

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY ODFW

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 9/22/00

21 day Deadline Date: 10/20/00

Application # R84465/66/67

Applicant's Name:

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

NO / YES Species: Upper Willamette Spring Chinook

Status: Sensitive, Threatened, Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2),

IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET  (PAGE 2)

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a **LOSS** in the essential habitat of THREATENED OR ENDANGERED SPECIES or a **NET LOSS** in the habitat of a SENSITIVE SPECIES?

NO / YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / YES [690-33-330(3)]

Which conditions are recommended?

The applicants Habitat Conservation and Management Plan (HCMP) for all waters and wetland areas includes criteria that should be required as conditions of the water right. These conditions are located on pages 5-7 of the HCMP.

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain:

ODFW RECOMMENDATION:

 X Approval with fishery conditions.

 Approval without fishery conditions.

 Denial.

ODFW Representative: Name: Richard Irish

Date: 11/9/00

WRD Contact: Brendalee S. Wilson, Interagency Coordinator/Policy Analyst, Water Rights Division

1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: brendalee.s.wilson@wrд.state.or.us

WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PLAN

Landowner Information

Names: Pete & Linda Hrebec

Address: Thunder Ranch, 77406 High Prairie Road, P.O. Box 1456, Oakridge, OR 97463

Property owner address: ORAZ Holdings, LLC., 6220 E. Thomas Road, Suite 202, Scottsdale, AZ. 85251

Cooperating Agency Information

Name: Oregon Department of Fish and Wildlife

Contact: Bruce Campbell

3150 Main Street, Springfield, OR 97478

Telephone: (541) 726-3515

*Will not
be a "signed"
plan.*

Subject Property Information

Township: 21 S.

Range: 3 E.

Section: 04 and 09

Tax Lot No: 700 (21S., 3E., 04) and 900 (21S., 3E., 09)

Acreage: 171.42 acres

Written Description of Existing Physical Features, Vegetation and Wildlife Habitats

General

The property is located on the southern portion of High Prairie, northeast of Oakridge. It is zoned E-40 and has one dwelling in which the owners live. The property consists of 171.42 acres (photo 1, map 1). The house, garage and surrounding yard sits on about 1 acre. There is a large shop, hay barn, shed and fenced corral that occupies approximately 2 acres. Approximately 80 acres are forested, primarily with young firs and cedars with a few scattered oak groves near the open prairie. The remaining 90 acres consist of open grassland prairie that is fenced into 6 pastures that are used for cattle grazing and hay production. There is a large spring-fed pond on the south end of the property with a seasonal outflow. Adjacent to the pond to the north there is a large area of wetland prairie with a smaller, seasonal pond. There are 2 small spring fed ponds, one on each side of the entry road with year round outflow.

Soil Classifications

The following soil types occur on the property (map 2):

- 89F-nekia silty clay loam, 30-50% slopes
- 89E-nekia silty clay loam, 20-30% slopes
- 89D-nekia silty clay loam, 12-20% slopes
- 113C-ritner cobbly silty clay loam, 2-12% slopes
- 89C-nekia silty clay loam, 2-12% slopes
- 45C-dupee silt loam, 3-20% slopes

Streams, other natural waterways and riparian areas

There is a series of small, seasonal drainage channels that drain into the large pond during the winter and early spring as well as a seasonal outflow stream from the pond. There is one permanent stream that is the outflow from the spring-fed ponds adjacent to the entry road. (photo 1)

Ponds and other water bodies

There are four ponds on the property (photo 1). A large permanent spring-fed pond, which is roughly 15 to 20 feet deep and fed by seasonal precipitation runoff, is located on the south end of the property. There is also a permanent pond at the north end of the wetland area, which is used for cattle and horse watering. The two other ponds are spring-fed and small, with permanent outflow. They are located adjacent to the entry road, one each on the upper and lower sides of the road. The lower pond is used as a temporary water source for cattle and horses. The upper pond is fenced off and is used as a source of water for periodic road dust control and for fire suppression if necessary.

Wetlands

There is a large area of wetland prairie that comprises approximately 40 acres of low lying ground north of the largest pond (map 3; photos 2 & 3, area 2). The water source for the pond comes from the high water table present at this particular site. There are several types of grasses and rushes present that are associated with wetland prairie, as well as many high ant mounds.

Areas of native vegetation

The northern, eastern, and southern portions of the property are forested (photo 1), mostly with second growth firs, cedars, and some maples. There are several areas along the south and east edges of the pasture that are remnant stands of white oak woodlands, with encroaching firs and cedars (photos 2 & 3, area 1). In the pastures (photos 2 & 3, area 3) there is the possibility of some remnant native grassland species, and in the wetland prairie (photo 2 & 3, area 2) several native wetland species occur.

Areas containing threatened or endangered plant species

The Oregon National Heritage Foundation has no records of federally listed threatened or endangered plant species within a 2-mile radius of the property. Two species of plants on the Oregon Department of Agriculture's threatened and endangered list have been documented within a 2-mile radius of the property. These are:

Common Name	Scientific Name	Status
Howell's Montia	<u>Montia Howelli</u>	Candidate
Tall Bugbane	<u>Cimicifuga elata</u>	Candidate

Areas of significant wildlife habitat

The remnant oak woodlands on the property, although heavily encroached on by the firs and cedars, are significant wildlife habitat. According to the Defenders of Wildlife (Oregon's Living Landscape:

Strategies and Opportunities to Conserve Biodiversity, 218pp.) , oak woodlands have declined by 80% in the Willamette Valley ecoregion and most of what remains is threatened by encroachment of Douglas fir. This habitat type supports more than 140 species of birds, mammals, reptiles and amphibians. Many neotropical songbirds, as well as several species considered at risk, including the sharptailed snake and western gray squirrel, depend on oak woodlands at least seasonally. The remaining second growth fir, cedar and maple stands are also significant habitat, providing shelter and cover for deer and local elk, as well as various birds and small mammals.

Wetlands on the property, although impacted by human activities and livestock grazing, are valuable habitat. A World Forestry Center publication (Mannix, R. and J. Morlan, 1994. Wetlands as Varied as Our Region. Woodland Fish and Wildlife Project Publ. 12pp.) reports that of 414 wildlife species that occur in western Oregon and Washington, 359 use riparian areas or wetlands during part of their life cycle. According to Defenders of Wildlife, over 85% of the wetlands in the Willamette Valley have been lost.

The largest pond is one of the few permanent water bodies in the area, providing a source of water for wildlife both on the property and from surrounding areas. Unfortunately, the pond contains many bullfrogs, which are a non-native and invasive species. It has been suggested they be eradicated by draining the pond and removing them all.

The pastures and open grassland is also significant wildlife habitat. Defenders of Wildlife report that while the Willamette Valley was at one time a mosaic of prairies and grasslands, so much of this habitat has been lost (>98%) that they are virtually absent from the valley today. Pastures and fallow fields vegetated predominantly by exotic forbes and grasses have replaced these native grasslands. While many grassland wildlife species still persist today, many such as the western meadowlark, short-eared owl, camas pocket gopher, vesper sparrow, and common nighthawk have become rare and are dependent upon these exotic habitats.

Areas containing sensitive, threatened, or endangered wildlife

The large pond and adjacent wetland area of approximately 40 acres could provide habitat to be used by the following species of special status wildlife:

Common Name	Scientific Name	Status
Western pond turtle	<i>Clemmys marmorata</i>	Sensitive
Red-legged frog	<i>Rana aurora</i>	Sensitive

The remainder of the habitat contains approximately 50 acres of open grassy pastures bordered by forest on the east and south. These forested areas include stands of white oak, fir, cedar and maple. There are several grassy openings in the forest stands adjacent to the pastures. Several south facing rocky outcroppings also occur in these areas. These combined with the numerous rocks and scattered rock piles in and around the pastures greatly enhance the habitat by providing shelter and sunning sites for reptiles. They also provide shelter for many species of small mammals and insects. One or more of these habitats could be used by the following species of special status wildlife:

Common Name	Scientific Name	Status
Northern Spotted owl	<u><i>Strix occidentalis</i></u>	Federal Threatened
Common nighthawk	<u><i>Chordeiles minor</i></u>	State Sensitive
Western meadowlark	<u><i>Sturnella neglecta</i></u>	State Sensitive
Western bluebird	<u><i>Sialia mexicana</i></u>	State Sensitive
Vesper sparrow	<u><i>Pooecetes gramineus</i></u>	State Sensitive

Grasshopper sparrow	<u>Ammodramus savannarum</u>	State Sensitive
Streaked horned lark	<u>Eremophila alpestris strigata</u>	State Sensitive
Burrowing owl	<u>Speotyto cunicularia</u>	State Sensitive
Common Name	Scientific Name	Status
Olive-sided flycatcher	<u>Contopus borealis</u>	State Sensitive
Willow flycatcher	<u>Empidonax traillii</u>	State Sensitive
Yellow-breasted chat	<u>Icteria virens</u>	State Sensitive
Sharptail snake	<u>Contia tenuis</u>	State Sensitive
Western rattlesnake	<u>Crotalus viridis</u>	State Sensitive
Western pond turtle	<u>Clemmys marmorata</u>	State Sensitive
Black-tailed jackrabbit	<u>Lepus californicus</u>	State Sensitive
Fringed myotis	<u>Myotis thysanodes</u>	State Sensitive
Long-eared myotis	<u>Myotis evotis</u>	State Sensitive
Long-legged myotis	<u>Myotis volans</u>	State Sensitive
Pallid bat	<u>Antrozous pallidus</u>	State Sensitive
Ringtail	<u>Bassariscus astutus</u>	State Sensitive
Western gray squirrel	<u>Sciurus grieseus</u>	State Sensitive

Areas currently managed for forestry

There is currently no area where there is planned timber harvest. In recent years, most of the forested areas have been thinned slightly and most of the small understory hardwoods and brush have been removed to reduce fire hazard and create a more visually appealing forest structure. This also lets in more light in many areas, promoting the growth of early seral vegetation and grasses, and is an added food source for occasional cattle and horse grazing and for wildlife such as deer and the 50-75 elk.

Areas currently farmed

Farmed portions of the property include 50 acres, in six fenced pastures used for cattle and horse grazing, as well as the remainder inside the perimeter of the property line, which is grazed periodically to keep grass under control. Up until this year, the two north pastures (photos 2 & 3, area 3) were used for hay production and harvest.

Dwellings, roads, fences, and other man-made structures

There is a house and garage on one-acre, a large shop building, hay barn, shed and adjacent corral on approximately 2 acres (photo 1). There are gravel roads continuing from the entrance of the property to both the house and shop/barn area. A dirt road continues from the house to the timbered knob at the north end of the property, which was used for access for commercial thinning by previous owners. There is another small dirt skid road leading from the draw west of the spring that makes a loop around the side of the knob, ending at the upper end of the house site/yard. In addition to the main entrance road, there is another easement on the southeast border of the property that is an unimproved dirt road that connects to McFarland Road to the south. A heavy, eight foot tall treated fir post and rail fence surrounds the one acre house and yard to exclude elk and deer presence. The perennial spring on the upper (north) side of the main entry road has a treated wooden fence around it, to protect it from livestock and elk. With the exception of a 500' X 1500' section in the Southwest corner, the entire perimeter of the property is fenced, as are the six pastures, which are interconnected by gates. There are four man-made ponds on the property. The two small spring fed ponds created by excavation and diking (both were constructed by previous

owners, the south was enlarged 3 years ago) are located on both sides of the main entry road. The upper, fenced pond also has stone retaining wall on the south face of the dike. A third, seasonal pond made from excavation is located at the northeast end of the wetland area. The fourth pond is located at the south end of the wetland area. This is the deepest of all the ponds at approximately 15 to 20 feet deep, and has an overflow pipe, as well as a drainpipe. The drain is not capable of completely dewatering the pond, as it can lower the water level to a depth of about 5 feet. Both of the larger ponds receive water from springs in the wetlands, and were built sometime in the past by a previous landowner. The larger pond was further excavated to its current size and depth about three years ago.

Plan Objectives

This proposed Wildlife Management Plan is composed of the following objectives:

1. Preserve and enhance existing native habitat.
 2. Preserve and enhance the existing wetland.
 3. Preserve and restore the white oak woodlands present on the property.
 4. Restore more native vegetation and structure to the pastures, which have previously been managed for livestock grazing or growing hay.
 5. Manage the pond and surrounding area to minimize the impact of invasive species (bullfrogs in particular) and promote native plant and animal habitat.
 6. Reduce invasive exotic species while favoring native species
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Conservation and Management Practices

In order to preserve, restore, and diversify wildlife habitat on the subject property, the following conservation and management practices will be implemented:

1. Invasive fir and cedar will be removed from the white oak groves to the east and south of the open pastureland (photos 2 & 3, area 1). Trees will be removed gradually over several years to reduce the shock on the oaks of opening up the canopy. This will be done in a manner that minimally disturbs or compacts the soil.
2. Oak trees will be thinned, if needed, in the future to promote open groves of heavily branched "open-formed" trees. Advice on thinning rates and schedules may be obtained from ODFW or other appropriate organization.

3. Oak woodlands may be lightly grazed and or mowed after July 15th to reduce fire hazard.
4. Wetlands (photos 2 & 3, area 2) will be enhanced by eliminating livestock grazing and planting willows, Douglas' spirea, and red-osier dogwood along drainages. Clumps of spirea and red-osier dogwood will also be planted in random clumps throughout the wetlands. Runoff will be slowed and dispersed by placing low dams or obstructions in drainage channels. These structures could consist of secured hay bales or logs with spillways notched in them. Approximate locations of obstructions are indicated on photo 2 by bars.
5. Improved water quality and establishment of emergent vegetation will be promoted in the large pond at the south end of the wetlands by eliminating livestock from the area. Establishment of emergent vegetation will be enhanced by planting bullrush and pondweed.
6. The exotic, invasive bullfrogs that proliferate in the large pond will need to be eradicated, as they will likely out-compete or displace native amphibians. Continued coordination with ODFW, or other appropriate organizations, will occur to determine the best method of doing this.
7. The pastures in area 3, photos 2 & 3 will be used for livestock (<35 pairs of cattle) and horse grazing.
8. All Canadian thistle, and little remaining scotch broom will be removed by either cutting/pulling or the use of herbicides and new colonization will be controlled. All blackberries will be removed except for a few selected larger patches, which will be left for seasonal berry harvest, and a source of food and cover for wildlife.

Time Frames for Implementation

1. Removal of the invasive fir and cedar in the white oak groves will be done over a period of (5) five years. Creation of dead snags will follow the same table. This work will be performed by experienced former Forest Service personnel and/or knowledgeable loggers.
2. Control of Scotch Broom, Canadian thistle, and blackberries will be continued on an established annual preventative practice.
3. Planting of willows and other native vegetation within the wetland area in and around the main South pond will be conditioned upon a satisfactory 75% participation funding grant through and by the Federal Wildlife Habitat Incentives Program(WHIP). Upon funding, the planting program (scope of which shall be mutually agreed upon) should be completed within 24 months excepting, for circumstances of force majeure. The ODFW will contribute suggestions and constructive advice as to specific plants and methodology to optimize the benefits to wildlife habitat.
2. The drainage of the main south pond and eradication of the invasive non-native bullfrogs will be done with advice from ODFW. This task should be easily achieved immediately.
3. Livestock will be restricted from the wetland area around the main south pond. Livestock will be limited to grazing inside the existing timbered areas, as in the past, to control surplus understory growth and reduce fire hazard on an as needed basis.

4. Permanent livestock grazing capacity shall be limited to <35 pairs of cattle and <6 horses.
5. The grasslands will be maintained in their open state. Control and removal of undesirable invasive shrubs and trees will be by hand and by application of herbicides. If necessary, further control will be by mowing and/or selective livestock grazing.
6. Some fencing within the wetland boundaries, may be removed within 12 months after plan commencement, to promote further unrestricted wildlife access to the wetlands if necessary.
7. The property within the wetland area will be managed to promote the growth of sensitive species and riparian vegetation.

Written Description of Expected Physical Features, Vegetation and Wildlife Habitats Following Plan Implementation

Streams, other natural waterways and riparian areas

Vegetation along and within the seasonal drainages in and around the wetlands will develop into a more complex native plant community with the removal of cattle grazing and planting of trees and shrubs. Structure and species composition will enrich the diversity of the area and benefit wildlife.

Ponds and other water bodies

The large pond will develop a better mix of native aquatic and bog vegetation after eliminating livestock grazing in this area and stocking it with native emergent plants. Eradication of bullfrogs from the pond will permit native amphibians to successfully colonize and reproduce.

Wetlands

Wetlands will have a more natural and diverse mix of native vegetation after elimination of livestock from this area and planting of native shrubs and trees. Slowing and dispersing water from springs and precipitation runoff will support a more diverse native plant community, improve water quality, and extend the amount of time surface water is present in the wetland area. These improvements will enrich the diversity of the area and benefit wildlife.

Areas of native vegetation

Removing firs and cedars from the white oak groves, thinning oaks if needed, and reduced livestock grazing will result in more complex, diverse plant and wildlife community.

Areas containing threatened or endangered plant species

Will be enhanced by management that favors native species and promotes diversity.

Areas containing significant wildlife habitat

Will be enhanced by management that favors native species and promotes diversity.

Areas containing sensitive, threatened or endangered wildlife

Will be enhanced by management that favors native species and promotes diversity.

Areas currently managed for forestry

No change is foreseen as there are no proposed formal conservation or management practices that would affect the forested portion of the property.

Areas currently farmed

Livestock grazing will continue on a limited basis as a means to reduce fire hazard in selected areas after July 15. The two north pastures (photos 2 & 3, area 3) will continue to be grazed year round to support <35 pairs of cattle and <6 horses.

Dwellings, roads, fences, and other man-made structures

No change other than the planned construction of a caretaker dwelling on the northwest corner at the intersection of the driveway between the house and shop/barn area. There are also plans to construct 2 additional buildings in the vicinity of the present hay barn/corral area. These consist of an equipment shed some 40' X 80' in size and a horse barn some 40' X 60' in size. State statute and Oregon Administration Rules require that ODFW approve any changes to the property that would impact an approved and initiated plan. If such changes were desired, an amended plan must be preapproved by local ODFW staff. Changes must be allowable by Lane County ordinances and the County Assessor's office must be notified of the amendment and ODFW's approval before the plan becomes effective.

Maps, photos, and supporting documentation

The following is a description of the attached maps, photos, and supporting documentation:

- Map 1: COUNTY TAX LOT MAP
- Map 2: Soil Conservation Service, Soil types map
- Map 3: National Wetlands Inventory map.
- Photo 1: Aerial photo, 1997 USDA-FS Aerial photo with property boundary and some physical features identified.
- Photo 2 & 3: Oblique aerial photos (6/96) with land uses & vegetation types identified.

Important notes and disclaimers

1. This plan may be amended at any time in the future if requested by either party.
2. This habitat management plan does not authorize violation of federal or state laws or local ordinances, nor does it supercede any requirements to obtain permits or authorizations required by federal, state,

or local ordinances.

- 3 The purpose of this habitat conservation and management plan is to protect and manage wildlife solely on the above-described property. This plan is not intended to, nor does it convey any special status on, or otherwise impact in any way the lawful use of any adjacent or nearby properties and both parties agree that it will be constructed to do so.
 4. Property owner shall have the right to revert the land use back to exclusive farm use (EFU), should it so desire.
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Signatures and Approvals

Signature(s) of Property Owners:

Signature

Signature

Date

Date

Signature of District Wildlife Biologist approving plan and date of approval:

Signature

Date

Review date of plan (2 years from signing:)