Oxbow Conservation Area

Middle Fork John Day River

Annual Report
2001 - 2002

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OXBOW CONSERVATION AREA

MIDDLE FORK JOHN DAY RIVER

2001 ANNUAL REPORT

THE CONFEDERATED TRIBES OF WARM SPRINGS

JOHN DAY BASIN OFFICE

BPA CONTRACT NUMBER 2000-015-00

CONTRACT PERIOD: MAY 1, 2001 TO JANUARY 31, 2002

PREPARED FOR THE BONNEVILLE POWER ADMINISTRATION

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30 APRIL 2003

ABSTRACT

In early 2001, the Confederated Tribes of Warm Springs, through their John Day Basin Office, concluded the acquisition of the Middle Fork Oxbow Ranch.

Under a memorandum of agreement with the Bonneville Power Administration (BPA), the Tribes are required to provide BPA an “annual written report generally describing the real property interests in the Project, HEP analyses undertaken or in progress, and management activities undertaken or in progress”. This report is to be provided to the BPA by 30 April of each year.

This is the first annual report filed for the Oxbow Ranch property.

INTRODUCTION & PROJECT HISTORY

The John Day River subbasin is one of national biological significance, being the second largest free-flowing stream in the continental United States and one of only two river systems in the entire Columbia River basin managed exclusively for wild anadromous fish. The Middle Fork John Day River, historically, was likely the John Day basin's most productive subbasin. However, due to the effects of various resource activities, by the late 1950's spring Chinook salmon were functionally extinct. Mining, unrestricted harvest, and water quality conditions created by the Bates Mill and town site, eliminated conducive habitats for spawning adult salmon. Although not counted as extensively, summer steelhead and bull trout were also in apparent decline as logging, road building, mining, and grazing impacted critical aquatic habitats.

With the closure of the Bates Mill and elimination of the Bates open sewer system, the Middle Fork saw its first returns of adult salmon in inventoried history. By the early 1970's, with its designation as the highest priority for restoration in the John Day basin, the upper Middle Fork was drawing attention for its potential productivity and restoration opportunities.

Early restoration efforts primarily focused on bank protection, to halt immediate erosion, on private lands and instream habitat creation on federal lands. These programs were followed by some of the earliest pioneering riparian restoration with the creation of riparian exclosures and riparian pastures in the Camp Creek sub-watershed.

As the program evolved, additional attention was focused on other restoration alternatives through three planning efforts: the Bureau of Reclamation Water Optimization Study, Oregon Water Resources Department Middle Fork Restoration Plan, and a privately funded assessment, that identified high priority parcels for conservation purchase. Identified in these reports, was an assemblage of land and water conservation projects that, in the opinion of the report authors, represented the best opportunity for recovery of aquatic habitats on the upper Middle Fork mainstem. These plans also highlighted core land and water rights that could be acquired as cornerstones to the restoration effort.¹

The Nature Conservancy (TNC) of Oregon completed the first acquisition of property with their purchase of the Dunston Ranch at river kilometer 53. The TNC obtained the property using a combination of public and private resources in 1990, with the purpose of managing for the recovery of fish and wildlife.

In late 1997, the Tribes' John Day Basin Office became aware that the Oxbow Ranch, with headquarters near Prairie City, was listed on the real estate market. The Oxbow Ranch contained two isolated tracts, one in Logan Valley near the headwaters of the Malheur River, the other, formerly known as the DeWitt Ranch, is approximately 1.5 miles upstream of the TNC's Dunston Ranch. Initial attempts by the Tribes to secure funding for an acquisition were unsuccessful, during which time the property reverted to a mortgage holder. Subsequently, the TNC approached the mortgage holder and negotiated a sale for both the Middle Fork and Logan tracts of the Oxbow, with the intent that the Logan property would be purchased by the Burns Paiute Tribe and the Middle Fork Oxbow tract to be purchased by the Warm Springs. Following lengthy negotiations with the BPA, the Tribes were able to conclude the acquisition of the Middle Fork Oxbow Ranch in early 2001.

The intent of the acquisition project was to partially mitigate fish and wildlife impacts for the John Day Dam 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 is assured a certain level of habitat

¹ With only five major parcels of private land within primary Chinook spawning and rearing habitat, most water rights in the upper Middle Fork were identified for acquisition or conservation.

protection through a memorandum of agreement and annual statement of work for ongoing operation and maintenance and enhancement measures funded by BPA.

PROPERTY DESCRIPTION

The Middle Fork Oxbow Ranch property is located approximately seven miles west of Bates, Oregon at River Km 58. It is completely surrounded by the Malheur National Forest, with the closest private lands being the Nature Conservancy's Dunston Ranch 0.8 miles downstream and the John Forrest Ranch 4.2 miles upstream.² The Oxbow Ranch consists of approximately 1022 acres, of which there are 550 acres of riparian and wetland and 472 acres of upland mixed

² The Forrest Ranch was recently acquired by the Warm Springs Tribe.

Figure 1. Oxbow Ranch Location Map

conifer forests. Approximately 4.1 miles of river corridor on the mainstem Middle Fork and 2.2 miles of tributaries are present on the property.

The Middle Fork is designated both a State and Federal Scenic Waterway. The Malheur National Forest manages the river corridor above and below the property and all the surrounding lands. North of the property is the Indian Rocks Scenic Area and southeast of the property is the Dixie Butte

Roadless Area, although neither designated area is contiguous with the Oxbow Ranch.

Figure 2. Middle Fork Subbasin Landownership

The following species may be beneficially affected: sandhill crane, Canada goose, osprey, rocky mountain elk, mule and whitetail deer, small mammals, spring Chinook salmon, summer steelhead, bull trout, and Pacific lamprey. The protection of both summer steelhead and bull

trout are of the utmost importance due to their listing under the Federal Endangered Species Act as threatened species.

DISCUSSION OF RESULTS/ACTIVITIES

All of the following objectives are from the Oxbow Ranch Statement of work for the 2001 contract period.

Objective 1. Conduct pre-acquisition surveys and reports (appraisal, Level I hazardous, timber cruise, and cultural resource assessments) for the Forrest and Wagner properties.

Forrest Ranch pre-acquisition activity was funded out of Oxbow Ranch budget for the 2001 as per NPPC. A draft appraisal solicitation for the Forrest Ranch was prepared

Photo 1. William and T.G. DeWitt with salmon caught in the Middle Fork John Day River

and submitted to Tribal departments for review and comment. The appraisal included an assessment of timber value in addition to the real property and equipment valuations. A list of BPA approved appraisers was obtained from BPA and the final solicitation was distributed to potential contractors. Bids were

received and reviewed and a contract with Knipe, Janoush, Knipe was prepared. The appraisal was completed on 31 August 2001 and submitted to the BPA for their review and approval.³

The Tribal cultural resource department was contracted to prepare a cultural resource overview for both the Forrest and Oxbow properties. Various discussions were held with the BPA environmental staff to determine the scope of the review. The cultural program, with assistance from the John Day Basin Office, completed their assessments in October 2001 and filed their reports with the BPA and the Oregon State Historic Preservation Office.^{4,5}

BPA was requested to complete the Level I Hazardous assessment on the Forrest property. The field component of the assessment was completed by BPA on 28 August 2001 and the final report was submitted on 26 September 2001.⁶

³ T. Knipe and R.W. Nelson. Complete, self-contained appraisal report valuation of 4,232± acres comprising the Forrest Ranch. Report prepared for The Confederated Tribes of the Warm Springs Reservation of Oregon. Knipe, Janoush, Knipe, LLC. Boise, ID.

⁴ S. Bird. ND. An archaeological and ethnographic literature review for the Oxbow Ranch of Grant County, Oregon. Report prepared for the Bonneville Power Administration and The Confederated Tribes of the Warm Springs Reservation of Oregon.

⁵ S. Bird. ND. An archaeological and ethnographic literature review for the John Forrest Ranch of Grant County, Oregon. Report prepared for the Bonneville Power Administration and The Confederated Tribes of the Warm Springs Reservation of Oregon.

⁶ F.J. Walasavage. 2001. Phase I environmental site assessment for the Confederated Tribes of Warm Springs Mitigation Project, Forrest Ranch property, Prairie City, Oregon. Bonneville Power Administration. Portland, OR.

Objective 2. Draft legal documents and complete transaction.

Tasks

- 2.1** Complete an MOA with BPA
- 2.2** Work with the Land Title Company of Grant County to prepare the title report, title insurance policy, escrow contract, bill of sale and other necessary title transfer documents
- 2.3** Acquire water rights certificates, easement agreements and other title encumbrances

The MOA was signed and effective on April 30, 2001. All other documents were completed and closing occurred on 12 May 2001. Copies of the MOA, title report, title encumbrances, and water rights were filed in the John Day Basin Office.

Objective 3. Prepare a restoration plan.

Tasks

- 3.1** Identify, select and assemble restoration planning team participants
- 3.2** Assemble data, existing documents, and other information to complete the plan
- 3.3** Perform any necessary field review
- 3.4** Identify any contractors that may be involved in the preparation of all or part of the restoration plan
- 3.5** Prepare and submit for review, a restoration plan, to cooperators and potential funding agencies

Due to delays in closing the Oxbow purchase, a significant amount of funding that was targeted towards the planning effort was rededicated to interest expenses. Consequently, initiation of the planning process was delayed and tasks were condensed to fit within the allocated budget and schedule.

Existing data, documents, and other applicable information was assembled and archived in the JDBO. The staff conducted an initial tour of fish passage problems at various locations on the property with the Bureau of Reclamation (BOR) and the Grant Soil and Water Conservation District (GSWCD) engineering staffs. Potential barrier locations were identified at Beaver Creek, Ruby Creek (two sites), and Butte Creek. In addition, diversions lacking appropriate control devices (e.g., headgates) were identified and the mine tailings identified in the original BPA project proposal were evaluated for potential remediation measures. Lacking suitable funding to prepare and overall restoration plan, it was decided that individual restoration designs would be prepared for each site.

Photo 2. Typical mine tailings along the Middle Fork John Day River, Oxbow Ranch

Objective 4. Prepare a monitoring plan.

Tasks

- 4.1** Gather existing information on the property
- 4.2** Identify resources to be evaluated, study objectives, and monitoring protocols
- 4.3** Prepare and distribute the monitoring plan
- 4.4** Conduct field activities
- 4.5** Prepare a final monitoring report and distribute to cooperators

Interim monitoring activities were identified in the JDBO Annual Monitoring Plan and were implemented throughout the summer season. Monitoring activities on the property included:

- ❖ Eleven permanent bird-monitoring and Photopoint stations were established in May and birds were identified, counted, and data was recorded. Individual stations were

identified using a randomly stratified selection method, located and marked in the field, and georeferenced to a geographical information system (GIS) coverage using a global positioning system (GPS) unit. Photographs were taken during the count in the four compass directions with 35mm color, slide film and were repeated in the fall using a digital camera.

- ❖ Continuous recording thermal loggers, measuring stream-water temperatures, were deployed at four sites on the Middle Fork John Day, one site on Beaver Creek and one site on Granite Boulder Creek within the Ranch boundary. Additional sites on Granite Boulder Creek and Butte

**Photo 3. National Riparian
Team tour of the Oxbow
Ranch**

Creek above the property boundaries were also monitored. The loggers recorded water temperature every ½ hour for the duration of their deployment, which began in late spring and ended in early fall.

- ❖ Five permanent monitoring reaches were established on the mainstem Middle Fork John Day River. Reaches are 100 meters in length and the following evaluations were completed at each:
 - Vegetative monitoring of the green line, woody species, and transect dominant vegetative species.
 - Channel cross-section data was recorded at 5-10 transects within each reach. Monitoring was performed using transects with intervals of 2 feet. The dominant substrate and streamside cover was also noted. Stability ratings were estimated for the streambank.
 - Monitoring reaches were also used as photopoint locations and photographs were taken (in four directions—upstream, downstream, and either north and south or east and west depending upon stream orientation) with 35mm color, slide film and were repeated in the fall using a digital camera.
- ❖ Spring Chinook salmon redd surveys were completed on the property. The entire length of the Middle Fork John Day on the property was surveyed. The surveys were performed three times and were composed of pre-index, index, and post-index counts.
- ❖ Steelhead redd surveys were conducted on Beaver, Ruby, and Butte Creeks.

- ❖ Warm Springs Tribal range staff conducted a vegetative assessment and range suitability analysis.

Objective 5. Prepare a property management plan.

Tasks

- 5.1** Identify management planning participants and solicit their involvement
- 5.2** Convene the planning group to identify preliminary planning issues, such as scope, monitoring, field activities, funding, and similar
- 5.3** Prepare and distribute the management plan
- 5.4** Implement recommended management actions

The planning process was both delayed and condensed for the same reasons that the restoration planning effort was reduced. Existing data, documents, and other applicable information was assembled for consideration in the planning process. As per Section 3.1 of the MOA, management activities will follow the statement of work contract.

Objective 6. Ongoing operations and maintenance.

Tasks

- 6.1** Check and repair boundary fence prior to normal turnout of cattle on adjacent National Forest system lands
- 6.2** Make a determination regarding the potential of annual grazing and instream flow leases
- 6.3** Regularly patrol fences and interior property and inspect for evidence of trespass
- 6.4** Perform regular weed inspections and control

Under the first year of ownership, a great amount of start up maintenance was performed. The boundary fence of the property was walked and damage areas were repaired. A Warm Springs Tribal crew assisted with immediate repairs. The property boundary was posted with “no trespassing” signs at major access points. At times, staff from the JDBO would occupy the residence on the Oxbow, to aid in property monitoring.

A decision was made, by the Natural Resource Director, that instream flow and grazing leases would not be issued for 2001. Minor irrigation to promote grass growth, wetlands recharge, and weed control was conducted. This involved irrigation during the early part of the irrigation season when water was abundantly available. Irrigation fish screens and ditches were cleaned.

Historic and other buildings were maintained. JDBO staff performed rodent prevention activities, basic upkeep and utility maintenance.

The property was patrolled for trespass from both hunters and cattle. Cattle from adjacent National Forest allotments were removed from the property repeatedly during September. Additional trespass was incurred from both hunters and fisherman.

The Nature Conservancy conducted basic weed control and additional weed mapping was completed. All weed locations were georeferenced using a GPS unit and included as a base coverage in the JDBO GIS system.

The Columbia Power Co-op completed a powerline easement-clearing project. This resulted in numerous large pine trees being fallen along the right-of-way. The JDBO prepared a decision notice to remove the trees. However, the Natural Resource Director determined that an alternative planning approach should be used.

Objective 7. Complete a general cultural resource survey.

Tasks

- 7.1** Prepare a cultural resource survey bid solicitation notice and package and distribute to agency approved contractors
- 7.2** Select a contractor, which will implement the survey and complete the final report
- 7.3** Review and submit the completed report to BPA
- 7.4** Prepare a cultural resource management plan, if necessary, as part of the operations and maintenance plan

No activities were completed for 2001.

OTHER ACTIVITIES

During 2001, Grazing activities were on hold for the season. The residence was occupied during short durations. On one occasion, the residence was broken into, and a burglar took some employee property. The damage to the property was repaired, and a deadbolt was placed on the front door.

SUMMARY AND CONCLUSIONS

The delays in the Oxbow Ranch acquisition led to significant delays in BPA appropriating O&M funding for the property. In addition, much of the O&M and restoration funds were used to pay additional interest expenses to the Nature Conservancy. Therefore many of the proposed restoration activities lacked funding and were deferred to 2002. Also, the Oxbow Habitat manager was not hired till 20 August 2001. Due to this lack of personnel, many of the objectives and tasks were not completed. Consequently, in FY 2002, the Tribes are proposing to restore the management funds to their original levels and complete actions identified in the original work plan. In addition, we are proposing continuation of ongoing management, maintenance, and monitoring of the property consistent with the Tribal-BPA Memorandum of Understanding.

EXPENDITURE SUMMARY

Category	Item	Objective	Task	UNIT	Unit Cost	QTY	Appropriated	Change	Total
Salary	Manager	Monitoring Plan	Implementation	Hr	\$ 13.25	520	\$ 6,809	\$ 81	\$ 6,890
		Ongoing Maintenance			\$ 13.25	1040	\$ 13,780	\$ 13,780	
		Prepare Management Plan	Draft Alternatives		\$ 13.25	208	\$ 2,756	\$ 2,756	
		Project Oversight	Implementation, Assistance & Oversight		\$ 13.25	312	\$ 4,134	\$ 4,134	
	Manager Sum					2080	\$ 27,479	\$ 81	\$ 27,560
	Coordinator	Compliance Surveys & Analysis	NEPA, Consultation, and other compliance	Hr	\$ 20.00	80	\$ 0	\$ 1,600	\$ 1,600
		Ongoing Maintenance	Assistance & Oversight		\$ 20.00	160	\$ 3,200	\$ 3,200	
		Prepare Management Plan	Technical Oversight & Assistance		\$ 20.00	80	\$ 0	\$ 1,600	\$ 1,600
		Project Oversight	Oversight & Contract Administration		\$ 20.00	160	\$ 3,200	\$ 3,200	
		Tailings Restoration	Remediation Plan		\$ 20.00	160	\$ 0	\$ 3,200	\$ 3,200
	Coordinator Sum					640	\$ 0	\$ 12,800	\$ 12,800
	Water Quality Monitoring Coordinator	Monitoring Plan	Implementation	Hr	\$ 10.00	520	\$ 5,200	\$ 5,200	
	Water Quality Monitoring Coordinator Sum					520	\$ 5,200	\$ 5,200	
Fringe Benefits	Manager	Administration	Other	%	23.0%	\$ 27,560	\$ 6,320	\$ 19	\$ 6,339
	Manager Sum					\$ 27,560	\$ 6,320	\$ 19	\$ 6,339
	Coordinator	Administration	Other	%	23.0%	\$ 12,800	\$ 0	\$ 2,944	\$ 2,944
	Coordinator Sum					\$ 12,800	\$ 0	\$ 2,944	\$ 2,944
	Water Quality Monitoring Coordinator	Administration	Other	%	23.0%	\$ 5,200	\$ 0	\$ 1,196	\$ 1,196
	Water Quality Monitoring Coordinator Sum					\$ 5,200	\$ 0	\$ 1,196	\$ 1,196
Supplies	Equipment & Supplies	Administration	Other	Job	\$ 2,500.00	5	\$ 4,845	\$ 7,655	\$ 12,500
	Equipment & Supplies Sum					5	\$ 4,845	\$ 7,655	\$ 12,500
	Supplies	Administration	Other	Yr	\$ 200.00	1	\$ 200	\$ 200	
					\$ 1,000.00	1	\$ 250	\$ 750	\$ 1,000
	Supplies Sum					2	\$ 450	\$ 750	\$ 1,200
	Fencing Supplies	Fencing	Maintenance on 1.5 miles of boundary fence	Mile	\$ 1,500.00	1.5	\$ 2,250	\$ 2,250	
			Maintenance on 10.0 miles of interior fence		\$ 100.00	10	\$ 1,000	\$ 1,000	
			Upgrade 2.0 miles of boundary fence		\$ 1,000.00	2	\$ 2,000	\$ 2,000	
			Upgrade 2.5 miles of boundary fence		\$ 2,500.00	5	\$ 12,500	\$ 12,500	
	Fencing Supplies Sum					18.5	\$ 17,750	\$ 17,750	
	Herbicide	Weed Mapping & Control	Supplies & Materials for weed control	Yr	\$ 500.00	1	\$ 500	\$ 500	
	Herbicide Sum					1	\$ 500	\$ 500	

Category	Item	Objective	Task	UNIT	Unit Cost	QTY	Appropriated	Change	Total
Other	Electricity	Administration	Other	Mnth	\$ 150.00	12	\$ 1,800		\$ 1,800
	Electricity Sum					12	\$ 1,800		\$ 1,800
	GSA Vehicle	Administration	Other	Mnth	\$ 550.00	12	\$ 6,600		\$ 6,600
	GSA Vehicle Sum					12	\$ 6,600		\$ 6,600
	Legal Fees	Purchase Property	Complete Closing	Job	\$ 20,000.00	1	\$ 20,000		\$ 20,000
	Legal Fees Sum					1	\$ 20,000		\$ 20,000
	Phone	Administration	Other	Mnth	\$ 100.00	12	\$ 1,200		\$ 1,200
	Phone Sum					12	\$ 1,200		\$ 1,200
	Vehicle Insurance	Administration	Other	Yr	\$ 500.00	1	\$ 500		\$ 500
	Vehicle Insurance Sum					1	\$ 500		\$ 500
	Property Taxes	Administration	Other	Yr	\$ 1,652.00	1		\$ 1,652	\$ 1,652
	Property Taxes Sum					1		\$ 1,652	\$ 1,652
Travel	Travel	Administration	Other	Mile	\$ 0.32	3000	\$ 0	\$ 960	\$ 960
				Mnth	\$ 450.00	6	\$ 2,700		\$ 2,700
	Travel Sum					3006	\$ 2,700	\$ 960	\$ 3,660
Indirect Costs	Indirect Costs	Administration	Other	%	41%	\$ 123,401	\$ 37,320	\$ 13,768	\$ 51,088
	Indirect Costs Sum					\$ 123,401	\$ 37,320	\$ 13,768	\$ 51,088
Subcontract	Subcontract	Compliance Surveys & Analysis	Cultural Resource Survey	Acre	\$ 25.00	300	\$ 3,000	\$ 4,500	\$ 7,500
			ESA Survey	Hr	\$ 20.00	80	\$ 1,600		\$ 1,600
		Forrest Pre-Acquisition Planning	Appraisal	EA	\$ 14,950.00	1	\$ 14,950		\$ 14,950
			HazMat Survey		\$ 1,500.00	1	\$ 1,500		\$ 1,500
			Timber Cruise		\$ 0.00	1	\$ 7,500	\$ -7,500	\$ 0
			Cultural Resource Overview		\$ 3,000.00	1	\$ 3,000		\$ 3,000
		Wagoner Pre-Acquisition Planning	HazMat Survey		\$ 1,500.00	1	\$ 1,500		\$ 1,500
			Cultural Resource Overview		\$ 1,500.00	1	\$ 1,500		\$ 1,500
		Riparian Restoration	Riparian Planting	Mile	\$ 500.00	2	\$ 1,000		\$ 1,000
		Tailings Restoration	Cultural Resource Survey	Acre	\$ 25.00	200	\$ 5,000		\$ 5,000
			Engineering Survey & Design	Mile	\$ 2,500.00	4.4	\$ 11,000		\$ 11,000
			Hydrologic Analysis		\$ 2,500.00	4.4	\$ 11,000		\$ 11,000
		Habitat Evaluation Procedure	Prepare, Administer and Implement Subcontract	Acre	\$ 34.25	1022		\$ 35,004	\$ 35,004
		Hankin & Reeves Assessment		Mile	\$ 1,750.00	6.2	\$ 8,050	\$ 2,800	\$ 10,850
	Subcontract Sum					1625	\$ 70,600	\$ 34,804	\$ 105,404
Grand Total							\$ 198,064	\$ 81,829	\$ 279,893