



File Code: 2670

Date: January 13, 2005

Curt Mullis
US Fish and Wildlife Service
6610 Washburn Way
Klamath Falls, OR 97603

Dear Curt:

Enclosed are the range monitoring reports for the Fremont and Winema National Forest range program for the 2003 grazing season. These reports fulfill monitoring requirements under Biological Opinions (1-10-97-F-017 and 1-7-97-F-147) for Warner sucker, Lost River and shortnose sucker, and Klamath Basin bull trout. Monitoring results and corrective actions are discussed in the enclosed monitoring reports. Re-initiation of consultation requirements were discussed with the Level I and Level II Teams on April 15, 2004.

Also included is the Annual Reevaluation of Effects to Threatened and Endangered Fish Species and Their Habitat as required by aforementioned Biological Opinions.

Summary of 2003 Grazing Season

Within the Warner Basin, one pasture did not meet grazing standards. Within the Upper Klamath Basin, four pastures did not meet grazing standards. Two of the non-compliant pastures were not scheduled to be grazed in 2003 (Sycan River Crossing and Yellowjacket Pastures), one was grazed earlier and at a higher intensity than scheduled due to fence problems (Pitchlog North Pasture) and did not meet year-end use standards, and two were grazed as scheduled but did not meet year-end use standards (Squaw Butte and Horseglades Pastures). The enclosed monitoring report describes the corrective actions taken in all instances of non-compliance. A total of 73 pastures that were monitored fully met grazing standards.

Determination of Effect (Sycan River Crossing, Yellowjacket, Squaw Butte, Horseglades)

The determination was made by the Forest that non-compliance on the Sycan River Crossing, Yellowjacket, Squaw Butte, and Horseglades pastures would result in a "May Affect, but is not Likely to Adversely Affect Lost River, shortnose, and/or Warner suckers." Further, the Forest concluded that their non-compliance would "Not Result in Destruction or Adverse Modification of Proposed Critical Habitat for Lost River or shortnose suckers" and "Not Result in Destruction or Adverse Modification of Designated Critical Habitat for Warner sucker."

Rationale for Determination (Sycan River Crossing, Yellowjacket, Squaw Butte, Horseglades)

None of these four pastures contain habitat for shortnose, Lost River, or Warner sucker. These pastures are 10-30+ miles upstream of occupied, proposed, and designated critical shortnose, Lost River, and Warner sucker habitat. Non-compliance on Sycan River Crossing, Yellowjacket,



Squaw Butte, and Horseglades pastures did not result in changes in stream channel morphology (i.e. bank trampling) or ecologically impact riparian plant species composition, structure, or physiology. Increases in bank erosion are not expected to occur during spring high flows as a result of non-compliance. Stubble height along the greenline was of sufficient height that at least some sediment will be collected during high flows and bank building will remain “static.” Changes in riparian vegetation species and composition generally do not occur over a single season of over-use. No measurable effect to Lost River, shortnose, and/or Warner suckers and/or their habitat is expected to occur based on the limited impacts and the physical separation of the activities from occupied, proposed, and designated critical habitat described above.

Determination of Effect (Pitchlog North)

The determination was made by the Forest that non-compliance on the Pitchlog North Pasture did not change the original effects determination from the 1997 Biological Assessment of “May Affect, Likely to Adversely Affect shortnose suckers” and that the action would “Not Result in Destruction or Adverse Modification of Proposed Critical Habitat for Lost River or shortnose suckers”, as described in the 1997 Biological Assessment and corresponding Biological Opinion.

Rationale for Determination (Pitchlog North)

The Pitchlog North Pasture contains occupied, proposed critical shortnose sucker habitat in Barnes Valley Creek. The Forest has determined that the effects of the non-compliance are not beyond those described in the 1997 Biological Assessment and corresponding Biological Opinion.

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. Mid-July is within the Oregon Department of Fish and Wildlife Guidelines for Timing of Inwater Work for Barnes Valley Creek.

The residual stubble height standard on Barnes Valley Creek is seven inches; it was measured at five inches after the 2003 grazing season. The seven-inch standard was set as a conservative standard on Barnes Valley Creek because it is occupied habitat and its condition was rated as Functioning at Risk with an Upward Trend. The seven-inch standard was set to increase recovery rates. Grazing to a five-inch residual stubble height is expected to lead to continued improvement, although at a slower rate than leaving seven inches residual stubble. No degradation of habitat conditions are expected to occur and none have occurred as a result of the non-compliance, based on field observations. Field observations have also led to the determination that the primary detrimental impacts to Barnes Valley Creek are a result of the severely altered flow regime in the area, due to upstream water use activities. The altered flow regime has resulted in difficulty in establishing vegetation below the bankfull elevation. Any effects of leaving five inches of residual streamside vegetation as opposed to seven inches will be immeasurable given the impacts of the altered flow regime in the area.

The non-compliance did not result in changes in stream channel morphology (i.e. bank trampling) or ecologically impact riparian plant species composition, structure, or plant physiology. Increases in bank erosion are not expected to occur during spring high flows as a result of non-compliance. Stubble height along the greenline was of sufficient height that some sediment will be collected during high flows and bank building will at least remain static. Changes in riparian vegetation species and composition generally do not occur over a single season of over-use. No measurable effect to Lost River, shortnose, and/or Warner suckers and/or their habitat is expected to occur based on the expected impacts described above.

Reinitiation of Consultation

As required by the 1997 Biological Opinion, The Fremont-Winema National Forest is requesting reinitiation of consultation on the corrective actions described taken in 2003 for non-compliance to grazing standards as described in the Monitoring Report.

The Forest has determined that the effects of non-compliance grazing in five pastures in 2003 are described in the 1997 Biological Assessment and corresponding Biological Opinion. Therefore, a new Biological Assessment and Biological Opinion are not necessary at this time.

If you have any questions please contact Jim Leal (541-947-6340), Acting Forest Level One Aquatics Representative.

Sincerely,

/s/ Karen Shimamoto
KAREN SHIMAMOTO
Forest Supervisor

Enclosures