

## APPENDIX F

### Malheur National Forest Strategy to Minimize Redd Trampling “Take” of Steelhead and Bull trout for 2012 – 2016 consultations

Created 2006

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#### Introduction

The Malheur National Forest (Forest) recognizes that there is the potential for Redd Trampling and or “take” of listed species by livestock grazing within streams designated as critical habitat for listed species. Spawning surveys are a tool to assess redd vulnerability to livestock disturbance and may also be used to assess compliance with the level of “take” authorized within a Biological Opinion. Redds may need to be protected to prevent exceeding the level of authorized take. Studies have shown that, in the right conditions, cattle may disturb redds. The key is knowing whether such conditions exist and redds are likely to be trampled (i.e., do livestock have access to the spawning habitat during critical periods).

#### History

A meeting took place on February 15, 2006 with other agencies to help identify moderate to high risk areas, to determine where potential take may occur, to work cooperatively with other agencies to reduce the risk of “take” and to answer questions that will benefit listed fish.

All known or potential spawning streams were looked at individually in those allotments where cattle may be turned out during critical spawning periods. A ranking system was set up in that meeting using first hand personal knowledge of the streams with such criteria as accessibility of livestock to potential spawning grounds based on downed wood and thick riparian vegetation, topography and valley type, extent of livestock interactions in the past, history of past livestock management, and degree/extent of steelhead or bull trout spawning.

Overall the number of streams with moderate to high risk for livestock/redd interactions were determined to be as follows:

John Day Basin – Blue Mountain Ranger District

- 46 high (46 steelhead/2 bull trout)
- 4 moderate (steelhead)

John Day Basin – Prairie City Ranger District

- 6 high (3 steelhead/6 bull trout)

March 1, 2006

- 6 moderate (4 steelhead/3 bull trout)

Malheur Basin – Prairie City Ranger District

- 4 high (bull trout)
- 3 moderate (bull trout)

**Additional Measures to Protect the Most Sensitive/High Value Riparian Areas (in response to Court Orders of June 5 and June 8, 2009 in ONDA v. Kimbell, CF-07-1871-HA) (letter from Steve Namitz, Tom Friedrichsen, Jeff Shinn to Brooks Smith 6/10/2009)**

**Most Sensitive Riparian Areas (MSRA)**

The June 5 court order asks for a stratification or classification – “most sensitive riparian areas” -- that is unfamiliar to the Forest Service and fisheries agencies. Nevertheless, after considering input from the multiple fisheries and hydrology experts, a five-step process was developed to help identify what might reasonably be considered the “most sensitive riparian areas” for Mid-Columbia River steelhead (MCRS) on the basis of the best available data in the rather short time period provided for such a task. In summary, the criteria reflect a hierarchy of elements that uses the information and data already in the possession of the Forest Service and/or the Oregon Department of Fish and Wildlife (ODFW). It is important to note that the Forest Service reserves the opportunity to further revise or field-check any statements or determinations set forth in the memorandum to Brooks Smith (subject: Responding to the questions in the Court Orders of June 5 and June 8, 2009 in ONDA v. Kimbell. CV-07-1871-HA) and determinations should be considered tentative in nature; in this same regard, the Forest Service opted to use generally a more conservative approach that was designed to capture any riparian area that might be considered to be one of the “most sensitive” for MCRS within these allotments.

Because of the life-cycle stages of MCRS relevant to the streams within these allotments, a decision was made to focus the approach to identifying the “most sensitive riparian areas” on the known and likely spawning areas for MCRS. Riparian areas adjacent to spawning areas can be considered relatively more sensitive for the species because they occur on low gradient sections of a stream and often prove to be particularly attractive to grazing livestock as a water and shade source for much the same reasons.

**Process for determining Most Sensitive and High Value Riparian Areas in relation to Mid Columbia River Steelhead<sup>1</sup>**

1. Identify Forest Service and ODFW’s Index spawning reaches as well as High Value spawning areas that are considered to be sensitive. Index stream reaches within the John Day were chosen in the 1960’s and portray some of the best

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<sup>1</sup>This process was developed in 2009 in response to Court Orders of June 5 and June 8, 2009 in ONDA v. Kimbell, CF-07-1871-HA. The reasons for the process were carried over into this document and bullets 5 and 6 were updated to reflect 2010 grazing

spawning habitat within the Basin. High Value spawning areas are those that are not considered to be index reaches but still provide key habitat to the species (professional judgment by Forest Service and ODFW Fisheries Biologists).

2. Further identify segments of stream that are less than 3% in gradient (Potential Spawning Habitat) and are greater than 500' in length and or have multiple smaller segments that can be linked together.
3. Identify sensitive riparian areas in relation to MCRS and the eight litigated allotments on which potential injunctive relief was requested (2009 grazing season). This effort was later expanded to analyze all MCR Steelhead Critical Habitat within the Malheur National Forest.
4. Review currently proposed grazing strategies to see if sensitive areas are already being avoided or protected.
5. Make recommendations and seek agreement from permittees to protect Sensitive Riparian Areas that are not already being avoided or protected under currently proposed grazing strategies.

### **2012 - 2016 Strategy**

**Goal:** The Goal of the Malheur NF spawning survey strategy is to reduce and or minimize the risk of redd trampling (Take) by livestock.

**Objective:** To ensure the Goal is met, range personnel and permittees will stay current on where livestock are located within pastures containing MSRA's, significant risk pastures and avoid these areas during spawning periods where possible. Malheur NF staff in cooperation with permittees, other agencies and partners will conduct spawning surveys to determine fish presence. The above mentioned entities will also employ the appropriate mitigations if redds are observed to avoid redd trampling. Where needed, a variety of methods or strategies will be employed depending on environmental conditions, extent of risk, and duration of exposure to accomplish the goal. These may include, but are not limited to: exclusion of livestock, active riding, hard fences, temporary fences, portable cattle guards, off site water, salting and or use of minerals, rest, removal or relocation of livestock.

### **Implementation Strategy**

Prior to livestock turnout each year Malheur NF staff will determine which pastures are planned to be grazed during critical spawning periods (prior to June 30 for MCR Steelhead and or after August 15 for Bull Trout).

#### **MCR Steelhead**

If livestock grazing is scheduled prior to June 30, within pastures containing MCR Steelhead Critical Habitat and or MSRA then the Forest will develop a sampling plan to

ensure that all MSRA's and a percentage (20%, random sample) of the remaining high risk and moderate risk reaches would be surveyed each year. At a minimum one field visits will occur at annually selected sites. If no redds are observed in the first visit an additional visit may be scheduled later during the spawning period to ensure any additional redds would be protected.

Stream survey information will be used where available and streams will be scouted to establish spawning survey reaches centered on the highest potential for livestock/redd interactions. If the field reconnaissance determines that no potential for livestock/redd interactions exists that will be documented through photographs and field survey notes and brought to the Level I Team as part of the End Of Year Reporting.

If ODFW and or the Tribes are surveying a stream that is selected then a determination will be made as to whether an additional Forest Service survey will be needed. Reaches will vary in length depending on topography, livestock access, and other variables.

### *Bull Trout*

If livestock grazing is scheduled after August 15, within pastures containing Bull Trout Critical Habitat then the Forest will develop a sampling plan to ensure that all known occupied spawning reaches would be surveyed. At a minimum one field visits will occur at annually selected sites. If no redds are observed in the first visit an additional visit may be scheduled later during the spawning period to ensure any additional redds would be protected.

Stream survey information will be used where available and streams will be scouted to establish spawning survey reaches centered on the highest potential for livestock/redd interactions. If the field reconnaissance determines that no potential for livestock/redd interactions exists that will be documented through photographs and field survey notes and brought to the Level I Team as part of the End Of Year Reporting.

If ODFW and or the Tribes are surveying a stream that is selected then a determination will be made as to whether an additional Forest Service survey will be needed. Reaches will vary in length depending on topography, livestock access, and other variables such as extent of spawning substrate.

### *General*

Spawning surveys will take place at least once annually on each selected streams during or just after the peak of steelhead and/or bull trout spawning. Starting and ending points will be GPS'd and photographs will be taken to document survey information such as areas of bank erosion, livestock presence, redd locations, start and end points, etc. Malheur National Forest Redd and Livestock Inspection Reports will be filled out for each survey and personnel will be trained on what data to collect. Adult steelhead and/or bull trout and their redds should be counted within the designated reach. Livestock

congregating near areas of documented redds should be noted and reported immediately to MNF range staff. Turbidity of the stream and condition of redds should be noted. Whether there is evidence of livestock/redd interactions should be noted and reported immediately to MNF Aquatics and or Range staff. If adult steelhead are noted, an attempt should be made to ascertain whether they are of hatchery origin (adipose fin clipped).

### **Key Elements of the Strategy**

1. Identify units where cattle will have access to streams that contain steelhead and/or bull trout spawning as well as potential spawning habitat (completed 2006, updated to include MSRA's in 2009).
2. Identify where cattle are scheduled to be in these units and will have access to spawning areas during relevant spawning periods (to be completed prior to turnout on an annual basis).
3. Identify areas where spawning potential exists and spawning surveys should be completed (Completed).
4. Identify areas where topography, vegetation, channel type, and roads allow easy access to spawning areas (MSRA's 2009).
5. If livestock grazing is scheduled prior to June 30, within pastures containing MCR Steelhead Critical Habitat and or MSRA then the Forest will develop a sampling plan to ensure that all MSRA's and a percentage (20%, random sample) of the remaining high risk and moderate risk reaches would be surveyed each year. At a minimum one field visits will occur at annually selected sites. If no redds are observed in the first visit an additional visit may be scheduled later during the spawning period to ensure any additional redds would be protected.
6. If livestock grazing is scheduled after August 15, within pastures containing Bull Trout Critical Habitat then the Forest will develop a sampling plan to ensure that all known occupied spawning reaches would be surveyed. At a minimum two field visits will occur at annually selected sites. If no redds are observed in the first visit an additional visit may be scheduled later during the spawning period to ensure any additional redds would be protected.
7. Identify areas where other agencies are currently conducting spawning surveys and those areas where we can work cooperatively.
8. Where there is significant risk for redd trampling, the Forest and permittees will utilize any number of tools to protect redds. Measures may include, but are not limited to: alternative rotation, rest, exclusion with water gaps, temporary electric

fences, off site water developments, additional riding, salt and minerals. Methods should be documented to develop trend data on successes and failures.

**The following recommendations will help to guide the process:**

- ✓ Participants as well as permittees need to have a clear perspective of what the goal and objectives are.
- ✓ Strategy needs to be supported by participants, permittees, and line officers.
- ✓ Develop a sampling plan over the course of the winter, prior to the next year's turnout to allow adequate time for surveys to be accomplished.
- ✓ Conduct surveys and investigations in high risk and or high spawning potential areas.
- ✓ Focus protective action and monitoring activities in areas of known spawning habitat.
- ✓ Ensure personnel conducting surveys are aware of the data collection expectations.
- ✓ Show a high level of commitment and responsiveness to mitigate the potential for redd trampling.