

2002
REPORT OF CATTLE GRAZING IN WARNER, LOST RIVER, and SHORTNOSE
SUCKER HABITAT and BULL TROUT HABITAT ON THE
FREMONT NATIONAL FOREST

I. Introduction

This report will address the 2002 grazing season use of allotments under consultation with the U.S. Fish and Wildlife Service on the Lakeview, Paisley, Silver Lake, and Bly Ranger Districts of the Fremont National Forest in Southeastern Oregon. There are 19 allotments containing 48 pastures on the Lakeview RD, 7 allotments containing 11 pastures on the Paisley RD, 2 allotments containing 2 pastures on the Silver Lake RD, and 20 allotments with 53 pastures on the Bly RD. These allotments are in the headwaters of Honey, Deep, and Twentymile Creeks which drain the Warner watershed, in the N.F. Willow, Strawberry, Pitchlog, Four Mile, Wildhorse Creeks and North Forks and South Fork of the Sprague River which drain the Lost and Sprague River watersheds, and also the Sycan River watershed. This is the sixth 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 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 runs through this unit. Livestock were managed in accordance with BO conditions and end of season monitoring showed less than 5% use by livestock.

II. 2002 Grazing Season Report

Weather Influences:

Precipitation by turn-on was 92% of the yearly average (NRCS water quantity prediction, April 1, 2002 for Lake County, Goose Lake Basin) with April 1 snowpack at 116% of normal. Range conditions were ready when livestock entered the Forest. Grazing plans on several allotments were modified to start grazing the allotment earlier with the off date moved up accordingly. Between the first of June and the end of August 2.18 inches of precipitation were recorded at the Lakeview. With a few exceptions, the utilization standards were still being met as summer progressed. By mid-July cattle were beginning to concentrate on riparian zones because of dry upland forage. Regrowth on forage plants after the grazing season was limited due to dry and cold fall conditions.

Wild Fire

Several large wildfires (Grizzly, Toolbox, Silver and Winter) and many smaller ones, burned on the Fremont NF after July 12, 2002. Fires created an emergency situation which pulled many of the Forest Service personnel involved with livestock permit administration away from their primary duties. The U.S. Fish and Wildlife Service was contacted and advised that there might be fire suppression impacts to the consultation area on July 15th. Permittees were advised that they would need to take on more monitoring responsibilities for the remainder of the season. The fire and fire suppression efforts contributed to the inability of the permittee to meet standards on Currier Camp allotment.

Reasonable and Prudent Measures:

The U.S. Fish and Wildlife Service believes the following reasonable and prudent measures are necessary and appropriate to minimize incidental take authorized by this biological opinion:

The Forest Service shall minimize adverse impacts of grazing activities to riparian habitats that contribute to or provide for essential physical and biological components necessary for the conservation of the Shortnose, Lost River and Warner suckers and Bull Trout.

To implement the Reasonable and Prudent measure, the following terms and conditions shall be adhered to:

- a. Strict adherence to pasture use guidelines such as maximum utilization levels, stubble height, prescribed grazing system, or others, as stipulated in the biological opinion. Table (1a) provides a summary of the proposed versus actual use on consultation allotments for allotments on all Districts.
- b. Outside the authorized period of grazing use, each pasture (and exclosures within or adjacent to them) covered by this biological opinion will be monitored for unauthorized and excess livestock as often as necessary to ensure the above reasonable and prudent measure is met when cattle are in adjacent public or private pastures. Excess use must not result in more than a five percent noticeable use level, nor can it result in a failure to meet end of growing season utilization and/or stubble heights. Unauthorized livestock use will be reported to law enforcement for appropriate action.

This year utilization monitoring was done in some pastures using ocular estimates resulting in a reporting of a range rather than a single value. In the Meadow Monitoring Guide, under utilization monitoring it is expected that estimates be reasonably accurate within 10% plus or minus of the actual value. When the actual utilization was reported as a range, the midpoint was used to determine whether the utilization level was in compliance with standards or not. When a single value was reported for utilization, the pasture was considered out of compliance when it exceeded standards by 10%. The Meadow Monitoring Guide also allows for use of the Key Forage Plant Method which was used when cages were missing or unusable.

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There were 15 incidences of use exceeding the utilization standards. Letters were sent to permittees in noncompliance of utilization standards with warnings that repeated noncompliance in the 2003 grazing season may result in at least a 20% suspension of grazing the following year.

Table 1. List of allotments and pastures showing noncompliance with utilization standards 2002 season.

Warner Sucker

<u>Allotment</u>	<u>Pasture</u>	<u>Allowable (S&G)</u>	<u>Measured Use</u>
Barley Camp	Barley Camp	50%(meadow)	67%
Crane/Kelly	Burnt Creek	<5%(rested)	43%(meadow)
Crane/Kelly	Burnt Creek RIP	<5%(rested)	65%;4''
Crane/Kelly	Willow Creek	50%(meadow);5''	6-20%;3''
Crane/Kelly	Willow Creek RIP	<5%(rested)	45%(floodplain);5''
Sage	Camas RIP	5% (rested)	6-20%(floodplain);5''
Squaw Butte	Upper Squaw Butte	50%(meadow)	65%(meadow)
Honey Creek	Blue Springs RIP	50%	65%(meadow);5''

Lost River/Shortnose Sucker Habitat

<u>Allotment</u>	<u>Pasture</u>	<u>Allowable (S&G)</u>	<u>Measured Use</u>
Fort Springs	Fort Springs	55%(meadow)	61-80%(meadow)
Yocum Valley	Stateline	35%(floodplain),6''	57%; 5''
Barnes Valley	Long Branch RIP	<5%(rest);5''	35%(dry meadow);7''
Pothole	Mitten Springs	45%(meadow);4''	60%(meadow);3''
Five Mile	Swamp Creek RIP	5%(rested);7''	39%(dry meadow);7''
North Fork	North Fork	30%(floodplain);7''	52%(floodplain);3''
Currier Camp	Skull Creek	45%(floodplain);4''	70%(floodplain);3''

The following noncompliance to permit term and conditions, listed by allotment, was reported in the 2002 grazing season. The corrective actions that have been or will be taken are identified:

Warner Sucker Habitat

Barley Camp Allotment – Overuse this year was measured in the Barley Camp pasture. Additional monitoring probably needs to be established to monitor the greenline in Deep/Mosquito pasture. Overuse in 2003 on any of the pastures could result in 20% suspension.

Crane/Kelley Allotment – Three pastures that were supposed to have been rested received significant grazing pressure this year. The use is attributed to cattle from neighboring allotments and private land

which gained access because fences damaged by the South Warner fire in 2001 had not been repaired. The permittee was warned that he is responsible for end of year use standards no matter who's cattle are on the allotment. He is also responsible for his portion of the fence maintenance. To his credit the private/Forest Service boundary fence that caused problems last year was maintained prior to this year's grazing season. Letdown fences around riparian pastures will need to be up in 2003 irregardless of the rest/use status of adjacent pastures. Pasture boundary fences will be maintained and operable prior to cattle going on in 2003. Willow Creek pasture and Burnt Creek Riparian Pasture will be rested in 2003.

Sage Allotment – Fence building was required before Lower Camas Riparian Pasture could be used. This fence was not completed and unauthorized use on the Lower Camas Riparian Pasture was measured in the range from 6 to 20% but a 5" stubble height remained at the end of the season. The cattle were removed immediately when the rancher was notified. When the new permit is issued the permittee will be informed of the grazing standards and the responsibilities for fence maintenance and monitoring. The fence identified in the previous permit as necessary for grazing of the RIP will be constructed prior to turning cattle out. The Forest Service will work with the permittee to review monitoring methods and locations.

Squaw Butte Allotment – The high use on the monitoring site on Upper Squaw Butte pasture is not representative of the unit. This year use was measured at 65% on the wet meadow the actual use is believed to be within utilization standards. An additional monitoring site may be established in a more representative wet meadow location in the unit next grazing season.

Lost River/Shortnose Sucker Habitat

Fort Springs Allotment – A letter of noncompliance was sent to the permittee at the end of the grazing season because of overuse on the Fort Springs pasture. Use was measured in the 61-80% range on the wet meadow where the standard is 45%. This pasture is scheduled for early season grazing. The pasture fence needs maintenance and will be fixed prior to turnout.

Yocum Valley Allotment – Cows from an adjacent allotment also grazed on the Stateline pasture of Yocum Valley Allotment resulting in overutilization. Use on 9/6/02 was measured at 57% with 5" stubble height after the unauthorized cows had been removed. A letter of noncompliance regarding unauthorized use will be sent to the permittee.

Barnes Valley Allotment – The Long Branch Riparian Exclosure was created in 1995 to help improve riparian conditions. Fences were not maintained properly this year and cattle were allowed access to graze the exclosure. Utilization was measured at 34% with a 5% allowable use standard. The permittee was notified in writing that all fences would be maintained before livestock turnout this season and any noncompliance could lead to a suspension of up to 20% of the next permitted season.

Pothole Allotment – 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 did not get distributed properly. Use was measured at 60% exceeding the use standard of 45%. Stubble height was 3" instead of 4". The permittee was given a warning letter that utilization and stubble height standards must be met in the 2003 grazing season or a 20% suspension will be imposed.

North Fork Allotment – This allotment did not meet utilization standards in the 2002 grazing season. This is a small allotment grazed early in the season. Cattle from an adjoining allotment were found trespassing at the end of the season. Utilization was measured as 52%, exceeding the 30% utilization standard. Stubble on the greenline was 3” instead of 7” at the end of the growing season. The permittee was given a warning letter that utilization standards must be met and that if a repeat violation occurred in the 2003 grazing season a 20% suspension would be imposed.

Fivemile Allotment – The permit for this allotment has two permittees running cattle in common. The permittees agreed to nonuse of the Swamp Creek Riparian pasture in 2002. (The Swamp Creek Riparian pasture and the Riverbed Butte pasture were in noncompliance for the 2001 grazing season). Only one of the two permittees ran cows on the allotment in 2002. On July 16, 2002, 20 pair of cattle were discovered grazing in the Swamp Creek Riparian pasture. On July 17, 2002, the cattle were moved by the permittee. Utilization was measured at 39% where only 5% is allowed on rested pastures. Stubble height standards were still met. On the same day the fence around the Swamp Creek Riparian pasture was inspected for open gates, lack of maintenance, and possible openings. No openings were found in the fence or gates of the riparian enclosure that would have allowed cattle to pass into the pasture. It is unknown how the cattle got into the pasture. The District Ranger and permittees have agreed to rest the riparian pasture until proper functioning condition is met. Waiver activity on the permit is leading to a single permittee in the near future, which will simplify management of the allotment

Currier Camp Allotment – Utilization and greenline stubble height standards in Skull Creek pasture were not met this year. The permittee has another allotment which was in the burn area and so time and effort needed to be taken to get cows out of the fire area, and could not be used monitoring the Currier Camp allotment. A warning letter was sent to the permittee stating that noncompliance next year could lead to a suspension of up to 20% in the 2004 season.

Follow-up on allotments that exceeded standards in 2001 The following is a review of allotments that were in noncompliance for 2001 and a follow up of what occurred in 2002:

Warner Sucker Habitat

Barley Camp – Utilization in the Deep Mosquito pasture technically exceeded utilization standards in 2001 by 3% (48% utilization was estimated when standard is for 45% use). There is a 10% allowable estimation error given in the Monitoring Guide. The permittee was notified in writing that 2001 measures did not jeopardize the permit however noncompliance of the utilization standards or stubble height measurements during the 2003 season could result in a suspension of up to 20% of the permitted head months in the 2004 season. The key area in Barley Camp pasture will be looked at this year to see if it adequately monitors use on the stream bank.

Crane/Kelly* – In 2001 the permittee did not maintain a private/Forest boundary fence and allowed grazing in the Burnt Creek RIP. Use was measured at 2” on greenbelt stubble height, exceeding the standard of less than 5% incidental use. The permittee was notified that adjustment of grazing pressure may be necessary. The private/Forest boundary fence was repaired prior to the grazing season in 2002,

but there was significant use on rested pastures in 2002. The 2003 operating instructions will require fencing to be done between the pastures and around the Burnt Creek RIP. The Forest Service will provide materials to rebuild a fence bordering the north side of the allotment along Burnt Creek that was burned in the South Warner fire. Willow Creek RIP had use

Sage* – Cattle grazed the riparian pasture of Camas Creek for a short time in July, 2001, with use recorded at 27%. A fence to control access to this area was to be constructed by the permittee before grazing was not completed before turnout. The permittee was notified in writing that any use by cattle in this area during the 2002 season would result in a suspension of up to 20% of the permitted head months in the 2003 season. There were continued problems in 2002 because the fence was not built.(see earlier section of report). Camas Creek Riparian Pasture will not be grazed until the fence is constructed by the new permittee.

Honey Creek –The stubble height standard of 4” was not met. The measured stubble was 3.5” in 2001. The permittee received notice of noncompliance. This year there were no problems with utilization non-compliance but reevaluation of the key areas in Blue Springs RIP and Burn pasture is scheduled for 2003 to resolve problems with beaver activity

Lost River/Shortnose Sucker Habitat

Arkansas – The Creed pasture is primarily a private land unit, managed by the permittee with a 21 head “on-off” permit. This permit specifies a grazing standard that must be met on the Forest Service land fenced into the predominately private land pasture. This pasture did not meet 2001 grazing standards. In 2002, utilization was 35% with an allowable 50% and stubble height was 6 inches with a 5-inch standard. Due to corrective action taken by the permittee the permit is no longer under suspension or a warning for noncompliance.

Yainax – This permittee exceeded use standards in Vinson and Keno reservoir pastures and violated his permit by allowing unauthorized use in the 2001 grazing season. A suspension of 30% of the permitted season was placed on the 2002 grazing season. In 2002, the permittee made improvements in his management of cattle on the forest through increased riding and improvements in his fence maintenance. This helped with the distribution of cattle and allowed the allotment to meet standards. A pasture permitted under Private Land Permit has been fenced out of the allotment reducing the term private land number and giving the permittee more flexibility. No permit violations were committed in the 2002 grazing season. The permit is no longer under suspension or a warning for noncompliance.

. **Five Mile***– Non-compliance to grazing standards in the Swamp Creek pasture in 2001 was largely due to the cutting of fences, allowing livestock in the adjacent pasture to re-enter the pasture after the scheduled grazing season. The permittees agreed to non-use of the Swamp Creek pasture in 2002. One permittee agreed to non-use on the entire allotment in 2002. There were continued problems with excess use in the riparian pasture in 2002 (see earlier section of the report). The District Ranger has suspended the season of use on the allotment (includes two permits) 20% for two years. This suspension includes resting the riparian pasture until proper functioning condition is met. Waiver

* Did not meet standards in 2002.

* Did not meet standards in 2002

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activity on the permit is leading to a single permittee in the near future, which will simplify management of the allotment

Paradise Creek - The stubble height standard for the Sprague Riparian Pasture is 6", due to the early season grazing schedule (July 1- July 15). The measured stubble height was 5" at the end of the growing season in 2001. Lack of regrowth after the grazing season played a major role in this noncompliance. The permittee received notice that noncompliance in the 2002 season would result in a suspension of up to 20% of the permitted head month in the 2003 season. Utilization standards were met in 2002 and the permit is no longer under warning for non-compliance.

Sycan – This allotment is one pasture with several key areas (T Springs, Currier Springs, and Long Creek). The allotment is managed by moving cattle up in elevation as the grazing season progresses. All key areas did not meet utilization standards in the floodplain. T-Springs and Currier Springs are key areas in dry and moist meadows respectively and are not associated with perennial channels. Stubble height along the greenline is not measured. Generally 55-65% use equates to 2-4 inch stubble depending upon the species. At Long Creek use on the floodplain was over the standard but greenbelt stubble height met the standard. The permittee on this allotment were notified by the District that failure to comply with the standard in the 2002 season would result in a 20% suspension in the 2003 season. Utilization and stubble height met standards in 2002 and the permit is no longer under warning for non-compliance.

Sycan River –Livestock belonging to the permittee on the Blackhills Allotment were seen in the area of the Sycan River bridge on FR 27. The permittee was contacted and the cattle were moved back to the allotment. Trespass cattle from private land east of the Sycan River bridge were seen along the river and FS law enforcement was notified. The owner was prompt in moving these cattle back to his ranch but late in the season these cattle were again observed in this area. The owner received a letter from the District with an impoundment warning. The owner identified a place in the fence between the Forest and private land that needed work and said he would work to keep his cattle off Forest. There were no reported problems in 2002.

Bear/Lakes – The stubble height standard was not met at the headwater meadow of the Sycan. This area has historically met standards. The permittees on this allotment were notified by the District that failure to comply with the standard in the 2002 season would result in a 20% suspension in the 2003 season. This allotment met grazing standards in 2002 and is no longer under warning for non-compliance.

Monitoring Summary

The grazing monitoring was conducted under the guidelines set forth in the programmatic Biological Opinion of May 22, 1997. The BO requires that both stubble height and utilization in the floodplain be collected at every key area scheduled for monitoring. Generally, all pastures scheduled for grazing had utilization checked at the end of the season. In a few instances this was not completed. District Rangers will remind their range staff that cages need to be in place at the beginning of the grazing season and end of season monitoring completed for scheduled pastures.

III. Monitoring Site Changes

Honey Creek –The Forest Service will work with the permittee to review monitoring methods and locations. Beavers have moved into the key area on the Burn pasture this fall and an additional monitoring reach may need to be established. On Blue Springs RIP, the key area may need to be resited.

Squaw Butte – Two monitoring sites are located in this single pasture allotment. Monitoring sites need to be reviewed for representation of both grazing use and riparian conditions by an interdisciplinary team.

Barley Camp - The key area in Barley Camp pasture will be looked at this year to see if it adequately monitors use on the stream bank.

IV. 2002 Range Improvement Projects

On the Bly Ranger District a trough was replaced on the Pothole allotment. Best management practices were exercised in completing this project.

V. 2003 Grazing Changes

Trial grazing permittee swap on Silver Lake District will go back to original allotments in 2003. The Bly Ranger District will be resting the Swamp Creek RIP until proper functioning condition is reached. No changes in grazing systems on any other allotments.

The Level 1 Team recommended a field review of Barley Camp, Crane/Kelly, Sage, Pothole, Fivemile North Fork and Currier.

Since the Level 1 meeting in May, a new temporary one-year permit for Little Cove allotment has been issued to a new permittee for July 15 through Sept. 15 for 100pair. All the terms and conditions of the Flynn's term permit have been transferred to the one-year permit (Utilization standard and stubble height).