

Minutes

Crook County Natural Resource Committee

July 14, 2021

Committee Members Present: Lynne Breese, Andy Gallagher, Mike Lunn, Tim Deboodt, Frank Porfily, Ston McDaniel, John Dehler, Casey Kaiser, Steve McGuire, Jace Rhoden, Cliff Kiser, Trent Smith

Members absent:

Guests present: Shane Jeffries (FS), Johanna Kovarik (FS), Kyle Gorman (Water Master), Amanda Roberts (BLM), Don Vogel (FS Permittee – Lemon Gulch), Darlene Henderson (Ochoco Trails), Kevin Keown (FS)

Public Present: Mikayla Mills, Ty Powell, Holli Kingsbury, Eric Bush, Nettie Downing, Dave and Sharron Neilsen, Nanette Hickman, Ann Dill, Dave Heppner, Mike and Wendy Woodley, Bob Williams, Roy Beyer, and others who didn't sign in.

Meeting was called to order at 11:00 a.m. by Vice Chair Lynne Breese @ 4H Building.

Pledge of Allegiance

Review of Minutes:

Mike moved to accept the June 6th and June 28, 2021 draft minutes as presented. Cliff seconded. Motion passed.

Agency Reports:

BLM: Amanda Roberts

Amanda provided the BLM update. Jeff Kitchens is on fire duty this week. Dennis Teitzel is also on fire duty this week in LaPine. The BLM has been very busy already this summer with wild fire. Fire level is already at Level III. The BLM has stretched its resources already and it is anticipated the fire season will be a long one.

Ston asked Amanda about the new transportation maps that Jeff Kitchens was helping to coordinate showing where off-road vehicle use was allowed (open/closed roads). Amanda was not aware of the progress of that work but would check in with Jeff.

Forest Service: Shane Jefferies, Johanna Kovarik and Kevin Keown

Shane reported that the FS is also fully engaged in an early fire season. The Grand View Fire (Crooked River National Grasslands) has Slater involved. The Darlene Fire in LaPine is active. The Forest assisted with the 33 ac. fire across from the Redmond Airport. Fire near Mitchel is being held to a minimum amount of acres. The dry season and high temperatures are putting the resource at extreme level, 1 to 2 months ahead of normal. The FS Chief's letter emphasizes fire fighter health and well-being requiring a 3 day rest period between every 14 days of fire fighting.

Walton Lake is still in litigation.

Johanna reported lots of fire ignition due to lightning strikes. Sunflower project is still in process. FS is reviewing North Fork/Paulina Creek internally for resource issues.

Kevin shared that the Mill Creek Vegetation and Fuels planning is moving forward. They have reviewed comments from scoping and are working on alternatives now. Project is using information from TEAM 21, the Ochoco Collaborative and other input for this project.

Frank asked Shane if he knew what started the fire at Grand View? Shane said the cause of the fire was yet undetermined but that it had started on private lands.

Water Resources: Kyle Gorman

Kyle announced that the water application by Bureau Of Reclamation (BOR) was received and posted yesterday (July 13th) by Oregon Water Resources Department (OWRD). The posted notice allows for a 30 day public input process (closes August 12th). Kyle reviewed the BOR application and the history behind it. The 2014 Crooked River legislation allocated the rest of the unallocated water storage adding the City of Prineville, North Unit Irrigation District and fish and wildlife enhancement below the dam. The application allows for releases of 10,000 ac.ft. for North Unit and 58, 887 ac.ft. for fish and wildlife needs. The application could have implications for both above as well as below the reservoir and will affect junior water right holders. (if approved, the application would create a water right of 1914 for the storage and a priority date below the dam for the releases of June 28th, 2021).

Until now, all releases below the dam have been voluntary. Voluntary flows released are not protected from diversion.

Frank asked about stored water above the dam becoming junior to the stored water right of Prineville Reservoir and could it be called. Kyle said yes to any water stored above the reservoir that had been stored during that storage year (old stored water could not be called). Bob Williams asked about the impact on live flow above the reservoir, could it be regulated with fish screens and weirs being required? Kyle responded that OWRD lacks the measuring devices to regulate live flow above the reservoir but the law clearly states that water users have to stay within the rate and duty of their water right.

Based on the draft decision of OWRD regarding this application, the NRAC's water sub-committee could make a recommendation to the NRAC and County regarding a formal protest letter.

Lemon Gulch Trail (Ochoco National Forest)

Tim reviewed for the Committee, the history of Lemon Gulch Trail system, and the public hearing at County Court on July 7th. Members of the public (Mill Creek landowners and FS Permittees) expressed concern over the lack of communication by the FS on this proposed project and the County's letter of support without using the NRAC committee for review. These folks asked the County to rescind their letter or to write another one with the issues they had identified. The Court asked the NRAC committee to review and report back to them. The Ochoco Trail group made in 2019 to both the County and the Committee regarding this volunteer group's desire to work with the FS to expand Bicycling trail systems and opportunities on the Ochoco National Forest. Darlene Henderson (representative of the Ochoco Trail Group) talked about the formation of the group under the direction of the Prineville Chamber of

Commerce in 2017. The scope of their work was to review opportunities for trail expansion on both the Ochoco National Forest and the Crooked River National Grasslands. This group held public meetings in September of 2018 with 62 people in attendance. The meeting discussed all non-motorized trail opportunities including equestrian, hiking and biking.

The Ochoco Trail group made presentations to the County Court (Jan. 8th, 2019) and this Committee on May 8, 2019. In August of 2019, the Trail Group turned over their work to the FS and the FS determined that the Lemon Gulch area presented the fewest natural resource concerns of the 5 areas outlined by the Trail Group's proposal. Darlene indicated that their group did include one permittee from the area.

Darlene will send to Tim a list of trail systems that currently exist within and across allotments (both within the Ochoco's as well as other public lands). Darlene also pointed out that the NR policy talks about the expansion and revitalization of multiple use activities and that multiple use should be inclusive, not exclusive.

Don Vogel, Permittee in the Lemon Gulch area shared information that the person identified as a permittee in the Trail group was not a part of the committee as an official representative of the permittees or of grazing interests. Other members of the committee represented various organizations. Don pointed out that the original conversations of the Trail group were focused on using existing old roads (now closed) and skid trails, not the proposed 52 miles of constructed trail that is now a part of the project being reviewed.

Roy Beyer, another permittee in the area, said it was his wife Mary that sat on the group in 2018-19 and at the time of her participation, the discussion did not include any new construction but instead was going to use approximately 20 – 22 miles of old roads. A permittee was not part of the group during the detailed development of what is now proposed through the Scoping proposal.

Casey Kiser (Committee member) was the Director of the Chamber at the time the Trail group was created. The original focus of the group was to deal with user conflicts (bike and horse) on the Lookout Mountain Trail. At the time of the group's formation, there was no preconceived idea that the trail system would expand beyond what existed at the time. Casey also mentioned that it was believed that if facilities (trails) were built, people would come to use them. Also, if trails were not built, users would disperse and create their own trails, an outcome that everyone wanted to avoid.

Dave Neilsen (Landowner in the Mill Creek area) said that the proposal did not have the support of the Oregon Hunters Association (his communication with that organization). Dave asked the question, why here, why now? He also mentioned that the site (Lemon Gulch) was not suggested because it was the best location but because it has the least resource impact.

Jace Rhoden (Committee member) talked about his experience of logging within existing trail systems. He said it was very difficult and that with logging, the problems are just during the logging operation but with grazing, the problems will be annual (reoccurring).

Shane Jefferies (FS) responded that he was familiar with trail issues on the Deschutes National Forest. He said that coordination amongst uses is critical for recreation and contractors. The challenge is making sure that governance is in place. He said that logging is critical for vegetation management and grazing is important for forest management. Shane pointed out that the Forest just not just allow for

out-right trail development and that this particular project is still in the Alternative development stage and the FS want to hear from everyone.

Don Vogel spoke again. He read a prepared statement and handed out copies to the Committee. The statement referenced the County's Natural Resources Policy and its language related to protecting existing uses. He indicated it is the FS's responsibility to involve permittees early and often for planning purposes. Don said that grazing is a part of the custom and culture of Crook County. He mentioned he among others had asked the Court to rescind their letter of support to the trail system in light of the information the landowners and permittees presented and request the FS to follow their procedures for creating and moving projects like this forward.

Issues raised by the permittees and landowners:

- Economic loss associated with the lost animal weight and increase incidence of non-bred cows due to harassment,

- Increased risk of weed introduction/expansion due to ground disturbance, vehicle travel, etc.,

- Increased risk of wild fire due to increase traffic in the Mill Creek area,

- Increased hazards on Mill Creek road with increased traffic and vehicle speed,

- Impact on wildlife, ODF&W quoted as saying this area would become a sacrificial area for loss of habitat,

- Landowners and permittees not made aware of the project until April, 2021, almost 20 months after proposal idea was handed over to the FS,

- Other valid areas for a high density trail system (52 miles in 9 square miles) were not evaluated.

Marcy (landowner in Mill Creek area) spoke about her meeting with Travis from the Central Oregon Trail Alliance (COTA) to get a better understanding of the proposal and what COTA was hoping to create (COTA was a member of the Ochoco Trail group). She said she asked Travis what success looked like to his organization? She said she asked him how he would feel, know the FS said the area would become a wildlife sacrifice area with the loss of habitat. She said he responded that he wouldn't like it. Marcy asked the Committee and those in attendance, "it was said they will come anyway", how much longer do we approach topics with this thought process? Public lands allow access but that doesn't mean that all access should occur.

Don Vogel mentioned that the permittees and landowners in the Mill Creek area are very willing to work on the issues identified in this conversation. However, he felt they needed as much time to work on solutions as the FS and Trail group have had to develop the project proposal. Shane responded that anyone at anytime can propose something. He is interested in real work that focuses on Lemon Gulch and not going back to the beginning.

John Dehler (Committee member) asked if there had been any evaluation of existing trail systems and their use, maintenance and issues/problems? Shane said that there were some issues beginning to arise on the Gray Butte trail on the grasslands with recreation. Shane emphasized again that education of users is critical. Shane also shared with the Committee that almost all of the allotments on the Ochoco National Forest are being grazed now.

John Dehler spoke about enforcement and the ability to stay on top of problems. In talking to Greg Jackel (ODFW), the honor system is failing. The Green Dot system for road management on the east side of the Ochoco's was given as an example.

Shelli Santucci (Permittee in the Mill Creek area) spoke, asking the Committee to Coordinate with the FS on this project. She wants everyone to be held accountable for whatever is created. She said that there is a lack of understanding about cows by the biking community and spoke of examples of allotments across the PNW where permittees have given up permits due to increased frustration/problems with managing cows when bikes were present. Shelli spoke about how her permit to graze is important to the success of her ranching operation and the generations to come which will follow her.

Trent Smith (Committee member) asked about forming a sub-committee to address the concerns presented today. Ston asked Shane if the FS can stop the process while a sub-committee and County address these concerns. Shane said yes, the FS can pause the process.

Lynne Breese (Committee member) asked if the FS could meet face-to-face (not through Zoom like meetings)? Can we get the resource people (recreation and range and ??) at the table? Shane said he would be present at the August meeting.

Trent moved to create a sub-committee to discuss the Lemon Gulch project and issues presented here today. John seconded. Motion passed 9 – 2. Committee members are Trent, John, Casey and Jace. Non Committee appointments were given to Don Vogel, Darlene Henderson, Dave Nielsen and Holli Kingsbury. Trent Smith will chair this sub-committee.

Good of the order

Mike asked Kevin Keown about the information sent out regarding the Williams Prairie Restoration project. Specifically issues regarding the work and the impact on a designated section of a federally listed stream under the Wild and Scenic Rivers Act. Mike commented that the work proposed is a direct violation of Sec. 7 of the Wild and Scenic Rivers Act. Mike reviewed the history of his work related to Williams Prairie. From the initial work resulted from the FS attempts to reconstruct stream channels within the prairie in the late 1990's. Mike talked about the involvement of the National Riparian Team from 2000 – 2010 and the reports that were generated from that work (2006). Shane spoke about the project and its goal of being a full aquatic restoration project. Similar work to what was done on Ochoco and McKay creek. Called a "Stage Zero" restoration effort.

Kevin Keown proposed a review of the project. A date will be set and the entire Committee will get notice.

Andy moved to adjourn the meeting. Mike seconded. Motion passed.

Meeting was adjourned at 3:00 p.m.