

*Oregon Chapter Sierra Club
Asante Riverwind
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December 5, 2008

Acting Regional Forester,
Pacific Northwest Region Forest Service,
Jeff Walter, Forest Supervisor,
Ochoco National Forest,
William Queen, District Ranger,
Lookout Mountain Ranger District,

**Notice of Conditional Withdrawal of the
Oregon Chapter Sierra Club and LOWD-Blue Mountains Biodiversity Project
Appeal of the Burn and Crystal Springs Allotment Management Plan EA Decision**

In accord with the two part agreement below, clarifying the Decision for the Burn and Crystal Springs Allotment Management Project EA, reached by the Ochoco Forest Service Supervisor Jeff Walter and Lookout Mountain District Ranger William Queen, and by Asante Riverwind, Eastern Oregon Forest Organizer for the Oregon Chapter Sierra Club, also representing Karen Coulter, Director of LOWD-Blue Mountains Biodiversity Project, Appellant organizations hereby conditionally withdraw our appeal of this project. It must be noted this agreement represents only some of our many concerns with this project, and is made in good faith by all parties towards cooperatively resolving significant ecological and legal issues. The USFS-Ochoco NF two-part agreement letter and addendum clarifying the Burn and Crystal Springs Allotment Management Project EA decision is presented here in full:

File Code: 1570-1

Date: December 4, 2008

Mr. Asante Riverwind
Oregon Chapter Sierra Club
P.O. Box 5534
Bend, OR 97708

Dear Asante:

On November 21, 2008, myself, Paul Cuddy, Bill Queen, and Kevin Keown of my staff, met with you, representative of the Eastern Oregon Forest Organizer for the Sierra Club, and acting on behalf of the League of Wilderness Defenders – Blue Mountains Biodiversity Project (LOWD-BMBP). The intent of our meeting was to explore the possibility of resolution of the issues raised in your appeal #09-06-00-01-215 regarding the Burn and Crystal Springs Allotment Management Plan EA per 36 CFR 215.17. Since then, Ranger Queen and staff have continued to work with you. This letter, along with the attached addendum, will document the agreements made.

Of the appeal points you raised, your biggest concern was with the effects of livestock grazing after implementation of the Spears Vegetation Management EIS to soils and understory vegetation. Concerns were based mainly on the additive effects of livestock grazing and prescribed fire and timber harvest. In your appeal, you requested a minimum five to ten year rest period from grazing.

An agreement was made in which the appellants, Oregon Chapter Sierra Club and LOWD-BMBP, would drop their appeal of the Burn and Crystal Springs Allotment Management Plan EA given the following conditions. The following actions will take place when implementing the Spears Vegetation Management EIS and permitting grazing:

1. Coordination will occur annually with the Fuels Specialist for the Spears EIS, the Lookout Mountain District Rangeland Management Specialist and the Burn and/or Crystal Springs permittee to plan and schedule burning activities with consideration of understory vegetation and grazing.
2. Coordination with the permittee will occur at the Annual Operating Instructions meeting.
3. Pastures with units planned to be burned in the fall will be the first to be grazed in that year. Pastures with units that were burned the year prior will be deferred for last use for the upcoming grazing season.

This letter, and addendum, will be attached to the Decision Notice and placed in the Burn and Crystal Springs EA project file. They will also be placed into the grazing permit file to ensure coordination of these activities occurs on an annual basis.

Thank you and your organization for working through this with us. Please contact Paul Cuddy at (541) 416-6617 if you have any questions.

Sincerely,

JEFF WALTER
Forest Supervisor

Enclosure

December 4, 2008

Burn & Crystal Springs Allotment Management Project EA
Lookout Mountain Ranger District
Ochoco National Forest
Addendum to the November 24, 2008 Appeal Resolution Letter with
Additional Appeal Resolution Points

This Addendum along with the November 24, 2008 letter will be attached to the Decision Notice for the Burn and Crystal Springs Allotment Management Plan EA and placed in the Burn and Crystal Springs Allotment permit files and Allotment Management Plans.

Defer livestock grazing in those portions of the Burn and Crystal Springs Allotments that are within the Spears Project unit areas, and/or within other areas, where ground and vegetative disturbing/altering management projects are occurring (commercial

thinning and burning). Affected areas and downstream riparian areas shall be deferred from livestock grazing until these projects' completion through the following spring at a minimum. Resumption of livestock grazing in affected areas shall not occur until the following resource conditions are met:

- Recovering native species vegetation evidences sufficient abundance of ground cover to support livestock in addition to native wildlife species;
- Resumption of livestock grazing in allotment areas will not adversely cumulatively affect or degrade area watersheds, aquatic species and wildlife habitat, and native vegetative plant communities diversity and abundance in and downstream from affected project allotment areas;
- Sufficient measures are taken to prevent the introduction of new, and spread of existing, species of exotic invasive plants in and downstream of affected areas evidencing vegetative recovery from soil disturbance. Measures to prevent the introduction and spread of invasive weeds are identified in the Environmental Assessment. These measures will be carried forward from the EA to the allotment management plan, as well as included in the annual operating instructions and meeting with permittee.

The above determinations will be made available to appellant organizations, permittees, and the interested public for review before grazing is resumed in these areas, with a field trip to affected areas if necessary to address resource conditions and objectives and cooperatively resolve resource impact concerns.

Additional resource management provisions if grazing resumption may occur before affected area vegetation is fully recovered:

- Reduce the AUMs in the affected allotment to minimize adverse impacts;
- Encourage onsite permittee management of cattle until removal of cattle at the end of season for affected areas in both allotments, or until native species vegetation evidences sufficient ground cover and recovery to sustain native wildlife species and livestock;
- Employ temporary riparian and affected area exclosures preventing livestock entry and grazing in recovering portions of affected allotments.

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and for: Karen Coulter, Director,
League Of Wilderness Defenders-Blue Mountains Biodiversity Project
27803 Williams Lane
Fossil, Oregon 97830
(541) 468-2028 office
(541) 385-9167 voice mail

Cc. Karen Coulter, Bill Queen, Paul Cuddy, & Jeff Walter

Signed this 5th day of December 2008, conditionally withdrawing our appeal as per the above two-part resolution agreement and addendum clarifying the Decision for the Burn and Crystal Springs Allotment Management Project EA.

For all Appellants,

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