



Decision Memo
USDA Forest Service
Lookout Mountain Ranger District, Ochoco National Forest
Crook County, Oregon
Canyon Creek and Reservoir Allotments

Background

The Canyon Creek and Reservoir Allotments are located on the Lookout Mountain Ranger District of the Ochoco National Forest and total 34,425 acres. There is a long history of grazing on the Canyon Creek and Reservoir Allotments; records show that these two allotments have been grazed by sheep since the turn of the last century. The Forest Plan allows for and encourages livestock use and recognizes that ranching is an important lifestyle in surrounding communities. It is Forest Service policy to make forage available for livestock grazing on lands that are suitable for grazing and consistent with land and resource management plans (FSM 2203.1 and 36 CFR 222.2). There continues to be a demand for forage from the Ochoco National Forest and these allotments.

Decision

I have decided to reauthorize livestock grazing under the same terms and conditions as the current grazing management. The current grazing management for the Canyon Creek Allotment is for 1,100 ewe/lamb pairs from June 16 to September 30 for a total of 1,177 Animal Unit Months (AUMs). The “turn on” date may be adjusted annually based on range conditions. The current grazing management for the Reservoir Allotment is for 1,100 ewe/lamb pairs from June 16 to September 30 for a total of 1,177 AUMs. The “turn on” date may be adjusted annually based on range conditions.

Included in the current permit are general guidelines for grazing management. These include:

- a. Sheep will not be bedded down more than once a day at any one place during the grazing season.
- b. Sheep will not be bedded down in tree plantations.
- c. Sheep will not be bedded down within 300 feet of any running stream (Class I & II RHCAs) or live spring.
- d. Sheep will not be bedded down in specific locations identified in the permit.
- e. Sheep will be attended by sheep herders and guard dogs.

Additional grazing management guidelines can be found in the “Hay Creek Ranch Sheep Trailing Instructions” and the “Canyon Creek Allotment Sheep Grazing Instructions” and “Reservoir Allotment Sheep Grazing Instructions” located in the range allotment files on the Lookout Mountain Ranger District. These documents are part of this permit.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because these actions fit within the category described in Section 339 of Public Law 108-447.

The categorical exclusion is appropriate in this situation because it meets the three criteria: (1) the decision continues current grazing management; (2) monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land and resource management plan; (3) the decision is consistent with agency policy concerning extraordinary circumstances.

Resource conditions in the Canyon Creek and Reservoir Allotments are satisfactorily meeting or moving towards the objectives in the Forest Plan, as amended. The decision on these allotments is to reauthorize current grazing management.

There are no extraordinary circumstances potentially having effects which may significantly affect the environment. I considered current sheep grazing, specifically in riparian areas, and determined that current grazing management is meeting Forest Plan standards for utilization.

My conclusion is based on a review of the project record that shows relevant, scientific information was used in describing the expected environmental consequences. Resource reports and Biological Evaluations contained in the project file reference applicable literature.

Several resource conditions were considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect on these resource conditions that determines whether extraordinary circumstances exist. Resource conditions that were considered include:

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

No proposed, endangered, or threatened plant species are known in the project area. Habitat is present for fourteen of the twenty-eight Region 6 Forest Service sensitive plant species in the project area. The other fourteen species are not present and habitat does not exist in the project area; therefore, there would be no impact. Of the fourteen species that are present, one species is documented to exist, Peck's mariposa lily (*Calochortus longebarbatus* Wats. var. *pecki*). The Peck's mariposa lily populations in the project area have been surveyed and appear to be stable, the proposed action would not affect the population because sheep are frequently moved by herders and Peck's mariposa lily may require a certain level of disturbance (Kagan 1996). For the other thirteen species with potential habitat in the project area, the proposed action may impact individuals or the habitat, but is not expected to result in a trend towards listing or loss of viability because sheep generally either avoid the habitat or are moved out of the habitat by herders. For further information, see the Botanical Biological Evaluation dated August 24, 2007 in the project file.

There are no endangered aquatic species or habitat known or suspected on the Ochoco National Forest. There are two threatened aquatic species that exist on the Ochoco National Forest but are not in the project area because of downstream blockages at dams with no fish passage. Continued livestock grazing would have no impact on threatened aquatic species. There is no Essential Fish Habitat designated by Magnuson-Stevens Public Law in the Ochoco National Forest. Three of the five Region 6 Forest Service sensitive aquatic species have no known populations or habitat in the project area; therefore, there are no impacts from the proposed action. The other two

sensitive species, redband trout (*Oncorhynchus mykiss*) and Columbia spotted frog (*Rana luteiventris*), are known to occur in the project area. For both the redband trout and Columbia spotted frog, the proposed action may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability because current standards for protecting sheep from over grazing habitat associated with these species are being met. These current standards include three INFISH standards and guidelines for grazing management that protect redband trout: modify grazing practices that are likely to adversely affect inland native fish, locate new livestock improvements outside of Riparian Habitat Conservation Areas (RHCAs), limit trailing, bedding, watering, salting and other handling efforts so there is not adverse affects to inland native fish. All of these standards and guidelines are being met by the current grazing management. Four of the eight Project Design Criteria (PDC) that exist for Columbia spotted frog are applicable to sheep grazing; all of these PDCs are being met with the current grazing management. For further information, see the Aquatic Biological Evaluation dated September 2007 in the project file.

There are no endangered or threatened terrestrial species on the Ochoco National Forest. There are nine species on the Region 6 Forest Service sensitive terrestrial species list that are suspected or documented on the Ochoco National Forest. Six of those species are not present in the project area and the proposed action would have no impact on these species. Three sensitive species have potential or suitable habitat in the project area: bald eagle (*Haliaeetus leucocephalus*), California wolverine (*Gulo gulo*) and gray flycatcher (*Empidonax wrightii*). There is one known bald eagle nest site in the project area. The proposed action may impact individuals or habitat for the bald eagle, but will not likely contribute to a trend toward federal listing because the current grazing management will not result in an increase in human disturbance. There have been past sightings of California wolverine in the project area. The current grazing management activities can be easily avoided by the wolverine; therefore it may impact individuals or habitat, but is not likely to contribute to a trend toward federal listing. The gray flycatcher is expected to occur in the project area. The gray flycatcher prefers nesting in shrubs and small trees below six feet, these nests could be disturbed by sheep grazing. There is some habitat found in the project area, most of the shrubs are typically not grazed by sheep because of their condition or location. There is a small potential for nest disturbance to occur by the current grazing management; however, it is expected to be minimal and may impact individual or habitat, but is not likely to contribute to a trend toward federal listing. For further information, see the Wildlife Resource Report dated September 2007 in the project file.

b. Flood plains, wetlands, or municipal watersheds.

Executive Order 11990, Protection of Wetlands, and Executive Order 11988, Floodplain Management, directs federal agencies to avoid impacts to wetlands and floodplains. There are 2,185 acres of wetlands (approximately 6% of the project area) and 144.7 stream miles in the project area. Implementation of the proposed action is consistent with the Executive Orders to protect floodplains and wetlands because current standards and guidelines designed to reduce impacts to wetlands and floodplains, like sheep not bedded down within 300 feet or a live stream (Class I & II RHCAs) or live spring are being met. Field observations also show light impacts from current grazing management. For further information, see the Hydrology report dated September 13, 2007 in the project file.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

No congressionally designated areas exist in the project area.

d. Inventoried roadless areas.

The project area contains portions of the Lookout Mountain Inventoried Roadless Area. In the Forest Plan, this area was allocated to MA-F11, Lookout Mountain Recreation Area. The emphasis in this area is to maintain a natural setting and provide opportunities for semi-primitive recreational opportunities. The Forest Plan allows for livestock grazing. The proposed action will continue current grazing management and will not alter the natural setting or reduce opportunities for semi-primitive recreational activities. The Lookout Mountain Inventoried Roadless Area appears to meet the criteria for potential wilderness designation in Forest Service Handbook 1909.12, Chapter 70. Continued livestock grazing will not alter the (1) natural character of the area, (2) the undeveloped character of the area, or (3) existing opportunities for semi-primitive recreation.

e. Research natural areas.

No research natural areas exist in the project area.

f. American Indians and Alaska Native religious or cultural sites.

The Ochoco National Forest lays within the lands ceded to the government through the 1855 Treaty with the Tribes of Middle Oregon. Indian People continue to gather plants and resources today and continue their traditions and cultural practices. The continuation of sheep grazing would not alter opportunities for exercising treaty rights, responsibilities and privileges.

g. Archaeological sites, or historic properties or areas.

There are many archaeological sites and historic properties in the project area. Monitoring determined that the proposed action will not have an affect. Sheep camps were also reviewed because of their concentrated use and potential impacts; there is no overlap of sheep camps and cultural sites or properties. Sheep grazing has been an ongoing activity for more than 100 years and the effects of grazing is viewed as a continuing activity. The potential damage to sites is affecting the surface to 3 centimeters below surface and is recognized as having occurred for over 100 years. These sites have been reviewed and the proposed action meets the criteria for a No Historic Properties Affected determination.

Public Involvement

A proposal to reauthorize grazing of sheep on the Canyon Creek and Reservoir Allotments under the same terms and conditions as the existing term grazing permit was listed in the Schedule of Proposed Actions on January 1, 2007. The proposal was provided to the public and other agencies for comment during scoping on May 1, 2007. Letters were sent to special interest groups including the Central Oregon Wildhorse Coalition, adjacent landowners, local tribes and the permittee. In addition, the agency met with the permittee prior to developing the proposed

action and prior to scoping. One letter from the permittee was received with concerns about additional restraints on the permit and the loss of flexibility; the proposed action is to reauthorize current grazing management therefore no additional restraints or loss of flexibility will occur. Two letters were received from special interest groups with no specific concerns but comments on the need to address existing conditions, effects and compliance with standards and guidelines. These were considered and are discussed in this decision memo or in the resource reports and Biological Evaluations contained in the project file.

Findings Required by Other Laws

This decision is consistent with the Ochoco National Forest Land and Resource Management Plan, as amended, as required by the National Forest Management Act. I have also reviewed my decision for consistency with 16 USC (United States Code) 1604(g)(3) and find that it is consistent. The project was designed in conformance with forest plan decisions for biological diversity, cultural resources, forage utilization, recreation, general forest winter range, water quality, turbidity, management indicator species, threatened, endangered, and sensitive plant and animal species, and big game habitat (Forest Plan, pages 4-120 to 4-252). The decision is also consistent with the Endangered Species Act, National Historic Preservation Act and the Clean Water Act.

INFISH provides interim direction to protect fish habitat and populations and amended the Forest Plan. INFISH pertains to native fish, which refers to redband trout. Riparian Management Objectives (RMOs) for INFISH are being met in the project area. For further information, see the Aquatic Biological Evaluation dated September 2007 in the project file.

The redband trout will act as a surrogate species for the Forest Plan Management Indicator Species (MIS) rainbow trout (*Oncorhynchus mykiss*) and brook trout (*Salvelinus fontinalis*) because the habitats are the same and redband trout exist in the project area. The current grazing management is meeting standards and guidelines for redband trout and may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the populations or species.

There are four creeks in the project area that are on the state 303(d) list of Water Quality Limited Water Bodies for summer water temperature. Field observations and consistency with utilization standards indicate the current grazing management is not adversely affecting shade. No measurable increase in water temperatures in the planning area will result from implementation of the proposed action. The Forest Plan indicates that turbidity levels will meet state water quality standards by maintaining stream bank stability. The proposed action will meet state turbidity standards because the current grazing management includes guidelines to reduce potential impacts to stream banks. For further information, see the Hydrology report dated September 13, 2007 in the project file.

The Forest Plan as amended requires non-native invasive plants to be considered by: identifying existing conditions, identifying mechanisms for spread, discussing prevention measures, and determining the remaining risk given prevention and potential for spread. There are fifteen known species in the project area; infestations are widespread but generally small, most being under 1/10 acre. Most infestations are along road corridors, making it appear that vehicles are the primary cause for spread but there are other sources including livestock.

Medusahead, a non-native invasive plant, is a threat because it is known to spread by sheep carrying the seeds in their coats and possibly their digestive tracts (Furbush 1953). The sheep are trailed onto the National Forest from their ranch. Medusahead is known to exist on the private land ranch. The permittee has been contacted regarding prevention measures. Sheep are moved off the ranch at a time when medusahead is less susceptible to transport and they are trailed 2-3 days on other lands before entering the National Forest. Given the time period when sheep are trailing onto the National Forest, continued current grazing management would maintain the existing level of risk. The proposed action is consistent with the Forest Plan. For further information, see the Botanical Biological Evaluation dated August 24, 2007 in the project file.

Primary cavity excavators are Management Indicator Species (MIS) listed in the Forest Plan. There are sightings for downy woodpecker, a primary cavity excavator, in the project area. The proposed action would be consistent with Forest Plan standards for primary cavity excavating species because sheep are controlled and herded out of the area with small effects to the habitat. For further information, see the Wildlife Resource Report dated September 2007 in the project file.

The Forest Plan contains standards and guidelines for managing habitats for both Rocky Mountain elk and mule deer. Forage utilization from the proposed action will be in compliance with the Forest Plan because forage production studies indicate the stocking level is adequate for the current grazing management, wild horse population and allocation of forage for wildlife. Furthermore, current grazing management is meeting Forest Plan utilization standards. For further information, see the Wildlife Resource Report dated September 2007 in the project file.

Implementation Date

This project will be implemented on or after May 2008.

Administrative Review or Appeal Opportunities

This decision is not subject to administrative appeal.

Contact Person

For additional information concerning this decision contact Tory Kurtz, Rangeland Management Specialist, Lookout Mountain Ranger District, 3160 NE Third St., Prineville, OR 97754, (541) 416-6407.

/s/ Arthur J. Currier

9/27/2007

ARTHUR J. CURRIER
District Ranger

Date

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