

Forrest Ranch Acquisition

Annual Report
2001 - 2002



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FORREST RANCH ACQUISITION FY 2002 ANNUAL REPORT

BPA PROJECT NUMBER 2001-041-00

BPA CONTRACT NUMBER 00008167

CONTRACT PERIOD DECEMBER 1 THROUGH NOVEMBER 30

**THE CONFEDERATED TRIBES OF WARM SPRINGS
JOHN DAY BASIN OFFICE**

PREPARED FOR THE BONNEVILLE POWER ADMINISTRATION

By

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AUGUST 2003

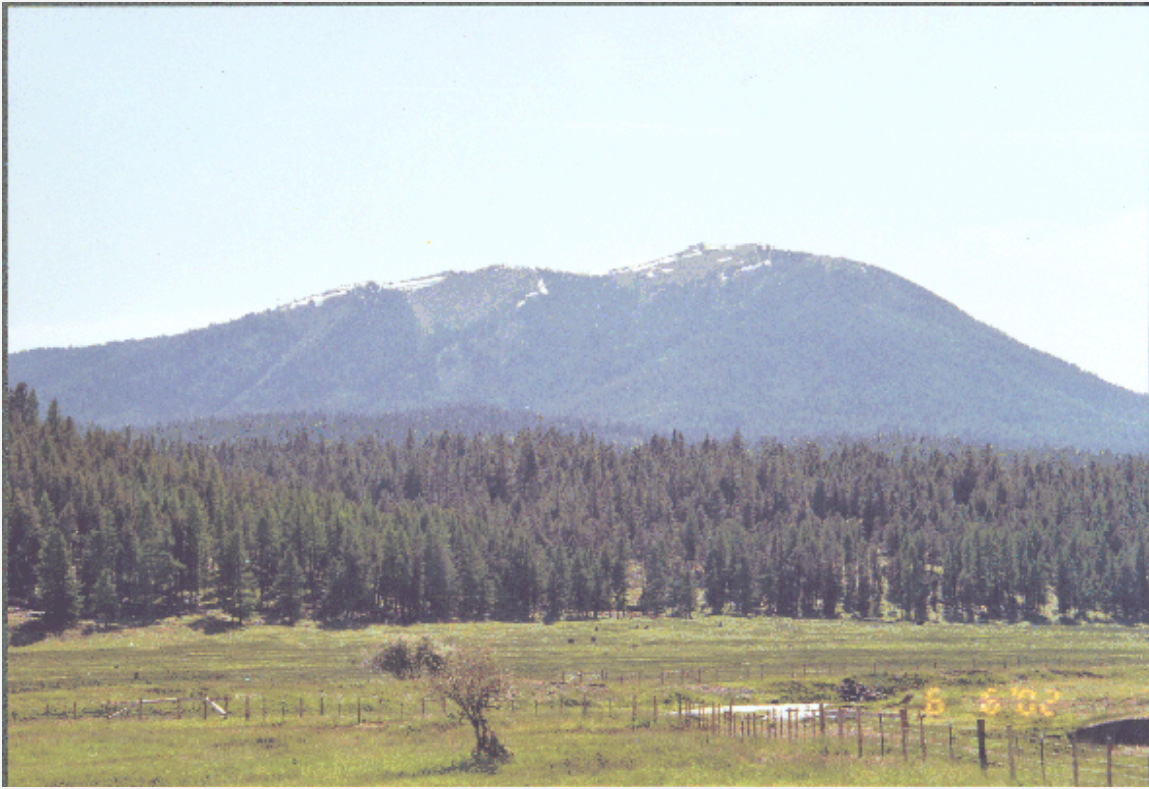


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Cover photograph of Dixie Mountain and Middle Fork John Day River from the Forrest Middle Fork Parcel, courtesy of Forrest Ranch Manager.

ABSTRACT

Through their John Day Basin Office, the Confederated Tribes of Warm Springs Reservation of Oregon (Tribes) acquired the Forrest Ranch during July of 2002. The property consists of two parcels located in the John Day subbasin within the Columbia basin. The mainstem parcel consists of 3,503 acres and is located ½ mile to the east of Prairie City, Oregon on the mainstem of the John Day River. The middle fork parcel consists of 820 acres and is located one mile to the west of the town of Austin, OR on the middle fork John Day River.

The Forrest Ranch Project is under a memorandum of agreement with the Bonneville Power Administration (BPA) to provide an annual written report generally describing the real property interests of the project and management activities undertaken or in progress.

The Forrest Ranch acquisition was funded by BPA as part of their program to protect, mitigate, and enhance fish and wildlife habitat affected by the operation of their hydroelectric facilities on the Columbia River and its tributaries.

Following lengthy negotiations with the BPA and property owner, the Tribes were able to conclude the acquisition of the Forrest Ranch in July of 2002. The intent of the acquisition project was to partially mitigate fish and wildlife impacts for the John Day Dam on the Columbia River as outlined in the Northwest Power Planning Council's Wildlife Program (NPPC 1994, §11.1, §7.6). While the Tribes hold fee-title to the property, the BPA has assured a level of program funding through a memorandum of agreement and annual statement of work.

As early as 1997, the Tribes identified this property as a priority for restoration in the John Day basin. In 2000, the Tribes arranged an agreement with the landowner to seek funds for the acquisition of both the Middle Fork and upper Mainstem John Day River holdings of Mr. John Forrest. This property had been a priority of not only the Tribes, but of many other basin natural resource agencies.

The contract period was the first year of the program with December 2001 through July 2nd 2002 being previous to acquisition of the property. The majority of the activities conducted under the contract period were spent on O&M and pre acquisition activities.

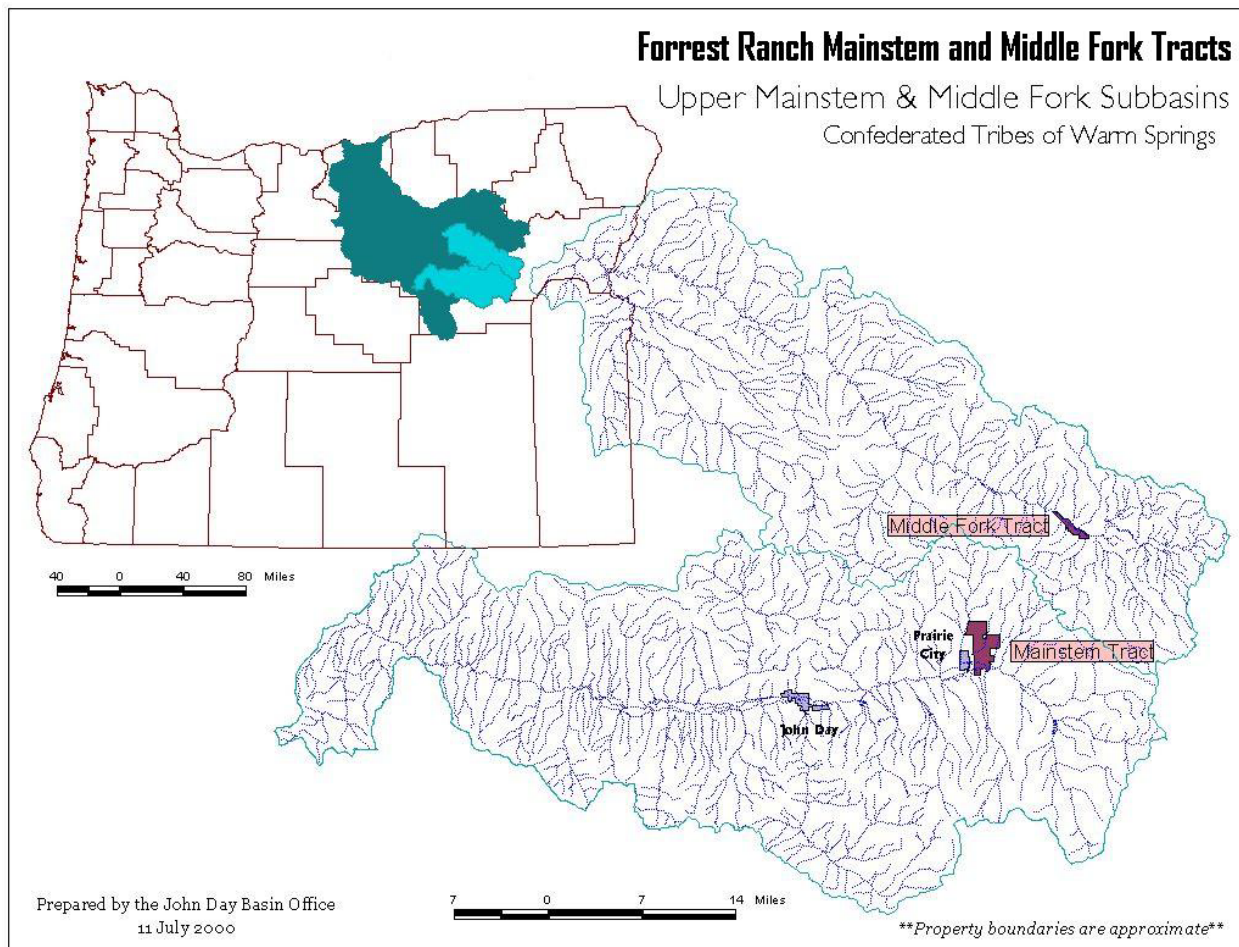


Figure 1. Forrest Ranch Mainstem and Middle Fork Tracts within the John Day Basin

INTRODUCTION & PROPERTY DESCRIPTION

The Forrest Ranch contains some of the highest value spawning and rearing habitat for anadromous fish in the John Day subbasin. Fish species within the subbasin, which reside for all or part of their life history on the property, include spring Chinook salmon, summer steelhead trout, bull trout, Pacific Lamprey, Redband Trout, and Westslope Cutthroat Trout. Additionally, several key wildlife species may benefit from habitat protection such as, great blue heron, sandhill crane, Bald eagle, Canada goose, spotted sandpiper, yellow warbler, black-capped

chickadee, western meadowlark, California quail, mallard, mink, rocky mountain elk, white tail and mule deer, small mammals, reptiles, and amphibians.

The Middle Fork parcel is surrounded by the Malheur National Forest except for one private landowner on the east boundary. The parcel consists of approximately 820 acres, of which there are 406 acres of riparian and flood plain meadows and 414 acres of upland mixed conifer forests. Approximately 4.1 miles of river corridor and 2.2 miles of tributaries are present on the property. Spring Chinook spawning on the parcel compose approximately 35-40% of total redds counted in the Middle Fork index.

The Middle Fork River is designated both a State and Federal Scenic Waterway. The Malheur National Forest manages the river corridor below the parcel and private landowners manage the river corridor above. Northwest of the property is the Indian Rocks Scenic Area and south of the property is the Dixie Butte Roadless Area.

The Mainstem parcel is surrounded by private ownership. The parcel consists of 3,400 acres of which approximately 600 acres are riparian and flood plain meadows and approximately 2,800 acres of uplands. Approximately 1.34 miles of river corridor and 3.5 miles of tributaries are present on the property. Spring Chinook spawning on the parcel composes approximately 5-10% of total redds in the Mainstem index .

The habitat conditions of the stream corridors of both parcels have been severely degraded primarily from riparian vegetation removal and suppression. Historically the property was used for livestock pastureland. Much of the property was also logged. Land changes occurring during the 1940's, converted much of the riparian vegetation and wetlands to pastureland for domestic livestock. Because of previous land use activities, the property is lacking severely in riparian vegetation along both the river and tributaries.

The Middle Fork tract has been the highest priority restoration project in the John Day subbasin since 1971 and contains the highest density of spawning spring Chinook salmon in the Middle Fork. The tract also contains critical rearing and spawning habitat for summer steelhead, a federally listed species. The John Day tract represents over 1.5 miles of Mainstem habitat, one of the last remaining "gaps" in the riparian fencing program above Prairie City, and currently is the downstream distribution of any significant spawning and rearing for spring Chinook.

DISCUSSION OF RESULTS/ACTIVITIES

2002 Scope of Work

Objective 1. Draft legal documents and complete transaction

Tasks

- 1.1 Complete a purchase offer; earnest money agreement, and sales contract to be submitted to the L.L.C. and its representatives. Lead negotiations on any issues related to taxes, estate planning, title encumbrances, relocation and other similar.

Purchase offer, earnest money agreement, and sales contract were submitted to L.L.C.

- 1.2 Negotiate and complete a Memorandum of Agreement with the BPA. Gain approval from the Tribal Council.

A Memorandum of Agreement between the Confederated Tribes of Warm Springs Reservation of Oregon and BPA was completed and approved by Tribal Council.

- 1.3 Work with the Land Title Company of Grant County to prepare a title report, title insurance policy, escrow contract, bill of sale and other necessary title transfer documents.

All transfer documents, title report, insurance; bill of sale and escrow contract were completed.

- 1.4 Acquire water rights certificates, easement agreements and other title encumbrances for the preliminary title report and environmental reviews.

Water right certificates, easements and title encumbrances for preliminary title report along with environmental reviews were completed and acquired.

- 1.5 Amend or extend the existing lease, if necessary, to provide additional time for sale of the property.

The existing lease of the property was extended to provide additional time for the sale of the property.

Objective 2. Complete required compliance surveys and consultations

Tasks

- 2.1 Complete the BPA required Environmental Checklist for compliance with the National Environmental Policy Act. Forward to the BPA for review and approval.

Environmental Checklist was completed and submitted to BPA and approved.

- 2.2 Prepare biological assessments, as necessary, for compliance with the federal Endangered Species Act. Forward to the National Marine Fisheries Service and U.S. Fish and Wildlife Service for review, consultation, and issuance of an incidental take permit.

All necessary compliance was completed for the ESA.

- 2.3 Grant County's weed ordinance requires identification, inventory, and diligent control of noxious weeds. Preliminary investigations of the Forrest Ranch have identified locations of weeds listed on the County's weed list. Initial inventory and control efforts to comply with State and County rules will be completed by JDBO staff.

Initial inventory of problem noxious weeds were identified and limited control efforts were performed in the form of mechanical cutting, pulling, and herbicide application.

Objective 3. Complete preliminary mapping and evaluation activities related to the proposed habitat evaluation procedure, Hankin & Reeves survey, and other property inventories and evaluation in anticipation of BPA MOA requirements.

Tasks

- 3.1 Begin preliminary habitat typing, select target species, conduct literature reviews, design sampling protocol, and prepare survey contracts.

Preliminary coordination for the Habitat Evaluation Process (HEP) was conducted with Washington Department of Fish and Wildlife (WDFW). Tours of both parcels were conducted with WDFW and the appropriate target species were selected for the habitat cover types present. The HEP field surveys were scheduled with WDFW to occur during the early summer of 2003.

- 3.2 Input, summarize, and evaluate data collected during the summer 2001 field season on the ranch.

Additional baseline resource data was collected during the 2002 field season for the property. Summarization and evaluation of data will be conducted during FY 03.

- 3.3 Draft the Forrest Ranch monitoring components for inclusion in the JDBO's 2002 annual monitoring plan.

Monitoring components were selected for the property. Riparian monitoring reaches were established for vegetation, river cross-sections, and fish snorkeling surveys. Riparian and upland bird census and photo stations were selected. Water temperature monitoring sites were selected. Redd surveys for spring Chinook and summer steelhead, spring Chinook hold pool counts, and big game herd composition counts were included.

Objective 4. Gather existing information and draft Interim Property Protection and Management Plan.

Tasks

- 4.1 Complete a review of existing scientific literature and plans that pertain to the property.

Reviewed scientific literature and plans that covered the following topics, current existing stream surveys of tributaries and rivers, fisheries resources on the property, and soils types present on the property.

- 4.2 Prepare a draft Interim Plan, distribute for review, incorporate comments, and distribute a final document to cooperating agencies.

Portions of the interim plan were compiled consisting of resource descriptions, management objectives, and other management issues. The draft form of the management plan is expected to be completed in fall of 2003.

- 4.3 Complete formal/information consultations with cooperating agencies and public presentations to other interested parties. (e.g., watershed councils, soil and water conservation districts, and etc.)

Informal consultations with cooperating agencies and interested public have been performed for the preliminary assembly of a Public Advisory Group (PAG) expected to meet in February 2003. The PAG will function as a peer review board for the assembly of the draft management plan, and current management of the properties.

Objective 5. Ongoing operations and maintenance

Tasks

- 5.1 Check and repair all boundary fence prior to normal turnout of cattle on adjacent National forest system lands and regularly along the other property boundaries.

Boundary fence repairs were made to the Middle Fork Parcel previous to the turnout of cattle on adjacent National Forest land and continually through the contract period on the Mainstem parcel.

- 5.2 Construct/reconstruct approximately 5 mile of boundary fence to reduce/eliminate trespass grazing from adjacent National Forest system lands and private property. Use standard Tribal contracting procedures, administered by the Property Manager, and complete this fall on pastures used for winter feeding and next spring on upland pastures prior to turnout.

Approximately 1 mile of boundary fence was reconstructed on the Mainstem parcel. The location was a problem area for cattle trespass by an adjacent landowner. The remainder of the boundary fence was repaired in areas of broken or down fence.

- 5.3 Make a determination regarding the potential issuance of annual grazing and instream flow leases. The property is currently leased for haying, grazing, and irrigation. This lease will continue under the existing Conservation Agreement with assurances that current fish values will be maintained.

The sublease was allowed to continue to November 30, which was the end date for the lease. The cattle were removed from the property at the end of November. Resource values along the river riparian and uplands were maintained.

- 5.4 Regularly patrol fences and interior property and inspect for evidence of trespass (e.g., illegal dumping, cattle trespass, and other unauthorized uses).

Patrols of the property were performed regularly throughout the contract period and extended into several weekends during the big game seasons.

- 5.5 Control, using chemicals or other appropriate methods, known and inventoried noxious weed populations.

Portions of known noxious weeds were controlled by means of herbicide application along the riparian areas of the Mainstem parcel during November. The herbicide applicator used Transline in areas near hardwood trees. Additionally mechanical and hand pulling was conducted around structures and riparian areas.

- 5.6 Prior to the spring growing season, collect planting material for replanting within degraded riparian areas.

Plant materials were collected in coordination with the Forest Service from their Clarno native nursery. The nursery contains clones collected from areas near to the properties. Approximately 2,000 cuttings of willow and cottonwood were collected.

Objective 6. Provide Technical Assistance to the Property Manager

Tasks

- 6.1 Support preparation of the Interim Management Plan, monitoring plan, property protection and maintenance, and planned construction projects.

The Basin Coordinator and Fish and Wildlife Biologist for the John Day Basin Office of the Confederated Tribes of the Warm Springs provided technical assistance to the management of the property for the development of two irrigation diversion replacement projects, preliminary development of the management plan, and property protection and maintenance.

6.2 Support general office management and administration such as budget, timesheets, purchasing, payments of invoices, and other similar.

Support was provided from office specialist for timesheets, purchasing, and invoicing and general administration duties.

Objective 7. Provide Administrative Support Costs

Tasks

7.1 Provide fringe benefits at the rate of 23% of salary.

Fringe benefits were provided.

7.2 Provide indirect costs at the rate of 41.4% of total budget expenditures, excepting capital equipment and subcontracts.

Indirect costs were provided.

7.3 Purchase supplies.

Necessary purchases were made for the program.

7.4 Purchase equipment.

Equipment was purchased for the program.

7.5 Pay regular and recurring expenses such as vehicle, property taxes, electricity, phone, insurance, and other similar.

GSA contracts, property taxes, electricity, phone, insurance, and other similar were paid.