

Comments on Sunflower Livestock Grazing Reauthorization Proposal

Submitted by

Mike Morris

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History

My grandparents homesteaded in the Crooked River valley in 1919, 100 years ago. Their homestead bumped up against what is now the south forest service boundary in the Maury unit. They lost the ranch when both sons went into the service during world war 2 and they had no one to help run the ranch. The ranch is now part of the Les Schwab/Weibel property between Post and Paulina. My grandfather worked for the Wolf creek cattleman's Assoc, and in 1959 my two brothers and I stayed with my grandparents at the Salter's cabin on wolf creek. My brothers and I actually slept in the salters cabin. My grandfather then went to work for the forest service stationed at Rager, and my brothers and I spent the summers of 60 and 61 staying with them in Rager. This would have continued, but my grandfather died in 1962.

All of our recreation, hunting and fishing was focused on the Ochoco National forest and surrounding BLM land from a very early age. I caught my first fish, harvested my first buck, and learned about wildlife and fisheries on the Ochoco National Forest. My family has hunted in that area for more than 75 years. I have spent literally hundreds of days over the past 60 years recreating on the forest, with much of it occurring within the physical boundaries of this proposal. The vast majority of bull elk taken by family and friends have been taken within the boundaries of this proposal, and adjacent blm lands. Our hunting camp is located right in the middle of it. It is fair to say that I probably know more about the elk population in this area, their movements, stresses, preferred habitats, security areas, etc, than any other living person.

I have commented on and appealed both the willow pine and upper beaver restoration projects that include parts of the land included in this proposal. As part of my comments on both, I included the status of every forest service road within the project, closed or open, maintenance level, compliance with the forest service

1989 Ochoco forest management plan, etc. The comments I am submitting are based on that 60 year history with the lands within the project area, as well as more than 15 years of research into the factors/conditions that impact deer and elk populations on public land.

General Comments

In general, I support the overall plan for the reauthorization. Improving water resources, resting allotments, faster rotations, etc. are all good for both cattle and wildlife. I do have concerns about the plans to cut large acres of junipers. There is really no question that declining security habitat on the forest is one of the biggest causes of the ongoing relocation of elk from the forest to the surrounding private lands. It is also a factor in declining cow/calf ratios on the forest. The good news is you are promoting closing all of the surrounding roads, which would actually increase the total acreage available as a secured area, and could be an improvement for elk. That depends, however, on those roads being closed via locked gates, without exception.

Unfortunately, the Ochoco National Forest has, in the past, claimed to close roads without ever actually closing them on the forest. In reality, those roads are not closed, and given the virtually non-existent enforcement, any benefits claimed are never realized. One option is to put up signs, which currently occurs in that area with the Rager green dot road closure system managed by the Oregon Dept of Fish and Wildlife. Unfortunately, even though the Rager closure has been in effect for almost 40 years, and the signage is well known, understood and effective, there are numerous violations every season. When dealing with security areas for elk that have suffered for years from harassment/disruption due to inadequate secure areas, a similar level of violations, even if the closed roads are signed, will absolutely defeat the purpose of doing the closures in the first place.

Assuming roads numbered 750, 800, 700, 730, 745, and 800 are permanently closed with locked gates, I am in support of the reauthorization plan as written. I do, however, have some additional information and suggestions on the road closure piece of the authorization that are outlined below.

Security cover and elk

It has now been more than 20 years since studies outlining elk aversion for motorized travel were published. Since then, multiple additional studies on many different species have confirmed those results. The Starkey experimental forest

studies found that 2 vehicle trips within .8 to 1.2 miles of an elk population would result in the elk population relocating to a more secure area, even though the forage habitat in the original area was superior. The difference between .8 miles and 1.2 miles from the vehicle travel was primarily a function of slope and canopy cover. Unfortunately, the implications of that study and others have been ignored by state fish and wildlife agencies and federal land management agencies when it comes to actually managing elk populations and the areas they inhabit. What is particularly frustrating is that millions of dollars and thousands of volunteer hours have been spent on forage habitat projects where the current populations are not utilizing the existing habitat, let alone have any need for more. Meanwhile, continued destruction of security habitat, commercial timber projects, thinning projects, juniper thinning projects, controlled burns, etc, without any concern for decreasing road densities has directly contributed to declining elk populations, and relocation from public to private land. Note: I am doing my best to keep this concise so am not providing documentation on the numerous studies done in this area, I assume you guys are familiar with that, but if needed, let me know and I can certainly provide that documentation.

Now, a relatively new study completed in Montana has found that, during hunting seasons, both archery and rifle, security areas need to be much further from open roads than previously thought. Here is the link:
<https://wildlife.onlinelibrary.wiley.com/doi/10.1002/jwmg.21258>

To put it in simple terms, the study, which was conducted on 9 separate elk herds using gps tracking collars, found that, during archery seasons, a security area for elk needed to be 1.75 miles from an open road, assuming 13% canopy cover, and during rifle seasons, 1.0 miles from an open road assuming 9% security cover. To be honest, I don't have the skills to measure percent of canopy cover, but I am confident, that within the proposed Sunflower project area, most canopy cover percentages are lower than that, resulting in an increase in the distance required from an open road to prevent elk relocation. What is particularly interesting is that this study absolutely contradicts what we are currently doing in the proposed project area. Currently, the Rager green dot closure is in effect for the rifle season, and it appears there are at least a few areas that would meet the standard above for rifle seasons. For archery seasons, however, that closure is not in effect, and open roads within much of this area under the travel management plan exceed 2.0 miles per square mile, far below the standard listed above.

At first glance one might say, well no big problem, if this is a problem during hunting seasons, it is fairly easily solved, given short hunting seasons. You would

be wrong. Listed below are all of the hunts that have been authorized by ODFW to occur within the project area in 2019.

Hunting seasons within the project area during 2019

Date:	Species	Weapon Type	Road Closure Type
April 15-May 31	Turkey	Shotgun	Travel Mgmt Plan
Aug 10 – Aug 18	Antelope	Rifle	Travel Mgmt Plan
Aug 24 – Sept 22	Deer/Elk	Archery	Travel Mgmt Plan
Sept 28-Oct 9	Deer	Rifle	Rager Green Dot
Aug 1-Dec 31	Youth Elk	Rifle	both
Oct 12 – Oct 20	Youth Elk	Rifle	Rager Green Dot
Oct 23-Oct 27	Elk	Rifle	Rager Green Dot
Nov 02- Nov 10	Elk	Rifle	Rager Green Dot
Oct 5 – Dec 31	Turkey	Shotgun	Both

In addition, there are hunts which are open on blm land adjacent to the forest where the best access is through the forest, again leading to motorized use of the open road system for those hunts.

Date:	Species	Weapon Type	Road Closure Type
Aug 15 – Dec 31	Elk	Rifle	Both
Oct 23 – Oct 27	Elk	Rifle	Rager Green Dot
Nov 02-Nov 10	Elk	Rifle	Rager Green Dot

In addition to these hunts, there are bird hunts, bear hunts, cougar hunts, etc, but our experience is there are very few hunters who pursue these as stand alone hunts, so those hunter numbers are already included above for the most part. The end result is that hunters are pursuing wildlife within the reauthorization area for a significant part of the year, and, with the exception of the Rager green dot road closure, which lasts approximately 45 days, are using and abusing the open and closed road systems within the area at a very high level during these seasons. For all practical purposes, there is no security cover for elk within the reauthorization area during these seasons.

Mule Deer

To be honest, it breaks my heart to write this. I made my first deer hunt in what is now the Black Canyon wilderness area in 1962. At that time, the mule deer population approached 40,000, with very high buck ratios and fawn ratios that are unmatched anywhere in the west today. As of 2 years ago, ODFW estimated the population was under 9,000, and it has declined significantly since then. In my opinion, that estimate of 9,000 was not accurate, much too high, and I have little confidence that the next estimate will be any more accurate. It is entirely possible, in the absence of extreme remedial action, which there is no indication ODFW is willing to undertake, it is already too late to recover this population.

For most of the year, the number of deer utilizing the authorization area is extremely small. In the fall, if a good green-up occurs, mule deer do pull up into the area from surrounding private ranch lands, but even then the numbers are abysmal compared to historic numbers. As an example, in Nov, 1977, a friend and I drove from Mud Springs out past ringmire reservoir and counted more than 500 deer. This was not using spotting scopes or binoculars and scouring the landscape, but what we could see from the truck driving the road with our naked eye. Today, you would be lucky to see 10 deer making that same trip.

Given those low numbers, and the fact that mule deer are not nearly as sensitive to motorized travel as elk, the current road densities in the area are not a limiting factor for mule deer populations with one exception. HIGH OPEN ROAD DENSITIES INCREASE HARVEST. In the authorization area, the Rager green dot closure is somewhat effective in limiting harvest during the rifle season, but that is not in place during the 30 day archery season. The other factor is that Warm Springs Reservation tribe members may deer hunt on this unit from Sept 1 through Oct 31. (I think the first date is correct, I know the last date is.) For whatever reason, the authorization area has been targeted by tribe members over the last several years, and my observation is their preferred hunting method is driving the roads looking for a buck to shoot.

Anything that reduces the buck harvest on the ochoco unit is certainly not a bad thing, but there is no logical expectation that closing these roads within the authorization area will significantly impact the long term prospects for mule deer populations on the Ochoco National Forest.

Discussion of Road Closure Options

If there is one thing that has been learned, or certainly should have been learned, by forest service managers, it is that closing roads on a map accomplishes absolutely nothing. In my view, the final result of the travel management planning process, and the final product adopted, was of no value to wildlife or other forest values, but any chance that it would have been helpful ended when the plan failed to actually close these roads on the forest. Given that, there are some basic principles that need to be applied to the area if the road closures are adopted and the goal is to have them be effective. I have listed them in no particular order of importance:

1. Given that one of the primary purposes of closing these roads is to limit the relocation of elk from the forest to surrounding private lands, we need to be careful that we do not miss out on the good trying to achieve the perfect. What do I mean by this? If funding or other issues make the best solution, gates, unattainable, don't ignore the benefits of signs, as one example.
2. There is no science on this that I am aware of, but I think 40 years experience with the Rager Green Dot closure make me confident that this is a reasonable assumption. In this area, roads closed by signs will stop 85-90% of people from violating the closure. Reducing auto trips by 85-90% is a slam dunk win for a wide range of values in this area.
3. Using locking gates instead of signs would likely result in a 99% + compliance rate. I don't question that idiots occasionally pull down inexpensive gates, and steel gates can prevent that potentially, but the very low rate of occurrence does not justify spending the additional money, in my view.
4. Lets be honest, enforcement will be non-existent. It does not matter. We are trying to reduce the number of auto trips, and signs/gates will do that at a minimum 85% plus reduction. That is worth doing regardless of what can be accomplished with enforcement.
5. It is critically important, if signs and/or gates are used to close these roads, that signs also be placed on the Maintenance level 1 roads closed under the travel management plan. If users see signs/gates on some roads saying this road is closed, they will logically assume that roads without signs are open,

and drive the hell out of them. If the cost of putting signs on every closed road prevents us from using gates on any roads, so be it.

Implementation

I am hopeful that, even assuming we put signs on every closed road, there will still be additional funds available for gates. As I mentioned in our meeting, I am willing to donate funds for that purpose. I am also willing to try to raise additional funds. Finally, I can put together a group of volunteers who are very familiar with the project area, and can have the ability to install signs, or potentially even gates. Having said all that, my best guess is that we won't have the funds to put gates on every road outlined for closure in the proposal. Given that, it is very important that we put the gates we have on the roads that would provide the most protection to elk populations. I would also like to propose three additional roads for closure that are not currently in the proposal. These three roads are currently open in some of the most highly used elk areas within the proposal.

I have placed the roads included in the proposal, plus the three additional roads I am proposing, in order of the importance of closing them, and closing them with gates. I have also included some info about our knowledge of how elk are using those areas over the past few years.

1. Road 562. This road was not included in the closure. From the standpoint of elk leaving the forest, this is far and away the most important road to close. Over the past 10 years, the number of elk residing directly west of this area, on Rossi's, Blue Mountain, Sessler's, GI Ranch, etc during the summer and early fall have been increasing. Most years, once a greenup starts to occur on the forest, these elk move off of private and onto the BLM and Forest Service land that this road accesses. For reasons we do not understand, many times these elk, which can number up to 200, tend to hang up right along the forest service fence near sunflower meadows. Any traffic on this road automatically sends them back onto the private ranch lands to the west. Over the past 15 years, we have had numerous encounters where elk come onto the forest along this road, stay until there is some contact with humans, and immediately head back onto private. It is important to note that 20 years ago, the area directly west of the forest service boundary, which the road parallels, was the primary calving area on this end of the forest. That has changed, we don't know where they calve now, but this area is ideal calving habitat if disruption is ended. To close this road, we would need to place a gate at the junction with the 550 road, and on both

sides of where the 600 road crosses this road and goes into private. The good news, by closing this road, we would not need to place gates on road no.s 567, 564 or the west end of 150. One final note, this road is in terrible condition, blocked by a downed tree at one location, with vehicles making a new road around the blockage, seriously rutted in several locations, and certainly eroding in ways that are harmful to a wide range of forest values. One interesting point, the private landowner who owns the small section along road 600 has had to gravel that road due to the damage done by vehicles when the ground is soft. As far as I know, he did that at his own expense.

On Saturday, Nov 16, 2019, my brother walked road 562 from where it leaves road 550 to its junction with road 500. He took all of the pictures shown below. It is important to note that these pictures were taken shortly after the Rager Green dot road closure ended, and after a pretty dry October-early November. In my opinion, this road does not meet the definition of a maintenance level 2 road, since there are several locations where the road is not passable, and new roads are being developed by people going around the problem areas. Under the 1989 Ochoco Forest Management plan, this road should have been converted to a Maintenance Level 1 road and closed years ago. There is no scenario I can think of where leaving this road open, given the condition of the road and it's impact on elk use of the forest, can be justified.

The first three pictures were taken directly west of where road no. 562 intersects with road 560.







The following four pictures were taken between the junction of road 567 with road 560 and the candy tree lava. The first two pictures show a couple of logs that have fallen across the road. The first picture shows the new road that has been cut by people driving around the trees. The tree in the fourth picture is a different tree in a different location.









The next three pictures were taken just south of the drift fence at the head of sunflower meadows. This area is an absolute disaster during the spring as the snow melts, or there are heavy rains. To have it in this poor of shape given the road has been closed and the relatively dry fall gives you some idea how bad this is going to get. By the way, this area has always been a major turkey area in the fall, and with the turkey season now open til 12/31, we would expect a big increase in damage to this road.







The following four pictures show the 560 road between the south end of sunflower meadows and where road 562 intersects with road 600. Under the proposal the 600 road would remain open, so we would need roads or gates on both sides of the 600r road at this location. In the second picture, you can see where a new channel has been cut to the right from water running down the road. The slope here is steeper than it looks in the picture, as I recall. The channel is headed towards the head of sunflower creek.









The following 5 pictures were taken between the junction of the 560 road with the 600 road and the junction of the 560 road with the 500 road to the south.



This picture illustrates the problems with unimproved roads being open year round. This part of the road is crossing a lava slab, no springs or streams along the road bed. You can see the damage done when the area is soft, most likely in the spring. This is a problem in this entire area.



This picture shows a channel cut by runoff in the ruts created on this road. I am not sure where this water ends up.

The last three pics show an area that is a little steeper, and where the road gets very soft in the spring. There are actually three separate roads here now, but we could not get a good picture of all three.







2. Road 800. The Cougar/Wildcat/Begg/Bull area was far and away the highest usage area for elk 20 years ago. That has changed, with the private lodge built in Cougar Creek and increased usage of the road system by atv's, motorcycles, autos, etc responsible for the changes. This is most evident during hunting seasons. In the 90's, this was the most heavily hunted area on this end of the ochocos. Now, it is rare to see more than a couple of camps, and very few hunters. For the most part, the elk are no longer there. We believe it is important to recover this area as a primary elk usage area. Particularly in very dry summers and falls, this area provides a type of habitat that is not available anywhere else within the project. The cover is considerably heavier, and springs and creeks maintain better water flows in dry years. This road parallels the east forest service boundary along wildcat creek, then enters jackass creek near its headwaters. Any travel on this road

moves elk that are on the wildcat side, or in jackass creek, back into private land, in our experience. It would require one gate at the junction of road 830, and would automatically close roads 852, 853 and 854, which are listed to be closed in the proposal.

3. Road 550. This road is also not on the closure list, although it is hard to understand why. This road already has gates on both ends, and is nothing more than a shortcut to access the same area that can be accessed via the 58 road and the 100 road. This road parallels hardscrabble ridge, which has always been a high usage area for elk, going back to the 80's. It also appears this area is being used by bachelor herds of bulls in the summer. Depending on where elk are located on the ridge, dual reservoirs is a key watering area for elk, and the ridge above the reservoirs provides good cover for elk to bed. This road is located adjacent to the reservoirs, and if the gates are open, receives heavy traffic throughout the year. It is closed during the Rager green dot closure. Closing this road is critical if our goal is to keep elk on the forest. No gates are needed, they are already there.



This picture was taken from road 550. You can see one of the dual reservoirs on the right. This road is a maintenance level 1 road that is closed on your maps, but not on the forest. It does not appear on your map of the project, but it is definitely used, primarily by antelope and bow hunters. The road climbs up on Hardscrabble, then drops down into one fork of black stump creek. It used to go across the creek but I think that is washed out now. Closing road 550 year round would block all motorized access to this road and area.



This is road 556. It is on your proposal map to be closed. It is located between the dual reservoirs and road 100, which is open. Locking the gates on both ends of road 550 would eliminate access to this road at this location, but we would need to close it where it joins road 100 to the south.

4. Road 800 in Begg creek. This road would have been much lower on the list except for the juniper thinning projects planned for this area. As discussed in road 800 Wildcat above, elk usage in this area has declined dramatically over the past 20 years. This particular area is fairly steep and rugged, compared to the rest of the project area, and could be an excellent hiding area for elk under pressure, but after thinning it will be very open. This would also be a road that would tend to be used by road hunters looking for bucks. One gate at the junction with the 58 road would do the job.
5. Road 700 past Suplee Butte: This road is scheduled to be closed, and there is already a gate north of begg Springs, so as long as the gate is closed, it is

good to go. Closing this gate removes access to roads 730 and 745, which are also scheduled to be closed.

6. Road 310 in Cougar Creek. One gate placed at the junction with open road 300 closes this road and road 312. Both of those are scheduled for closure.
7. Road 150 and 200 off the 5870 road. Place a gate on road 200 at the junction with 5870. I am not sure road 150 is still visible. It must take off from the back of the campground located just south of the 100 road. This is where we typically camp. I am not sure how you get on the road, and I have never seen evidence of it being used from this end. We could probably just place a sign on it, but we probably should walk it to see what we have.
8. Road 400 between open road 300 and open road 700. Gates at both ends closes both road 400 and 410. Both are scheduled for closure.
9. Airport area: Placing gates at the junctions of roads 280 and 58 and 600 and 650 would close all the roads scheduled to be closed in this area.
10. Road 530 off the 500 road near Frazier Campground. This is the third road we would like to see closed that is not closed in your proposal. This road parallels open road 511 which goes to Frazier Campground for about ½ it's length. There is Maintenance Level 1 road that takes off from road 530 about 2/3 of the way down its length, and it has a locked gate on it. Road 530 deadends above Frazier creek at a log deck site overlooking a very large chunk of elk and deer winter range on both sides of Frazier Creek. This area needs to be protected, although some years there is enough snow that you can't get in there anyway until spring. Given you can drive halfway down there by going into Frazier campground, there is no advantage to leaving this road open.
11. Road 100 off the 5820 road. This used to be a heavily used area by large herds of elk, but haven't seen much the last few years. My theory is that it is too far from the forest service boundary and the elk just don't get up that far before they are run back onto private, but that is strictly a guess. Given the location of this road, a gate is not particularly helpful. The road takes off from 5820 on a big open flat, with plenty of room to go around a gate. You might be able to place the gate further up the road, but it would be quite a ways up there as I recall. Might have to make due with a sign, then also put a sign on road 101. Both 100 and 101 are scheduled to be closed.

12. Road 600 and road 615 in the Telephone springs area. Place gates where road 600 leaves road 500 and road 615 leaves road 900 and that will close all the roads scheduled for closure in this area.
13. Road 828. I believe this road actually extends further to the east than shows on the map. A gate placed at the junction with road 830 closes the road.
14. Roads 640 and 641. I don't know that this road is still visible from road 600. I have walked on both roads out in the forest, but they seem to have faded out by road 600. If not, a gate placed at that junction closes them both.
15. Roads 150, 140, 30 and 39. There is currently a locked gate on road 150 about a ¼ mile from its junction with 5850. As long as that gate is kept locked, these roads would all be closed.
16. Roads 409 and 401. Place gates where both roads leave road 400.
17. Road 505. Place gate where road leaves road 5850.
18. Road 315. Place gate where road leaves road 300.
19. Road 380. I don't think this road is still there, or at least I don't remember it leaving 5840. If it is there, it could be closed with a sign, I think.
20. All of these roads are short, I am not sure they all still exist, and they are not in areas that elk are active for the most part. They should be closed with signs, in my opinion. Here is the list: 120, 125, 209, 403, 480, 020, 010, 230, 513, 750, 320, 315, 806, 808 and 275.

Enforcement

Under the current proposal, enforcement would be left to Ochoco National Forest law enforcement officials. That might sound good, but there is currently only one LEO on the Ochoco National Forest. An even bigger problem, in my opinion, is that, under forest service rules, no one except LEO's can actually issue citations, and they must observe the violation. It seems like someone told me once that there was a second class of employee who could also issue citations, but I can't remember what they were called. Anyway, under the current proposal, one has to

assume that there be virtually no enforcement of these road closures. I want to emphasize again that, although this is not ideal, it does not render the closures ineffective if they are implemented correctly.

There is a better option, however, and that is to somehow include this area in the green dot closure administered by the Oregon Dept of Fish and Wildlife. Under ODFW rules, there is much more flexibility in who can issue citations. The program also allows citizens to file complaints, and citations can be issued based on that as long as the citizen is are willing to testify if the citation is challenged in court. My group has turned in several violators of the Rager Green dot closure over the years, including two vehicles two years ago. Another advantage, the fines are substantially higher than those imposed by the forest service. The fine for the driver of the vehicle is \$ 440.00 dollars, and for any passenger \$ 115.00. The last I heard, forest service fines were less than \$ 100.00 for the driver and nothing for a passenger, although that could have changed in the past few years.

If we could figure out how to provide enforcement for this proposal through the Green dot road closure system run by ODFW, that would certainly enhance the effectiveness of the proposal in reaching the stated objectives.

Conclusion

My hunting partners and I are over the top excited that the Ochoco National Forest has proposed closing more than 60 miles of open roads on an annual basis in a relatively small geographic area. It is beyond amazing that the first project of this type is being proposed for the part of the forest that we have spent the majority of our time in over the past 35 years. We can only hope this is the first of multiple proposals that will include significant road closures over the rest of the forest.

We are completely committed to doing whatever is necessary to get this done. Although we certainly have opinions about which roads to close, enforcement, how to close the roads, etc, the bottom line is getting some/all of these roads closed will benefit a wide range forest activities and values. We look forward to working with you in bringing this project to fruition.

Respectfully submitted,

Mike Morris

