. Unauthorized livestock use will be reported to the appropriate channels for action.

d. Terms and conditions as described under the 1997 Range BO for Listed Suckers will be adhered to on the Silver Creek pasture harboring or potentially harboring bull trout (Coyote Creek) and grazing definitions outlined under the heading of "Grazing Options" is here by incorporated through reference.

e. Bull trout habitat objectives for Coyote Creek are: 1) Stream bank conditions need to show improvement from the estimated 75% stable to the PFC level of 90% + stability; 2) Riparian vegetation in the key area will move towards at least 60% of the greenline vegetation existing at a high similarity to the Natural Potential of the vegetation community.

### Emergencies

At any time the Forest declares an "emergency situation" relating to wildfire or other natural events, the Forest will notify the Service and all permittees affected by the emergency situation.

### Results of Monitoring

Table 1 summarizes the monitoring results. Pastures with monitoring results that did not meet standards are in bold typeface. Table 2 presents the information from Table 1 for only the pastures that did not meet standards. A total of 52 pastures were monitored in shortnose sucker, Lost River sucker, and bull trout watersheds on the Fremont-Winema National Forests, 48 of which were fully in compliance.

**Table 1. Pasture Monitoring Results – Stubble Height and/or Utilization (note: blank cell indicates that this type of monitoring was not conducted in that pasture this year).**

<b>Allotment (species)</b> <i>Pasture—Determination--System</i>	<b>Stubble Height</b>	<b>Wet &amp; Dry Meadows Utilization</b>
<b>Fort Springs Allotment (suckers)</b>		
<i>Fort Springs—NLAA-Early Season-Cat. 1</i>	Met standard at 3-inch, measure 3.8 to 4.0.	
<b>Arkansas Allotment (suckers)</b>		
<i>Arkansas Flat-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 15.0.	
<i>Creed-LAA-Season Long-Cat. 1</i>	Met standard at 5-inch, measured 5.0.	
<i>Juniper Mtn. – NLAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 9.0.	
<b>Barnes Valley Allotment (suckers)</b>		
<i>Longbranch RIP-LAA-Rest Rotation-Cat. 1</i>	Met standard at 5-inch, measured 20.0.	
<i>Squaw Flat-LAA-Early Season-Cat. 1</i>		WM (wet meadow)-met 5% standard, measured 5.0%.
<b>Black Hills Allotment (suckers)</b>		
<i>Sycan River Crossing-NLAA-Rested (Exclosure-Cat. 1</i>		<b>WM-did not meet 5% standard, measured 37%.</b>
<b>Wildhorse Allotment (suckers)</b>		
<i>Bear Valley-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 5-inch, measured 5.5.	
<i>Wildhorse-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 3-inch, measured 3.5.	
<b>Yokum Valley Allotment (suckers)</b>		
<i>Yokum Valley-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 7.7.	
<i>Stateline-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 5-inch, measured 5.0	
<b>Blaisdell Allotment (suckers)</b>		
<i>Round Butte-NLAA-Deferred Rotation-Cat. 1</i>	Met standard at 8-inch, measured 13.0.	WM-met 5% standard, measured 0.0%.
<b>Fort Springs Allotment (suckers)</b>		
<i>Fort Springs-NLAA-Early Season-Cat. 1</i>		WM-met 45% standard, measured 40.0%.
<b>Fivemile Allotment (suckers)</b>		
<i>Paiute-NLAA-Deferred Rotation-Cat. 1</i>		DM (dry meadow)-met 50% standard, measured 20%.
<i>Riverbed Butte-LAA-Deferred Rotation-Cat. 1</i>	Met standards at 5-inch, measured at 11.0.	WM-met 45% standard, measured 20%
<i>Swamp Creek RIP-LAA-High Intensity-Cat. 1</i>	Met standards at 7-inch, measured 17.0.	WM-met 5% standard, measured 0.0%; DM-met standard at 5%, measured 0.0%.

<b>Horsefly-West Allotment (suckers)</b>		
<i>Picket Flat</i> -NLAA-Deferred Rotation-Cat. 2		DM-met 50% standard, measured 33%.
<b>Horsefly-East Allotment (suckers)</b>		
<i>East Fishhole</i> -LAA-Deferred Rotation-Cat. 1	Met standard at 5-inch, measured 5.0.	DM-met 50% standard, measured at 50%.
<i>Tub Butte</i> -NLAA-Deferred Rotation-Cat. 1		WM-met 5% standard, measured at 0.0%.
<i>Devils Garden</i> -NLAA-Early Season-Cat. 2		DM-met 50% standard, measured at 50%.
<i>Taylor Draw</i> -NE-Deferred Rotation-Cat. 1		DM-met 50% standard, measured at 50%.
<b>Horseglades Allotment (suckers)</b>		
<i>Horseglades</i> -NLAA-Season Long-Cat. 1		<b>DM-did not meet 50% standard, measured at 65%.</b>
<b>North Fork Allotment (suckers)</b>		
<i>North Fork</i> -LAA-Early Season-Cat. 1	Met standard at 7-inch, measured 7.0.	WM-met 30% standard, measured at 30%.
<b>Pitchlog Allotment (suckers)</b>		
<i>North</i> -LAA-Deferred Rotation-Cat. 1	<b>Did not meet standard at 7-inch, measured 5.0.</b>	DM-met 45% standard, measured 39.0%.
<b>Pothole Allotment (suckers)</b>		
<i>Drews Creek</i> -NLAA-Deferred Rotation-Cat. 1	Met standard at 6-inch, measured 7.0.	DM-met 50% standard, measured at 30.0%.
<i>Mitten Springs</i> -NE-Deferred Rotation-Cat. 1	Met standard at 4-inch, measured 4.0.	WM-met 45% standard, measured 39.0%.
<b>Reservoir Allotment (suckers)</b>		
<i>Reservoir Creek</i> -NLAA-Early Season-Cat. 1	Met standard at 6-inch, measured 12.0.	DM-met 50% standard, measured 29.0%.
<b>Yaden Flat Allotment (suckers)</b>		
<i>Yaden Flat</i> -NLAA-Early Season-Cat. 1	Met standard at 7-inch, measured 8.0.	WM-met 30% standard, measured 24.0%
<b>Yainax Allotment (suckers)</b>		
Mineral Springs-NLAA-Deferred Rotation-Cat. 1	Met standard at 3-inch, measured at 10.0.	DM-met 50% standard, measured 36.0%.
<i>Vinson</i> -LAA-Deferred Rotation-Cat. 1	Met standard at 4-inch, measured 5.0	WM-met 45% standard, measured 40.0%.
<i>Capon</i> -NLAA-Deferred Rotation-Cat. 1		DM-met 50% standard, measured 37.0%
<i>Dry Prairie</i> -NLAA-Deferred Rotation-Cat. 2		DM-met 50% standard, measured 20.0%.
<i>Goodlow</i> -NLAA-Deferred Rotation-Cat. 2		DM-met 50% standard, measured 4.0%.
<i>Harrison</i> -NLAA-Deferred Rotation-Cat. 1		DM-met 50% standard, measured 9.0%.
<i>Yellowjacket</i> -NLAA-Deferred Rotation-Cat. 1		<b>WM-did not meet 5% standard, measured 30.0%.</b>
<b>Meryl Creek Allotment (suckers)</b>		
<i>Meryl Creek</i> -NLAA-Season Long-Cat. 1	Met standard at 5-inch, measured 8.0.	

<b>Yamsi Allotment (suckers)</b>		
South-NLAA-Deferred Rotation-Cat. 2	Met standard at 6-inch, measured 6.0.	
<b>Foster Butte Allotment (bull trout)</b>		
<i>Silver Creek CC-LAA-Early Season-Cat. 1</i>		WM-met 5%standard, measured 0.0%.
<i>Silver Creek IC-LA-Early Season-Cat. 1</i>		WM-met 45% standard, measured 45.0%.
<i>Long Creek-NLAA-Early Season-Cat. 1</i>	Met standard at 4-inch, measured 6.0.	WM-met 45% standard, measured 20.0%.
<b>Winter Rim Allotment (bull trout)</b>		
<i>Fremont-NLAA-Deferrred Rotation-Cat. 1</i>		WM-met 45% standard, measured 30.0%.
<b>Bear Lakes Allotment (bull trout)</b>		
<i>Bald Butte-Sycan-LAA-HILF-Cat. 1</i>	Met standard at 4-inch, measured 5.0.	WM-met 45% standard, measured 14.0%; DM-met 55% standard, measured 35.0%.
<i>Bald Butte-LT-LAA-HILF-Cat. 1</i>	Met standard at 4-inch, measured 6.0.	WM-met 45% standard, measured 30.0%.
<b>Currier Camp Allotment (bull trout)</b>		
<i>Squaw Flat-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 3-inch, measured 5.0.	WM-met s45% standard, measured 20.0%.
<i>Skull Creek-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 6.0.	WM-met 45% standard, measured 20.0%.
<i>Hog Wallow-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 4.0.	WM-met 45% standard, measured 10.0%.
<b>Paradise Allotment (bull trout)</b>		
<i>Paradise RIP-LAA-Early Season-Cat. 1</i>	Met standard at 6-inch, measured 6.0.	WM-met 45% standard, measured 36.0%.
<i>North Paradise-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 7.0.	WM-met 45% standard, measured 12.0%.
<i>South Paradise-LAA-Deferred Rotation-Cat. 1</i>	Met standard at 4-inch, measured 6.0.	WM-met 45% standard, measured 12.0%.
<b>Sycan Allotment (bull trout)</b>		
<i>Sycan-LAA-Open Season-Cat. 1</i>	Met standard at 5-inch, measured 5.0.	WM-met 40% standard, measured 35.0%.
<b>Wither Allotment (bull trout)</b>		
<i>East-LAA-Deferred Rotation-Cat. 2</i>	Met standard at 5-inch, measured 14.0.	WM-met 35% standard, measured 25.0%.
<i>West-LAA-Deferred Rotation-Cat. 2</i>	Met standard at 4-inch, measured 14.0.	WM-met 45% standard, measured 25.0%.

**Table 2. Summary of Allotments and Pastures That Did Not Meet Standards**

<b>Allotment –Pasture</b>	<b>Standards</b>	<b>Actual</b>
<b>Blackhills Allotment – Sycan River Crossing</b>	5% exclosure	37% floodplain
<b>Horseglades Allotment—Horseglades</b>	50% DM	65% DM
<b>Pitchlog Allotment --North</b>	45% DM, 7” stubble height	39% DM, 5” stubble height
<b>Yainax Allotment -Yellowjacket</b>	5% rested	30%



Pitchlog Allotment – Approximately 150 cattle broke through a private range boundary fence and entered the North pasture unit for about three days during mid-July. The permitted number of AUMs for the pasture was not exceeded. Upon discovery, the animals were moved back across the boundary and the fence was repaired. This short-term, but high intensity grazing resulted in vegetation being grazed to below minimum stubble height standards. The scheduled deferred rotation (July 15 to October 15) grazing by the permittee was passed over in favor of allowing for re-growth and pasture recovery, however sufficient late season re-growth didn't occur to make up earlier grazing removal of the vegetation.

Action taken: The permittee was mailed a letter of non-compliance.

Blackhills Allotment – Cows belonging to several permittee were found inside an enclosure along the Sycan River. A tree had fallen across the fence, which normally excludes cattle from the Sycan River Crossing (Teddy Powers) enclosure. Cow trails were found entering the enclosure at the windfall site and at a rock outcropping site, where no fence had been built. The rock outcrop was believed to have been more than an adequate natural barrier.

Action taken: The permittee responsible for the fence was contacted and they removed the cattle, repaired the fence, and blocked the trail on the rock outcropping. A letter of non-compliance was mailed to the permittee.

Horseglades Allotment – The pasture was grazed as scheduled. Year end utilization was measured at 65%, which is 15% over the allowable use.

Action taken: A letter of non-compliance was issued to the permittee for grazing utilization exceeding 50%.

Yainax Butte - Cattle were observed in the rested, Yellowjacket Pasture. There is no fence separating this pasture from the Yainax pasture. Control is normally achieved through use of natural barriers and riding. On the same day that the cattle were discovered, the rider moved the cattle out of the rested pasture.

Action taken: A letter of non-compliance was sent to the permittee.

### **IIT Field Review**

The PACFISH/INFISH Interagency Implementation Team held a review of the Fremont-Winema National Forest programs on October 7 – 9, 2003. Some of the findings from the Team included:

- The Fremont/Winema Forests demonstrate understanding of the standards and guidelines for grazing under INFISH and ESA Biological Opinions. The Forest appears to be using and applying standards and guidelines in conjunction with other management processes, such as watershed assessment, in order to learn more about ecosystem function and how that interrelates with the local aquatic population.
- The Fremont/Winema Forest has a good working relationship with its permittees. The tour had

good interaction with two permit holders. Permittees contribute ideas, resources, and range experience in the resolution of changing old practices or application of new techniques and management direction. There is very good collaboration in achieving needed year end monitoring.

### **2002 Grazing Season Follow-up**

As a follow-up to the non-compliance issues reported in the 2002 Monitoring Report, the following actions were taken and completed during the 2003 grazing season:

**Fort Springs** – The stubble height standard on the Fort Springs pasture is 3-inches. Measurements were taken on 09/26/03 and averaged between 3.8 to 4.0 inches. The utilization standard for the wet meadow is 45% while 40% was measured. The fence repair problems mentioned in 2002 were corrected and the area was well monitored. The permittee met standards in 2003.

**Yocum Valley** – In 2002, cattle from an adjacent allotment moved onto the Stateline pasture (unauthorized use) resulting in over-utilization (57%), when the standard for a wet meadow is 35%. The stubble height standard is 5-inch. In 2003, stubble heights met standards, measuring 5-inch on Stateline, 7.7 on Yocum Valley, and 8.1 on Dog Lake. Utilization was not logged in the range notes. No unauthorized use from neighboring allotments occurred this season. There was not enough information in the 2002 report to determine the cause of the unauthorized use so that corrective action could be taken.

**Barnes Valley** – The Long Branch Riparian Enclosure was created in 1995 to help improve riparian conditions. Fences were not maintained properly in 2002 and cattle were allowed access to graze the enclosure. No utilization was observed in 2003 in the enclosure and stubble height was measured at 20 inches. All fence repairs were completed. The permittee met standards in 2003.

**Currier Camp** – Utilization and greenline stubble height standards in Skull Creek pasture were not met in 2002. The site was visited in late September of 2003. Utilization standards on wet meadow and stubble height were met in 2003.

**North Fork** – This allotment did not meet utilization standards with 52% measured against a 30% standard in the 2002 grazing season. Stubble height in 2002 was 3 inches measured against a 7 inch standard. The cause of non-compliance was unauthorized livestock use from an adjoining allotment. The fence was repaired and no unauthorized use occurred in the 2003 grazing season. Utilization and stubble height were both measured at the standard in 2003.

**Fivemile** – The permit for this allotment has two permittees running cattle in common. Waiver activities on the permit lead to a family permittee situation, which will simplify administration of the allotment. Both permittees grazed cattle on the allotment in 2003. The permittees agreed to non-use of the Swamp Creek Riparian pasture until proper functioning condition is achieved. The pasture was not grazed in 2003 and stubble height was measured at 17 inches.

An interdisciplinary team looked at the reach of Swamp Creek that flows through the riparian pasture in

early June 2003. The team noted improving vegetation vigor on the banks and in the channel, but still felt the reach was functioning at risk. Encroaching lodgepole pine are evident when comparing photos over the past 6 years for this area.

**Pothole** – The Mitten pasture did not meet stubble height or utilization standards in the 2002 grazing season. There was a lack of riding on the allotment and therefore cattle were allowed to linger in meadows and were not distributed properly. In 2003, the Pothole allotment permittee trucked his cattle onto the allotment to minimize impacts to an area where stream restoration was scheduled. Two miles of fence along the Coleman Rim were replaced.

Use on the Drews Unit was measured at 30% on the dry meadow (50% is the standard) and 7 inches of stubble height remained at the end of the season (the minimal standard is 6 inches). Use on the Mitten Pasture was measured at 39% on the wet meadow (floodplain) where the standard is 45%. Stubble height was measured at 4 inches against a 4 inch standard. The allotment met standards for 2003.

### **2003 Range Improvement Projects**

On the Bly Ranger District two miles of fence were replaced on the Pothole Allotment along the Coleman Rim. The Pothole Allotment permittee trucked his cattle onto the allotment to minimize impacts to an area where stream restoration was scheduled.

Two miles of fence damaged beyond repair by the Toolbox Fire along the Sycan/Winter Rim boundary were replaced.

### **2004 Grazing Changes and Proposed Projects**

The Swamp Creek RIP will be rested until proper functioning condition is reached. There were no changes in grazing systems on any other allotments.

### **Other BO Items for consideration**

A watershed restoration project was implemented in 2003 at the Horse Canyon long term monitoring location associated with the Biological Opinion. The project consisted of obliterating a streamside road, cutting and placing whole juniper trees on the banks and in the channel, and armoring two headcuts with rocks. The value of this site for evaluating the effectiveness of grazing management has been compromised by this activity. Photos, cross-section information, bank stability and riparian scorecard information for this site were collected in 2002, prior to the project. The 2002 information will be used in the long term effectiveness monitoring report, however data collected after implementation will not be used in evaluating the effectiveness of the grazing program. Cross-sections were re-read in 2003 after the project was implemented and photos were taken that can be used for evaluating the effectiveness of the watershed restoration project.

Another restoration project involving instream channel work is scheduled on Wildhorse Creek (T41S, R16E, sec 19-20) in 2004. The situation will be similar to that in Horse Canyon.

Numerous other vegetation and watershed restoration projects provided some benefit to watersheds encompassed by the Biological Opinions. These projects can lead to slow changes in the watershed baseline, influence range conditions, and influence cumulative watershed effects.

### **Effects of Non-compliance on the Environmental Baseline for Lost River and Shortnose Suckers and Bull Trout.**

#### ***Pitchlog – North Pasture***

The stubble height standard was not met because of short duration grazing from 150 head of unauthorized use cattle. Quick action and repair of the fence by the permittee prevented greater impacts to the pasture. The residual stubble height standard in this pasture is seven inches; it was measured at five inches after the 2003 grazing season.

The Pitchlog North Pasture contains occupied, proposed critical shortnose sucker habitat in Barnes Valley Creek. No increase to potential direct effects to shortnose sucker occurred as a result of the non-compliance. The greatest potential direct effect of early grazing in occupied habitat is redd trampling and the destruction of incubating eggs. Although the grazing occurred earlier than scheduled, it took place in mid-July by which time fry emergence was complete. Direct impacts to stream channel conditions were determined immeasurable upon field review. Site visits in 2004 found no evidence that the 2003 non-compliance led to any changes in stream channel and/or fish habitat conditions.

Field observations led to the determination that the non-compliance had no direct or indirect effects on the environmental baseline. The effects of the unauthorized use did not alter the BO effects determination of LAA.

Actions: A letter of non-compliance documented the incident. The permittee has chosen to not graze the pasture during the 2004 season, leaving natural vegetation regrowth to remain.

#### ***Blackhills – Sycan River Crossing Pasture***

This pasture received 37% utilization compared to a 5% standard. A tree falling across a fence allowed permitted cattle to enter the riparian enclosure. Upon notification the permittee quickly removed his livestock and repaired the fence.

The Sycan River flows through this pasture. This area is approximately 20 miles upstream of occupied, proposed critical Lost River and shortnose sucker habitat.

The grazing impact was small and spread over a large landscape. Defoliation of riparian vegetation did not ecologically impact plant species composition, structure, or plant physiology. Willow hedging did not occur.

The short duration and extent of unauthorized use did not alter vegetation or stream channel conditions along the Sycan River enough to cause any measurable changes to fish habitat conditions 20 miles downstream. The stream banks in the enclosure remain in relatively stable condition with no obvious increase in bank exposure before or after the grazing season. The short-term use did not create any

large-scale bank erosion. Stream dimension, pattern, and/or profile did not change as a result of the non-compliance. The short-term use on the greenline sedge community did not lead to excessive ground cover removal or to large-scale bank erosion.

Field observations led to the determination that the non-compliance had no direct or indirect effects on the environmental baseline. The effects of the unauthorized use did not alter the BO effects determination of NLAA.

Actions: Quick response by the permittee and private land owner, along with rapid repair of the damaged fence, prevented serious riparian degradation. A noncompliance notice was issued to the permittee and a notice of unauthorized use was mailed to the private landowner.

### ***Horseglade – Horseglade Pasture***

The utilization standard of 50% on dry meadow was not met (65% utilization measured). This pasture is over 30 miles upstream of occupied shortnose and Lost River sucker habitat.

The use did not involve a stream or water source and greenline vegetation was not impacted, therefore aquatic habitat values were not influenced. The ground is flat, wide, and dominated by grasses. The use left a reasonable residual height on the grasses; therefore overland sediment transport is unlikely even in a high water runoff scenario.

Exceeding the 50% use standard did not change the environmental baseline and did not change the NLAA effects determination for this pasture.

Action: A letter of non-compliance was mailed to the permittee. The permittee must demonstrate improvement toward meeting the standard in 2004.

### ***Yainax – Yellowjacket Pasture***

This pasture received 30% utilization compared to the 5% standard, due to cattle wandering from the Yainax pasture. The permittee quickly responded and moved the cattle, preventing greater vegetation use or any lasting impact to a spring's hydrologic function.

This pasture is approximately 10 miles upstream of occupied, proposed critical shortnose and Lost River sucker habitat. There are no defined stream channels or perennial streams in this pasture. The area in question is moist meadow.

There was sufficient residual stubble height, though unmeasured, to prevent overland sediment transport. Sedge re-growth was good around a spring in the pasture.

The use did not have any direct or indirect effects on baseline conditions and does not warrant changing the BO determination of NLAA.

Action: A letter of non-compliance was sent to the permittee. This pasture was consulted on under a deferred rotation system which allows 45% utilization. Review of the grazing strategy for this pasture will occur in 2005.

## **Summary**

All pastures (7) reported as not meeting standards in 2002 met standards in 2003.

Four different pastures did not meet standards in 2003. One pasture did not meet the stubble height standard, and three pastures did not meet utilization standards. In all instances, permit administration procedures were taken to address the problems and permittees were notified of the non-compliance issue.

In each instance it was determined, based on field review and review of the 1997 Biological Assessment and corresponding Biological Opinion, that the effects determination and analysis of potential effects were still valid. Therefore, a new Biological Assessment and Biological Opinion are not necessary at this time. Appropriate permit administration procedures were followed and monitoring occurred in 2004.