
PART I - ADMINISTRATIVE

Section 1. General administrative information

Title of project

Logan Valley Wildlife Mitigation Project

BPA project number: 20090

Contract renewal date (mm/yyyy):

Multiple actions?

Business name of agency, institution or organization requesting funding

Burns Paiute Tribe

Business acronym (if appropriate) BPT

Proposal contact person or principal investigator:

Name Daniel Gonzalez

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NPPC Program Measure Number(s) which this project addresses

11, 11.1, 11.2, 11.3

FWS/NMFS Biological Opinion Number(s) which this project addresses

Other planning document references

Malheur Wild and Scenic River Management Plan, USDA 1993; North Fork Malheur Scenic River Management Plan, USDA 1993; Malheur River Basin Fish Management Plan, ODFW 1990.

Short description

This acquisition will integrate fish and wildlife management practices that restore the associated land and water that is critically important to the persistence of threatened, endangered and sensitive fish, wildlife and plant species.

Target species

Upland Sandpiper, Sandhill Cranes, Rocky Mountain Elk, Mule Deer, Antelope

Section 2. Sorting and evaluation

Subbasin

Middle Fork Malheur River

Evaluation Process Sort

CBFWA caucus	Special evaluation process	ISRP project type
Mark one or more caucus	If your project fits either of these processes, mark one or both	Mark one or more categories
<input type="checkbox"/> Anadromous fish <input type="checkbox"/> Resident fish <input checked="" type="checkbox"/> Wildlife	<input checked="" type="checkbox"/> Multi-year (milestone-based evaluation) <input type="checkbox"/> Watershed project evaluation	<input type="checkbox"/> Watershed councils/model watersheds <input type="checkbox"/> Information dissemination <input type="checkbox"/> Operation & maintenance <input type="checkbox"/> New construction <input type="checkbox"/> Research & monitoring <input type="checkbox"/> Implementation & management <input checked="" type="checkbox"/> Wildlife habitat acquisitions

Section 3. Relationships to other Bonneville projects

Umbrella / sub-proposal relationships. List umbrella project first.

Project #	Project title/description
9705900	Securing Wildlife Mitigation - Oregon

Other dependent or critically-related projects

Project #	Project title/description	Nature of relationship
9701900	Stinkingwater project - bull trout and redband trout life history study	Critical headwater streams/ potential spawning and rearing sites for bull trout and redband trout
9405400	Bull trout genetics, habitat needs, life history in Central & NE Oregon	Future bull trout restoration efforts in the Middle Fork Malheur
9705900	Securing Wildlife Mitigation - Oregon	Planning and Coordination

Section 4. Objectives, tasks and schedules

Past accomplishments

Year	Accomplishment	Met biological objectives?

Objectives and tasks

Obj 1,2,3	Objective	Task a,b,c	Task
1	Acquire land from The Nature Conservancy	a	Conduct necessary coordination with The Nature Conservancy and BPA to secure title to property
		b	Develop operation and maintenance plan via Wildlife Working Group
		c	Develop mitigation plan, HU contract with BPA
2	Inventory	a	Conduct a HEP analyses to determine HU's for wildlife crediting issues
		b	Fish surveys
		c	Wildlife utilization surveys
3	Restore and enhance conditions	a	Partner with TNC, ODFW, USFS, Oregon Water Trust to manage property
		b	Restore habitat features to riparian wetlands, grassland; improve water quality
4	Conectivity	a	Qualify the land through restoration measures to connect it to the existing wild and scenic corridor and a wilderness area

Objective schedules and costs

Obj #	Start date mm/yyyy	End date mm/yyyy	Measureable biological objective(s)	Milestone	FY2000 Cost %
1	10/1999	1/2000	Aquisition		90.00%
2	6/2000	10/2000	Inventory		4.00%
3	6/2000	10/2000	Restoration		5.00%
4	6/2000	10/2005	Connectivity		1.00%
				Total	100.00%

Schedule constraints
Funding, Weather

Completion date
2006

Section 5. Budget

FY99 project budget (BPA obligated):

FY2000 budget by line item

Item	Note	% of total	FY2000
Personnel	1 FTE (2080) Biologist; 1 (1080) Technician	%2	48,160
Fringe benefits	25%	%1	12,040
Supplies, materials, non-expendable property	Fencing, ATV	%2	33,500
Operations & maintenance	\$15/acre X 1760	%1	26,400
Capital acquisitions or improvements (e.g. land, buildings, major equip.)	1. Land aquisition 2. Vehicle	%92	1,834,000
NEPA costs	Estimation	%0	10,000
Construction-related support		%0	
PIT tags	# of tags:	%0	
Travel	140 miles round trip X 4 days/week X 28 weeks @ .32/mile	%0	5,020
Indirect costs	26%	%2	33,181
Subcontractor		%0	
Other		%0	
TOTAL BPA FY2000 BUDGET REQUEST			\$2,002,301

Cost sharing

Organization	Item or service provided	% total project cost (incl. BPA)	Amount (\$)
The Nature Concervancy	Assist with writing long term management plans and implementation -- consultants	%0	5,000
Oregon Department of	Assist with fish and wildlife	%1	30,000

Fish and Wildlife	inventories, monitoring, evaluation and restoration		
USFS Prairie City Ranger District, Oregon	Assist with monitoring adjacent USFS cattle allotments, water quality and land management	% 1	30,000
Oregon Water Trust	Purchase or lease water rights for instream flows/ State of Oregon	% 1	30,000
Total project cost (including BPA portion)			\$2,097,301

Outyear costs

	FY2001	FY02	FY03	FY04
Total budget	\$120,000	\$123,600	\$127,300	\$131,100

Section 6. References

Watershed?	Reference
<input type="checkbox"/>	BPA 1997a. Watershed Management Program Final Environmental Impact Statement. DOE/EIS - 0246. Portland, Oregon.
<input type="checkbox"/>	BPA 1997b. Wildlife Mitigation Program Final Environmental Impact Statement. DOE/EIS - 0246. Portland, Oregon.
<input type="checkbox"/>	BPA 1997c. Wildlife Mitigation Program Record of Decision. DOE/EIS - 0246. Bonneville Power Administration, Portland, Oregon.
<input type="checkbox"/>	NPPC 1994. Columbia River Basin Fish and Wildlife Program. NPPC 94-55. Northwest Power Planning Council, Portland, Oregon.
<input type="checkbox"/>	ODFW 1997. Assessing Oregon Trust Agreement Planning Project Using GAP Analyses. In fulfillment of Project Number 95-65, Contract Number DE-BI17992B90299. Prepared for: U.S. Bonneville Power Administration.
<input type="checkbox"/>	USDA 1993. Malheur Wild and Scenic River Management Plan. USDA, Pacific Northwest Region. John Day, Oregon.
<input type="checkbox"/>	WDFW 1997. Sunnyside Wildlife Area Mitigation Management Plan. U.S. Department of Energy, Bonneville Power Administration.

PART II - NARRATIVE

Section 7. Abstract

This project proposes to acquire 1,760 acres of the former Oxbow Ranch. The Nature Conservancy has recently purchased the property and is making it available to the Burns Paiute Tribe for acquisition. The focus of the project is the enhancement and conservation of high value habitat for fish and wildlife species that were affected by the

construction of dams on the Columbia and Snake River. Acquisition is intended to complement the ongoing efforts to restore and enhance the Malheur River Basin. The acquisition of this property would connect a significant piece of land to a designated wild and scenic corridor on the Malheur River. It would also connect boundaries with the Strawberry Mountain Wilderness Management Area. BPA will receive wildlife credit for 900 - 1000 habitat units (estimated) as well as additional units with subsequent enhancement efforts. Enhancement and protection of the riparian and wetland areas will provide measurable improvements in habitat suitability for wildlife, water quality and channel stability for fish as well as several other benefits.

Section 8. Project description

a. Technical and/or scientific background

Logan Valley Cultural Values:

Logan Valley is of great concern to the Burns Paiute Tribe. It is located in the former Malheur Reservation once held by the Tribe. The Malheur National Forest has stated to Tribal officials that there are 447 prehistoric sites within the Prairie City Ranger District, which includes Logan Valley. The Tribe currently uses areas around Logan Valley for ceremonial and cultural practices. Members use the area for trout fishing, root gathering and hunting. Although the resources are important to the Tribe, the health of the land and water is of great concern to their way of life.

Technical

The development of hydropower systems of the Columbia and Snake River Basins has affected a tremendous amount of fish and wildlife species. The dams play a major role in the rapid extinction of anadromous runs of salmon and steelhead as well as other native migratory fish. Inundation of these dams and the construction of reservoirs for irrigation have also severely impacted wildlife and plant species. In some cases, fluctuating water levels caused by dam and reservoir operations have created barren vegetation zones, which expose wildlife to predation and reduction of recruitment. In association with hydropower activities, secondary impacts have also challenged and highly impacted all wildlife species (WDFW 1997). The construction of roads, facilities, urban development, channelization and diversions of streams and rivers can only have negative long-term effects on fish, wildlife and vegetation. Although this is old news, the problem still exists and fish and wildlife species are steadily declining at a rapid pace.

The Council's Fish and Wildlife Program states that construction and operation of federal Columbia Basin hydropower system is a cause of habitat loss for wildlife, and that it is Bonneville's responsibility to mitigate for those losses. The Council's program indicates that losses include Habitat Units (HU's) for all major wildlife species at each hydropower project and have been prioritized by habitat types with target species. The Council's

wildlife program goal is to "fully mitigate for wildlife losses from hydropower in the Columbia River Basin."

This project qualifies for consideration and funding to mitigate for hydropower construction losses to wildlife created by dams on the Columbia River Basin. It represents an opportunity to restore and enhance the upper reaches of Malheur River Wild and Scenic Corridor as well as the Strawberry Wilderness Management Area.

The Logan Valley holding of the Oxbow Ranch has been used for summer grazing in conjunction with Forest Service grazing allotments. It is located south of the 69,000 acre Strawberry Mountain Wilderness Area. In the meadows of this property rise the headwaters of the Malheur River. The Logan Valley Ranch consists of 1,760 deeded acres that include the headwater streams of Lake Creek, Big Creek, and McCoy Lake. The ranch holds 435 acres of water rights that date pre 1900.

Based on a 1986 Oregon Natural Heritage Program assessment, this site is one of the best examples of mountain meadows in the ecoregion. The site has important populations of the Upland Sandpiper *Bartramia longicauda*, S1 bird which breeds in only four areas in Oregon. In addition, the wet meadows, aspen bottomland forests, and lodgepole pine *Pinus contorta* wetlands, all are high ranked, G3, communities, which are not protected in this ecoregion.

The Oregon Wild and Scenic Rivers Act of 1988 added a portion of the Malheur River to the National Wild and Scenic Rivers System. The designated section runs from the southern end of Logan Valley near Bosenberg Creek to the Malheur National Forest Boundary (USDA 1993). *Through acquisition, the Logan Valley property will connect the Malheur Wild and Scenic corridor to the south of the property and the Strawberry Wilderness Management Area to the north of the property.*

To be designated, a river must possess "outstandingly remarkable" qualities. Congress cited outstanding scenic values when including the Malheur River in the national system. A resource assessment completed in 1990 by the US Forest Service identified geology in the wild segments of the river as an outstandingly remarkable value and confirmed scenery. As a part of this management plan planning process, a second resource assessment, with more information available, was conducted. It identified scenic, geological, historic, and wildlife habitat values as outstandingly remarkable for the river corridor (USDA 1993).

As the property was historically used, it supported excellent summer grazing, hay cropping, and limited timber harvesting. Between the irrigated bottomlands, the high quality meadows and timber, the land has excellent carrying capacities.

Current activities have affect water quality and quantity, bank and channel stability, and aquatic and riparian habitats. Activities have also impacted soils, indirectly reducing water quality and quantity. The removal of effective ground cover, soil compaction, and soil displacement has also occurred with the long term grazing.

There are many diversions above the corridor on the tributaries to the Malheur River in Logan Valley. These diversions have an effect on water quality in the designated river. The previous water users on the property have direct impacts to the Wild and Scenic River Management Plan. Acquisitions of the land for the Burns Paiute Tribe would eliminate any further deterioration of the land and water. We will work closely with the Forest Service and other participating agencies to restore the land and connect the Logan Valley property to the wild and scenic corridor.

Property Value Summary:

Name: Oxbow Ranch - Logan Valley

Location: Logan Valley 23 miles south of Prairie City, Oregon

Land Area:

- Lot 1: 400 acres

- Lot 2: 400 acres

- Lot 3: 480 acres

- Lot 4: 480 acres

1,760 acres

Irrigation Rights: 435 Acres of water rights

Timber: 440,000 board feet (value \$85,000)

Value Estimates

Lot 1 (Cabin w/timber & irrigation): \$675,000

Lot 2 (Vacant w/irrigation): \$567,000

Lot 3 (vacant meadow site): \$388,000

Lot 4 (vacant meadow site): \$370,000

Estimated Market Value: \$2,000,000 (rounded) Date of value: 08/16/98

Amount paid by TNC for acquisition: \$1,726,316 ~ \$981/acre

b. Rationale and significance to Regional Programs

This project is consistent with all known local, state, federal and tribal laws. The NWPPC has approved similar projects in Oregon and other states. BPA has successfully implemented other projects in Oregon in the last eight years. The project is covered under BPA Wildlife and Watershed Programmatic EIS documents (BPA 1997b, BPA 1997c, and BPA 1997a). The project is consistent with Section 7.6 of the FWP which call for watershed based habitat restoration focusing on protecting of wild and natural populations. It is also consistent with section 11 of the Program which identifies wildlife resource and habitat needs.

c. Relationships to other projects

The acquisition of this property can be directly related with the efforts we are working toward in restoring and enhancing the habitat and water quality for bull trout *Salvelinus confluentus* and redband trout *Oncorhynchus mykiss* populations in the Malheur River Basin. The Burns Paiute Tribe is currently conducting a life history study on bull trout and redband trout in the Middle Fork Malheur River (project # 9701900). Through other research activities, Oregon Department of Fish and Wildlife (project # 9405400) is conducting an investigation on the interactions between brook trout *Salvelinus fontinalis* bull trout in the Middle Fork Malheur.

As previously mentioned, this project compliments the Malheur Wild and Scenic River Management Plan (USDA 1993) by restoring the property and connecting the southern portion of Logan Valley to the boundary of the corridor. The northeastern section of Logan Valley will connect the southern section of the Strawberry Mountain Wilderness Management Area.

This project shares the Columbia River Fish and Wildlife Program objectives of: maintaining biological diversity in the Upper Snake River basin; maintaining wildlife losses; providing the need for habitat protection; maintaining genetic integrity by preserving wild fish stocks; increasing run sizes of resident fish populations by implementing effective restoration projects.

d. Project history (for ongoing projects)

History of Bonneville Wildlife Mitigation Efforts

Under the Northwest Power Act, the Council is required to include in its Fish and Wildlife Program measures to "protect, mitigate, and enhance" fish and wildlife affected by the development and operation of hydroelectric facilities on the Columbia River and its tributaries.

At the Councils direction, Bonneville funded wildlife loss studies for the construction and inundation by the major hydroelectric dams. The first studies completed were those for Libby and Hungry Horse dams. The Council reviewed the losses, amended its Program to specify the number of acres of habitat and species that would constitute adequate mitigation and authorized Bonneville to proceed with mitigation projects.

Bonneville undertook negotiations with the State of Montana with the intent of having Montana undertake mitigation. Because year to year contracts were not viewed as administratively practical, the Council and the regions utilities encouraged Bonneville to consider establishing a trust fund, giving Montana the flexibility to acquire and maintain habitat as the opportunity arose.

Bonneville was reluctant to consider trust funds because they felt such arrangements would give them inadequate control over the outcome of the mitigation. Bonneville eventually decided that a trust fund would be a good idea. In exchange, it could get the state to agree to: 1) a one-for-all-time settlement of Bonneville's wildlife obligation and; 2) to hold a harmless clause which would make the state liable for any additional mitigation which might be required by the Council or anyone else during the next 60 years.

Councils position on wildlife agreements: Bonneville asked for the Council's response to this type of mitigation. The Council replied stating that trusts are a good funding vehicle, but that once-for-all time settlements were not in line with the Northwest Power Act or the FREC practice regarding mitigation at private hydroelectric facilities. This position was reiterated in a subsequent amendments to the Program and is reflected in the current Council Program, where the Council endorses agreements (short-term (Section 11.3d and long-term Section 11.3E) as the preferred method for implementing wildlife mitigation.

Since 1994 Bonneville has funded on a few new, individual wildlife mitigation projects. This was due to the agreements using most or all of the available funds and lack of any stable commitment from Bonneville to fund wildlife mitigation. In August of 1995 the Council completed a Wildlife & Resident Fish rule-making that included an amendment to establish specific funding percentages for Bonneville's Direct Program budget under the Memorandum of Agreement: 70% for anadromous fish and 15% each for Resident Fish and Wildlife. Thus from FY 96 through FY 01 the region's wildlife managers have or will have \$15M per year (plus interest) for wildlife mitigation. Most of the available funds through FY 98 will be used finishing up the Washington Interim Agreement, and other individual projects (Chief Joseph and Southern Idaho projects). Unfortunately, in the history of Bonneville wildlife mitigation under the Council's program, little of Oregon's losses have been mitigated.

Oregon Wildlife Coalition

In 1991 the Oregon wildlife Coalition (OWC) was formed made up of wildlife managers from the Oregon Department of Fish and Wildlife (ODFW), the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Burns Paiute Tribe (BPT), Confederated Tribes of the Warm Springs Reservation (CFTWR), and the US Fish and Wildlife Service (USFWS). The coalition developed proposals to address Bonneville concerns for having an "outcome" based approach and then submitted a proposal for and Oregon Planning Process to the Council later that Year. From the fall of 1991 to June of 1992 became the Oregon Trust Agreement (OTA) Planning Project (BPA # 92-84).

In October of 1993, after a year of development the OWC published an Oregon planning document. Then in January of 1994 they begin meeting to formulate a strategy for trust negotiations with Bonneville and in February the Coalition requests in writing that Bonneville begin negotiations. This met the Council's deadline for trying to get to an interim agreements within 90 days after the rule went into effect. In March Bonneville responded positively and identifies its' lead negotiators.

Five coalition sessions were held between April and July; Bonneville attended 3 of those meetings. At the initial meeting, it was agreed that the parties would develop principles of negotiation. The parties exchanged documents on these issues and agreed that the negotiations should initially focus on the technical issues that would define the biological basis for mitigation before the issue of money was to be discussed. Bonneville negotiators agreed to this strategy. It was agreed that the focus of the discussions would be the Oregon Planning Document losses and the Oregon mitigation planning proposal. It was proposed that a technical committee, including both Bonneville staff and coalition members would work together to develop the technical proposal. Bonneville stated that they would have to get the administrators concurrence before they could commit.

During these years the Council's wildlife advisory group had become the Wildlife Working Group (WWG, and also the CBFWA Wildlife Caucus), made up of all the wildlife managers in the Columbia Basin. They meet regularly to help implement the Council's wildlife rule and in doing so developed, reviewed and adopted habitat assessment tools and strategies. It became apparent from the Council's 1995 rule making and the MOA negotiations that wildlife funding would become stable at approximately \$15 Million per year through 2001, the WWG started discussions of both long- and short-term funding for future wildlife mitigation in the Basin. Various strategies were discussed, but all agreed that Oregon had not received a reasonable share of funding spent to date. In the end a budget was developed and adopted by the WWG covering Bonneville funds through 2001 (attached). This budget called for Oregon's wildlife mitigation to receive \$275k in FY97, \$500K in FY98 \$4M in FY99, \$5M in FY00, \$6M in FY01. The first two years are for planning and coordination, the next 3 for project implementation. In helping develop this budget as members of the WWG, Oregon's coalition members agreed to come together once again to start developing strategies on how best to implement wildlife mitigation in Oregon. Also, at this time a project to reaffirm the original findings of the OTAP planning project was completed. This project, Assessing Oregon Trust Agreement Planning Process Using GAP Analysis (BPA # 95-65), provided a more rigorous scientific/policy filter on the sites originally identified in the "Brown Book" and demonstrated the validity and applicability of that effort.

The OWC has met continually since this time and developed coordination and planning budget for FY97, which due to contracting problems was not, initiated until fall of 1997. This allowed the entities involved to provide staff dedicated to this planning and implementation effort. For FY98, since much of the coordination for this year was using FY97 funds, the coalition developed and proposed the initiation of a small group of projects scattered throughout the state along with some continued funding of planning and coordination. For the current year specific project areas have been identified for purchase, enhancement or O&M along with a small coordination budget.

e. Proposal objectives

1) Acquire land from The Nature Conservancy

- a) Conduct necessary coordination with The Nature Conservancy and the BPA to secure title to the property
- b) Develop an operation and maintenance plan. The Wildlife working group is developing monitoring and evaluation protocols to be used through out the Columbia Basin on all wildlife mitigation projects. These monitoring and evaluation procedures will be used for this project.
- c) Develop a mitigation contract with BPA

2) Inventory

- a) Coordinate a habitat evaluation team to determine the actual HU's associated with the property. Habitat Evaluation Procedures (HEP) are used to define the amount of mitigation credit BPA is to receive using Habitat Units as the measurement "currency".
- b) Conduct a complete fisheries analyses of the stream
- c) Conduct a utilization analyses of all wildlife species

3) Restore and enhance conditions

- a) Partner with The Nature Conservancy, Oregon Department of Fish and Wildlife, US Forest Service and Oregon Water Trust to develop a habitat management plan that incorporates fish and wildlife issues.
- b) Implement management strategies

4) Connectivity

- a) Work with the USFS and Oregon Water Trust to qualify the property as an addition to the preexisting Wild and Scenic Corridor on the Malheur River.

f. Methods

This project will restore and enhance 1760 acres of fish and wildlife habitat in the Malheur River Basin to replace habitat lost due to the construction and inundation of the Columbia River Dams. Habitat improvements includes those activities undertaken specifically to expand the area and/of improve the quality of the habitat used by target species intended to benefit from a given improvement or enhancement project.

Improvements will consist mainly of a passive restoration effort. All livestock grazing will be eliminated and water diversions will be rerouted or taken out and place back into instream flows. All other improvements include one or more of the following activities: maintaining fencing, vegetation management, rangeland rehabilitation, riparian restoration/improvements, wetland restoration, road management/removal, and species-specific habitat improvement.

Management plans will be monitored and evaluated to determine if the desired results are being accomplished. Our management plan will also incorporate a five-year revision process. The Wild Life Working Group is developing monitoring and evaluation protocols to be used through out the Columbia Basin on all wildlife mitigation projects. These monitoring and evaluation procedures will be used for program performance reporting.

g. Facilities and equipment

To minimize costs, we will use existing facilities on the property as seasonal quarters for field crews and Tribal facilities to accommodate office work. No new facilities will be constructed for this project.

Equipment needs for field inventories include: vehicles, Smith-Root electroshocker, thermographs, flow meters, GPS units, nets, cameras, clinometers, measuring tape, waders etc.

Office equipment will require a computer, printer, e-mail, desk and office supplies.

h. Budget

Personnel

1 FTE (2080 hrs) biologist @ \$35,200 and 1 (1080) seasonal technician @ \$12,960
Total = 48,160

Fringe

25% of salaries = \$12,040

Non – expendable

Fencing material @ \$3000/mile X 9 miles = \$27,000

ATV = \$6,500

Total = \$33,500

O & M

\$15/acre X 1,760 = \$26,400

Capital Acquisition

Land Costs = ~ \$1,800,000

1 3/4 ton truck @ ~ \$34,000

Total = \$1,834,000

NEPA

~ \$10,000

Travel

140 miles round trip X 4 days/ week X 7 months of field duty @\$.32/mile = \$5,020

Indirect

26% = \$33,181

TOTAL PROJECT ESTIMATE = \$2,002,301

Section 9. Key personnel

Daniel Gonzalez, Project Leader, Burns Paiute Tribe

Education: BS Wildlife Science, Oregon State University 1995

BS Fisheries Science, Oregon State University 1996

Section 10. Information/technology transfer

Through the cooperation of the Tribe and participating agencies, multiple reports and written documents will be developed and written for implementation into the mitigation acquisition. Annual reports and management plans will be distributed to BPA. New techniques for restoration of the habitat types and vegetation communities are likely outcomes of this project and will be available to all interested parties.

Congratulations!