

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**ENVIRONMENTAL ASSESSMENT FOR THE  
NORTH POWDER WILD AND SCENIC RIVER  
MANAGEMENT PLAN**

**Forest Plan Amendment No. 18**

USDA Forest Service  
Wallowa-Whitman National Forest  
Baker Ranger District  
Baker County, Oregon

The Environmental Assessment (EA) for the North Powder Wild and Scenic River Management Plan on the Wallowa-Whitman National Forest is available for public review at the Wallowa-Whitman National Forest Supervisor's Office in Baker City, Oregon. The EA analyzes alternatives for managing the North Powder Wild and Scenic River in accordance with the Wild and Scenic Rivers Act. The selected alternative described below amends the Wallowa-Whitman National Forest Land and Resource Management Plan (Forest Plan).

**DECISION**

As Forest Supervisor for the Wallowa-Whitman National Forest, it is my decision to implement Alternative E of the EA for the North Powder Wild and Scenic River Management Plan. Alternative E protects and enhances the Outstandingly Remarkable (OR) Values, improves resource protection for issues associated with transportation system use (hydrology and wildlife), maintains existing motorized recreation opportunities in the upper corridor, and prescribes the following activities:

1. Adopts a management plan for the North Powder Wild and Scenic River to protect the Outstanding Remarkable (OR) values.
2. Modifies the Management Area boundary for MA-7 surrounding the North Powder River to better protect and enhance the OR values. It is also my decision to recommend this boundary change to the Regional Forester as the final boundary for the North Powder Wild and Scenic River corridor in accordance with the Wild and Scenic Rivers Act.
3. Provides a detailed monitoring plan to ensure the intent of the Act and management plan are being met.
4. Closes the river corridor to fuelwood gathering.
5. Withdraws 200 acres of MA 1 Timber Production and MA 3A Timber/Wildlife Summer Range in the river corridor from the suitable timber base.
6. Maintains North Powder Road as a four-wheel driveway.
7. Provides for improved road and trail maintenance and drainage.
8. Provides for rehabilitation, relocation, or reconstruction of roads, trails, trailheads, and dispersed sites to protect soil and water resources.

9. Closes drainage to all off-road and off-trail motorized vehicle use (except snowmobiles over snow).
10. Closes and rehabilitates the one-mile North Fork Spur road.
11. Places a seasonal closure on all motorized use in the river corridor from May 1 to July 1 to protect elk calving areas and to better protect soil and water resources.

My decision also includes the following change to the Forest Plan to further clarify the management of the North Powder Wild and Scenic River.

On page 4-75, add a new heading: "**#28. North Powder Wild and Scenic River.**" Followed by: **The North Powder Wild and Scenic River corridor within National Forest Lands, will be managed according to the North Powder Wild and Scenic River Management Plan on file at Forest Headquarters.**

## ALTERNATIVES

I considered five other alternatives before selecting Alternative E.

- Alternative A (No Action) consisted of managing the river corridor in accordance with the Standards and Guidelines of Management Area 7 in the Forest Plan and with other Forest wide Standards and Guidelines and Forest Service manual and policy direction. The river corridor boundary would be a quarter mile either side of the river as specified by the Wallowa-Whitman National Forest Land and Resource Management Plan. Alternative A provided little direction for managing the corridor to protect and enhance the OR Values.
- Alternative B addresses resource protection while providing non-motorized recreation opportunities in a predominately natural riverine setting. The Scenic OR value would be emphasized by prohibiting all motorized use above Twin Mountain Creek. This alternative also provides for items 2 through 10 as listed in Alternative E, but was not selected due to its elimination of motorized recreation opportunities in the upper corridor and impact on the Recreation OR Values.
- Alternative C addresses resource protection and recreation issues while providing non-motorized recreation opportunities in a predominately natural riverine setting. The Scenic OR Value would be emphasized by prohibiting four-wheel drive use between the Twin Mountain Creek and the Summit Lake Trailhead and all motorized use between the Summit Lake and Lost Lake Trailheads. This alternative also provides for items 2 through 9 as listed in Alternative E, but was not selected due to its reduction in motorized recreation opportunities in the upper corridor and impact on the Recreation OR Values.
- Alternative D addresses resource protection and recreation issues while addressing issues associated with transportation system use and maintenance (hydrology). It provides non-motorized recreation opportunities in a predominately natural riverine setting. The Scenic OR Value would be emphasized by prohibiting all motorized use above the Summit Lake Trailhead. This alternative also provides for items 2 through 9 as listed in Alternative E, but was not selected due to its reduction in motorized recreation opportunities in the upper corridor and impact on the Recreation OR Values.
- Alternative F provides the highest level of recreation use possible and expands motorized recreation opportunities while protecting and enhancing OR Values. The Recreation OR Value would be emphasized by: 1) providing an additional two miles of motorized trails in the upper river corridor, and 2) reconstructing and improving the North Powder Road and North Fork spur road to provide better access for two-wheel drive high clearance vehicles to the Summit Lake Trailhead. This alternative also provides for items 2 through 9 as listed in Alternative E, but was not selected since the potential adverse resource impacts due to increased use and additional motorized use areas could not be completely mitigated.

## REASONS FOR THE DECISION

I selected Alternative E because it best achieves project objectives and attains the desired future condition.

Of the six alternatives, Alternative E provides for the best opportunity to emphasize water quality, wildlife, soils, hydrology, and to protect free flow, while still protecting and enhancing the Recreation and Scenic Outstandingly Remarkable Values.

Alternative E best implements my decision to maintain existing recreation uses and experiences to the extent that the river's Outstandingly Remarkable Values are protected, yet still provides for motorized public access to the area.

By expanding the wild and scenic river boundary to include an additional 120 acres along the headwaters of The North Powder River, trail use and hydrologic impacts could be better mitigated, thus providing better long-term protection of natural ecosystems, biodiversity, and fisheries in the area.

## SCOPING AND PUBLIC INVOLVEMENT

The public has been involved throughout the process. Initially, approximately 12 public meetings were held throughout northeastern Oregon to discuss issues and concerns. Letters were also sent to acquire additional information from public and private landowners and to inform the public on the progress of the management plan.

## ISSUES

Several issues were identified during the scoping process. Three significant issues were identified by the interdisciplinary team for analysis in the EA:

- Recreation: What types of recreation facilities and opportunities will be provided, and what level of use will be accommodated within the corridor, in light of the requirement to protect and enhance water quality and Outstandingly Remarkable (OR) Values?
- Scenery: How to best protect and perpetuate the natural-appearing landscape over time to ensure protection and enhancement of water quality and OR Values?
- Transportation: What type of transportation system should be provided within the corridor and surrounding drainage, and what type of uses should be allowed that will be most compatible with the requirements to protect and enhance water quality and OR Values?

Management of each of the Outstandingly Remarkable Values were also addressed as issues. The Outstandingly Remarkable Values are Recreation and Scenery.

## MONITORING

Monitoring will be in accordance with the monitoring plan outlined in the North Powder Wild and Scenic River Management Plan and with the existing direction specified in the Forest Plan. This includes the monitoring for the protection and enhancement of the OR values, free flow, and water quality.

## SPECIFICALLY REQUIRED DISCLOSURES

There are no unavoidable, adverse effects associated with implementing Alternative E that are not already identified in the Final EIS for the Forest Plan.

There are no short-term uses proposed in the project. Promoting long-term health and productivity of the Forest's ecosystems is a project objective.

There are no irreversible or irretrievable losses from implementing Alternative E that are not already identified in the Final EIS for the Forest Plan.

There are no unusual energy requirements associated with implementing Alternative E.

Wetlands and floodplains do exist within the river corridor. There are no major projects planned within the wetlands or floodplains. Some rehabilitation of trailheads, dispersed sites, roads, and trails would occur within the floodplains to prevent soil erosion and protect resource values. A site specific Environmental Analysis would be completed before any of these activities could take place.

The management plan will cause no adverse effects on any Threatened or Endangered species or critical habitat; prime farmland, rangeland, or forest land; cultural resources; or civil rights, women, and minorities not already identified in the Final EIS for the Forest Plan.

#### FINDING OF NO SIGNIFICANT IMPACT

Based on the site-specific environmental analysis documented in the Environmental Assessment, I have determined that the North Powder River Wild and Scenic River Management Plan and Forest Plan Amendment #18 are not major Federal actions significantly affecting the quality of the human environment. Therefore an Environmental Impact Statement will not be prepared. The direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed within the appropriate context and will have little intensity. My determination is based on the incorporation of mitigation measures and monitoring requirements associated with Alternative E and the following factors from Title 40 CFR 1508.27:

1. The beneficial and adverse environmental effects described in the EA for Alternative E were considered independently to determine if the project would significantly affect the human environment. No significant impacts were identified.
2. Public response to the project has indicated that the project is not likely to cause effects that are highly controversial. Refer to Chapter I of the EA for a description of the public scoping process.
3. The project causes no highly uncertain effects and no effects that involve unique or unknown risks.
4. There will be no significant adverse cumulative effects from implementing the plan in conjunction with past, present, and foreseeable future actions.
5. The plan will not adversely affect any sites or features listed or eligible to be listed in the National Register of Historic Places, or any significant scientific, cultural, or historical resources.
6. The effects of the plan on Threatened and Endangered species were analyzed in a Biological Evaluation (BE). There will be no risk of adversely affecting these species with the plan as described in the EA. The plan will have no adverse effects on Threatened and Endangered species habitat. Over time, the plan is expected to have positive effects on Threatened and Endangered species.
7. The plan is consistent with all known Federal, State, and local laws. Regulations related to the National Forest Management Act and the Endangered Species Act have been incorporated into the project. Environmental Protection Agency herbicide application requirements will be followed.

#### FINDINGS REQUIRED BY OTHER LAWS

I have determined that this amendment is not significant in relation to the National Forest Management Act of 1976. Adoption of this amendment will not significantly alter Forest Plan goals, objectives, standards, guidelines, or management direction. Indeed, this amendment will enable managers to better meet the Wild and Scenic Rivers Act, and existing Forest Plan objectives, standards, guidelines, and management direction.

PROJECT IMPLEMENTATION

Implementation of this decision shall not occur within 30 days following publication of the legal notice of the decision in the Baker City Herald.

APPEAL RIGHTS

This decision is subject to appeal pursuant to 36 CFR 217. Any Notice of Appeal of this decision must be fully consistent with 36 CFR 217.9 (Content of a Notice of Appeal) and must be filed with John Lowe, Regional Forester, P.O. Box 3623, Portland, Oregon 97208 within 45 days of the date legal notice of this decision appears in the Baker City Herald.

CONTACT FOR FURTHER INFORMATION

For further information regarding the North Powder Wild and Scenic River Management Plan, contact Steve Davis at the Wallowa-Whitman National Forest Supervisor's Office, P.O. Box 907, Baker City, Oregon 97814 or at (503) 523-1316.

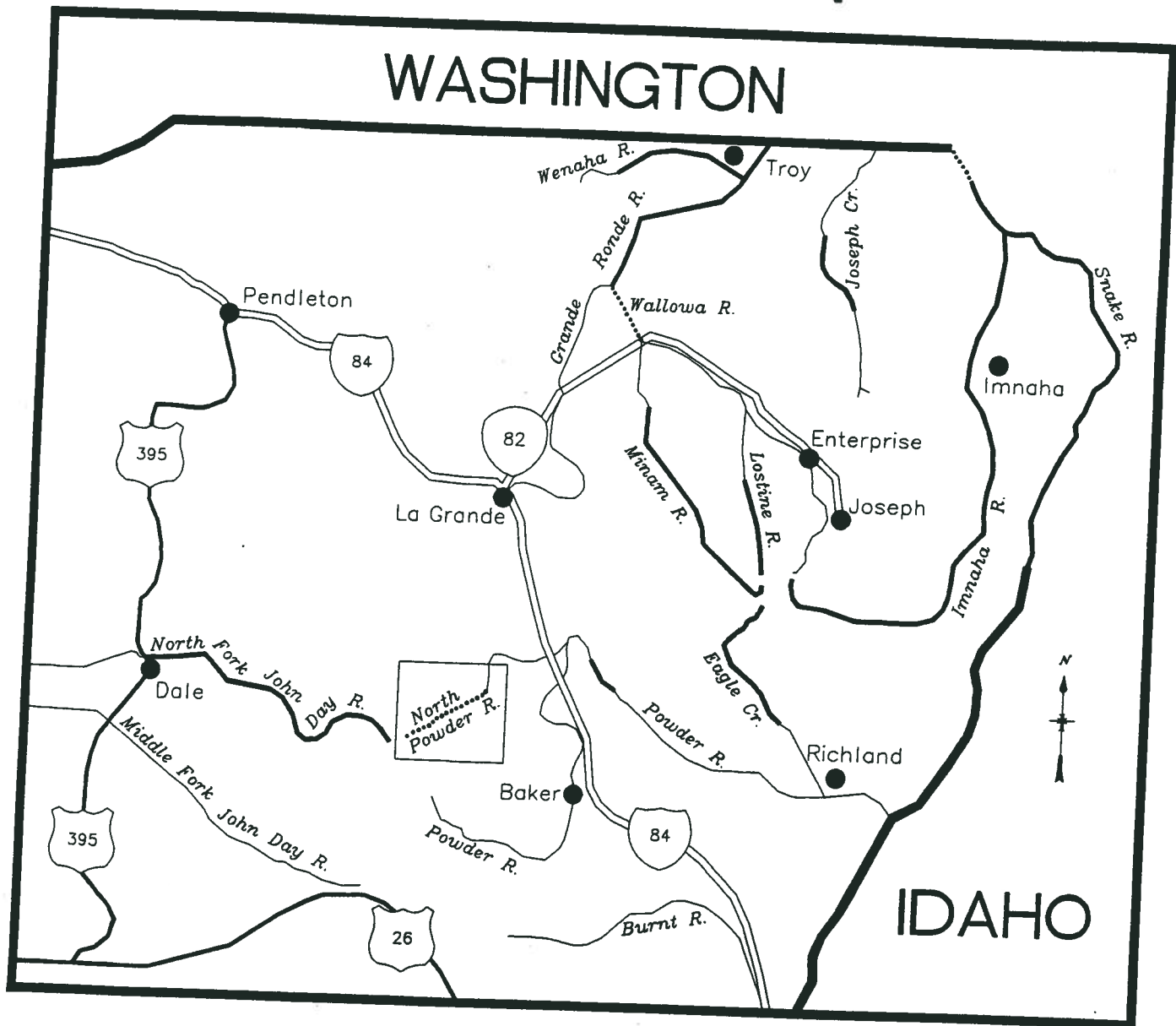


R. M. RICHMOND  
Forest Supervisor  
Wallowa-Whitman National Forest

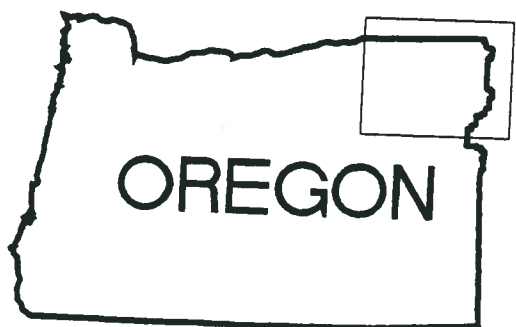
July 13, 1995  
DATE










# Vicinity Map



## National Wild and Scenic Rivers of Northeast Oregon



-  Interstate Highway
-  U.S. Highway
-  Oregon State Highway
-  River
-  Wild and Scenic River Area
-  Congressionally Designated Wild and Scenic Study River
-  Forest Plan Designated Wild and Scenic Study River

## **Appendix A**

---

# NORTH POWDER WILD AND SCENIC RIVER

## AFFECTED ENVIRONMENT

### PURPOSE OF THIS CHAPTER

To describe the character and resources of the Wild and Scenic River corridor at the time of designation. The current conditions, as well as existing trends, are described to acquaint people with the corridor and provide a basis from which to assess the consequences of the various management alternatives.

### REGIONAL SETTING

The North Powder River is located in Northeast Oregon in Baker County. It originates on the Wallowa-Whitman National Forest, high on the Elkhorn Ridge of the Blue Mountains, and flows generally north-east for 24 miles until it joins the Powder River just east of the town of North Powder. The Powder is a tributary of the Snake River, which in turn flows into the Columbia River, and then to the Pacific Ocean. An 11.7 mile portion of the Powder River between Thief Valley Dam to the Highway 203 bridge is also designated a National Wild and Scenic River and administered by the Bureau of Land Management.

The North Powder River valley is a glaciated valley characterized by craggy mountain tops reaching above timberline. The upper 6.0 miles of the North Powder River was designated as a National Wild and Scenic River (W&SR) by the Omnibus Oregon Wild and Scenic Rivers Act of 1988, an amendment to the Wild and Scenic Rivers Act of 1968. The designated river length has been recalculated by the Forest Service using Geographic Information Systems and has been revised to 6.4 miles.

When Congress passed the Omnibus Oregon Act, 40 rivers, or parts thereof, were added to the National Wild and Scenic Rivers System. The classification of each river segment, as either Wild, Scenic, or Recreational, was also identified in the legislation. The designated corridor is entirely on National Forest System lands and is classified as a "Scenic" River.

The designated corridor is about 1,920 acres in size and begins at the headwaters near Cracker Saddle (Township 8 South, Range 37 East, Section 18) and ends at the National Forest boundary (Township 7 South, Range 38 East, Section 30). A 1/4 mile wide corridor on either side of the river has been established by the Forest Service for interim management purposes.

The river's name is derived from the Chinook jargon words *polallie illahe*, meaning a sandy or powdery ground used to describe the soils along the stream.

The North Powder drainage is bordered by the Dutch Flat Creek on the north, Rock Creek on the south, and the North Fork of the John Day River on the east. The North Fork of the John Day River is also a National Wild and Scenic River.

### CLIMATE

The climate in the general area is characterized by a short growing season and little or no summer precipitation. Annual precipitation within the river corridor varies significantly with elevation. Lower elevations receive approximately 30 inches of precipitation per year, while upper elevations exceed 40 inches of precipitation per year, much of it falling as winter snow.

Persistence of the snow pack varies primarily with elevation, generally melting within a few days of falling in lower areas and rarely maintaining a winter-long snow pack. At higher elevations, snow persists in patches through June and early July. A snowmelt hydrography typifies the streamflow with peak flows occurring in late May.

The summer months are typically dry with less than 15 percent of the of the annual precipitation falling during July, August, and September. The rain that usually occurs during the summer is the result of local thunderstorms. On any given day, air temperature variation is primarily a function of elevation.



Summer temperatures near 90° F are not unusual in the lower reaches, while winter lows may reach zero. At higher elevations, summer temperatures fluctuate widely with hot days and cold nights. Summer highs reach the mid-70s at 5,000 feet and the mid-60s at 7,000 feet. At higher elevations, frost can occur almost any night of the year. Winter temperatures remain low for long periods and considerable snow accumulates.

## HISTORY

The North Powder River drainage is included within the ceded boundaries of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The Elkhorn Ridge of the Blue Mountains was utilized in prehistoric and historic times by members of the CTUIR for fishing, hunting, and religious purposes. The corridor was also periodically and seasonally visited by small groups from other tribes including the Nez Perce, Shoshone-Bannock, and Northern Paiute. Native Americans still travel to the area to hunt, fish, camp, and gather, continuing the traditions established prior to the coming of Euro-Americans to northeast Oregon.

Unlike much of the rest of the Elkhorns, this drainage did not receive the lasting attention of early prospectors and miners. The river corridor does have a number of pre-1930's mining sites. The primitive road found paralleling the stream today is a portion of an route to early-day mining camps located high on the west flanks of the Elkhorns. This road was originally constructed in 1864 by the Dealy Wagon Road Company as one of the earliest routes across the Elkhorns. As this was a difficult route it was not heavily used and easier alternate routes were soon constructed elsewhere. Historic references can be found to its early use and even mention its use by Native American travelers.

The river corridor was also used as a sheep driveway. Prior to the gold rush era, it is likely that early day trappers traveled the river corridor. Beyond these few pieces of information, historical accounts of activities in the North Powder River drainage are limited.

Aside from the early establishment of a stage route over the Elkhorns in the North Powder drainage and some prospecting, the area seems to have escaped the attention or interest of Euro-Americans during

historic times. Several cultural resource sites exist in the North Powder River corridor, including evidence of Native American use and old mining activity, but these are not significant nor are they listed on the National Register of Historic Places. Since surveys have not been completed in the river corridor, the extent of other cultural sites is unknown. Based on surveys conducted in other portions of Elkhorn Ridge, it is likely that historic and prehistoric sites exist in the river corridor.

## LANDOWNERSHIP

The 1/2 mile wide river corridor encompasses approximately 1,920 acres entirely within the Wallowa-Whitman National Forest. All 1,920 acres are National Forest System lands.

The following is a chart of landownership with the designated Wild and Scenic River corridor:

**CHART A-1  
LANDOWNERSHIP**

LANDOWNER	ACRES	PERCENT
USDA Forest Service	1,920	100
Private	0	0
<b>Total</b>	<b>1,920</b>	<b>100</b>

## AMERICAN INDIAN TREATIES

The entire river corridor is within the lands that were ceded to the United States Government, through a ratified treaty, by the Confederated Tribes of the Umatilla Indian Reservation (Cayuse, Walla Walla, and Umatilla Tribes). The river corridor does not include any reservation lands. Under the provisions of the 1855 Treaty, members of the tribes retain specific rights and privileges on lands ceded by past treaties. These treaties entitle them to hunt, gather roots and berries, and pasture stock on non-claimed (Federal) lands within the river corridor. In addition, these treaties entitle members of the tribes to fish at all usual and accustomed fishing sites. These tribes still continue to use the area for hunting, fishing, and other traditional practices at usual and accustomed places. The tribes also actively pursue protection of cultural and sacred sites,

which include burials, and other treaty rights. Their rights to believe, express, and exercise their traditional religions (including having access to sites, use, and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites) are also protected by law.

## **GRAZING**

The river corridor and the entire Elkhorn Ridge area of the Blue Mountains is not part of any grazing allotment. Most of the drainage is considered unsuitable for sustained grazing activity due to erodible soils, lack of forage, and rugged terrain. Deer and elk populations account for the current browse use.

Domestic livestock grazing began in the late 1800s when settlers grazed large sheep herds in portions of the watershed. The higher elevations were used for summer range while the lower portions, where mild winter conditions prevailed, were used for domestic livestock winter feeding grounds.

Historically, sheep grazing was an important early industry in this region. Some excessive sheep grazing did occur in the area in the early 1900s. Sheep grazing has resulted in some plant community alterations in the watershed. Sheep grazing continued into the 1970s but was characterized by much smaller bands used over a larger growing area. Grazing was halted in the area in the 1970s to protect fragile soils. It is unlikely that the watershed will ever be included in a grazing allotment.

## **RESIDENCES, CABINS, AND RECREATIONAL SERVICES**

There are no cabins or recreational structures located within the river corridor.

## **TIMBER**

Forests cover most of the river corridor. The current river corridor (1/4 mile each side of the mean high water line) lies mostly in Management Area 7, Wild and Scenic Rivers, and Management Area 6, as specified in the Wallowa-Whitman National Forest Land and Resource Management Plan (Forest Plan). Two areas of Management Area 15, Old-Growth, are also in the river corridor. The lower portion of the corridor contains 200 acres in Man-

agement Area 1, Timber Production, and Management Area 3A, Timber/Wildlife. If conflicts arise between any of the provisions of these management areas within the river corridor the more restrictive apply.

Commercial timber stands along the river corridor are primarily composed of lodgepole pine, grand fir, Douglas-fir, aspen, and Engelmann spruce. Some ponderosa pine occurs at lower elevations and western larch at lower and mid elevations. Subalpine fir is dominant at upper elevations and is interspersed with whitebark pine, small meadows, and rocky snow chutes.

Mature and old-growth forests with large patches of stands of smaller diameter trees occur throughout the river corridor. The tree canopy is quite dense to the south of the river and more open and interspersed with openings to the north of the river. Most trees are mature and overmature with the largest trees being approximately 300 years old and 34 inches in diameter. There are also several dense 80 year old lodgepole pine stands, with some larger groupings of western larch, grand fir, Douglas-fir, and subalpine fir. The north side of the river above the river corridor has rocky thin soils with sparse stocking of ponderosa pine at lower elevations and subalpine fir and whitebark pine at higher elevations.

Current stand volumes average 12-14 MBF per acre with some stands in the river bottom approaching 40 MBF per acre. The river corridor contains about 26.9 MMBF of timber on 1,920 acres. Only about 200 acres, in the extreme lower end of the corridor, containing 2.8 MMBF is part of the regulated Forest timber base and is available for scheduled harvest. The annual sale quantity from this area is less than 0.1 MBF per acre/year.

The stands within the corridor are being attacked by several damaging insect pests. The mountain pine beetle has killed much of the lodgepole pine in the drainage along the creek. The Douglas-fir tussock moth is a major defoliator of mixed conifer forests, showing equal preference for Douglas-fir, grand fir and subalpine fir. The western spruce budworm in stands of spruce, grand fir, and Douglas-fir is causing significant defoliation and mortality and is showing persistence with year after year defoliation. The repeated defoliation is resulting in some growth reduction, top-killing and tree death.

Opportunities exist to utilize mortality, maintain diameter growth and tree vigor along with meeting VQO values established in the regulated 200 acre portion of the river corridor.

Logging activity in this subwatershed began with the clearing of timber for construction of the primary road. Tree removal from past activities such as mining, timber harvest, grazing, and recreational pursuits has occurred at low levels. Fuelwood cutting is also allowed in the corridor. There have been no recent National Forest timber sales conducted within or adjacent to the corridor.

The private lands just below the river corridor have recently been selectively cut. Past timber management and harvest activities in the river corridor have been minor and have caused little if any impact on the resources in the area.

## TRANSPORTATION

The river corridor contains two Forest roads. The North Powder Road (FS #7301) follows an old stage route which parallels the North Powder River for 4.9 miles and then continues 2.9 miles crossing Cracker Saddle as the North Powder Trail (FS #1632). The lower 1.5 miles of the trail has been impassible to four-wheel drive vehicles for many years. In 1989, the Forest Service placed a closure order on the lower 1.5 miles of the trail to prohibit vehicles over 40 inches in width. This ensured public safety and reduced erosion from four-wheel drive vehicles who were unsuccessfully attempting to negotiate the section. The upper 1.4 miles of the trail is still open to four-wheel drive vehicles from Bourne. The existing 4.9 mile North Powder Road is a low standard road suitable for four-wheel drive vehicles only. The North Fork of the North Fork Road (FS #7301-200) is a 1.0 mile long spur off the North Powder Road which accesses a dispersed camping area.

The North Powder Road was constructed in 1864 by the Dealy Wagon Road Company as one of the earliest routes across the Elkhorns to mining camps on the other side. As this was a difficult route it was not heavily used and easier alternate routes were soon constructed elsewhere. Historic references can be found to its early use and even mention its use by Native American travelers. As the road existed prior to National Forest designation and was

used for commerce and public use, it qualifies as an RS 2477 road, which is a public right-of-way road.

Baker County indicates that the road is listed in its RS 2477 inventory, that it is at least a 40 foot right-of-way, and that the County intends to keep the route open. As a RS 2477 route, the County controls the activities and is responsible for this road. Thus, the Forest Service would need to work with the County to seek management of the travelway that would ensure the protection and enhancement of the values for which the river corridor was designated.

Both the North Powder Road and the North Fork roads are on poor grades and lack proper maintenance. The North Powder Road has serious drainage problems and for about 300 feet captures the North Fork and diverts it down the road. The North Fork Road has steep grades, a narrow switchback, and some drainage problems, which are causing soil and water quality problems.

Current road management objectives on the North Powder Road are to encourage high clearance four-wheel drive vehicles and trail bikes, but discourage highway vehicles. The entire North Powder Trail is open to motorized use, the lower 1.5 miles (up to the Lost Lake Trail FS #1621) to vehicles less than 40 inches in width, and the upper 1.4 miles to all motorized use including four-wheel drive vehicles. The upper 1.4 miles of trail is used primarily to access mining claims in the upper part of the drainage.

Open road density in the watershed is very low at .4 miles per square mile. The primary road (FS #7301) is a draw bottom road and runs roughly parallel to the river for its 4.9 mile length. Only an additional 1.0 mile spur road exists in the drainage.

Challenging access to the North Powder River corridor is the primary reason recreational use of the corridor has remained low over time. The upper western end of the corridor is accessed by a very challenging low standard jeep road from the historic mining town of Bourne. The lower eastern end of the corridor is accessed by several low standard roads crossing private land (although discussed with private landowners, legal right-of-way has not been secured to date). Above the National Forest boundary, Forest Road #7301 continues for approximately five miles into the corridor, closely paralleling the river. Spur road #7301-200 proceeds up the North Fork of the North Powder River for a mile. The con-



tinuing use, lack of maintenance, poor condition, and lack of effective drainage structures on these low standard roads is currently impacting resources in the corridor, primarily water quality and to a minor extent foreground scenery.

Various approaches have been suggested to correct these problems including reconstructing and upgrading the road, resloping the road, correcting problem areas only with spot reconstruction and drainage, closing all or part of the road, converting the road to a trail, to changing timing or type of use of the road. Selecting which action to take is made more complex several factors. The road is in a "roadless area" and upgrading the road significantly is considered by some to be inconsistent with maintaining roadless area character. On the other hand, maintaining an open road into the drainage for fire management purposes was a concern raised during public meetings. In addition, the road is considered to be one of the earliest over Elkhorn Ridge, and was used as a wagon route to mining camps high in the Elkhorns. Congress recognized this "historic wheel track" as part of the Recreation OR Value as it "provides opportunities for motorized use in a relatively primitive setting." The road also provides motorized access to miners with claims in adjacent areas.

There is also a system of trails providing access to the upper corridor and several of the high alpine lakes in the drainage. The North Powder River Trail (#1632) is a continuation of the road from it's end to Cracker Saddle at the crest of the Elkhorns. It is the only trail in the drainage currently open to motorized use, restricted to vehicles less than 40" wide and snowmobiles to protect fragile soils. The hiking trails in the drainage (#1621, #1635, #1625) are closed to motorized use, with the exception of snowmobiles. These trails lack maintenance and segments of these trails are contributing to resource damage, primarily impacting water quality and to a minor extent foreground scenery. A variety of options have been considered for correcting resource impacts, from reconstructing trails, to further restrictions on uses.

## SCENERY

Starting high on the east flank of the Elkhorn Ridge, the North Powder River begins as a small mountain stream just below the crest of the range, at an eleva-

tion of nearly 8,000 feet. The Elkhorns are characterized by jagged peaks, cirque basins and subalpine lakes, precipitous streams, and deeply incised glaciated valleys. The North Powder River drainage is exemplary of the glaciated valleys found in the range.

From its headwaters, the North Powder River flows northeast out of the mountains, en route to the Powder River Valley below. Mount Ruth, Chloride Ridge, Red Mountain, and Twin Mountain reach above timberline and dominate the surrounding skyline. The North Powder descends quickly through the alpine meadows near timberline, and soon enters the subalpine meadows and scattered stands of spire-shaped subalpine fir. Several lake-fed tributaries join high in the drainage, and the North Powder becomes well-established stream within a mile or two of its headwaters.

Approximately a mile or so below the headwaters of the North Powder, the stream enters a thick mixed-conifer forest typical of the mid-elevations of the Elkhorn Range. The river valley bottom is thickly vegetated, dark, and shady. In this portion of the corridor, views are generally obscured by the thick trees and abundant streamside vegetation. Small wet meadows, occasional aspen stands, and shrub-dominated snow chutes break up the continuity of the forest and provide a few spots where sunlight reaches the valley floor. From these openings views of the surrounding peaks, precipitous tributary streams, and dramatic rock outcrops can be seen. Views of the river itself are few and far between, generally obscured by the dense vegetation. Where openings allow viewing, visitors will see a clear, cold stream splashing over boulders and logs, occasionally settling into quiet pools with granite sand bottoms.

Panoramic views of the entire North Powder River drainage are seen for several miles along the Elkhorn Crest National Recreation Trail, as well as other trails located high in the drainage. Distant views of the drainage are seen from Interstate 84 and Highway 30.

The North Powder River valley displays an overall natural and undeveloped character. Natural patterns created by topography and natural processes such as lightning fires, avalanches, and rock slides, dominate the landscape character. Exceptions to the natural-appearing scene include a primitive

wheel track paralleling the river (remnants of the old stage route over the mountains), and minor evidence of prospecting, mining, recreational use, and fuelwood cutting. A small number of directional signs, two primitive trailheads, and approximately a dozen user-created campsites are the extent of recreational developments in the canyon. In general, cultural modifications are very minor in scale when compared to the entire landscape.

The distance zones in the viewshed are primarily foreground with very little middleground and minimal background. The variety class is A, "Distinctive", due to the variety of the stream character, rock outcroppings and steep canyon walls. The sensitivity level is designated as Level 2, except in the upper river corridor (off FS Trails #1611 and #1621) where it is Level 1. The visual quality objective is Retention in the river corridor and Partial Retention in the middleground and background areas as seen from the river corridor.

The North Powder River drainage is exemplary of the semi-primitive and undeveloped high mountain valleys of the surrounding region. Even though the drainage has attracted some human interest in the past, human-caused changes to the landscape are barely noticeable. The overall lack of visible cultural modifications may be one of the most significant attributes of the river corridor. Due to its exemplary scenic features and lack of visible modifications, scenery was recognized by Congress as an OR Value.

There are several minor impacts on scenery caused by current uses in the river corridor. Some evidence of firewood cutting is seen in the lower portion of the corridor causing modifications to the natural setting. High tree mortality from natural causes has resulted in the removal of some trees for firewood. In addition, off-road motorized use to access more firewood has resulted in some soil and water resource damage. Other minor impacts to scenery have been caused by off-trail motorized use impacting soil and water resources in the upper portions of the river corridor.

## RECREATION

The North Powder River drainage offers a diversity of semi-primitive recreational opportunities. The river corridor offers access to the surrounding remote,

semi-primitive setting (Twin Mountain Roadless Area) which receives a relatively low amount of use. The North Powder River provides a unique opportunity among the W&SR corridors in northeast Oregon to access a semi-primitive Scenic River area via a challenging four-wheel drive road. The Congressional Record (October 7, 1988) included this reference to recreation values in the corridor: "... An historic wheel track which follows the stream provides opportunities for motorized use in a relatively primitive setting. There are also opportunities to hike, hunt, and camp." As an OR Value, these recreational opportunities must be protected and enhanced.

Based on field observations, the corridor receives a light to moderate amount of use estimated at 1,000 recreation visitor days. The majority of visitors to the North Powder drainage are from the local area, although some people travel a considerable distance to hunt in this area.

Recreation use in the corridor begins in late spring and continues into the late fall hunting seasons. Visitors come to the area primarily to hunt for big game, fish, camp, ride motorbikes, drive four-wheel drives or ATVs, sightsee, view wildlife, hike, backpack, and horsepack. Mountain bike use of the road and trails is a relatively new use that is increasing. The river is too small for boating. The steepness of the canyon precludes a significant amount of winter recreation activity, but some snowmobiling and cross country skiing does occur.

The area offers high quality big game hunting experience due to its remoteness and challenging access. Use peaks during the elk season with elk camps being set up at the trailheads and road termini.

The river corridor lies near the center of the Twin Mountain Roadless Area, which encompasses most of the Elkhorns. The 60,903 acre Roadless Area provides ample opportunities for solitude and experiencing a sense of self-reliance and adventure. The surrounding area also provides opportunities for a quality hunting experience in a remote setting.

A low standard road suitable for four-wheel drive vehicles parallels the North Powder River to within one mile of its source and provides access to the surrounding roadless area. This road was built by the Dealy Wagon Road Company in 1864 and is one



of the first stage routes crossing Elkhorn Ridge to mining camps on the other side. Historic references can be found to its early use and even mention its use by Native Americans. At present, the road is closed to four-wheel drive vehicles between the Summit Lake Trailhead and the Lost Lake Trail (FS #1621). The route is still open to motorcycles and ATVs. The legislative history accompanying the Omnibus Oregon Wild and Scenic Rivers Act recognized the importance of this road for providing opportunities for motorized use in a relatively primitive setting. This old road (now designated a trail above Summit Lake Trailhead) provides a moderate opportunity for experiencing solitude, tranquility, and closeness to nature, with a very high degree of self reliance, challenge, and risk in using motorized equipment. This road, when combined with the North Powder River Trail and Elkhorn Crest Trail serves as the only motorized trail on the east side of the Elkhorns and one of the best motorized trail routes on the Wallowa-Whitman National Forest.

Recreation developments in the corridor are primitive and minimally developed, limited to trails, directional signs, foot bridges, and two primitive trailheads. Other developments in the area are very primitive and have been developed by forest visitors. These include fire rings, meat poles, and other small developments associated with dispersed camping.

The trailheads at Red Mountain and Summit Lake are very primitive and maintained at level 2 standards or less. Trails from the North Powder Road (FS #7301) and the North Powder Trail (FS #1632) access Red Mountain Lake, Summit Lake, Meadow Lake, Lost Lake, and connect to the Elkhorn Crest National Recreation Trail (FS #1611). This latter trail follows the crest of Elkhorn Range, offering extended views of the drainage. The Summit Lake Trail extends from the lake to intersect the Elkhorn Crest Trail at Cracker Saddle. The following is a list of trails in the river corridor:

North Powder River Trail (FS #1632) - Most difficult, pack, saddle, ATV. Open to motorized vehicles under 40" and over snow vehicles over 12". From Cracker Saddle to the Lost Lake Trail, the North Powder River Trail is designated a motorized trail and is open to four-wheel drive vehicles.

Summit Lake Trail (FS #1635) - Most difficult, pack and saddle, from Road # 7301 to Summit Lake. Easiest, pack and saddle from Summit Lake to Cracker Saddle. Entire trail closed to motorized vehicle use (except for snowmobiles over snow).

Red Mountain Lake Trail (FS # 1625) - Most difficult, pack and saddle. Entire trail closed to motorized vehicle use (except for snowmobiles over snow).

Lost Lake Trail (FS #1621) - More difficult pack and saddle. Entire trail closed to motorized vehicle use (except for snowmobiles over snow).

Other than prohibited motorized use on certain trails there are no motorized off-road or trail closures in the area. Off-road fuelwood cutting in the lower corridor and off-trail ATV and motorcycle use in the upper corridor is causing some soil and water resource damage.

There are no developed campgrounds located along the river, although many dispersed user-created campsites have been established over the years. There are no restrictions on these dispersed site locations and some of them right along the North Powder River are causing some minor soil and water resource damage. Some soil and water resource damage is also occurring on and around the developed trailheads and from inadequate maintenance and lack drainage on forest roads and trails.

The existing Recreation Opportunity Spectrum (ROS) for the river corridor is Semi-Primitive Motorized (SPM). SPM and Semi-Primitive Non-Motorized areas are found adjacent to the river corridor.

Recreational stock use in the corridor is low and currently unregulated. Dispersed use and recreational livestock use has stayed at about the same levels over the past few years. There are no outfitters or special uses in the river corridor.

## **GEOLOGY AND MINERALS**

The North Powder River is located in a steep-sided glacially-carved valley surrounded by the sharp peaks and ridges of the Elkhorn Ridge of the Blue

Mountains. Defined by Twin Mountain to the north and Red Mountain and Chloride Ridge to the south, elevations vary from about 8,173 feet along the ridges to 5,250 feet at the river bottom.

Glacial features such as cirques, cirque lakes, glacially-carved peaks, and ridges are seen in the upper drainage. Granodiorite of the Bald Mountain batholith (the second largest batholith in the state) is the dominant rock type in the area. The lower valley is covered with glacial deposits consisting of unsorted rock debris including large fragments and boulders and a small portion of metamorphic sedimentary rock (argillite). Glaciers piled up glacial drift in the form of moraines and drift sheets farther downstream.

The North Powder River drainage appears to be less mineralized than the west flank of the Elkhorn Ridge. Some remains of prospecting and pre-1930's mining activity, and the stage route to the mining camps on the west flank of the Elkhorns, are still evident. A large block of mining claims controlled by the Manville Sales Corporation are adjacent to and partially within the river corridor in the upper portion of the drainage (less than 25 acres). Between 1977 and 1991, extensive drilling was conducted in the area with heavy equipment for low-grade gold ores, copper, and other minerals. The drilling operation was accessed over the four-wheel drive portion of the North Powder River Trail (FS #1632). The claim was abandoned in 1992, but exploration, by others, still continues with hand equipment driven in over the four-wheel drive portion of the North Powder River Trail.

The Oregon Rose Lode claims are two mining claims belonging to Mr. and Mrs. Harold Hooper which are located about a mile from the river corridor near Nip and Tuck Pass. In accordance with their operating plan, the claimants use the North Powder Road (FS #7301) and the North Fork spur road (FS #7301-200) for motorized access and then walk from the end of the roads. Exploration is currently being conducted for low-grade ores and other minerals.

There is no known oil, gas, or geothermal potential associated with the North Powder River.

## FISHERIES AND WATER QUALITY

### Populations

The North Powder River supports moderate numbers of native species including mountain whitefish, sculpin, red-band trout, bull trout, and introduced brook trout. The introduced brook trout compete with and diminish bull trout populations.

Both bull trout (*Salvelinus confluentus*) and redband trout (*Oncorhynchus mykiss gibbsi*) are listed on the Regional Foresters Sensitive Species list. On May 10, 1993, the U.S. Fish and Wildlife Service officially announced a 90 day filing petition to list the bull trout under the Endangered Species Act. In 1994, the U.S. Fish and Wildlife Service commenced a formal review of the status of bull trout and decided that listing was warranted but precluded at this time due to other species being a higher priority for listing. Currently bull trout are listed as Category 1. Requirements of the W&SR Act to protect and enhance water quality and OR Values and existing Forest Plan standards and guidelines constrain actions that could negatively effect fish populations or habitat. If the fish become listed in the future as endangered or threatened, management requirements included in the Species Management Plan would be incorporated into the River Management Plan.

In the Fall of 1991, fisheries surveys were conducted for the Red Mountain Resource Analysis which included the North Powder River. Species found included bull trout and redband trout, both native to the Elkhorns. Brook trout, a species the Oregon Department of Fish and Wildlife introduced to the Elkhorns through fish plants in the North Powder River and its headwater lakes were found in abundant numbers widely distributed throughout the North Powder River system. Bull trout were found only in the headwaters of the North Powder River and may have been displaced from the balance of this system by introduced brook trout, though potential habitat for bull trout as well as redband trout still exists.

An estimated one third of salmon and steelhead habitat in the Columbia River Basin has been lost due to impassable dams, and natural anadromous salmonid production is estimated to be at only 4-7% of historical levels. Steelhead stocks have been lost

from an estimated 83 streams in the Columbia River Basin, and chinook have disappeared from an estimated 95 streams in the basin, including the Powder and Burnt River systems on the Wallowa-Whitman National Forest.

Historically, the Powder River Subbasin supported populations of spring and fall chinook salmon, and summer steelhead. The North Powder river was originally an excellent salmon and steelhead stream. Local residents of area reported that chinook salmon spawned from the headwaters to the lower end of the North Powder Valley but early agricultural development of the North Powder Valley resulted in extensive diversion of water for irrigation purposes, and the construction of the impassable Thief Valley Dam on the main Powder River rendered the North Powder River inaccessible to these anadromous species at all times.

Estimates of summer steelhead and chinook salmon runs as well as spawning ground surveys in the North Powder River are not available. Historic references available only state that anadromous species were abundant. The exclusion of anadromous fish runs from this river system is considered to be compounded by passage problems at Columbia and Snake River dams. However, livestock overgrazing, logging, mining, road construction, low stream flows, and unscreened diversion ditches have also contributed to the decline in trout abundance.

Historically, redband trout were the dominant trout species in the Columbia River Basin east of the Cascade Mountains. Both resident and anadromous populations existed. However, many populations have been reduced substantially and many local races are extinct due to dam construction, land use practices, and the introduction of non-native fish species, particularly coastal rainbow and steelhead. The current status of redband trout in the Powder River Subbasin is not known.

Little is known about the life history of resident redband trout. Most populations probably spawn in late winter and spring. Some redband populations in the deserts of southeast Oregon apparently have a high temperature tolerance and inhabit intermittent, stagnant streams with temperatures of 83°F.

Bull trout have been extirpated from much of their historical range over the last 30 years. Historical records indicate that much of the Powder River Sub-

basin was once used by bull trout, however, very little is known about their current abundance and distribution. Recent surveys have located bull trout in the upper North Powder River above the confluence of the Summit Lake tributary. Bull trout populations in the Powder River Subbasin may have been reduced by uncontrolled harvest, hybridization with brook trout, and increases in stream temperature, and sedimentation.

Bull trout populations are either resident or migratory. Resident populations are typically found in cold headwater streams and individuals are usually small, mature at an early age, and have low fecundity. Migratory populations also utilize cold headwater streams for spawning and juvenile rearing, but reproductive adults usually rear in large mainstem rivers or lakes. Adult migratory bull trout may undergo spawning migrations of up to 124 miles. Spawning usually occurs in August and October. Optimal incubations temperatures for embryo survival range from 35 to 39°F. Bull trout are strongly influenced by stream temperature, and rarely utilize streams that exceed 64°F.

The North Powder River is included in one of the four high priority bull trout watersheds in the inland fisheries study. It is believed that the populations are recoverable in most of the drainage with the elimination of brook trout. Any activities should incorporate design features that will protect or improve water quality specific to bull trout needs.

#### *Habitat*

The 6.4 mile designated portion is undeveloped and follows a natural flow regime, unaltered by any permanent cultural changes, dams, or water diversions. Comprehensive stream habitat surveys have not been conducted to date by the Forest Service; however, the Oregon Rivers Information System database (ORIS) provides some general information on this stream reach. Fish habitat is rated as high quality. There is moderate to high diversity of structure, cover, and pool-riffle-glide ratio (6:69:16) which provide spawning, rearing, and holding habitat for native and introduced species. The river is rated as moderately productive. This rating fits well with observed substrate conditions, which indicate significant amounts of coarse, granitic sands occur in the river. Despite minor, localized impacts to riparian habitat from past activities, water quality is extremely good.



In the summer of 1991 the designated section of the North Powder River was surveyed by the La Grande Ranger District using the Hankin-Reeves Method and a supplemental riparian assessment survey developed regionally.

Field reconnaissance supports the determination that there is suitable habitat for both sensitive fish species within the designated area. At this time there is a need for surveys of existing populations, their distribution and viability.

The width to depth ratio for the stream in the designated corridor averaged at 11.5. Stream channels with width to depth ratios rated near or greater than 10 indicate wider shallower stream channels than optimum for the maintenance of low stream temperatures. Numerous accumulations of woody debris may account for the dispersal of flow and although the characteristic flow of this river is relatively wide for its depth. Low stream temperatures are maintained by rapid flow down high gradients and fair levels of stream shade provided by aspect, topography and vegetation for a combined average of >60%.

Effective fish hiding cover ranges from 21-40% and is primarily provided by turbulence and the abundant woody debris found in this system. This woody debris in a high gradient system provides for deeper pool scouring with a residual pool depth of 2.3 feet and increases the formation of side channels which are used much the same as pool habitat by fish populations.

Streambank substrate is composed of sand and cobble throughout the surveyed segment and bank stability averages at 76%, which is below the Forest Plan standard of 80% or greater. Cobble embeddedness averages at 51% and although there is no established Forest Standard, embeddedness greater than 35% is thought to negatively affect salmonid spawning, production and fry survival.

Unstable banks and high levels of substrate embeddedness are of primary concern along the entire designated corridor due to their potential negative impact on resident populations of bull trout and redband trout. The distribution and viability of these fish populations needs to be assessed and monitored and will facilitate monitoring of habitat conditions which appear to be degraded.

An average of 15 pieces of large woody debris (> 12" diameter and 35 feet long) per 1,000 feet were found in the surveyed portion. Generally, 20 pieces per 1,000 feet is considered the minimum amount needed to provide good fish habitat. The North Powder River has abundant large standing timber in the transitional area to provide a future source of woody debris.

There is good available fish hiding cover above the Forest boundary provided by turbulence and woody debris predominantly. Channel width averaged 10 feet in the upper reach, 16 feet in the middle reaches, and 17 feet in the lower reaches. Pools averaged 10 per mile.

The close proximity and poor condition of the North Powder Road (FS #7301) may be a major source of sediment inputs to this system. Poorly maintained trails and their highly degraded condition at high elevations may also be contributors to sediment inputs. Dispersed campsites are found throughout the river corridor. A few of these are immediately adjacent to the river in riparian areas, have large areas of exposed mineral earth and can be considered sediment sources and contributors to streambank degradation. These campsites see regular use during hunting seasons and would be better relocated away from riparian areas. Road and trail improvement, closure and/or relocation might be reasonable considerations towards mitigating erosion and high embeddedness levels. The allowance of fuelwood cutting in the river corridor is apparent. Woodcutters have not adhered to regulations restricting the removal of trees from riparian areas and the exclusion of fuelwood removal from this corridor may be a prudent action towards maintaining riparian areas as well as limiting sediment inputs from this activity.

The overstory and understory of this subwatershed have high levels of defoliation as well as dead and decadent trees caused by the occurrence of mountain pine beetle and spruce budworm infestation coupled with several years of drought. The upper reach has areas of downed green trees apparently caused slide and/or avalanche activity that does occur naturally in this drainage but may have been compounded by increased openings and higher than normal peak-flow events resulting from the effects of the Summit Fire in the headwaters.

## Hydrology

The North Powder River begins as a very small, snowmelt-fed stream high on Elkhorn Ridge of the Blue Mountains. A precipitous stream in the upper 6.4 miles, the North Powder drops at an average gradient of 483 feet per mile, descending from the mountains in a series of small waterfalls, rapids, and drops.

Due to the high elevation of the headwaters and abundance of riparian shading, water temperatures remain cold well into the summer months. In 1991 the stream survey measured water temperature maximums of 54°F with minimum temperatures of 47°F. In 1977, the ODF&W recorded an average temperature of 47°F at the Forest boundary. State Water Quality standards state that when stream temperatures are greater than 68°F, no additional temperature increase shall be allowed. The W&SR Act provides a non-degradation standard for water quality which requires that water quality must be protected and enhanced at the level present when the river was designated. Therefore, when a baseline temperature reflecting 1988 conditions is determined it may supersede State Water Quality standards. Average recorded temperatures for the designated portion of this river have consistently ranged in the mid 40-50 degree Fahrenheit range in the late summer months in subsequent survey data available from the 1940's through present day. Temperature data for North Powder River tributaries above the Forest boundary is not available.

The North Powder runs clear during normal flows to mildly turbid during high flows. As is typical for a snowmelt-fed stream, runoff patterns are seasonal. In the spring and early summer, the snowmelt causes the stream to run in torrents. By late summer, stream flows are very low. Peak runoff occurs in spring, generally in late May, and recedes to low flows by late summer. Flows increase again in November in response to fall rains.

There are no active stream gauges near the designated segment. Gauges downstream on the Powder River near Thief Valley Reservoir and Halfway indicate that more than 75 percent of the annual runoff occurs from February through June. Minimum and maximum flow levels for the designated portion of the corridor have not been well documented; however, flows at the lower end of the corridor have been estimated to average at approxi-

mately 19 cubic feet per second (cfs). The following flows have been recorded in the area:

43.9 cfs. July 1991 (USFS, @ Forest boundary)

10.1 cfs. July 1977 (ODFW, @ Forest boundary)

49.0 cfs. July 1942 (OSGC, in valley area, below W&SR corridor)

No known water uses or rights of record for water use within the designated segment. No instream flow protections have been established which would affect the management of the river corridor and there are no known applications for hydro projects. Below the designated river corridor, diversions substantially deplete downstream flows for irrigation during summer months. Other downstream uses of the North Powder River include domestic, municipal, and industrial.

The entire 6.4 mile designated portion of the North Powder River is without permanent human-caused changes, dams, or water diversions. There is an abundance of riparian vegetation, small islands, braided channels, and woody debris dams. Some minor impacts to the river banks and riparian vegetation have occurred in the dispersed camp sites and at trailheads.

Resource damage is occurring in places due to inadequate maintenance of the roads and trails. Most of the drainage problems are associated with stream crossings on the North Powder Road (FS #7301) and its spur FS #7301-200, but other drainage problems are evident on the North Powder River Trail (FS #1632) above the end of the North Powder Road. The areas contain some rill erosion. The rills range from 2 to 6 inches deep and up to 6 inches wide. The major cause of this erosion are streams crossing the road with no directed outflow area. The North Fork of the North Powder is actually captured by the road for about 100 yards until it can find a low point and enter the North Powder River. This happens at several other stream crossings but for only a few feet and results in the rerouting some of the tributary streams and erosion of the roadbed.

The North Powder River Trail also contains some of the same types of rill erosion mentioned above. The improper drainage is a result of both tributary cross-



ings and spring seepage rills in and across the trail in several areas. In addition, the lack of trail maintenance and drainage has caused some off-trail motorized use which has impacted other areas and caused erosion.

Improvement of drainage structures and fords, resloping the North Powder Road, and the reconstruction and rehabilitation of portions of the North Powder Road and North Powder River Trail would reduce the likelihood of sediments reaching the river.

State ownership of the beds of navigable waterbodies was granted to Oregon in 1859 as an incidence of statehood and is an inherent attribute of state sovereignty protected by the U.S. Constitution. The beds of non-navigable waterbodies remained in the ownership of the United States or its grantees. The navigability of the North Powder River in the designated W&SR corridor has not been established. Currently, the Federal government claims ownership of the river's bed and bank. This river plan does not propose to address the issue of navigability. Rather, this river plan is intended to provide a management philosophy for the above segment of the river, as well as the remainder of the river.

The W&SR Act requires that the water quality existing at the time of designation be protected and whenever possible enhanced. The W&SR Act also precludes the construction of any new dams, diversions, or other water projects within the river corridor. Currently there are no private water rights reserved in the designated river corridor. The State of Oregon Water Resources Department approves water appropriation applications. Any future applications that are filed for the designated corridor will need to address W&SR Act provisions and the protection and enhancement of OR Values.

## **WILDLIFE**

### *Populations*

A wide variety of wildlife typical to the region inhabits the area including Rocky Mountain elk, mule deer, black bear, cougar, bobcat, beaver, fisher, marten, mink, muskrat, otter, raccoon, red fox, coyote, and other small mammals, reptiles, and amphibians. A large variety of birds can also be found in the drainage, including goshawks, golden eagles, osprey,

pileated woodpeckers, great horned owls, blue and ruffed grouse, and many species of song birds.

The area is very important and highly productive summer range for Rocky Mountain elk and mule deer. It is also used quite heavily from mid-May to the end of June, for elk calving and deer fawning.

The corridor has not been extensively surveyed for the presence of unique or listed species. There are no documented occurrences of federal or state listed or candidate threatened, endangered, or sensitive animal species inhabiting the North Powder River drainage. However, potential habitat for several species does exist in the corridor.

### *Habitat*

The vegetation mosaic within the corridor provides a diverse range of habitats for wildlife species, from the rather large block of mature and old growth forest in the lower elevations south of the river to increasing natural edge to the north of the river and in higher elevations and with vegetation types ranging from heavily forested types at the lower elevations to near tree line in the upper elevations. The river corridor also includes rock outcrops and cliffs, sub-alpine meadows and forests, mid-elevation mixed conifer forests, shrublands, and wet and dry meadow communities. Snags are abundant in the drainage. The area is very important for its highly productive summer range and for its spring calving and fawning for Rocky Mountain elk and mule deer.

Stands of old growth trees and largely intact riparian plant communities occurring within the corridor provide important wildlife habitat. There is considerable riparian habitat within the river corridor, along the river and tributary stream, around numerous seeps, springs and wet meadows and around lakes. For the most part the riparian habitat is in excellent condition except where roads and trails cross these habitats or where recreation users have chose to camp on or near the riparian areas. Riparian zones are considered to be the most critical wildlife habitats in the Blue Mountains, utilized by nearly 300 species of wildlife.

Another key wildlife habitat feature is the ecological corridor of which the North Powder Wild and Scenic River is only a link. The corridor is a relatively undisturbed corridor that stretches from the Forest boundary at the lower elevation (5,250 feet) of the

North Powder River, over the relatively low saddle on Elkhorn Ridge (7,400 feet), down the North Fork of the John Day drainage through two portions of the North Fork John Day Wilderness, and along the Wild and Scenic North Fork John Day River for 54 miles to its confluence with Camas Creek. The proximity of the two corridors potentially provides a continuous 61 mile long, 1/2 mile wide corridor from the town of Dale to the Powder River Valley, linking a low elevation wildlife area, three Wilderness units, two rivers, and crossing over the Blue Mountains.

Current conditions in the corridor are quite good for elk, the natural openings and riparian areas provide forage dispersed throughout security and thermal cover. If the population was not a hunted population providing for more forage openings in the larger areas of continuous timbered areas could increase overall habitat quality. Because this is a hunted population the security provided during the hunting season likely outweighs any benefit that could be gained by providing forage through openings in the forest canopy. Abundance of upland forage areas and adjacent private land that provides forage on forest types through partial logging lend further support to the desirability of security over forage in this instance.

Wildlife habitat has been impacted to a minor extent by past activities, including mining, grazing, timber harvest, fuelwood cutting, and recreational pursuits.

As mentioned under the Populations section above, inventories have not yet been conducted to determine whether state or federal listed or candidate species are known to inhabit the drainage. However, potential habitat for several species exists.

Although suitable habitat exists for the federally-listed endangered American peregrine falcon (*Falco peregrinus anatum*) and threatened northern bald eagle (*Haliaeetus leucocephalus*), and for candidate threatened and endangered species (Category 2) including the Preble's shrew (*Sorex preblei*) and Blue Mountain cryptochian (*Cryptochia neosa*), no threatened or endangered animal species are known to inhabit the drainage.

## VEGETATION

The river corridor ranges in elevation from 5,250 feet at the Forest boundary to 8,173 feet on Elkhorn

Ridge. An interesting variety of plant communities typical of the Blue Mountains are found in the North Powder drainage. This is due in part to the elevational change of nearly 3,000 feet from headwaters to the lower boundary of the corridor. In the high subalpine areas, subalpine fir dominates the scattered forested stands, mixed with some whitebark pine, lodgepole pine, and Engelmann spruce. These stands are interspersed with natural openings of mountain big sagebrush, Idaho fescue, and alpine fleecflower on dry slopes, and small meadows on moist sites.

The lower five miles of the corridor are covered with nearly continuous stands of mixed conifers. The southern slopes of the valley are densely forested with primarily lodgepole pine, and scattered groupings of western larch, Engelmann spruce, grand fir, Douglas-fir, ponderosa pine, and subalpine fir. Huckleberry and squawberry are also found on the higher south slopes of the drainage. Sparse stands of mixed conifers are established in the more stable areas on the north slopes, interrupted by numerous avalanche chutes. In these unstable areas, meadows and shrubland communities dominated by snowberry, ninebark, mountain ash, mountain willow, and thinleaf alder are present. Quaking aspen is also found growing in the unstable areas and meadow openings.

In the lower 1/2 mile of the corridor, stands of large-diameter lodgepole pine, western larch, grand fir, Englemann spruce, Douglas-fir, ponderosa pine, and subalpine fir can be found. Some trees are thought to be nearly 300 years old. Riparian types associated with the river, other drainages, springs, lakes, seeps and wet meadows are present.

Vegetation is largely unimpacted from logging or other timber management practices. Natural forces have primarily shaped the patterns and diversity of plant communities in the drainage. Recent fire activity is limited to the Summit Fire of 1989. This fire was ignited by lightning in August of that year and burned approximately 200 acres. Other lightning-caused fires have created openings and replaced stands, adding diversity to the forest. There have been periodic outbreaks of forest insects and diseases in the corridor, typical to the region. Mountain pine beetle has eliminated some of the lodgepole pine along the river. Spruce budworm infestations have been active in some of the stands of spruce, grand fir, and Douglas-fir.



Riparian vegetation is generally intact in the corridor. There has been only a minor amount of soil compaction, vegetation disturbance, and tree removal from past activities such as mining, timber harvest, grazing, and recreational pursuits. Most of the drainage is considered not suitable for grazing due to erodible soils, lack of forage, and rugged terrain, and has not been part of a livestock allotment for some time.

The corridor has not been extensively surveyed for the presence of unique plants, and at this time, there are no documented occurrences of federal or state listed or candidate threatened, endangered, or sensitive species within the corridor. A species listed on the Wallowa-Whitman Watch and Review List, *Corydalis caseana* var. *cusickii*, is fairly abundant in riparian areas in the corridor.

The North Powder drainage is relatively undisturbed corridor providing for species travel, genetic transfer, and linkage between old-growth islands and other critical habitats. The potential corridor value increases in significance when considered in conjunction with the North Fork John Day W&SR corridor, which begins on the west side of the Elkhorn Ridge one mile from the headwaters of the North Powder River. The proximity of the two corridors potentially provides a continuous 61 mile long, 1/2 mile wide corridor from the town of Dale to the Powder River Valley, linking a low elevation wildlife area, three Wilderness units, two rivers, and crossing over the Blue Mountains.

Prior to any potential ground disturbing activities within the corridor surveys for threatened, endangered, or sensitive plant species will be conducted consistent with Forest Service policies.

The vegetation that this area supports is highly variable, in direct relation to the wide elevation zone the area covers. The most notable plant community is the undisturbed riparian zone along the river and several moist meadows in the tributaries to the river. The area has not been grazed for at least twenty years and is no longer in a grazing allotment.

## **SOCIO-ECONOMICS**

The Wild and Scenic River corridor flows through Baker County and is about a 30 minute drive from the county seat. The population of Baker County is

approximately 15,700 people. Because the area has had only limited success in attracting diversified employment opportunities, the population has shown very little change for the last five decades.

The counties is sparsely populated and rural in character encompassing 3,089 square miles ( 5 people per square mile). Automobile travel times from the nearest metropolitan areas, Boise, Idaho, is approximately 2 hours by Interstate Highway. Mass transit includes bus and Amtrack rail service. Baker City has a population of 9,140 people and is Baker County's largest city.

Major employment comes from Federal, State, and local government, ranching, timber harvest and processing, tourism, and trade. Servicing the needs of the growing population of retirees is an emerging sector of the local economy. Per capita income is below the State average and unemployment rates are typically above the State average. There is a marked ambivalence toward growth in the area. People want gainful employment for themselves and for their families, but are uncertain of the benefits of an increasing population.

Many people in the area rely upon the wood products and agricultural industries for their livelihood. In 1993, this included about 15 percent of the total annual employment for the county. The reliance upon these two sectors of the local economy has its roots in the settlement of the area by Euro-Americans. Thus, reliance upon the wood products and agricultural industries has social as well as economic significance. This is rapidly changing however, as employment from tourism is beginning to replace that of wood products in some areas of the county.

## **LAND USE CONTROLS**

There are a wide variety of local, State, and Federal programs that have either an indirect or direct effect upon land uses within the river corridor. The most significant programs, as well as those that have generated discussion during the scoping process, are discussed in this section.

**Oregon Department of Fish and Wildlife.** The Oregon Department of Fish and Wildlife (ODFW) is charged with maintaining optimum numbers of indigenous fish and wildlife and to ensure that no

species are threatened with extinction (They co-manage fish and coordinate wildlife management with the Confederated Tribes of the Umatilla Indian Reservation). The Department is also responsible for developing and administering fish and wildlife regulations. The ODFW has undertaken an aggressive program to restore riparian habitat on Department lands and has actively sought and encouraged other agencies and private landowners to follow their lead. ODFW routinely monitors angling effort and harvest, as well as hunter effort and harvest in the river corridor.

**Advisory Committee on Historic Preservation.** The Oregon Advisory Committee on Historic Preservation consists of nine members recognized professionally in the fields of history, architectural history, architecture, archaeology and/or other disciplines. One member represents the public at large and one represents Native Americans. The members are appointed by the Governor.

The Committee is charged with reviewing nominations to the National Register of Historic Places within Oregon and recommending approved nominations to the State Historic Preservation Office pursuant to the National Historic Preservation Act of 1966. The committee also reviews Statewide Plans for Historic Preservation.

**Oregon State Land Board.** The Division of State Lands is the administrative arm of the State Land Board (composed of the Governor, Secretary of State, and State Treasurer). Under constitutional and statutory guidelines, the Board is responsible

for managing the assets of the Common School Fund as well as for administering the Oregon Removal-Fill Law. These assets include the beds and banks of Oregon's navigable waterways and are to be managed for the "greatest benefit for the people of this State, consistent with the conservation of this resource under sound techniques of land management."

The Division of State Lands also administers the State's removal-fill law, which protects Oregon's waterways from uncontrolled alteration. The law requires a permit for fill or removal of more than 50 cubic yards of material within the State's streams and rivers. The permit-review process involves coordination with the natural-resource and land-use agencies from the local through the Federal levels.

**Oregon Water Resources Department.** The Department administers State laws and policies relating to the diversion and appropriation of surface and ground water, establishes instream water rights for recreation, protection of fish and wildlife, to reduce pollution, and determines critical groundwater areas.

**Endangered Species Act.** The U.S. Fish and Wildlife Service and the National Marine Fisheries Service administer the Endangered Species Act of 1973 (as amended). Government agencies and private landowners may find their range of management strategies limited by the Act when it is determined that a threatened or endangered species, or its critical habitat, may be affected by a proposed management action.

## Appendix B

---



# WILD AND SCENIC RIVERS ACT

<sup>1</sup>An Act

To provide for a National Wild and Scenic Rivers System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that*

SEC. 1. (a) This Act; may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2 (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system... Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

---

<sup>1</sup> The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) consists of Public Law 90-542 (October 2, 1968) as amended. P.L. 99-590 (October 30, 1986) was the last Act that added generic amendments to the Act. Additional footnotes can be found following the text of the Act. (Provisions of the Wild and Scenic Rivers Act that are applicable only to specific rivers have been deleted from this version of the Act in the interest of brevity. The Federal Power Commission is now the Federal Energy Regulatory Commission).

b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in Section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, administered as one of the following:

(1) Wild river areas - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas - Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3 (A) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

*(Designation language for individual W&S rivers)(116 listed)*

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)) establish detailed boundaries therefore; which boundaries shall include an average of not more than 320 acres of land per miles measured from the ordinary high water mark on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments. Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

(c) Maps of all boundaries and descriptions of the classifications of the designated river segments, and subsequent boundary amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

(d) (1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component on the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within three full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.

SEC. 4 (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture, or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or nonsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act.... In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and

scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq. ).

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary land and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date of which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary highwater mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.

**SEC. 5. (a)** The following rivers are hereby designated for potential addition to the national wild and scenic river system:

*(designation language for individual W&S study rivers)*

(b)(4) For the purposes of conducting the studies of rivers named in subsection (a) there are authorized to be appropriated such sums as necessary..

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d)(1) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and



investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

(2) The Congress finds that the Secretary of the Interior, in preparing the Nationwide Rivers Inventory as a specific study for possible additions to the National Wild and Scenic Rivers System, identified the Upper Klamath River from below the John Boyle Dam to the Oregon-California State line. The Secretary, acting through the Bureau of Land Management, is authorized under this subsection to complete a study of the eligibility of such segment for potential addition to the National Wild and Scenic Rivers System. Such study shall be completed, and a report containing the results of the study shall be submitted to Congress by April 1, 1990. Nothing in this paragraph shall affect the authority or responsibilities of any other Federal agency with respect to activities or action on this segment and its immediate environment.

SEC. 6. (a) (1) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation or by exchange in accordance with subsection (d) of this section. Lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic System, the appropriate Secretary may, with the consent of the land owners for the portion outside of the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1). The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.

(b). If 50 per centum or more of the entire acreage outside the ordinary high water mark on both sides of the river within a federally administered wild, scenic or recreational river area is owned in fee title by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection, the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate Secretary jurisdiction over such lands for administration in accordance with the provision of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of land and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g)(1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, (except where a different date is specifically provided by law with respect to any particular river), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.) on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty day in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would effect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water



resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary charged responsible for its study or approval--

(i) during the ten-year period following enactment of this Act or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic river system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: *Provided*, That if any Act designating any river or rivers for potential addition to the national wild and scenic river system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and

(ii) during such interim period from the date a report is due and the time a report is actually submitted to Congress; and

(iii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of designation of a river for study as provided by section 5 of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

**SEC. 8. (a)** All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States. This subsection shall not be construed to limit the authorities granted in section 6(d) or 14A of this Act.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act....

**SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that --**

**(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;**

**(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and**

**(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.**

**Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the components in question.**

**(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system....**

**SEC. 10 (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.**

**(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provision of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.**

**(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife refuge system, as the case may be, is administered, and in the case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation**



purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forest in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or County-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas.

(b) (1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the Wild and Scenic Rivers System and to other rivers. Any agreement under this section may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection and management of river resources.

(2) Whenever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a-558d).

(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deem necessary or desirable.

(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.

SEC. 12 (a) The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion in accordance with section 2(a)(ii), 3(a), or 5(a), shall take such action respecting management policies, regulations, contracts, plans, affecting such lands, following the date of enactment of this sentence, as may be necessary to protect such rivers in accordance with the purposes of this Act. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the planning, administration, and management of Federal lands which are within the boundaries of any rivers which approval has been granted under section 2(a)(ii). Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Administrator, Environmental Protection Agency and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

**SEC. 13 (a)** Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and right-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

**SEC. 14 (a)** The claim and allowance of the value of an easement as a charitable contribution under section 170 and title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate of its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

**SEC. 14A. (a)** Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers system and which has been acquired by the Secretary under this Act. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States.

**SEC. 15...***(applies to components of NW & S Rivers Alaska)*

**SEC. 16.** As used in this Act, the term--

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing," as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.



The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for the purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).

SEC. 17....(*Appropriation language for specific rivers*)>

**Selected Laws Amending or Related to the Wild and Scenic Rivers Act:**

92-560  
93-621  
94-199  
94-486  
95-87  
96-312  
96-487  
99-590  
99-663  
100-33  
100-150  
100-412  
100-552  
100-534  
100-557  
100-605  
100-633  
100-677  
101-175  
101-612  
101-628

## Appendix C

---

# RESOURCE ASSESSMENT

**North Powder  
National Wild and Scenic River**

**USDA - Forest Service  
Wallowa-Whitman National Forest**

**August 1991**

Prepared by: /s/Robin Rose  
Robin Rose, W&SR Team Member

Date: 10/15/91

Approved by: /s/H. Woody Fine  
H. Woody Fine, W&SR Team Leader

Date: 10/15/91



## TABLE OF CONTENTS

	<u>Page</u>
I. Executive Summary	1
II. Introduction	1
III. Resource Assessment Process	2
IV. River Description	3
V. Specific Description of Values	3
Scenic	3
Recreational	4
Geologic/Hydrologic	5
Vegetation/Ecological	7
Fisheries	9
Wildlife	10
Historic	11
Prehistoric	12
Traditional Use, Cultural Values	13
Other Similar Values	14
Appendix A Scorp Planning Map - NE Region	
Appendix B North Powder River Corridor Map	
Appendix C North Powder River Vicinity Map	

# NORTH POWDER RIVER NATIONAL WILD AND SCENIC RIVER

## I. EXECUTIVE SUMMARY

As a result of the Omnibus Oregon Wild and Scenic Rivers Act of 1988, a segment of the North Powder River, a tributary of the Powder River in Northeast Oregon, was designated as a Wild and Scenic River (W&SR). Under this act the Forest Service is required to prepare a comprehensive management plan to provide protection of the river values of the North Powder River. This resource assessment is being done to identify the river values that are outstandingly remarkable. The resource assessment will also serve as the basis for interim management until the completion of the North Powder Wild and Scenic River Management Plan.

On March 19, 1991, a draft resource assessment was sent to the public, including other agencies and subject area experts, for review and comment. In that draft document, the preliminary findings of the Forest Service interdisciplinary team determined the following resources of the North Powder River to be outstandingly remarkable values: scenery, and recreation.

As a result of our review of public and agency comments on the draft resource assessment, only minor changes were necessary in the final document. The outstandingly remarkable values for the North Powder River remain: **scenery and recreation**. Although not meriting an outstandingly remarkable finding, the following are determined to be significant values of the North Powder River and drainage: hydrology, vegetation/ecologic, and wildlife. There is inadequate information to make a final determination on fisheries, historic, prehistoric, or cultural values at this time.

## II. INTRODUCTION

In 1968, Congress enacted the National Wild and Scenic Rivers Act, and for the first time, established a system for preserving outstanding free-flowing rivers. A six-mile portion of the North Powder River was added to this system in 1988 when it was designated as a National Wild and Scenic River by the Omnibus Oregon Wild and Scenic Rivers Act of 1988. As defined by the Act, a National Wild and Scenic River must be free-flowing and have at least one outstandingly remarkable value. The "Outstandingly Remarkable Values" of the North Powder River identified in the Congressional Record include scenery and recreation.

Under the Wild and Scenic Rivers Act, the Forest Service is required to prepare a comprehensive river plan to provide for the protection and/or enhancement of the river values. This river planning process, of which the resource assessment is one step, will comply with the National Environmental Policy Act (NEPA) planning regulations. Through each phase of the planning process, public involvement will be invited, and will be essential for the success of a sound management plan.

### III. INTRODUCTION TO THE RESOURCE ASSESSMENT PROCESS

This resource assessment serves as the foundation of the river management planning process. The assessment documents the determination of which river related values or features are outstandingly remarkable or contribute substantially to the river setting or to the functioning of the river ecosystem.

The resource assessment process provides a standardized approach to evaluation of values of designated Wild and Scenic Rivers. This assessment will guide interim management, development of the management plan, and determination of boundaries.

Although the determination of value significance is a matter of informed professional judgment and interpretation, this process includes the following steps or verification techniques:

- The use of an interdisciplinary team approach.
- Consideration of uniqueness and rarity at a regional and national level.<sup>1</sup>
- Values must be river related in that they owe their existence or contribute to the functioning of the river system and its environs.
- The use of qualitative guidelines to help determine significance.
- Verification by other experts in the subject area.

The resource value categories that have been considered include:

Scenic  
Recreational  
Geologic/Hydrologic  
Vegetation/Ecological  
Fisheries  
Wildlife  
Historic  
Prehistoric  
Traditional Use, Cultural Values  
Other Similar Values

---

<sup>1</sup> Based partially on the eight geographic regions described in the 1989 Statewide Comprehensive Outdoor Recreation Plan for Oregon. See NE Region Scorp Planning Map. Appendix A.



#### **IV. RIVER DESCRIPTION**

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 designated six miles of the North Powder River, from its headwaters near the crest of the Elkhorn Range of the Blue Mountains to the Wallowa-Whitman National Forest boundary.

The entire six mile segment was designated a SCENIC RIVER AREA.

For the purposes of interim management, the Forest Service, as the lead agency, established a corridor width of 1/4-mile on either side of the river. The interim boundary map included in Appendix B, shows private and federal landownership. The final corridor boundary will be determined as part of the Wild and Scenic Rivers management plan development.

#### **V. SPECIFIC DESCRIPTION OF VALUES**

##### **SCENIC**

##### **Criteria for Outstandingly Remarkable Rating**

The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions within the geographic region. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment length and not common to other rivers in the geographic region.

##### **Evaluation of the Present Situation**

Starting high on the east flank of the Elkhorn Range, the North Powder River begins as a small mountain stream just below the crest of the range, at an elevation of nearly 7900 feet. The Elkhorn Range is characterized by jagged peaks, cirque basins and subalpine lakes, precipitous streams, and deeply incised glaciated valleys. The North Powder River drainage is exemplary of the glaciated valleys found in the range.

From its headwaters, the North Powder River flows northeast out of the mountains, enroute to the Powder River Valley below. Mount Ruth, Chloride Ridge, Red Mountain, and Twin Mountain reach above timberline and dominate the surrounding skyline. The North Powder descends quickly through the alpine meadows near timberline, and soon enters the subalpine meadows and scattered stands of spire-shaped subalpine fir. Several lake-fed tributaries join high in the drainage, and the North Powder becomes well-established stream within a mile or two of its headwaters.

Approximately a mile or so below the headwaters of the North Powder, the stream enters a thick mixed-conifer forest typical of the mid-elevations of the Elkhorn Range. The river valley bottom is thickly vegetated, dark, and shady. In this portion of the corridor, views are generally obscured by the thick trees and abundant streamside vegetation. Small wet meadows, occasional aspen stands, and shrub-dominated snow chutes break up the continuity of the forest and provide a few spots where sunlight reaches the valley floor. From these openings views of the surrounding peaks, precipitous tributary streams, and dramatic rock outcrops can be seen. Views of the river itself are few and far between, generally obscured by the dense vegetation. Where openings allow viewing, visitors will see a clear, cold stream

splashing over boulders and logs, occasionally settling into quiet pools with granite sand bottoms.

Panoramic views of the entire North Powder River drainage are seen for several miles along the Elkhorn Crest National Recreation Trail, as well as other trails located high in the drainage. Distant views of the drainage are seen from Interstate 84 and Highway 30.

The North Powder River valley displays an overall natural and undeveloped character. Natural patterns created by topography and natural processes such as lightning fires, avalanches, and rock slides, dominate the landscape character. Exceptions to the natural-appearing scene include a primitive wheel track paralleling the river (remnants of the old stage route over the mountains), and minor evidence of prospecting, mining, recreational use, and firewood cutting. A small number of directional signs, two primitive trailheads, and approximately a dozen user-created campsites are the extent of recreational developments in the canyon. In general, cultural modifications are very minor in scale when compared to the entire landscape.

### **Finding**

The North Powder River drainage is exemplary of the high mountain glaciated valleys and general undeveloped attractiveness of the surrounding region. Even though the drainage attracted some interest in the past, noticeable human-caused modifications of the landscape are minor. The overall lack of visible cultural modifications is one of the most significant attributes of the river corridor. Due to its exemplary scenic features and lack of visible modifications, scenery is determined to qualify as an outstandingly remarkable value.

## **RECREATIONAL**

### **Criteria for Outstandingly Remarkable Rating**

Recreational opportunities are, or have the potential to be, unique enough to attract visitors from outside of the geographic region. Visitors would be willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but not be limited to, sightseeing, wildlife observation, photography, hiking, fishing, hunting, and boating.

Interpretive opportunities may be exceptional and attract or have the potential to attract visitors from outside the geographic region.

The river may provide or have the potential to provide settings for national or regional usage or competitive events.

### **Evaluation of the Present Situation**

The North Powder River drainage offers a variety of primitive recreational opportunities. Based on field observations and District use records, the corridor receives a light to moderate amount of use estimated at 1000 recreation visitor days.<sup>2</sup> The majority of visitors to the North Powder drainage are from the local area, although some people travel a considerable distance to hunt in this area.

<sup>2</sup> Recreation Visitor Days (RVD) are equivalent to one person recreating in the forest for a 12-hour period.

Recreation use in the corridor begins in late spring and continues into the late fall hunting seasons. Visitors come to the area primarily to hunt for big game, fish, camp, ride dirt bikes, drive four-wheelers, sightsee, view wildlife, hike, backpack, and horsepack. Mountain bike use of the road and trails is a relatively new use that is increasing. The river is too small for boating. The steepness of the canyon precludes a significant amount of winter recreation activity.

The river corridor lies near the center of the Twin Mountain Roadless Area, which encompasses most of the Elkhorn Range. The 60,903 acre Roadless Area provides ample opportunities for solitude and experiencing a sense of self-reliance and adventure. The surrounding area also provides opportunities for a quality hunting experience in a remote setting. The existing road paralleling the river to a mile within its source serves as one access to the surrounding area.

A low standard road suitable for four-wheel drive vehicles parallels the North Powder River to within one mile of its source. This road is thought to have been one of the first stage routes crossing the Elkhorn Range. The legislative history accompanying the Omnibus Oregon Wild and Scenic Rivers Act recognized the importance of this road for providing opportunities for motorized use in a relatively primitive setting.

Recreation developments in the corridor are primitive and minimally developed, limited to trails, directional signs, foot bridges, and two trailheads. Trails access Red Mountain Lake, Summit Lake, Meadow Lake, and Lost Lake, and connect to the Elkhorn Crest National Recreation Trail. This latter trail follows the crest of Elkhorn Range, offering extended views of the drainage. There are no developed campgrounds located along the river, although many user-created campsites have been established over the years.

### **Finding**

The North Powder River drainage offers a diversity of primitive recreational opportunities. The area offers a remote, relatively primitive setting, and low amount of use. The North Powder provides a unique opportunity among the W&SR corridors in northeast Oregon to access a relatively primitive setting by four-wheel drive vehicle. The finding agrees with the outstandingly remarkable value determination made in the Congressional Record for the recreational resource.

## **GEOLOGIC/HYDROLOGIC**

### **Criteria for Outstandingly Remarkable Rating**

The river or the area within the river corridor contains an example(s) of a geologic or hydrologic feature, process, or phenomena that is rare, unusual, one-of-a-kind, or unique to the geographic region. The feature(s) may be in an unusually active stage of development, represent a "textbook" example and/or represent a unique or rare combination of geologic/hydrologic features (erosional, volcanic, glacial, and other geologic/hydrologic structures).



## Evaluation of the Present Situation

### Geology

The North Powder River is located in a glacially-carved valley surrounded by the sharp peaks and ridges of the Elkhorn Range. Defined by Twin Mountain to the north and Red Mountain and Chloride Ridge to the south, elevations vary from 8,000 feet along the ridges to 4,000 feet at the river bottom.

Granodiorite of the Bald Mountain batholith is the dominant rock type in the area. Glacial features such as cirques, cirque lakes, glacially-carved peaks, and ridges are seen in the upper drainage. The lower valley is covered with glacial deposits consisting of unsorted rock debris including large fragments and boulders. Glaciers piled up glacial drift in the form of moraines and drift sheets farther downstream. These geologic features and landforms are of interest to many people, but are not unique to the region.

The North Powder River drainage appears to be less mineralized than the west flank of the Elkhorn Mountains. Some remains of prospecting and pre-1930's mining activity, and the stage route to the mining camps on the west flank of the Elkhorns, are still evident in the drainage. A block of mining claims are adjacent to and partially within the W&SR corridor in the upper portion of the drainage. Exploration is currently being conducted for low-grade gold ores and other minerals.

### Hydrologic

The North Powder River begins as a very small, snowmelt-fed stream high in the Elkhorn Range. A precipitous stream in the upper six miles, the North Powder drops at an average gradient of 483 feet per mile, descending from the mountains in a series of small waterfalls, rapids, and drops.

Due to the high elevation of the headwaters and abundance of riparian shading, water temperatures remain cold well into the summer months. The North Powder runs clear during normal flows to mildly turbid during high flows. Water quality is excellent. As is typical for a snowmelt-fed stream, runoff patterns are seasonal. Peak runoff occurs in spring, generally in June, and recedes to low flows by late summer. Flows increase again in November in response to fall rains. Minimum and maximum flow levels for the designated portion of the corridor have not been well documented; however, flows at the lower end of the corridor have been estimated to average at approximately 19 cubic feet per second (cfs).<sup>3</sup> No known water uses exist within the designated segment.

The entire six mile designated portion of the North Powder River is without permanent human-caused changes, dams, or water diversions. Stream banks are stable. There is an abundance of riparian vegetation, small islands, braided channels, and woody debris dams. Very minor impacts to the river banks and riparian vegetation have occurred in the dispersed camp sites and at trailheads. Resource damage is occurring in places due to the poor construction and inadequate maintenance of the road and trails. Improvement of drainage structures and fords would reduce the likelihood of sediments reaching the river.

<sup>3</sup> Streamflow data was derived by Woody Hauter, Wallowa-Whitman National Forest Hydrologist, from information developed in "Watershed Work Plan North Powder River Watershed," Baker Valley Soil and Water Control District and Powder Valley Water Control District, June 1967.

## **Finding**

### Geology

While the Elkhorn Range exhibits interesting geologic features and processes, the examples within the North Powder drainage are not unique or rare to the region. The area appears to be less mineralized than the surrounding areas, and received little lasting interest of prospectors during the gold rush era at the turn of the century. The geologic features that are present are important to the scenic values of the drainage, but do not merit a finding of outstandingly remarkable.

### Hydrology

The North Powder River is one of few of the undeveloped streams left in the Powder River system, and as such serves as an important example or relic of the original Powder River system. The undeveloped nature of the North Powder River is significant and contributes to the many other river-related values in the corridor; however, the general absence of unique hydrologic features precludes a finding of outstandingly remarkable.

## **VEGETATION/ECOLOGICAL**

### **Criteria for Outstandingly Remarkable Rating**

The river or area within the river corridor contains nationally or regionally important populations of indigenous plant species. Of particular significance is the presence of unique indigenous and/or federal or state listed threatened, endangered, and sensitive species. When analyzing vegetation, additional factors such as diversity of species, number of plant communities, and cultural importance of plants may be considered.

### **Evaluation of the Present Situation**

An interesting variety of plant communities typical of the Blue Mountains are found in the North Powder drainage. This is due in part to the elevational change of nearly 3000 feet from headwaters to the lower boundary of the corridor. In the high subalpine areas, subalpine fir dominates the scattered forested stands, mixed with some whitebark pine, lodgepole pine and spruce. These stands are interspersed with natural openings of mountain big sagebrush, Idaho fescue, and alpine fleecflower on dry slopes, and small meadows on moist sites.

The lower five miles of the corridor are covered with nearly continuous stands of mixed conifers. The southern slopes of the valley are densely forested with primarily lodgepole pine, and scattered groupings of western larch, Engelmann spruce, grand fir, Douglas-fir, ponderosa pine, and subalpine fir. Huckleberry and squawberry are also found on the higher south slopes of the drainage. Sparse stands of mixed conifers are established in the more stable areas on the north slopes, interrupted by numerous avalanche chutes. In these unstable areas, meadows and shrubland communities dominated by snowberry, ninebark, mountain ash, mountain willow, and thinleaf alder are present. Quaking aspen is also found growing in the unstable areas and meadow openings.

In the lower 1/2 mile of the corridor, stands of large-diameter lodgepole pine, western larch, grand fir, Englemann spruce, Douglas-fir, ponderosa pine, and subalpine fir can be found. Some trees are thought to be nearly 300 years old.

Natural forces have primarily shaped the patterns and diversity of plant communities in the drainage. Lightning-caused fires have created openings and replaced stands, adding diversity to the forest. There have been periodic outbreaks of forest insects and diseases in the corridor, typical to the region. Mountain pine beetle has eliminated some of the lodgepole pine along the river. Spruce budworm infestations have been active in some of the stands of spruce, grand fir, and Douglas-fir.

Riparian vegetation is generally intact in the corridor. There has been only a minor amount of soil compaction, vegetation disturbance, and tree removal from past activities such as mining, timber harvest, grazing, and recreational pursuits. Most of the drainage is considered not suitable for grazing due to erodible soils, lack of forage, and rugged terrain, and has not been part of a livestock allotment for some time.

The corridor has not been extensively surveyed for the presence of unique plants, and at this time, there are no documented occurrences of federal or state listed or candidate threatened, endangered, or sensitive species within the corridor. A species listed on the Wallowa-Whitman Watch and Review List, *Corydalis caseana* var. *cusickii*, is fairly abundant in riparian areas in the corridor.

The North Powder drainage is relatively undisturbed corridor providing for species travel, genetic transfer, and linkage between old-growth islands and other critical habitats. The potential corridor value increases in significance when considered in conjunction with the North Fork John Day W&SR corridor, which begins on the west side of the Elkhorn Ridge one mile from the headwaters of the North Powder River. The proximity of the two corridors potentially provides a continuous 61 mile long, 1/2 mile wide corridor from the town of Dale to the Powder River Valley, linking a low elevation wildlife area, three Wilderness units, two rivers, and crossing over the Blue Mountains.

### **Finding**

Vegetation in the corridor is fairly diverse. This diversity, however, is typical of the Elkhorn Range. Riparian vegetation is intact and well established within the corridor. The occurrence of stands of old growth near the lower end of the corridor and on the north side of the drainage are also of interest. The value of the North Powder corridor for species travel, genetic transfer, and linkage between fragmented old-growth and other critical habitats is potentially more significant when considered in conjunction with the immediately adjacent North Fork John Day River corridor; however, the level of significance is still to be determined.

Surveys for the presence of unique plants have not been conducted in the corridor to date, and at this time, no federal or state listed or candidate threatened, endangered, or sensitive species are known to occur in the drainage. Prior to any potential ground disturbing activities within the corridor surveys for threatened, endangered, or sensitive plant species will be conducted consistent with Forest Service policies.

Based on the criteria above, vegetation and ecologic values in themselves do not qualify as outstandingly remarkable; however, these values contribute significantly to scenery, recreation, fish, wildlife, and water quality values in the river corridor.



## **FISHERIES**

### **Criteria for Outstandingly Remarkable Rating**

Fish values may be judged on the relative merits of either fish populations, habitat, or Native American cultural use - or a combination of these river-related conditions. Consideration shall be given for potential as well as existing values.

**Populations.** The river is internationally, nationally, or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed threatened, endangered, and sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

**Habitat.** The river provides or has the potential to provide exceptionally high quality habitat for fish species indigenous to the region. Of particular significance is habitat for wild stocks and/or federal or state listed or candidate threatened, endangered, and sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

### **Evaluation of the Present Situation**

#### **Populations**

The North Powder River supports moderate numbers of native species including rainbow trout, mountain whitefish, sculpin, and introduced brook trout. It is not currently known whether red-band trout or bull trout inhabit the river. Introduced brook trout diminish the likelihood that a viable bull trout population exists in the river, as brook trout tend to outcompete native bull trout populations. This river does not currently support anadromous fish. The construction of the dam at Thief Valley on the Powder River in 1932 eliminated anadromous fish runs in the river system above the dam. It is considered likely that prior to the construction of the dam anadromous fish found their way into the North Powder River.

Little has been documented about the historic runs, or the Native American use of the fisheries in the North Powder River. Since the river is fairly small and precipitous, it is generally assumed that this reach of the North Powder did not support a significantly large fisheries in the past.

#### **Habitat**

The six-mile designated portion is undeveloped and follows a natural flow regime, unaltered by any permanent cultural changes, dams, or water diversions. Comprehensive stream habitat surveys have not been conducted to date by the Forest Service; however, the Oregon Rivers Information System database (ORIS)<sup>4</sup> provides some general information on this stream reach. Fish habitat is rated as high quality. There is moderate to high diversity of structure, cover, and pool-to-riffle ratio which provide spawning, rearing, and holding habitat for native and introduced species. The river is rated as moderately productive. This rating fits

---

<sup>4</sup> The Oregon Rivers Information System (ORIS) Database was an outcome of the Pacific Northwest Rivers Study completed in 1986. It is currently maintained by the Oregon Department of Energy, original coordinator of the Oregon portion of the study.

well with observed substrate conditions, which indicate significant amounts of coarse, granitic sands occur in the river. Despite minor, localized impacts to riparian habitat from past activities, water quality is extremely good. More information will be available after stream surveys are completed during the 1991 field season.

### **Finding**

Moderate populations of native and introduced fish species are found in the North Powder River. At this time it is not known whether bull trout or red-band trout inhabit the river. Introduced brook trout diminish the likelihood that a viable bull trout population exists in the river, as brook trout tend to outcompete native bull trout populations. Fish habitat is in good condition, and considered moderately productive. At this time, not enough is known about fisheries in the North Powder River to merit an outstandingly remarkable finding. More information will be available after stream surveys are completed during the 1991 field season.

## **WILDLIFE**

### **Criteria for Outstandingly Remarkable Rating**

Wildlife values may be judged on the relative merits of either wildlife populations, habitat, or Native American cultural use - or a combination of these conditions.

**Populations.** The river or area within the river corridor contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique or populations of federal or state listed or candidate threatened, endangered, and sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

**Habitat.** The river or area within the river corridor provides exceptionally high quality habitat for wildlife of national or regional significance, or may provide unique habitat or a critical link in habitat conditions for federal or state listed and candidate threatened, endangered, or sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

### **Evaluation of the Present Situation**

#### **Populations**

A wide variety of wildlife typical to the region inhabits the area including Rocky Mountain elk, mule deer, black bear, cougar, bobcat, coyote, and other small mammals, reptiles, and amphibians. A large variety of birds can also be found in the drainage, including raptors, woodpeckers, owls, grouse, and a variety of small birds. The area is very important and highly productive summer range for Rocky Mountain elk and mule deer.

The corridor has not been extensively surveyed for the presence of unique or listed species. There are no documented occurrences of federal or state listed or candidate threatened, endangered, or sensitive animal species inhabiting the North Powder River drainage. However, potential habitat for several species does exist in the corridor.

## Habitat

Wildlife habitat within the North Powder drainage is varied, and includes rock outcrops and cliffs, sub-alpine meadows and forests, mid-elevation mixed conifer forests, shrublands, and wet and dry meadow communities. Snags are abundant in the drainage. The area is very important and highly productive summer range for Rocky Mountain elk and mule deer. Stands of old growth trees and largely intact riparian plant communities occurring within the corridor provide important wildlife habitat. Riparian zones are considered to be the most critical wildlife habitats in the Blue Mountains, utilized by nearly 300 species of wildlife.<sup>5</sup>

As mentioned under the Populations section above, inventories have not yet been conducted to determine whether state or federal listed or candidate species are known to inhabit the drainage. However, potential habitat for several species exists.

Wildlife habitat has been impacted to a minor extent by past activities, including mining, grazing, timber harvest, fuelwood cutting, and recreational pursuits.

The North Powder drainage is a relatively undisturbed corridor providing for species travel, genetic transfer, and linkage between old-growth islands and other critical habitats. The potential corridor value increases in significance when considered in conjunction with the North Fork John Day W&SR corridor, which begins on the west side of the Elkhorn Ridge one mile from the headwaters of the North Powder River. The proximity of the two corridors potentially provides a continuous 61 mile long, 1/2 mile wide corridor from the town of Dale to the Powder River Valley, linking a low elevation wildlife area, three Wilderness units, two rivers, and crossing over the Blue Mountains.

## **Finding**

Wildlife habitat is found to be a significant value in the North Powder River drainage. The corridor and surrounding roadless area provide highly productive and diverse of summer range for Rocky Mountain elk and mule deer. The diversity of vegetation, number of natural edges utilized by many big game and non-game wildlife species, lack of human-caused disturbance, and low traffic level contribute to the high quality of wildlife habitat found in the drainage. This coupled with the existence of old growth stands and riparian communities elevate wildlife habitat to a significant value. The value of the undisturbed corridor for species travel, genetic transfer, and linkage between fragmented old-growth and other critical habitats is potentially significant when considered in conjunction with the North Fork John Day River corridor; however, the level of significance is still undetermined.

## HISTORIC

### **Criteria for Outstandingly Remarkable Rating**

The river or area within the river corridor contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual or one-of-a-kind in the region. A historic site(s) and/or feature(s) in most cases is 50 years old or older. Of particular significance are sites or features listed or eligible for inclusion in the National Register of Historic Places.

<sup>5</sup> Wildlife Habitats in Managed Forests in the Blue Mountains of Oregon and Washington, USDA, Forest Service, Sept., 1979, Agriculture Handbook No. 553.

## **Evaluation of the Present Situation**

Several cultural resource sites exist in the North Powder River corridor, including evidence of Native American use and old mining activity. However, since surveys have not been completed in the corridor, the extent of cultural sites is not known.

The Elkhorn Range was utilized in historic times by members of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) for fishing, hunting, and religious purposes. The corridor was also periodically and seasonally visited by small groups from several cultural groups, including the Nez Perce, Shoshone-Bannock, and Northern Paiute. The North Powder River drainage falls within CTUIR's ceded boundaries.

Unlike much of the rest of the Elkhorn Range, this drainage did not receive the lasting attention of early prospectors and miners. The North Powder valley does have a number of pre-1930's mining sites located there. The primitive road found paralleling the stream today is thought to be a portion of an old stage route to early-day mining camps located high on the west flanks of the Elkhorn Range. Although it appears on maps produced near the turn of the century, little is documented about the history of this road. The river corridor had also been used as a driveway for sheep in the past. Prior to the gold rush era, it is likely that early day trappers traveled the river corridor. Beyond these few pieces of information, historical accounts of activities in the North Powder River drainage are limited.

## **Finding**

Aside from the early establishment of a stage route over the Elkhorn Range in the North Powder drainage and some prospecting, the area seems to have escaped the attention or interest of Euro-Americans during historic times. There is not enough information to determine whether this value qualifies as outstandingly remarkable. Cultural resource surveys have not been conducted in the corridor, therefore, the existence of significant historic sites is unknown. Cultural resource surveys will be completed prior to any potential ground disturbing activities. Known and discovered sites are protected under existing statutes, regulations, and policies.

## **PREHISTORIC**

### **Criteria for Outstandingly Remarkable Rating**

The river or area within the river corridor contains a site(s) where there is evidence of occupation or use by Native Americans. Sites must be rare, one-of-a-kind, have unusual characteristics or exceptional human interest value(s). Sites may have national or regional importance for interpreting prehistory; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes. Of particular significance are sites or features listed or eligible for inclusion in the National Register of Historic Places.



### **Evaluation of the Present Situation**

The Elkhorn Range was utilized in prehistoric times by members of the CTUIR for fishing, hunting, and religious purposes. The corridor was also periodically and seasonally visited by small groups from several cultural groups, including the Nez Perce, Shoshone-Bannock, and Northern Paiute. The North Powder River drainage is included within CTUIR's ceded boundaries. Although site specific cultural resource surveys have not been conducted, it is likely that prehistoric sites exist.

### **Finding**

Since cultural resource inventories have not been completed in the North Powder River corridor, it is undetermined what level of significance prehistoric use had in the corridor. Based on surveys conducted in other portions of the Elkhorn Range, it is apparent that the area was used by prehistoric cultures, and it is anticipated that prehistoric sites exist. At this time there is not enough information to determine whether this value qualifies as outstandingly remarkable. In the meantime, known and discovered sites are protected under existing statutes, regulations and policy. Cultural resource surveys will be completed prior to any potential ground disturbing activities.

## **TRADITIONAL USE, CULTURAL VALUES**

### **Criteria for Outstandingly Remarkable Rating**

The river or area within the river corridor contains regionally unique location(s) of importance to Indian tribes (religious activities, fishing, hunting, and gathering). Locations may have unusual characteristics or exceptional cultural value being integral to continued pursuit of such activities. Locations may have been associated with treaty rights on ceded lands or activities unprotected by treaty on ceded lands or in traditional territories outside ceded lands.

### **Evaluation of the Present Situation**

The Elkhorn Range was utilized in historic and prehistoric times by members of CTUIR for fishing, hunting, and religious purposes. The North Powder River is included within CTUIR's ceded boundaries. In historic times other cultural groups visited the area as well, including the Nez Perce, Shoshone-Bannock, and Northern Paiute. Native Americans still travel to the area to hunt, fish, camp, and gather, continuing the traditions established prior to the coming of Euro-Americans to northeast Oregon.

### **Finding**

To date No cultural resource surveys have been completed in the North Powder drainage by the Forest Service and no regionally unique sites have been identified by the tribes at this time. However, there is much interest in nearly all the drainages in Northeast Oregon by various tribes as having special cultural value associated with their history and present-day activities. At this time, it is undetermined whether or not this value will have status as an outstandingly remarkable value. The tribes will continue to be consulted throughout the Wild and Scenic River management plan development.

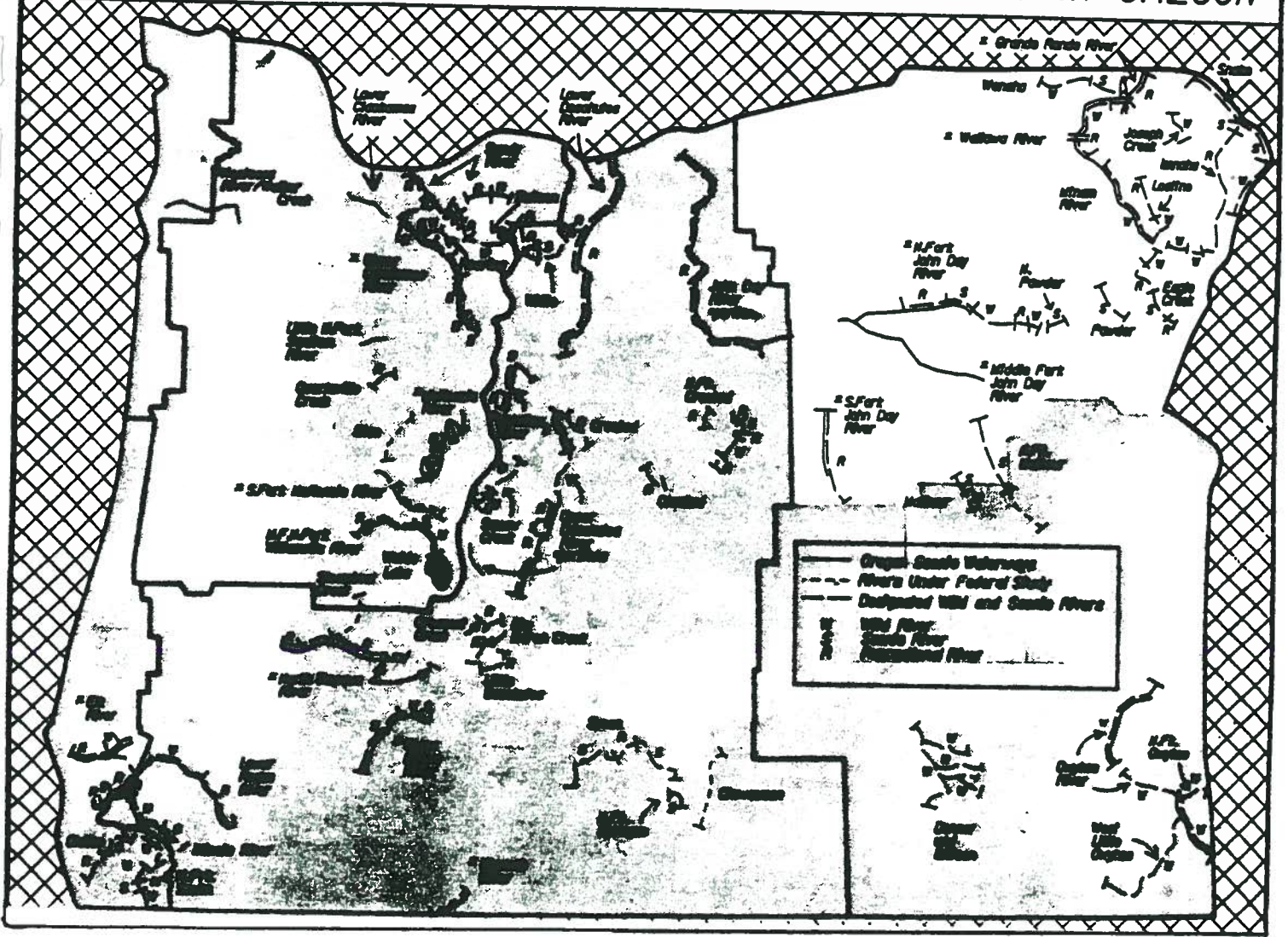
**OTHER SIMILAR VALUES**

Additional river related values were considered during the assessment process. Preliminary information on other values was considered as well as responses to the draft suggesting other significant value(s) (biodiversity, genetic transfer). Other resource values were included in the discussions of the major value areas, if notable. At this time, none have warranted an outstandingly remarkable value status, but they will continue to be evaluated throughout the management planning process.

# APPENDIX A

## OREGON SCORP PLANNING REGION NUMBER 12 NORTHEAST OREGON

### OREGON STATE SCENIC WATERWAYS AND FEDERALLY DESIGNATED WILD AND SCENIC RIVERS IN OREGON







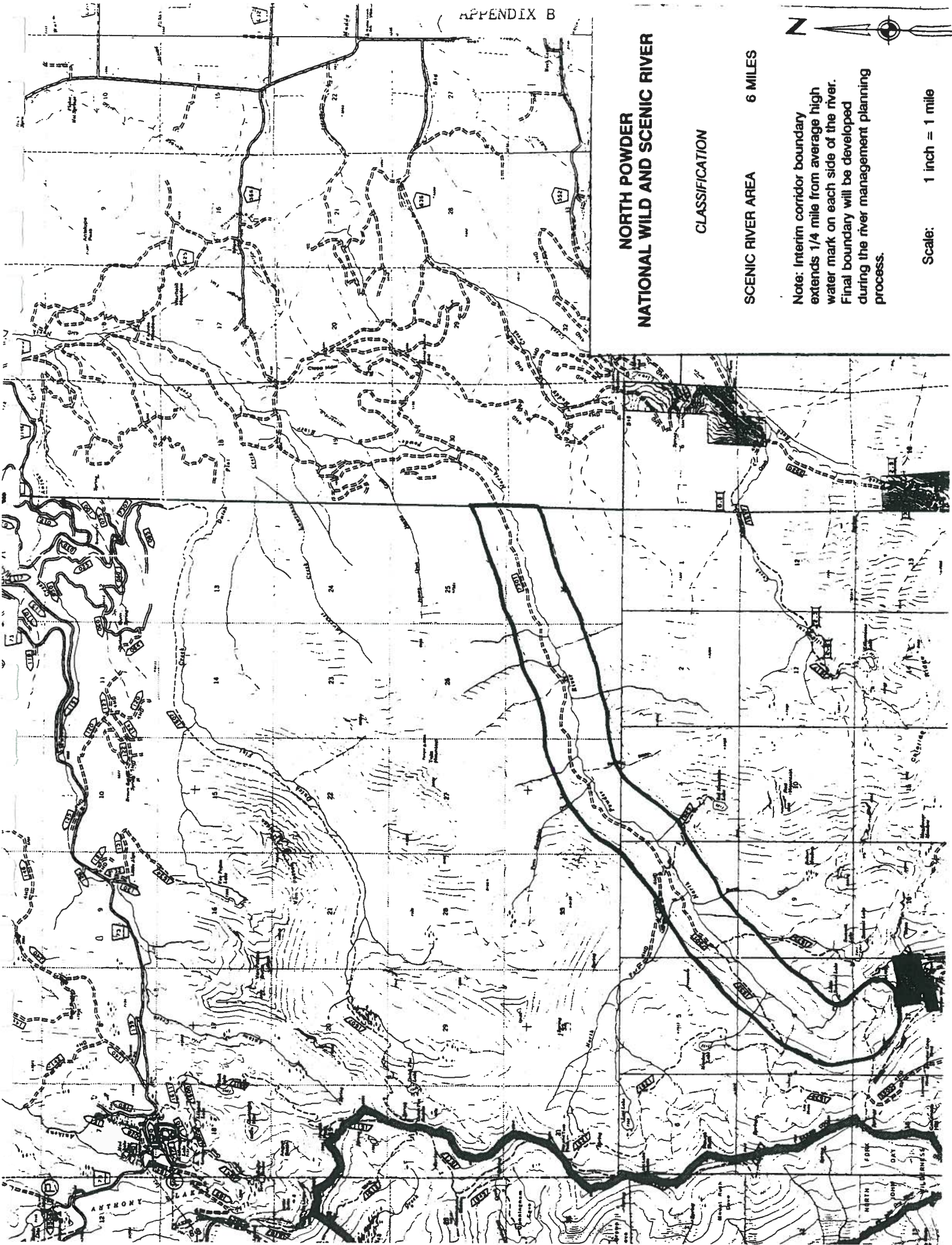
# NORTH POWDER NATIONAL WILD AND SCENIC RIVER

CLASSIFICATION

SCENIC RIVER AREA 6 MILES

Note: Interim corridor boundary extends 1/4 mile from average high water mark on each side of the river. Final boundary will be developed during the river management planning process.

Scale: 1 inch = 1 mile





**Appendix D**

---

Reply to: 2350

Date: October 20, 1992

Subject: Wild and Scenic Rivers: Evaluation of Proposed Activities

To: Regional Foresters

Enclosed for your information are two documents that provide the basis for an interim directive (ID) that will be issued to FSM 2354.7 within the next few weeks. The ID will clarify the agency's policy relative to requirements of the Wild and Scenic Rivers Act and implementing regulations (36 CFR Part 297) and provide a procedure to be used by all Regions in evaluating proposed activities which may affect wild and scenic rivers. We are providing the base documents now to give you advance opportunity to acquaint yourselves with the new procedures.

The enclosed documents include:

"Procedure to Evaluate Water Resources Projects." This document is based on a procedure developed and currently being tested in Region 6.

"Abstract of Relevant Legislation, Regulations, Manual and Handbook Direction, Legal Opinion, and Congressional Direction Related to Water Resources Projects." Included in this abstract are comments to guide consistent interpretation and application of agency policy.

The Wild and Scenic Rivers Act directs the Forest Service to protect and enhance the "outstandingly remarkable" scenic, recreational, geologic, fish and wildlife, historic, cultural, and other values for which each river was added to the National Wild and Scenic Rivers System. To help achieve this goal, the Act prohibits, or imposes restrictions on developments and activities which would directly and adversely affect those values.

In administration of existing or potential wild and scenic rivers, the use of instream structures for fish habitat or water quality improvement, recreation facilities, road and trail bridges, and other uses are an important management consideration. Questions and conflicting opinions as to legal limitations have arisen, primarily due to varying interpretations of the Act and related agency direction. The ID will serve to clarify the direction and provide a process for consistent application throughout the Forest Service.

The evaluation of project proposals must consider the purpose and effects of a project relative to the free-flowing nature of the river, the resource values of the river and river corridor, and the management objectives for the river. The basic standard of review is whether the project will affect conditions of free-flow and have a direct and adverse effect on the values for which the river was designated. This standard is documented in both the Act and the implementing regulations for Section 7 of the Act (36 CFR Part 297).

Because of the specific responsibility spelled out in the Act for State fisheries agencies, and the heightened concern regarding the relationship between water resource projects, such as those designed to protect or improve fish habitat or watershed conditions, and the Wild and Scenic Rivers Act, it is particularly important that you coordinate your evaluations closely with these agencies. Coordination should also be carried out with other tribal, Federal, State, and local governmental agencies and private organizations that have a direct responsibility for, or interest in, management of the river and river corridor resources.

We are currently working closely with our Office of General Counsel to review our Section 7 implementing regulations (36 CFR Part 297) to determine what revisions are needed to improve the consistency with which the provisions of the Act are being implemented. If the regulations are eventually revised, our procedures will be changed as appropriate.

Deen Lundeen of our Recreation, Cultural Resources and Wilderness Management Staff and Harv Forsgren of our Wildlife and Fisheries Staff are available to assist you and answer questions regarding these procedures.

/s/George M. Leonard

GEORGE M. LEONARD  
Associate Chief

Enclosures (2)

United States Forest Washington 14th & Independence SW  
Department of Service Office P.O. Box 96090  
Agriculture Washington, DC 20090-6090

Reply to: 2350 Date: October 20, 1992

**Subject: Wild and Scenic Rivers: Evaluation of Proposed Activities**

**To: Regional Foresters**

Enclosed for your information are two documents that provide the basis for an interim directive (ID) that will be issued to FSM 2354.7 within the next few weeks. The ID will clarify the agency's policy relative to requirements of the Wild and Scenic Rivers Act and implementing regulations (36 CFR Part 297) and provide a procedure to be used by all Regions in evaluating proposed activities which may affect wild and scenic rivers. We are providing the base documents now to give you advance opportunity to acquaint yourselves with the new procedures.

The enclosed documents include:

**"Procedure to Evaluate Water Resources Projects."** This document is based on a procedure developed and currently being tested in Region 6.

**"Abstract of Relevant Legislation, Regulations, Manual and Handbook Direction, Legal Opinion, and Congressional Direction Related to Water Resources Projects."** Included in this abstract are comments to guide consistent interpretation and application of agency policy.

The Wild and Scenic Rivers Act directs the Forest Service to protect and enhance the 'outstandingly remarkable' scenic, recreational, geologic, fish and wildlife, historic, cultural, and other values for which each river was added to the National Wild and Scenic Rivers System. To help achieve this goal, the Act prohibits, or imposes restrictions on developments and activities which would directly and adversely affect those values.

In administration of existing or potential wild and scenic rivers, the use of instream structures for fish habitat or water quality improvement, recreation facilities, road and trail bridges, and other uses are an important management consideration. Questions and conflicting opinions as to legal limitations have arisen, primarily due to varying interpretations of the Act and related agency direction. The ID will serve to clarify the direction and provide a process for consistent application throughout the Forest Service.

The evaluation of project proposals must consider the purpose and effects of a project relative to the free-flowing nature of the river, the resource values of the river and river corridor, and the management objectives for the river. The basic standard of review is whether the project will affect conditions of free-flow and have a direct and adverse effect on the values for which the river was designated. This standard is documented in both the Act and the implementing regulations for Section 7 of the Act (36 CFR Part 297).



2

Because of the specific responsibility spelled out in the Act for State fisheries agencies, and the heightened concern regarding the relationship between water resource projects, such as those designed to protect or improve fish habitat or watershed conditions, and the Wild and Scenic Rivers Act, it is particularly important that you coordinate your evaluations closely with these agencies. Coordination should also be carried out with other tribal, Federal, State, and local governmental agencies and private organizations that have a direct responsibility for, or interest in, management of the river and river corridor resources.

We are currently working closely with our Office of General Counsel to review our Section 7 implementing regulations (36 CFR Part 297) to determine what revisions are needed to improve the consistency with which the provisions of the Act are being implemented. If the regulations are eventually revised, our procedures will be changed as appropriate.

Deen Lundeen of our Recreation, Cultural Resources and Wilderness Management Staff and Harv Forsgren of our Wildlife and Fisheries Staff are available to assist you and answer questions regarding these procedures.

/s/George M. Leonard

GEORGE M. LEONARD  
Associate Chief

Enclosures (2)

# PROCEDURE TO EVALUATE WATER RESOURCES PROJECTS

## INTRODUCTION

This paper documents a procedure which can be uniformly and consistently applied by the Forest Service to determine whether proposed water resources projects present a direct and adverse affect to designated wild and scenic river values, and thus would be prohibited under Section 7 of the Wild and Scenic Rivers Act (the "Act"), or whether the projects should be allowed to proceed because they do not meet that threshold.

The procedure also applies to congressionally identified study rivers (Section "5a" rivers), which are afforded interim protection from projects which would affect "free-flow" characteristics in Section 7(b) of the Act. Although not protected from such projects in the Act, rivers identified for study through the land management planning process (Section "5d" rivers) are also afforded protection via agency policy (Forest Service Planning Handbook (1909.12, Chapter 8.12).

The procedure may also be applied to evaluate activities proposed outside a designated or study river corridor to determine if they result in indirect effects that "invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation," as referenced in Section 7 (a).

This procedure paper presumes a strict interpretation of what activities would qualify as water resources projects. Water resources projects have been defined in 36 CFR Part 297 as:

"...any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, or other construction of developments which would affect the free-flowing characteristics of a Wild and Scenic River or study river."

Section 16 (b) of the Act provides a definition of "free-flow" that assists in identification of water resources projects. It states:

"Free-flowing, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway."

Therefore, if a proposed activity would affect a river's free-flow, or meet other criteria outlined in 36 CFR 297, it qualifies as a water resources project and the Section 7 procedure defined in this paper can be applied.

## ISSUE

The key issue, assuming that the proposed activity is identified as a water resources project, is whether the project presents a direct and adverse affect on the values for which the river was designated or is being studied (or if a proposed activity is above or below the area, does it unreasonably diminish the scenic, recreational, or fish and wildlife values)?

Lack of a standardized procedure to analyze effects has contributed to the difficulty of making an adequate analysis of water resource projects as required by Section 7, manual direction (FSM 2354), and the Forest Service Handbook (FSH 1909.12, Chapter 8). The balance of this paper describes a standardized analysis procedure that incorporates the following principles:

- a. Effects will be judged in the context of the legislation designating the affected wild and scenic river and the management objectives for the river as defined in the comprehensive river management plan. (In the case of study rivers, effects are judged in the context of relevant Forest Plan standards and guidelines and the potential affect of the activity on the river's eligibility.)
- b. Water resource projects are permissible if the net effect protects or enhances values for which the river was designated or is being studied. Water resource projects are not permitted if they have a direct and adverse effect on such river values. (In the case of study rivers management activities may be carried out provided they would not result in a reduced classification recommendation, and are consistent with other relevant Forest Plan standards and guidelines.)
- c. Permissible water resources projects will, to the extent practicable, maintain or enhance the free flowing characteristics of the river.
- d. Water resources projects may be permitted even though they may have an effect on free flowing characteristics if:
  - (1) the specific purpose of the project is to protect or enhance the values for which the river was designated, restore the natural characteristics of the river, and/or improve the water quality of the river;
  - (2) associated impacts on free flowing characteristics of the river are minimized to the extent practicable; and,
  - (3) the proponent and manager of the project is a federal, state, or local governmental entity.

## PROCEDURE

**Background:** In developing this procedure we recognize that:

- It is necessary to provide a temporal and spatial context for evaluating river related proposals. The wild and scenic river management planning process should result in a clear statement of long term management goals and objectives for free-flow, water quality, riparian areas and floodplains, and the outstandingly remarkable and other significant resource values designated by statute.
- Section 7 and promulgating rules (36 CFR 297) require an analysis of effects associated with a proposed water resources project. The analysis of activities deemed acceptable must clearly demonstrate consistency with management goals and objectives.
- Management of river ecosystems should be designed to achieve management goals and objectives through natural processes and use of techniques that mimic those processes. To insure that long term goals and objectives are met, careful analysis and evaluation of these processes, time scales, and public perceptions is necessary.
- State fish and wildlife agencies share responsibility with the Forest Service for fish and wildlife resources on wild and scenic river's. Identification and evaluation of water resource projects should be coordinated with the States, recognizing and supporting attainment of state fish and wildlife management objectives to the extent they are consistent with the outstanding values for which the river was designated or is being studied.

**Step-by-Step Procedure:** The following procedure is designed to evaluate proposed activities within a wild and scenic river ecosystem. This procedure is not simply one of disclosure. Rather, it is a framework to identify changes in free-flow conditions and evaluate the effects associated with project proposals.

**1) Establish Need and Evaluate Consistency with Management Goals and Objectives.** The first step is to define the need for the proposed activity and make a *preliminary* determination whether the proposed activity is consistent with the management goals and objectives for the river. Management goals provide the standard for evaluation of effects <sup>1/</sup>. If the activity does not evidence a compelling need or is inconsistent with the management goals and objectives or other applicable laws (e.g. Wilderness Act, Endangered Species Act, etc.), the project may not be considered further.

---

<sup>1/</sup> If management goals and objectives have not been formalized through a river planning process, utilize Forest Plan standards and guidelines and any applicable state fish and wildlife, water quality, or other state agency management plans or policies consistent with identified values, to develop objectives for each of the outstanding river values.



For projects that appear needed to help attain the management goals and objectives, proceed with the following steps. The scope of analysis should be commensurate with the magnitude and complexity of the project proposal. The procedure should be accomplished via an interdisciplinary team with adequate skills for the analysis. Note that each step requires some professional judgement.

**2) Define the Proposed Activity.** Provide an objective description of the proposed activity. The level of detail should be proportional to the scope of the proposed project and should indicate whether the project is isolated or part of a more complex or comprehensive proposal.

- a. project proponent(s)
- b. purpose (clearly describe the need for the project)
- c. location
- d. duration of proposed activities
- e. magnitude/extent of proposed activities
- f. relationship to past and future management

**3) Describe How the Proposed Activity Will Directly Alter Within-Channel Conditions.** Address the magnitude and spatial extent of the effects the proposed activity will have on in-channel attributes. Special attention should be given to changes in features which would affect the outstandingly remarkable and other significant resource values.

- a. What is the position of the proposed activity relative to the stream bed and banks?
- b. Does the proposed activity result in changes in:
  1. active channel location?
  2. channel geometry (i.e. cross-sectional shape or width/depth characteristics)?
  3. channel slope (rate or nature of vertical drop)?
  4. channel form (e.g. straight, meandering, or braided)?
  5. relevant water quality parameters (e.g. turbidity, temperature, nutrient availability)?

**4) Describe How the Proposed Activity Will Directly Alter Riparian and/or Floodplain Conditions.** Address the magnitude and spatial extent of the effects the proposed activity will have on riparian/floodplain attributes. Special attention should be given to changes in features that would affect the outstandingly remarkable and other significant resource values.

- a. What is the position of the proposed activity relative to the riparian area and floodplain?

- b. Does the proposed activity result in changes in:
  - 1. vegetation composition, age structure, quantity, vigor, etc.?
  - 2. relevant soil properties such as compaction, percent bare ground, etc.?
  - 3. relevant floodplain properties such as width, roughness, bank stability or susceptibility to erosion, etc.?

**5) Describe How the Proposed Activity Will Directly Alter Upland Conditions.** Address the magnitude and spatial extent of the effects the proposed activity will have on associated upland attributes. Special attention should be given to changes in features that would affect the outstandingly remarkable and other significant resource values.

- a. What is the position of the proposed activity relative to the uplands?
- b. Does the proposed activity result in changes in:
  - 1. vegetation composition, age structure, quantity, vigor, etc.?
  - 2. relevant soil properties such as compaction, percent bare ground, etc.?
  - 3. relevant hydrologic properties such as drainage patterns, the character of surface and subsurface flows, etc.?
- c. Will changes in upland conditions influence archeological, cultural, or other identified significant resource values.

**6) Evaluate and Describe How Changes in On-Site Conditions Can/Will Alter Existing Hydrologic or Biologic Processes.** Evaluate potential changes in river and biological processes by quantifying, qualifying and modeling as appropriate.

- a. Does the proposed activity affect:
  - 1. ability of the channel to change course, re-occupy former segments, or inundate its floodplain?
  - 2. streambank erosion potential, sediment routing and deposition, or debris loading?
  - 3. the amount or timing of flow in the channel?
  - 4. existing flow patterns?
  - 5. surface and subsurface flows?
  - 6. flood storage (detention storage)?
  - 7. aggradation/degradation of the channel?
- b. Does the proposed activity affect biological processes such as:
  - 1. reproduction, vigor, growth and/or succession of streamside vegetation?

2. nutrient cycling?
3. fish spawning and/or rearing success?
4. riparian dependent avian species needs?
5. amphibian/mollusk needs?

**7) Estimate the Magnitude and Spatial Extent of Potential Off-Site Changes.** Address potential off-site, or indirect effects of the proposed activity, acknowledging any uncertainties (i.e., a risk analysis).

- a. Consider and document:
  1. changes that influence other parts of the river system.
  2. the range of circumstances under which off-site changes might occur (e.g., as may be related to flow frequency).
  3. the probability or likelihood that predicted changes will be realized.
- b. Specify processes involved, such as water, sediment, movement of nutrients, etc.

**8) Define the Time Scale Over Which Steps 3 - 7 are Likely to Occur.**

- a. Review steps 3 - 7 looking independently at the element of time.
- b. Consider whether conditions, processes and effects are temporary or persistent. That is, attempt to define and document the time scale over which effects will occur.

**9) Compare Project Analyses to Management Goals and Objectives.** Based on the analysis of steps 3-8, identify project effects on achievement, or timing of achievement, of management goals and objectives relative to free-flow, water quality, riparian area and floodplain conditions, and the outstandingly remarkable and other significant resource values.

**10) Section 7 Determination.** Based on the analysis of steps 3-9 document:

- a. effects of the proposed activity on conditions of free-flow, including identification of the measures taken to minimize those effects.
- b. any direct and adverse effects on the outstandingly remarkable and other significant resource values for which the river was designated or is being studied.
- c. any unreasonable diminishing of scenic, recreational, or fish and wildlife values associated with projects above or below the area.

The determination should permit those water resource projects that are consistent with the legislation designating the affected wild and scenic river and the management objectives for the river as defined in the comprehensive river management plan, or in the case of study rivers, the proposed activities would not result in a reduced classification recommendation and is consistent with Forest Plan standards and guidelines. Permissible water resources projects will, to the extent practicable, maintain or en-

hance the free flowing characteristics of the river. Water resource projects that have a direct and adverse effect on designated river values or management objectives are not to be permitted.

It is important to note that water resources projects may be permitted even though they may have an effect on free flowing characteristics if:

- a. the specific purpose of the project is to protect or enhance the values for which the river was designated, restore the natural characteristics of the river, and/or improve the water quality of the river;
- b. the associated impacts on free flowing characteristics of the river are minimized to the extent practicable; and,
- c. the proponent and manager of the project is a federal, state, or local governmental entity.

Include the Section 7 determination as part of the broader NEPA analysis of the proposed activity. See the following section for additional information on the relationship of Section 7 determinations and the NEPA process.

## **INCORPORATION OF SECTION 7 DETERMINATIONS IN THE NEPA PROCESS**

The Code of Federal Regulations states:

"The determination of the effects of a proposed water resources project shall be made in compliance with NEPA."

The following discussion offers more specific information regarding incorporation of the Section 7 procedure into the NEPA process. It also includes information relating to the decision document and the responsible official.

A proposed water resources project may be an independent project such as watershed or fish habitat restoration or construction of a boat ramp or fishing pier, or part of a larger program that serves a variety of purposes. In either situation, the Section 7 procedure is to be completed as a separate analysis by an interdisciplinary team. For designated rivers (Section 3a) and congressionally identified study rivers (Section 5a), the Section 7 procedure would be explicitly documented in, or appended to the NEPA document with appropriate reference in the NEPA analysis. Similarly, for rivers identified for study via the land management planning process (Section 5d), an analysis as to the potential effect of a proposed project on free-flow and the outstandingly remarkable values should be incorporated, appended, or available in the analysis file.



The decision document will describe the Section 7 determination for the preferred alternative for a designated or congressionally identified study river. This determination should state whether the proposed project will affect free-flow characteristics, whether it will or will not have a "direct and adverse effect on the values for which the river was designated" (or might be added to the System), or whether proposed projects above or below the area will "unreasonably diminish" those resource values. The Section 7 evaluation may result in identification of water-resources projects which protect, restore or enhance the values for which the river was designated or identified for study. In approval of such projects, the decision notice should clearly indicate that determination.

For study rivers identified via the land management planning process (i.e. Section 5d rivers), utilize the Section 7 procedure with the decision document referencing that an analysis was conducted to evaluate the potential effect of the proposed project on free-flow and the outstandingly remarkable values. Note, that Section 7 is not required for 5d rivers, but agency policy (FSH 1909.12 8.12) provides direction to protect the free-flowing condition and outstandingly remarkable values.

The responsible official differs with the status of the river and whether or not another federal agency is involved. For proposed water resources projects on a 3a or 5a river, in which there is another federal agency "assisting by loan, grant, license or otherwise...", the Regional Forester is the responsible official (reference FSM 2354.04e). If there is no other federal agency "assistance" for a project on a 3a or 5a river, the appropriate line officer signs the decision document. Decision documents for water resources projects on a 5d river are signed by the appropriate line officer.

## **REGIONAL OVERSIGHT**

The Regional Offices are to provide for review of the Section 7 analysis completed for proposed water resources projects. This review process should be coordinated by the Recreation staff group and involve other appropriate staff areas such as fisheries, watershed, engineering, etc. The intent of this oversight is to ensure a consistent approach to the evaluation of proposed water resources projects in wild and scenic rivers. The review is not intended to make the final decision.

## **SUMMARY**

These procedures were developed to analyze projects that have the potential to affect the free-flowing condition and/or outstandingly remarkable values of designated and study wild and scenic river's and determine which projects are consistent with the Act by protecting, restoring, and enhancing those river values. The scope of the analysis will vary with the magnitude and complexity of the proposed activity. The procedure requires interdisciplinary analysis and application of professional judgement within the requirements of the Act.

Examples of projects that would likely be subject to Section 7 analysis include, but are not limited to:

1. Log removal for recreation user safety;
2. Fisheries habitat and watershed restoration and enhancement projects;
3. Bridge and other roadway construction/reconstruction projects;
4. Bank stabilization projects;
5. Recreation facilities such as boat ramps and fishing piers;
6. Activities that require 404 permits from the Corps of Engineers.

**ABSTRACT OF RELEVANT LEGISLATION, REGULATIONS,  
MANUAL AND HANDBOOK DIRECTION, LEGAL OPINION  
AND CONGRESSIONAL DIRECTION RELATED TO  
WATER RESOURCES PROJECTS**

**WILD AND SCENIC RIVERS ACT**

**P.L. 90-542, Section 1(b):**

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes."

**P.L. 90-542, Section 7(a):**

Section 7 provides specific protection of designated and congressionally identified study rivers by prohibiting the licensing "...of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act." Additionally this section states:

"...no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration."

The section also addresses federal agency limitations on licensing or assisting in developments below or above designated or proposed W&SR's that "invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area..."

**P.L. 90-542, Section 10(a):**

Section 10(a) states Congressional intent for management to protect and enhance those values for which a river was designated (or is being studied). The section calls

for development of management plans with specific objectives that are based on the special values of the particular river. Specifically:

"Each component of the national Wild and Scenic Rivers System shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public uses and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on special attributes of the area."

**P.L. 90-542, Section 12(a):**

Section 12 sets forth broad authority for management policies on federal lands "which include, border upon, or are adjacent to, any river included in the National Wild and Scenic Rivers System or under consideration for such inclusion, in accordance with section 2(a)(ii), 3(a), or 5(a)..." directing them to "take such action respecting management policies, regulations, contracts, plans...as may be necessary to protect such rivers in accordance with the purposes of this Act."

**P.L. 90-542, Section 16(b):**

"Free-flowing, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national Wild and Scenic Rivers System."

**CODE OF FEDERAL REGULATIONS**

**36 CFR 297 - Regulations for Implementing Section 7 of the Wild and Scenic Rivers Act:**

"Water resources projects" have been defined in 36 CFR 297 as:

"...any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, or other construction of developments which would affect the free-flowing characteristics of a Wild and Scenic River or study river."

"These regulations require that a determination of the direct and adverse effects of a proposed project be completed through the NEPA process."



# INTERAGENCY GUIDELINES FOR ELIGIBILITY, CLASSIFICATION AND MANAGEMENT OF RIVER AREAS - September 7, 1982

## Section III - Management:

"Other Resource Management Practices. Resource management practices will be limited to those which are necessary for protection, conservation, rehabilitation or enhancement of the river area resources. Such features as trail bridges, fences, water bars and drainage ditches, flow measurement devices and other minor structures or management practices are permitted when compatible with the classification of the river area and provided that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment."

This section establishes a nondegradation and enhancement policy for all designated river areas. Each component of the W&SR's system is to be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses which do not adversely impact or degrade those values. This guideline specifically identifies three criteria for evaluation of proposed activities that are consistent with the analysis called for in Section 7 of the Act, namely: 1) compatibility with the values for which the river was designated; 2) no impact on natural appearance; and, 3) harmonize with the surrounding environment.

## FOREST SERVICE MANUAL

### FSM 2354.04e

"Regional Foresters shall: Determine the direct and adverse effects of water resource projects upon designated or study wild and scenic rivers, and determine, pursuant to section 7 of the Wild and Scenic Rivers Act, whether the Department of Agriculture will consent to a proposed action (36 CFR 297). This authority shall not be redelegated..."

### FSM 2354.42b

"Manage wildlife and fish habitats in a manner consistent with the other recognized river attributes."

"Recommendations to State agencies concerning the management of fisheries must be consistent and in harmony with established river objectives."

"The construction of minor structures for such purposes as improvement of fish and game habitat are acceptable in wild river areas provided they do not affect the free-flowing characteristics of the river and harmonize with the surrounding environment."

The last portion of this manual direction suggests that any fish and wildlife habitat improvement project which would affect conditions of free-flow are not acceptable in wild rivers. However, the primary factor in determining the acceptability of proposed fish and wildlife habitat management projects within Wild and Scenic River corridors is whether or not they have a direct and adverse affect on the values for which the river was designated (or is being studied). Water resources projects which do not directly and adversely affect the values for which the river was designated, or is being studied, are acceptable. Those projects that are incompatible with the outstanding values of the river corridor are not acceptable.

## **FOREST SERVICE HANDBOOK**

### **FSH 1909.12, Chapter 8.12**

"1. To the extent the Forest Service is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the identified river cannot be modified."

"3. Management and development of the identified river and its corridor cannot be modified to the degree that eligibility or classification would be affected..."

### **FSH 1909.12, Chapter 8.2**

#### **"1. Standards for Wild Rivers...**

d. Flood Control: No flood control dams, levees, or other works are allowed in the channel or river corridor. The natural appearance and essentially primitive character of the river areas must be maintained...

i. Structures: ...New structures would not be allowed except in rare instances to achieve management objectives (i.e. structures and activities associated with fisheries enhancement programs could be allowed.)"

#### **"2. Standards for Scenic Rivers...**

i. Structures: ...New structures that would have a direct and adverse effect on river values would not be allowed."

#### **"3. Standards for Recreational Rivers...**

i. Structures: ...New structures are allowed for both habitation and for intensive recreation use."

## LEGAL OPINION

A May 1979 memorandum to the Chief from Clarence W. Brizee (Deputy Director, Forestry Natural Resources Division; USDA, OGC) provides the following interpretation, which is consistent with our current understanding:

"With regard to water resources projects, the Wild and Scenic Rivers Act is not a blanket ban or absolute prohibition... The only activity absolutely prohibited by Section 7 is the licensing of dams and other project works by the Federal Energy Regulatory Commission under the Federal Power Act within the boundaries of a designated or study river. Other federally assisted water resources projects may be permitted. Thus, rather than being characterized by absolute prohibitions, the Act embodies a flexible approach. Section 7 establishes a procedure for making a specific determination with respect to each proposed water resources project."

Mr. Brizee continues: "The evolution of Section 7 demonstrates that Congress did not intend that the Act automatically ban all developments and uses on or near a (study or designated) river. To the contrary, the legislation was specifically amended in order to provide a procedure via Section 7 for review of proposed water resources projects on a case-by-case basis."

Deputy Director Brizee further states, "even though water resources projects will be reviewed on a case-by-case basis, the Act is strict as to what is allowable. This Department and the Department of the Interior have defined "water resources project" in a broad context. That is, a water resources project is any type of construction which would result in any change in the free-flowing characteristics of a particular river... This concept of water resources projects has been applied to dredge and fill permits under Section 404 of the Clean Water Act, construction of levees, removal of navigational hazards, construction of nuclear power plants, and other such diverse projects."

This memorandum also offers an interpretation of the "direct and adverse effect standard":

"The Department of Agriculture interpreted the "direct and adverse effect" standard, and the "unreasonably diminish" standard in the context of a Section 7 determination for a nuclear power project on the banks of the Skagit W&SR. The discussion in that determination indicates that a flexible approach is possible.

With regard to projects inside the designated boundary, there is no definition provided by the Act or legislative history as to what constitutes such a "direct and adverse" effect. We do not construe this section as a ban on all projects which might be built on a river proposed or designated as a component of the System. Rather, the Act contemplates that each proposed project be considered on its own merits. In making this determination, we consider the values of the river as they now exist; a "direct and adverse" effect is one which will result in marked diminutions of the values enumerated in Section 1(b) of the Act. Also relevant to the consideration of the project's impacts is the degree to



which it blends in or is otherwise compatible with the natural qualities of the river, whether there may be a diminution in the air and water quality, and the effects on animals and vegetation. The duration of the impact is another important consideration; long lasting or permanent impacts must be viewed more strictly than temporary or short term impacts."

## **CONGRESSIONAL DIRECTION**

The most recent Congressional direction on management of wild and scenic rivers is associated with the Michigan Scenic Rivers Act of 1991 (H.R. 476) dated November 23, 1991. The Senate Committee on Energy and Natural Resources report on the Michigan Scenic Rivers Act states:

"The Committee is aware of the concern expressed by some parties of the potential effect that designation of certain rivers as components of the Wild and Scenic Rivers System may have on ongoing stream restoration and improvement projects in the State of Michigan. The Committee notes the importance of these projects in restoring damaged riparian areas and improving water quality and aquatic habitat. In the Committee's view, such projects are not inconsistent with Wild and Scenic River designation, and in fact similar projects have been successfully completed on Wild and Scenic River segments throughout the nation. The Committee directs the Forest Service to develop a consistent and coordinated policy permitting the implementation of such projects within Wild and Scenic River segments in order to avoid unnecessary concern and confusion."

In similar fashion, the House Committee on Interior and Insular Affairs report on the Michigan Scenic Rivers Act states:

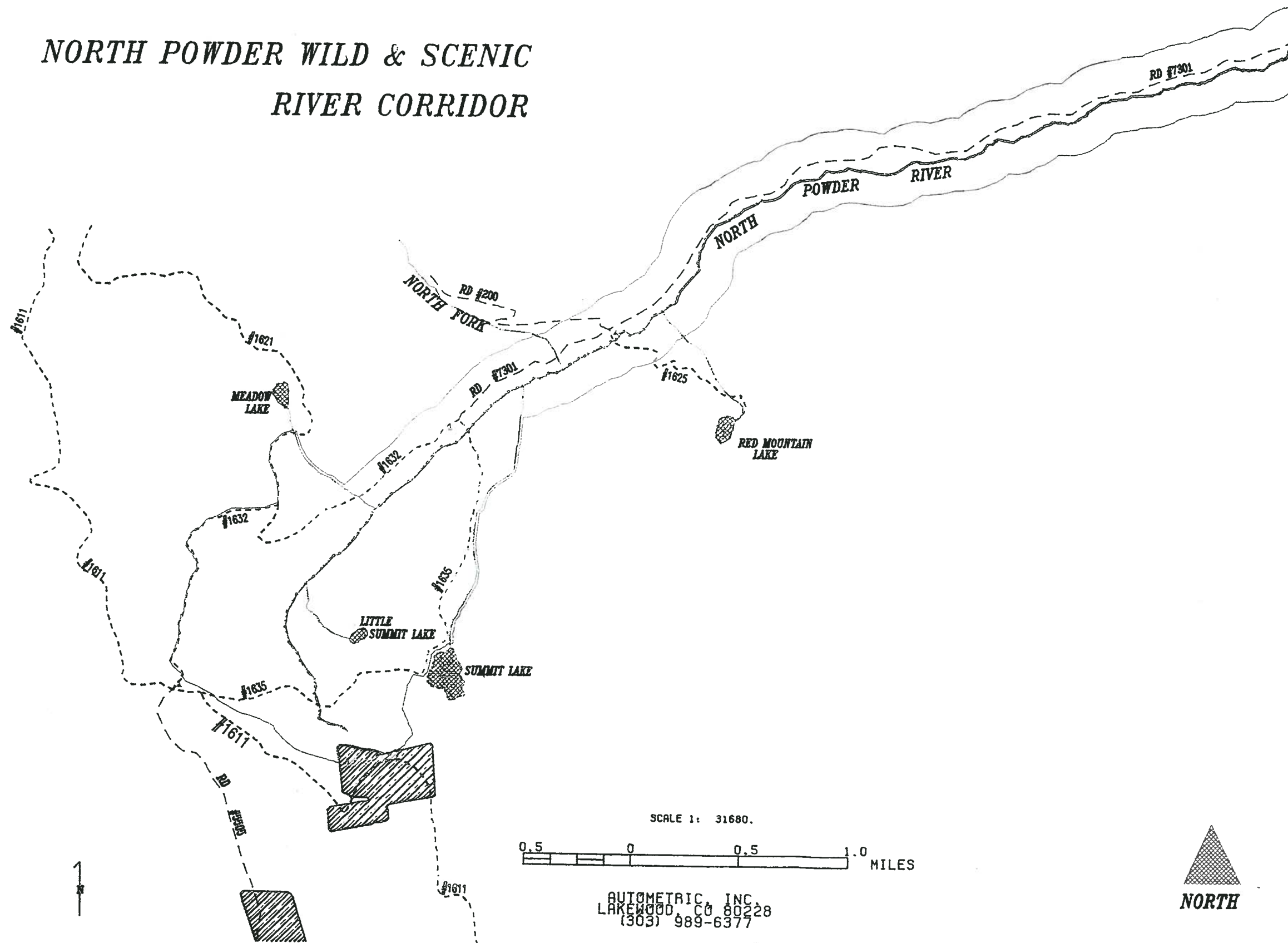
"The committee has provided flexibility with regards to sea lamprey control in order that appropriate management actions can be taken consistent with the requirements of law. In keeping with sound management practices for wild and scenic rivers, the Committee believes there is appropriate flexibility in law to provide for fish and wildlife habitat and water quality improvement in a manner that will protect the values for which a river segment was designated. Some of the finest fisheries in the country are found on rivers designated as part of the National Wild and Scenic Rivers System. The Committee recognizes the importance of the fisheries on the Michigan rivers designated by this Act and is supportive of efforts to correct significant water quality, aquatic habitat or other ecological degradation caused by past human activity. The Wild and Scenic Rivers Act permits structural and non-structural techniques of fish restoration to be used as long as such activities do not have an adverse impact on the values for which such rivers are designated. Such activities consistent with this standard are occurring on wild and scenic rivers across the country. As provided for by law, the Secretary will cooperate with the state on these matters."



## Appendix E

---

# NORTH POWDER WILD & SCENIC RIVER CORRIDOR



## MAP LEGEND

- RIVERS
- - - WILD & SCENIC RIVER CORRIDOR BOUNDARY
- ▨ PRIVATE PROPERTY
- - - 4WD ROADS
- - - TRAILS
- TRAILHEAD

SCALE 1: 31680.



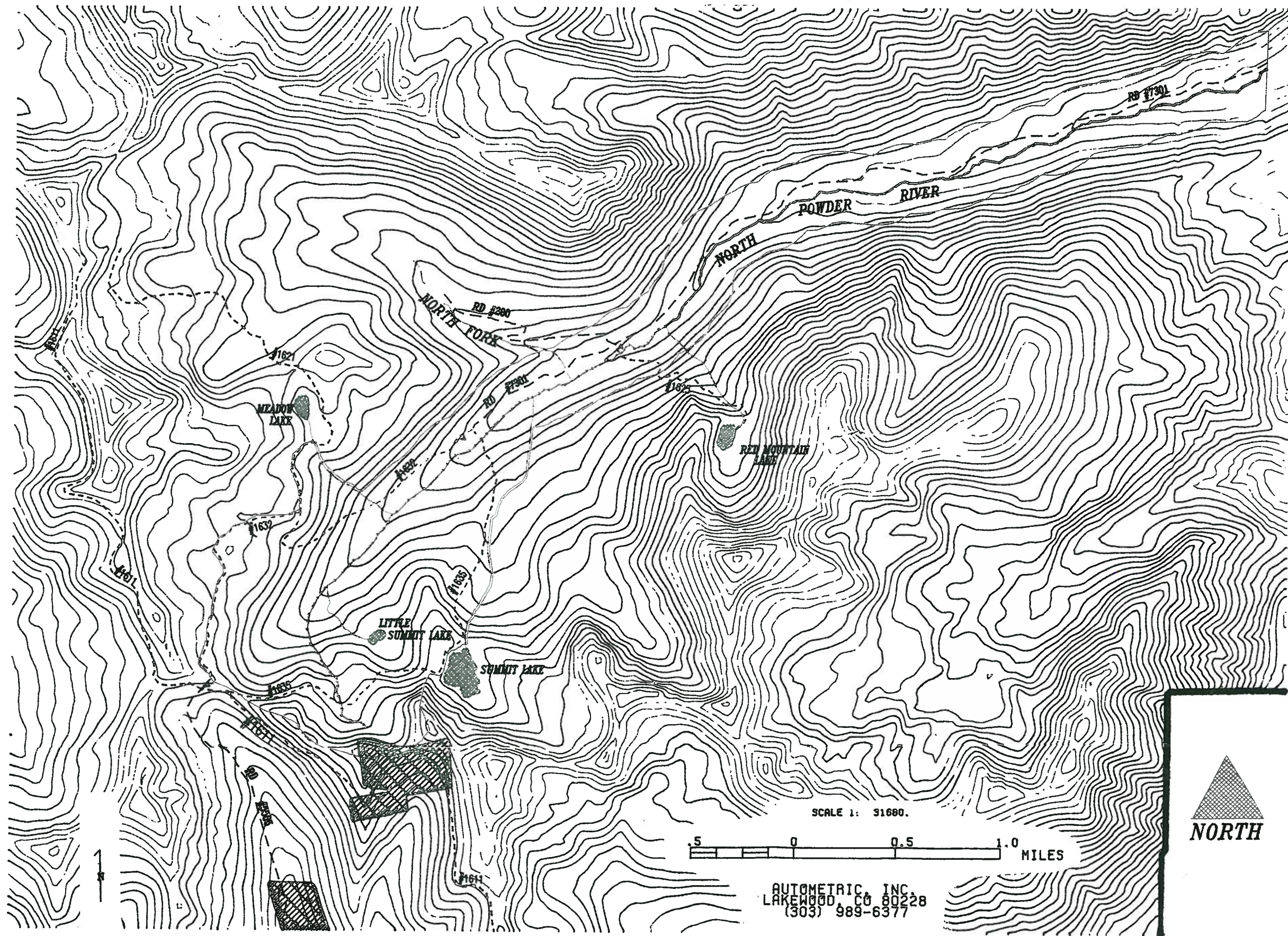
AUTOMETRIC, INC.  
LAKEWOOD, CO 80228  
(303) 989-6377





# NORTH POWDER WILD & SCENIC RIVER CORRIDOR

## MAP LEGEND



- RIVERS
- - - - WILD & SCENIC RIVER CORRIDOR BOUNDARY
- ▨ PRIVATE PROPERTY
- - - - 4WD ROADS
- - - - TRAILS
- ▲ TRAILHEAD
- CONTOUR INTERVAL = 100 FT

SCALE 1: 31600.  
0 0.5 1.0 MILES



AUTOMETRIC, INC  
LAKEWOOD, CO 80228  
(303) 989-6377



## **Appendix F**

---



## GLOSSARY OF ACRONYMS AND TERMS

- Alternative** - A Comprehensive management strategy; when a federal agency is considering an action, NEPA requires the agency to develop and analyze a range of reasonable alternatives, including a "no action" or "no change" alternative. The alternatives must respond to the issues, and must show a reasonable range of actions.
- Anadromous Fish** - Those species of fish that mature in the sea and migrate into streams to spawn. Salmon and steelhead are examples.
- Biodiversity** - The relative abundance and variety of species, both plant and animal, in a given area.
- Biological evaluation** - A specific process required as part of an environmental assessment that evaluates the potential effects of a proposed project on Proposed, Endangered, Threatened, and Sensitive species and their habitats.
- Clearcutting** - The cutting method that describes the silviculture system in which the old crop is cleared over a considerable area at one time. Regeneration then occurs from (a) natural seeding from adjacent stands, (b) seed contained in the slash or logging debris, (c) advance growth, or (d) planting or direct seeding. An even-aged forest usually results.
- Code of Federal Regulations (CFR)** - A codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.
- Council on Environmental Quality (CEQ)** - An advisory council to the President established by the National Environmental Policy Act of 1969. It reviews federal programs for their effect on the environment, conducts environmental studies, and advises the President on environmental matters. (Abstracted from the National Environmental Policy Act of 1969, as Amended.)
- Cultural resource** - The remains of sites, structures, or objects used by humans in the past-historic or prehistoric.
- Cumulative effects or impacts** - Cumulative effect or impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. (40 CFR 1508.7 - these regulations use effects and impacts synonymously.)
- Decision notice** - The written record of the decision made after a federal agency completes an environmental assessment. The decision notice chooses one of the alternatives, or a blend of the alternatives, and may be appealed by the public. The Forest Service combines the decision notice with the FONSI (Finding of No Significant Impact) required by NEPA.

**Designated corridor** - Both the wild and scenic corridor and the scenic waterway, including all areas that are part of either designation.

**Developed recreation** - Recreation that requires facilities that, in turn, result in concentrated use of an area. Examples of developed recreation areas are campgrounds and ski areas; facilities in these areas might include roads, parking lots, picnic tables, toilets, drinking water, ski lifts, and buildings.

**Dispersed recreation** - A general term referring to recreation use outside developed recreation sites; this includes activities such as scenic driving, hiking, backpacking, hunting, fishing, snowmobiling, horseback riding, cross-country skiing, and recreation in primitive environments.

**Diversity** - The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.

**Easements** - An interest in real property that conveys use, but not ownership, of a portion of an owner's property.

**Endangered species** - Any species of animal or plant that is in danger of extinction throughout all or a significant portion of its range. Plant or animal species identified by the Secretary of the Interior as endangered in accordance with the 1973 Endangered Species Act.

**Environmental Analysis** - A comprehensive evaluation of alternative actions and their predictable short- and long-term environmental effects, which include physical, biological, economic, social, and environmental design factors and their interactions.

**Environmental Assessment** - The concise public document required by the regulations for implementing the procedural requirements of the National Environmental Policy Act. (40 CFR 1508.9,2)

**Floodplain** - Relatively flat surfaces adjacent to active stream or river channels, formed by deposition of sediments during major floods; may be covered by water during floods:

**100-year floodplain** - That area that would be covered by water during the 100-year flood event.

**Historic floodplain** - The relatively flat area adjacent to an active stream that has been formed by depositions of river sediment, an area larger than the 100-year floodplain.

**Forest Programmatic Memorandum of Agreement (PMOA)** - An agreement between the Forest Service and State Historic Preservation Office defining management guidelines for cultural resources.

**Foreground** - A term used in visual management to describe the portions of a view between the observer and up to 1/4 to 1/2 mile distant.

**Forest Plan** - See Wallowa-Whitman National Forest Land and Resource Management Plan.

**Forest Service Handbook (FSH)** - For Forest Service use, directives that provide detailed instructions on how to proceed with a specialized phase of a program or activity.

**Forest Service Manual (FSM)** - A system of manuals which provides direction for Forest Service activities.

**Habitat** - The area where a plant or animal lives and grows under natural conditions. Habitat consists of living and non-living attributes, and provides all requirements for food and shelter.

**Hells Canyon Comprehensive Management Plan (CMP)** - The management plan that guides the management of the Hells Canyon National Recreation Area. This plan was a requirement of the Act creating the Hells Canyon National Recreation Area.

**Historic sites** - Site associated with the history, tradition, or cultural heritage of national, state, or local interest, and of enough significance to merit preservation or restoration.

**Interdisciplinary Team (ID Team)** - A group of individuals with different training assembled to solve a problem or perform a task. The team is assembled out of recognition that no one scientific discipline is sufficiently broad to adequately solve the problem.

**Irretrievable** - Applies to losses of production, harvest, or commitment of renewable natural resources. For example, some or all of the timber production from an area is irretrievably lost during the time an area is used as a winter sports site. If the use is changed, timber production can be resumed. The production lost is irretrievable, but the action is not irreversible.

**Irreversible** - Applies primarily to the use of non-renewable resources, such as minerals or cultural resources, or to those factors that are renewable only over long time spans, such as soil productivity. Irreversible also includes loss of future options.

**Key Issues** - The ID Team identifies and eliminates from detailed study the issues which are not significant or which have been covered by prior environmental review. The remaining issues are covered through the analysis. These issues are the key issues.

**Management plan** - A plan guiding overall management of an area administered by a federal or state agency; plan usually includes objectives, goals, standards and guidelines, management actions, and monitoring plans.

**Middleground** - A term used in visual management to describe the portions of a view extending from the foreground zone out to 3 to 5 miles from the observer.

**Mitigation** - Mitigation includes: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or elimination the impact over time by preservation and maintenance operations during the life of the action; and, (e) compensating for the impact by replacing or providing substitute resources or environments. (40 CFR Part 1508.20)

**National Environmental Policy Act (NEPA) of 1969** - An act to declare a National policy which will encourage productive and enjoyable harmony between humankind and the environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, to enrich the understanding of the ecological systems and natural resources important to the Nation, and to establish a Council on Environmental Quality. (The Principal Laws Relating to Forest Service Activities, Agriculture Handbook No. 453, USDA, Forest Service 359 pp.)

**National Forest Management Act (NFMA)** - A law passed in 1976 as an amendment to the Forest and Rangeland Renewable Resources Planning Act, requiring the preparation of Regional Guides and Forest Plans and the preparation of regulations to guide that development.

**Outstandingly remarkable values (OR values)** - Term used in the National Wild and Scenic Rivers Act of 1968; to qualify as outstandingly remarkable, a resource value must be a unique, rare, or exemplary feature that is significant at a regional or national level.

**PETS** - Proposed, endangered, threatened, or sensitive species.

**Prehistoric site** - An area which contains important evidence and remains of the life and activities of early societies which did not record their history.

**Private land use regulations (PLUR's)** - The Act that created the Hells Canyon National Recreation Area (NRA) required the Secretary of Agriculture to promulgate regulations for private lands within the NRA. These regulations are referred to as the Private Land Use Regulations.

**Public involvement** - A Forest Service process designed to broaden the information base upon which agency decisions are made by (1) informing the public about Forest Service activities, plan, and decisions, and (2) encouraging public understanding about and participation in the planning processes which lead to final decision making.

**Recreation Opportunity Spectrum (ROS)** - A framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The settings, activities, and opportunities for obtaining experiences have been arranged along a continuum of spectrum divided into seven classes: Primitive, Semiprimitive Nonmotorized, Semiprimitive Motorized, Roaded Modified, Roaded Natural, Rural Urban.

1. **Primitive** - Area is characterized by an essentially unmodified natural environment of fairly large size. Interaction between users is very low and evidence of other users is minimal. The area is managed to be essentially free from evidence of human-induced restrictions and controls. Motorized use within the area is not permitted.
2. **Semiprimitive Nonmotorized** - Area is characterized by a predominately natural or natural appearing environment of moderate to large size. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but would be subtle. Motorized recreation use is not permitted, but local roads used for other resource management activities may be present on a limited basis. Use of such roads is restricted to minimize impacts on recreation experience opportunities.
3. **Semiprimitive Motorized** - Area is characterized by a predominately natural or natural-appearing environment of moderate to large size. Concentration of users is low but there is often evidence of other users. The area is managed in such a way with minimum on-site controls and restrictions. Use of local primitive or collector roads with predominately natural surfaces and trails suitable for motor bikes is permitted.
4. **Roaded Natural** - Area is characterized by predominately natural-appearing environments with moderate evidence of the sights and sounds of man. Such evidence usually harmonizes with the natural environment. Interaction between users may be moderate to high, with evidence of other users prevalent. Resource modification and utilization practices are evident, but harmo-



nize with the natural environment. Conventional motorized use is allowed and incorporated into construction standards and design of facilities.

5. **Roaded Modified** - Area is characterized by substantially modified natural environment. Resource modification and utilization practices are to enhance specific recreation activities and to maintain vegetative cover and soil. Sights and sounds of humans are readily evident. Substantially modified natural environment where roads, landings, slash, and debris may be strongly dominate from within, yet remain subordinate from distant sensitive roads and high-ways.

**Rehabilitation** - Action taken to restore, protect, or enhance site productivity, water quality, or other resource values over a period of time.

**Resident fish** - Fish species that complete their entire life cycle in freshwater; non-anadromous fish; an example is rainbow trout.

**Resource assessment** - An evaluation of the resources and values associated with a wild and scenic river and the river corridor; the evaluation determined the level of significance of river-related values.

**Retention** - See Visual quality objective.

**Riparian** - Pertaining to areas of land directly influenced by water or influencing water. Riparian areas usually have visible vegetative or physical characteristics reflecting this water influence. Stream sides, lake borders, or marshes are typical riparian areas.

**River Corridor** - Land adjacent to the Wild and Scenic River, managed along with the river to maintain and/or enhance the ORVs of the river. Corridor boundaries are delineated by the geography and the ORVs encompassing not more than 320 acres per river mile.

**Roadless area** - Acres studied during the Roadless Area Review and Evaluation process (RARE II) which are roadless and at least 5,000 acres in size.

**Salvage cuttings** - Intermediate cuttings made to remove trees that are dead or in imminent danger of being killed by injurious agents.

**Scenic easements** - Scenic easement means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic river system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for the purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6 (b).

**Scoping process** - A part of the National Environmental Policy Act (NEPA process; early and open activities used to determine the scope and significance of the issues, and the range of actions, alternatives, and impacts to be considered in an Environmental Impact Statement. (40 CFR 1501.7)

**Sedimentation** - A process where material carried in suspension by water flows into streams and rivers, increasing turbidity and eventually settling to the bottom.

**Sensitive species** - Plant or animal species which are susceptible or vulnerable to activity impacts or habitat alternations. Those species that have appeared in the Federal Register as proposed for classification or are under consideration for official listing as endangered or threatened species, that are on an official State list, or that are recognized by the Regional Forester as needing special management to prevent placement on Federal or State lists.

**Sensitivity level** - A measure of people's concern for the scenic quality of the National Forests. Three sensitivity levels are employed, each identifying a different level of user concern for the visual environment.

**Level 1** - Highest sensitivity

**Level 2** - Average sensitivity

**Level 3** - Lowest sensitivity

**Snag** - A standing dead tree.

**Special attributes** - Term used in planning for State Scenic Waterways; to qualify as a special attribute, a resource value must be a unique, rare, or exemplary feature that is significant at a regional or national level.

**Standards and guidelines** - Bounds or constraints within which all practices in a given area will be carried out, in achieving the goals and objectives for that area. Standards and guidelines provide environmental safeguards and also state constraints prescribed by law.

**Stream class** - Classification of streams based on the present and foreseeable uses made of the water, and the potential effects of on-site changes on downstream uses. Four classes are defined:

**Class I** - Perennial or intermittent streams that: provide a source of water for domestic use; are used by large numbers of anadromous fish or significant sports fish for spawning, rearing, or migration; and/or are major tributaries to other Class I streams.

**Class II** - Perennial or intermittent streams that: are used by fish for spawning, rearing, or migration; and/or may be tributaries to Class I streams or other Class II streams.

**Class III** - All other perennial streams not meeting higher class criteria.

**Class IV** - All other intermittent streams not meeting higher class criteria.

**Terminus** - The beginning or ending point; in this case, the beginning or ending point of a legally designated corridor, such as the Wild and Scenic.

**Threatened species** - Those plant or animal species likely to become endangered species throughout all or a significant portion of their range within the foreseeable future. (See also Endangered species.)

**Traditional Values/Lifestyle Adaptation** - See Appendix C - Resource Assessment.

**Unregulated Harvest** - Harvest on lands in LRMP management areas which do not schedule timber

harvest on a regular sustainable basis.

**Viewshed** - Portion of the Forest that is seen from a major travel route, or high use location.

**Visual Quality Objective (VQO)** - Categories of acceptable landscape alteration measured in degrees of deviation from the natural-appearing landscape.

**Preservation (P)** - Ecological changes only.

**Retention (R)** - Management activities should not be evident to the casual Forest Visitor.

**Partial Retention (PR)** - Management activities remain visually subordinate to the characteristic landscape.

**Modification (M)** - Management activities may dominate the characteristic landscape but must, at the same time, follow naturally established form, line, color, and texture. It should appear as a natural occurrence when viewed in foreground or middleground.

**Maximum Modification (MM)** - Human activity may dominate the characteristic landscape, but should appear as a natural occurrence when viewed as background.

**Enhancement** - A short-term management alternative which is done with the express purpose of increasing positive visual variety where little variety now exists.

**Visual resource** - The composite of basic terrain, geologic features, water features, vegetative patterns, and land use effects that typify a land unit and influence the visual appeal the unit may have for visitors.

**Watershed** - The entire land area that contributes water to a drainage system or stream. Also used to describe 33 watersheds used for Forest level planning and analysis, averaging 55,000 acres.

**Wetlands** - Areas that are inundated by surface or ground water often enough to support, and usually do support, primarily plants and animals that require saturated or seasonally saturated soil conditions for growth and reproduction.

**Wild and Scenic River** - Those rivers or sections of rivers designated as such by Congressional action under the 1968 Wild and Scenic Rivers Act, as supplemented and amended, or those sections of rivers designated as wild, scenic, or recreational by an act of the legislature of the state or states through which they flow. Wild and scenic rivers may be classified and administered under one or more of the following categories:

1. **Wild River Areas** - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.
2. **Scenic River Areas** - Those rivers or sections of rivers that are free of impoundments, with watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

3. **Recreational River Areas** - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.