

United States
Department of
Agriculture

Forest Service

Umatilla National
Forest and
Wallowa-Whitman
National Forest

June 1993



Environmental Assessment for the

North Fork of the John Day

Wild and Scenic River Management Plan



DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

ENVIRONMENTAL ASSESSMENT FOR THE
NORTH FORK JOHN DAY WILD AND SCENIC RIVER
MANAGEMENT PLAN

Forest Plan Amendment

USDA Forest Service
Umatilla and
Wallowa-Whitman National Forests
North Fork John Day Ranger District and
Baker Ranger District

Wallowa, Union, and Grant Counties, Oregon

This Decision Notice and Finding of No Significant Impact (FONSI) documents the Forest Service decision to implement a management plan for the North Fork John Day Wild and Scenic River on the Umatilla and Wallowa-Whitman National Forests. The process and analysis for arriving at the decision is described in the Environmental Assessment (EA) supporting the management plan development.

The EA analyzes alternatives for managing the River in accordance with the Wild and Scenic Rivers Act (1968) and the Omnibus Oregon Wild and Scenic Rivers Act (1988). The information in the Decision Notice summarizes the decision, analysis results disclosed in the EA, and documents rationale for the decision. The selected alternative amends the Umatilla National Forest Plan and the Wallowa-Whitman National Forest Plan.

The Environmental Assessment (EA) for the North Fork John Day Wild and Scenic River Management Plan is available for public review at the Umatilla National Forest Supervisor's Office in Pendleton, Oregon, and the Wallowa-Whitman National Forest Supervisor's Office in Baker City, Oregon.

DECISION

As Forest Supervisors for the Umatilla and Wallowa-Whitman National Forests, our decision is to implement Alternative D of the EA with modifications for the North Fork John Day Wild and Scenic River Management Plan. The alternative and adjustments provides a management plan for the North Fork John Day Wild and Scenic River that is consistent with the basic requirements of protecting the free flowing conditions and water quality and protecting and enhancing the identified outstandingly remarkable (OR) values.

Alternative D with modifications gives special emphasis to manage, at a high level, the Water Quality/Fisheries "outstandingly remarkable" (OR) value without adversely impacting other OR values. As modified, this alternative provides for continuation of existing recreation opportunities and experiences coordinated with the Fish/Water values. Alternative D provides the following:

- A management plan for managing the North Fork John Day Wild and Scenic River that addresses resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purpose of the Wild and Scenic Rivers Act.
- Coordination requirements with appropriate state and Federal agencies, Indian tribes, and affected landowners.
- Modifies the Management Area (MA) boundary for Umatilla's MA-A7 and Wallowa-Whitman's MA-7 surrounding the North Fork John Day River.

EA MODIFICATION

Our decision includes the following modifications to the EA (and corresponding changes to the Management Plan):

- * EA p. III-23, Alternative D - Goal, second paragraph -

Substitute the following for existing wording -

The traditional recreation opportunities will be maintained. Only a few selected recreation sites will have substantial facilities. Maximum development levels are identified for each river classification under Recreation.

- * EA p. III-28, Alternative D - Descriptions by Key Issues - Recreation, item a.

Add a new a-1

Management actions for limiting and/or distributing use will be based on scientific principles such as those described in the Limits of Acceptable Change concept described by Stankey, et al., in "The Limits of Acceptable Change (LAC) System for Wilderness Planning" (General Technical Report INT-176).

- * EA p. III-28, Recreation b-1

Clarify the intent by adding "and evaluate" after the word monitor (edit out word "and" between inventory and monitor) and substitute the following for the second sentence:

In instances of conflict between OR values, management actions will emphasize indirect actions, mitigation, and corrective measures prior to resorting to site closure or displacement of users.

- * EA p. III-28, Recreation b-2

Add Dredge camp to listed campgrounds to be upgraded.

Revise wording in the third sentence to read:

"With exception of listed sites, campgrounds would not generally be developed . . ." Variance from these standards are made for the North Fork John Day River, Dredge Camp, and Woods Camp to allow development at one level higher than the standard.

- * EA p. III-35, Management Requirements, Constraints and Mitigation Measures - Item 12 - Conflict Resolution

Move Recreation to priority 2 and slide Wildlife, Historic, and Scenic down to 3 through 5.

FOREST PLAN AMENDMENTS

Our decision is to recommend the new boundary to the Regional Forester as the final boundary for the North Fork John Day Wild and Scenic River corridor in accordance with the Wild and Scenic Rivers Act. Changes were made including the following changes to the Umatilla Forest Plan (Forest Plan Amendment #6) to further clarify the management objectives for the North Fork John Day Wild and Scenic River.

On page 4-121 under the heading "Description", delete the words:

2. North Fork John Day River: Approximately 38.7 river miles and a one-quarter mile corridor on each side. Total area amounts to 10,514 acres of National Forest System lands, 712 acres in private ownership, and 77 acres of state lands.

Segment 1	Trail Creek to Big Creek. Designation - Wild
Segment 2	Big Creek to Texas Bar Creek. Designation - Scenic
Segment 3	Texas Bar Creek to Umatilla National Forest Boundary. Designation - Recreational

and replace with the following:

2. **North Fork John Day River: Approximately 38.7 river miles** within the Umatilla National Forest boundary and 4.4 miles outside the boundary will be administered under the Umatilla Forest Plan. Total area of designated Wild and Scenic River administered by the Forest amounts to approximately 6,780 acres. The Wild and Scenic River totals 54.1 miles; the remaining river miles and area would be administered under the Wallowa-Whitman Forest Plan.
 - Segment A. Administered entirely by the Wallowa-Whitman - from its headwaters in the North Fork John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork John Day Wilderness boundary, approximately 3.5 miles. Designated - Wild.
 - Segment B. 0.6 river miles administered by the Umatilla and remainder by the Wallowa-Whitman NF. From the North Fork John Day Wilderness boundary to Trail Creek, approximately 7.5 miles. Designated - Recreational.
 - Segment C. All Umatilla NF - from Trail Creek to Big Creek, approximately 24.3 miles. Designated - Wild.
 - Segment D. All Umatilla NF - from Big Creek to Texas Bar, approximately 10.5 miles. Designated - Scenic.
 - Segment E. All Umatilla NF - from Texas Bar to its confluence with Camas Creek, approximately 8.3 miles. Designated - Recreational. (Umatilla NF 3.9 miles, Forest boundary to Camas Creek 4.4 miles non-National Forest)

On page 4-122 in the heading "GENERAL" and after the paragraph "Upon completion and approval of Wild and Scenic Rivers management plans, the Forest Plan will be amended to incorporate them." add a new heading: **North Fork John Day Wild and Scenic River.** Followed by **"The North Fork John Day Wild and Scenic River, within National Forest Lands, will be managed according to the North Fork John Day Wild and Scenic River Management Plan (July 1993) on file at Forest Headquarters."**

Our decision also includes the following changes to the Wallowa-Whitman Forest Plan, Forest Plan Amendment 8, to further clarify the management of the North Fork John Day Wild and Scenic River.

On page 4-75 after item "24." add a new heading: **"25. North Fork John Day Wild and Scenic River."** Followed by **"The North Fork John Day Wild and Scenic River, within National Forest Lands, will be managed according to the North Fork John Day Wild and Scenic River Management Plan (July 1993) on file at the Forest Headquarters."**

MONITORING

The management plan includes monitoring in accordance with the existing monitoring plan outlined in the Wallowa-Whitman Forest Plan. This includes the monitoring for standards and guidelines which were developed to protect and enhance the OR values of free flow and water quality. Since the Umatilla Forest Plan does not have a specific monitoring element for Wild and Scenic rivers, the Umatilla will incorporate the monitoring direction from the Region 6 Monitoring and Evaluation Guide for Wild and Scenic Rivers (Monitoring Items II-A1&2, pg. 66-69).

Emphasis will be placed on monitoring compliance and changes in free flowing conditions, OR values, and water quality and compliance with direction in the application of the management activities. A monitoring program for water quality was identified within the management plan.

SCOPING AND PUBLIC INVOLVEMENT

The public has been involved throughout the process. Initially, 12 public meetings were held to discuss issues and concerns. Later, additional meetings were held to review the alternatives, draft EA, and discuss concerns with interested publics. Letters were also sent to acquire additional information from public and private landowners and to inform the public on the development and progress of the management plan.

ISSUES

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

- Recreation - Determination of appropriate type and level of recreational opportunities within the corridor.
- Water Quality/Fisheries - Protection and enhancement of population and habitat of the wild runs of chinook salmon, steelhead, and resident redband/rainbow trout, and bull trout.

Management of each of the Outstandingly Remarkable Values were also addressed as issues. The Outstandingly Remarkable Values are Scenic, Recreation, Wildlife, Fisheries, and Historic/Prehistoric.

ALTERNATIVES

Three other alternatives were considered before selecting Alternative D.

- Alternative A (No Action) consisted of managing the river corridor under interim direction described in the Forest Plan and included a boundary of a quarter mile either side of the river. Alternative A provided limited direction for managing the Outstandingly Remarkable Values (OR values) and coordination with private landowners.
- Alternative B gave special emphasis to the management of the Recreation and Scenic OR values. This alternative addressed opportunities to increase developed recreation and included strategies to encourage visitor use over time. The recreation setting would move towards the more developed end of the Roaded Natural scale; primitive and semi-primitive opportunities would be maintained in wilderness.
- Alternative C gave special emphasis to the management of the Fisheries, Wildlife, Scenic, and Historic/Prehistoric OR values, with the primary focus on water quality and fish. This alternative would emphasize management for the highest level of water quality and fish OR values, without adversely impacting other OR values. The recreational setting would continue to be at the more rustic end of the Roaded Natural scale and primitive opportunities in wilderness. While user capacity would not be exceeded in any alternative, it would be more limited for this alternative than for Alternatives B or D.

RATIONALE FOR THE DECISION

In our view, the identified issues and OR values of fish habitat/water quality and recreation opportunities and experiences are key to management of the North Fork John Day Wild and Scenic River. Both values have weighed heavily in the current and future management of National Forest lands within the North Fork John Day basin. We are sensitive to use of the river by native anadromous fisheries, concerns related to their management and potential listing of bull trout. Fish habitat may be influenced by activities and projects proposed in the river corridor. We are also sensitive to public concerns about maintaining/providing the variety of recreation opportunities along the river.

Alternative D as modified, in our judgement, provides the best mix of management emphasis, resources (values) and appropriate levels of activities to effectively manage each key value while maintaining the other

OR values. The alternative supports our objectives for improving anadromous fish habitat and increasing fish production from the river. Activities are designed to protect water quality. The alternative and modifications also provides the flexibility to keep recreation opportunities "in the picture." Dispersed sites are modified and retained or replacements identified if there are "problems" and recreational mining opportunities are provided under appropriate controls. While recreation use is currently less than capacity, Alternative D, with modifications provides opportunity for some current developed site upgrades and hardening. We prefer the approach in Alternative D with modifications for managing the site specific situations rather than eliminating recreation opportunities (as described in other alternatives).

The other alternatives place an emphasis on one OR value, but have a higher risk of not protecting and enhancing others. Alternative D with modifications provides for the protection of the Fisheries OR value and recreation, while protecting other OR values.

Several modifications were made to Alternative D (shown in the EA) to strengthen the overall management and provide additional clarification and consistency. The recreation direction was modified to clarify our management intent, provide additional management direction where needed, and add specific direction for site development and closure.

Action alternatives were developed which changed the timber designation to non-scheduled harvest. This was deemed appropriate to reduce potential conflicts with identified OR values. For river segments D and E, a limited amount of harvestable timber exists. This area contributes less than 600 mbf toward Umatilla NF annual sale quantity (Forest Plan FEIS - Appendix G). Since, most of this timber is south of the river, limited existing road access makes it marginally economical to harvest. The standards and guidelines allow timber harvest if appropriate to enhance scenic values or assure ecosystem health while providing protection of water quality.

Achieving agreed upon approaches to management of the values on the entire river is a concern of ours. The Plan provides adequate direction in working with private landowners to achieve the intent of the laws. Coordination with state agencies, Indian Tribes, and other interests is stressed in the Plan. We prefer to use these approaches in management of the corridor and values to resolve problems in a mutually satisfactory manner.

Implementation of Alternative D with modifications enables the Umatilla and Wallowa-Whitman National Forests to progress toward our goals of restoring and protecting forest ecosystem health while responding to societies desires for continued recreational enjoyment of the river.

SPECIFICALLY REQUIRED DISCLOSURES

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

Short-term uses are not proposed in the project. Promoting long-term health and productivity of the Forest's ecosystems is an objective of the river management plan.

No irreversible or irretrievable losses from implementing Alternative D have been identified that are not already described in the Final EIS for each of the Forest Plans.

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

There are no specific projects planned within wetlands or floodplains that can be implemented under this decision without further analysis and a separate Decision Notice issued addressing wetland or floodplains.

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 Plans.

FINDING OF NO SIGNIFICANT IMPACT

Based on the site-specific environmental analysis documented in the Environmental Assessment, we have determined that the Wild and Scenic North Fork John Day River Management Plan and Forest Plan Amendments 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 limited intensity. Our determination is based on the incorporation of mitigation measures and monitoring requirements associated with Alternative D and the following factors from Title 40 CFR 1508.27:

1. The beneficial and adverse environmental effects described in the EA for Alternative D were considered independently and cumulatively 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 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 as well as sensitive 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 effect on threatened, endangered, or sensitive species habitat. Over time, the plan is expected to have positive effects on threatened, endangered, and sensitive 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, TREATIES, AGREEMENTS

We have determined that this amendment is not significant under 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 goals, objectives, and management direction.

The lower portion of segment F along Highway 395 is mostly within the Bridge Creek Wildlife area, managed by Oregon Department of Fish and Wildlife (ODF&W). Management of this recreation portion of the river will be conducted by the state under guidance of the Oregon Scenic Waterway Act (OSWA). ODF&W has reviewed the recreation portion of this proposed Wild and Scenic River Plan and found it compatible with management direction of the OSWA.

Implementation of this Wild and Scenic River Management Plan for the North Fork John Day River is consistent with the Forest Service trust responsibilities for protection of treaty rights of the Confederated Tribes of the Umatilla and Warm Springs Reservations. Specifically, the emphasis of selected Alternative D will provide the best opportunity for protection and enhancement of fish habitat in and along the river. This decision further supports the Forest Service commitments to the tribes to improve fish populations as agreed to in the Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide, 1991.

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 and East Oregonian.

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 or the East Oregonian.

CONTACT FOR FURTHER INFORMATION

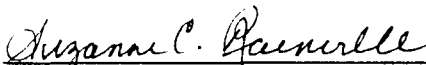
For further information regarding the North Fork John Day Wild and Scenic River Management Plan, contact Marty Gardner at the Wallowa-Whitman National Forest Supervisor's Office, P.O. Box 907, Baker City, Oregon 97814 or at (503) 523-6391.



JEFF D. BLACKWOOD
Forest Supervisor
Umatilla National Forest

9/7/93

Date


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

9/13/93

Date

**ENVIRONMENTAL ASSESSMENT
FOR THE NORTH FORK JOHN DAY
NATIONAL WILD AND SCENIC RIVER
MANAGEMENT PLAN**

**UMATILLA NATIONAL FOREST AND
WALLOWA-WHITMAN NATIONAL FOREST
NORTH FORK JOHN DAY RANGER DISTRICT AND
BAKER RANGER DISTRICT
GRANT COUNTY AND UMATILLA COUNTY, OREGON**

USDA FOREST SERVICE

Responsible Officials

**JEFF D. BLACKWOOD
FOREST SUPERVISOR
UMATILLA NATIONAL FOREST**

**R. M. RICHMOND
FOREST SUPERVISOR
WALLOWA-WHITMAN NATIONAL FOREST**

**ENVIRONMENTAL ASSESSMENT
FOR THE NORTH FORK JOHN DAY
NATIONAL WILD AND SCENIC RIVER
MANAGEMENT PLAN**

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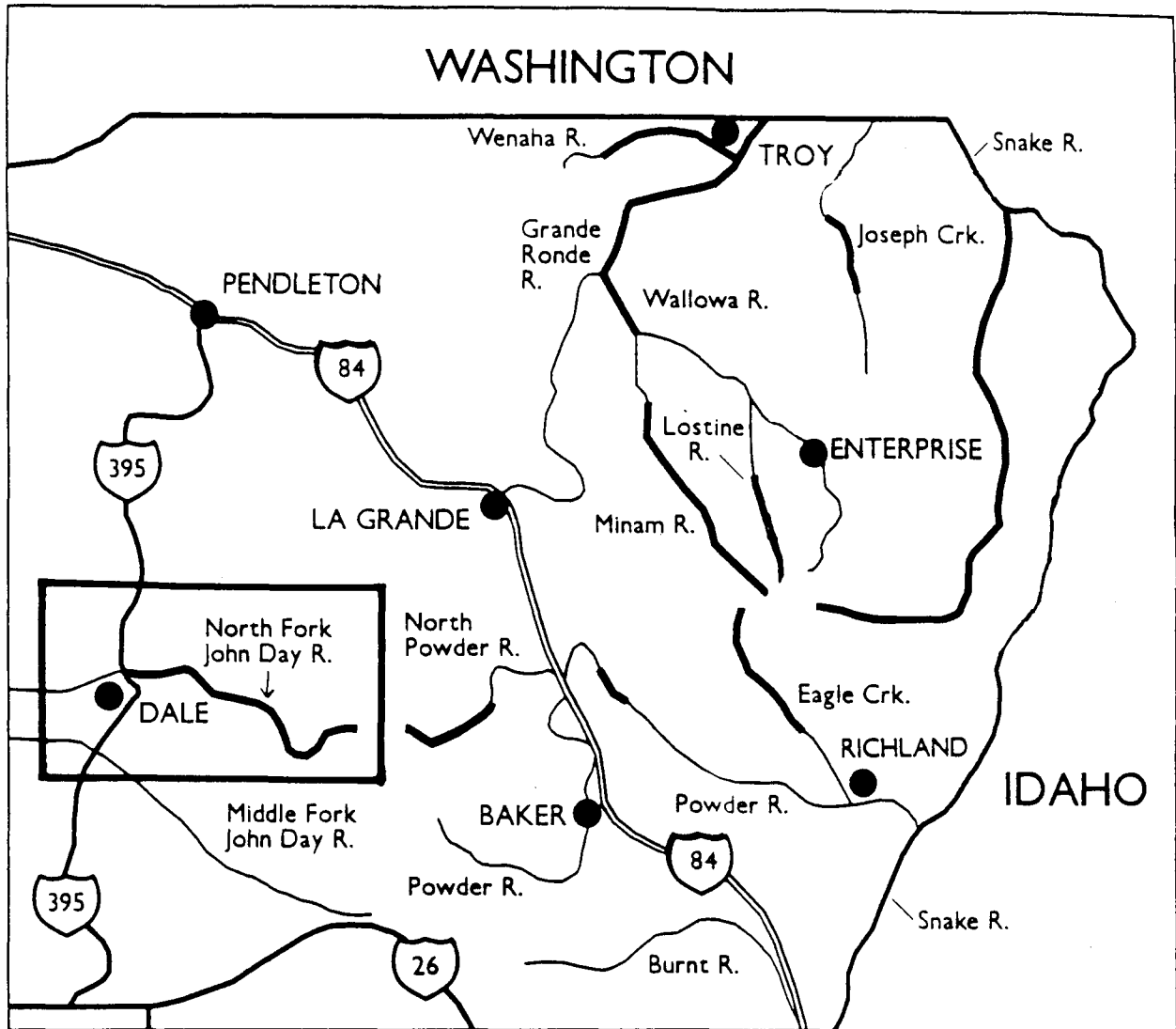
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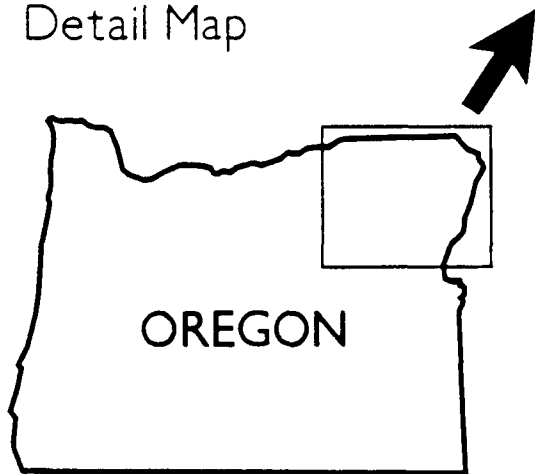
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North Fork John Day River



Detail Map



Location Map

Designated by the Omnibus Oregon Wild and Scenic Rivers Act of 1988

- River
- Wild and Scenic River Area
- Highway

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE — REGION SIX

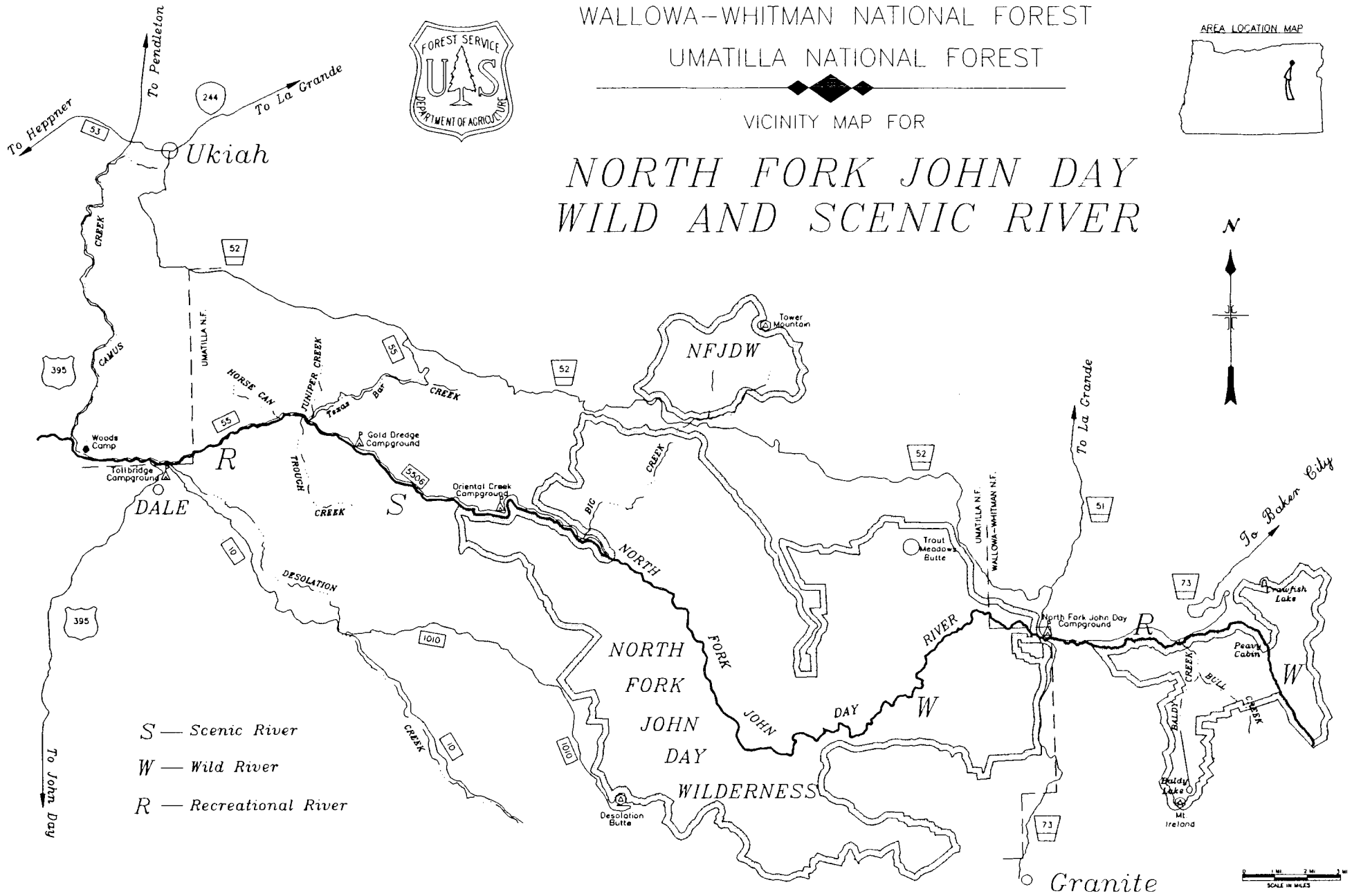
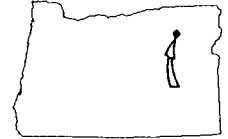
WALLOWA-WHITMAN NATIONAL FOREST
UMATILLA NATIONAL FOREST

VICINITY MAP FOR

*NORTH FORK JOHN DAY
WILD AND SCENIC RIVER*



AREA LOCATION MAP



Chapter I

Purpose and Need for Action



ENVIRONMENTAL ASSESSMENT

NORTH FORK JOHN DAY WILD AND SCENIC RIVER

CHAPTER I. PURPOSE OF AND NEED FOR ACTION

A. Introduction

The North Fork John Day River is located in Northeast Oregon on both the Umatilla and Wallowa-Whitman National Forests, starting in the North Fork John Day Wilderness (Section 13, T.8S., R.36E., W.M.) and flowing north and then west to its confluence with Camas Creek (Section 33, T.6S., R.31E., W.M.). The lower portion of the river can be accessed from the town of Ukiah by heading south on Highway 395. The upper portion can be accessed from Baker City by heading north on Highway 30 to County Road 1146 and then to Forest Road 73 until it reaches the North Fork John Day River. The section of the river designated by Congress as a Wild and Scenic River is approximately 54 miles long.

The North Fork John Day River from the North Fork John Day Wilderness boundary to a point near Monument, Oregon is also designated as an Oregon State Scenic Waterway.

The North Fork John Day River was designated a Wild and Scenic River by the Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Public Law 100-557, 102 Stat. 2782) as an amendment to the Wild and Scenic Rivers Act of 1968 (Public Law 90-542, 82 Stat. 907) (Appendix B).

This legislation declared a policy that selected rivers of the United States which:

"...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 North Fork John Day River is free-flowing and has outstanding remarkable values (OR values), as documented in the Resource Assessment (Ap-

pendix C), which include scenery, recreation, fish, wildlife, and historic/prehistoric values.

The Act defines three classifications for a Wild and Scenic River, based on the degree of development and access. The classifications are:

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.

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.

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 impoundments or diversion in the past.

The North Fork John Day River is classified as follows (Also see Appendix E):

Segment A. (WILD) - The 3.5 mile segment from its headwaters in the North Fork John Day Wilderness at Section 13, Township 8 South, Range 36 East, to the North Fork John Day Wilderness boundary.

Segment B. (RECREATIONAL) - The 7.5 mile segment from the North Fork John Day Wilderness boundary to Trail Creek.

Segment C. (WILD) - The 24.3 mile segment from Trail Creek to Big Creek.

Segment D. (SCENIC) - The 10.5 mile segment from Big Creek to Texas Bar.

Segment E. (RECREATIONAL) - The 8.3 mile segment from Texas Bar to its confluence with Camas Creek.

The Wild and Scenic Rivers Act gives direction to the administering agency, in this case the USDA Forest Service, to prepare a comprehensive management plan to provide protection of the river values.

The river and river corridor are managed according to both the Umatilla National Forest Land and Resource Management Plan (Umatilla Forest Plan) and the Wallowa-Whitman National Forest Land and Resource Management Plan (Wallowa-Whitman Forest Plan) and their Environmental Impact Statements. The interim direction for this river is under Management Area A7 (Umatilla Forest Plan) and Management Area 7 (Wallowa-Whitman Forest Plan).

Two segments of the North Fork John Day River corridor involve two sections of the North Fork John Day Wilderness, Management Area B1 (Umatilla Forest Plan) and Management Area 4 (Wallowa-Whitman Forest Plan). Conflicts between the Wild and Scenic Rivers Act and Wilderness Act will be resolved by the more restrictive provisions.

This Environmental Assessment is the basis for the River Management Plan. It gives information about the planning process used and the environmental analysis done by the Interdisciplinary Team (ID Team). This document describes alternative methods for managing the river, as well as describing the environmental effects of each alternative.

The results of this analysis and any subsequent decision including the management plan will result in an amendment to the Forest Plan.

B. Proposed Action

The proposed action is the development of a management plan for the North Fork John Day Wild and Scenic River. The plan will address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purpose of the Wild and Scenic Rivers Act. The plan is to be developed by the Forest Service. The availability of the plan will

be published in the Federal Register. The plan will be in effect until it is revised or amended through the Umatilla or Wallowa-Whitman Forest planning process.

The proposed action also includes establishing the final river corridor boundary.

C. Purpose Of and Need For Action

The purpose of this analysis is to follow the direction of the Wild and Scenic Rivers Act, which requires the Forest Service to develop a comprehensive management plan for this river. Section 3 (d)(1) of the Wild and Scenic Rivers Act of 1968 states:

"... The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purpose 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 interested publics within three full fiscal years after the date of designation. Notice of the completion and availability of such plan shall be published in the Federal Register."

The development of this management plan is through a process established by the National Environmental Policy Act (NEPA). The North Fork John Day River Management Plan will guide the management of the North Fork John Day River. Once the plan is developed it will be incorporated into the Umatilla and Wallowa-Whitman Forest Plans by a Forest Plan amendment. Revisions to the river management plan after it becomes a part of the Forest Plan will be through the Umatilla or Wallowa-Whitman National Forest planning process as directed by the National Forest Management Act (NFMA) and NEPA.

D. Decision Needed

Based on this analysis, specific decisions need to be made by the Forest Service to implement the Wild and Scenic Rivers Act and complete a management plan. Specific decisions to be made are:

- Determine how to implement the basic requirements of the Act, which include protection of the OR values, water quality, the free-flowing condition, and the river's aesthetic, scenic, historic, archeologic, and scientific features (Section 1(b), 3(d), and 10(a) of the Wild and Scenic Rivers Act).
- Determine the degree in which to protect, enhance and/or develop the OR values identified in the Resource Assessment. These "... shall be protected for the benefit and enjoyment of present and future generations" (Section 1(b) and 10(a) of the Wild and Scenic Rivers Act).
- Determine the development of lands, facilities, user capacities, and/or compatibility with other management practices necessary or desirable to achieve the purpose of the Act (Section 3 of the Wild and Scenic Rivers Act).
- Determine the priority between OR values when they cannot be implemented equally (Section 3 of the Wild and Scenic Rivers Act).
- Determine the boundary of the river corridor (Section 3 of the Wild and Scenic Rivers Act).
- Determine guides for cooperating with private landowners and other agencies to protect and enhance the OR values. (Section 11 of the Wild and Scenic Rivers Act.)

The Regional Forester has the authority to approve the management plan and detailed boundary location (FSM 2354.04e). The Regional Forester has delegated the approval of management plans to the Forest Supervisors if they "...result in a nonsignificant change to the Forest Plan" (Letter to FSM 1920/1950/2350 dated June 21, 1991).

The Chief of the Forest Service has the responsibility to "transmit detailed boundary description, river segment classifications, management and development plans for wild and scenic rivers to the President of the Senate, to the Speaker of the House of

Representatives, and to the Federal Register" (FSM 2354.04a).

The Wild and Scenic Rivers Act states that boundaries must 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.

These decisions will be documented in a Decision Notice, which is separate from the Environmental Assessment. The decisions will be based on the alternatives developed and the results of this analysis.

E. Issues and Outstandingly Remarkable Values

KEY ISSUES

The following is a description of how the Key Issues were identified.

NEPA defines issues as "... unresolved conflicts regarding alternative uses of available resources." Issues can also be defined as subjects of public interest relating to resource management. The Interdisciplinary Team (ID Team) identified issues after conducting a scoping process.

This scoping process included public meetings; correspondence with a variety of interests groups, organizations, and individuals; contacts with Federal, State, County, and Tribal governments; and consultation with specialists both within and outside the Forest Service. Scoping was continued throughout the analysis process.

Through this public involvement process a variety of issues were identified. The ID Team sorted through the issues to determine "which are not significant" (CEQ Regulation 1501.7(3)). The remaining issues have been identified as Key Issues.

Some of the non-key issues are addressed in this section under OTHER ISSUES and a more detailed list can be found in the analysis file.

The following are the Key Issues, identified by a narrative statement describing the situation and then quantified by an issue statement:

Recreation

A wide variety of recreation opportunities exist within and adjacent to the North Fork John Day River. The recreation includes, but is not limited to, camping, hiking, horseback riding, hunting, fishing, sightseeing, photography, gold panning, rafting, kayaking, and snowmobiling. These recreation activities are anticipated to increase over time. As use increases, conflicts can arise between users and resource values. Proper planning and development of these recreation opportunities is needed to minimize user conflicts and protect resource values.

The Issue is: What type and level of recreation opportunities will be appropriate within the corridor. Elements used to define this issue are as follows:

1. Where will dispersed camping be allowed?
2. What development level should developed camping be managed for?
3. What level should trailheads be managed for?
4. At what level should Wilderness trails be maintained?
5. At what level should non-Wilderness trails be maintained?
6. What are appropriate motorized uses?
7. What river access is desirable?
8. What interpretation/education is desirable?
9. What level of recreational mining is appropriate?
10. What guides should be developed for the fuelwood program?
11. What level of law enforcement is appropriate?
12. What facilities for the physically challenged are needed?

Water Quality/Fisheries

The North Fork John Day River supports several of the few remaining wild runs of chinook salmon and steelhead (migratory redband/rainbow) trout in the Columbia River Basin. Resident redband/rainbows and bull trout are also found in portions of the North Fork John Day

River. Redband/rainbow (both resident and anadromous forms) and bull trout are on the both the Regional Foresters and State of Oregon's Sensitive Species List. In addition, bull trout have recently been petitioned to the U.S. Fish and Wildlife Service for Federal listing under the Endangered Species Act. Protecting and enhancing the habitat and water quality is a key element to improving the populations of these species.

Activities such as mining, logging, road construction, and grazing have negatively impacted the fish habitat. These activities still exist within the river corridor. Good management practices, both within and adjacent to the river corridor, are needed to improve fish habitat. Enhancement projects need to be well thought out and designed to achieve the greatest benefit for the limited dollars available.

The Issue is: How to protect and enhance the population and habitat of the wild runs of chinook salmon, steelhead, resident redband/rainbow trout, and bull trout. Elements used to define this issue include the following:

1. Is hatchery supplementation appropriate?
2. What are appropriate fishing regulations?
3. What fish habitat improvements are needed?
4. What types and areas for riparian habitat improvements projects are needed?
5. What water quality guidelines are needed?

OTHER ISSUES

Other issues were identified but not considered Key Issues because they are adequately addressed by the Forest Plan, North Fork John Day Wilderness Plan, regulations, or law. Because all alternatives will follow the directions set by these documents they were not considered "Key."

The following is a list of some of these other issues and how they were resolved:

Old Growth - This was not determined to be a Key Issue because of the amount of Wilderness within and adjacent to the river corridor. Those areas of old growth that are important to the Wildlife OR value will be dealt with under the Wildlife OR value discussed in Chapter IV, Environmental Consequences - Effects of Implementation.

Any correlation between threatened and endangered species and old growth will be addressed under the Threatened and Endangered heading of the Wildlife OR value.

Roadless Areas - This was not considered a Key Issue because only a small portion of a roadless area (RARE II) is involved (the majority of the roadless area was designated wilderness). Of this remaining roadless area, nothing in any alternative is being proposed that would alter the roadless character. A roadless area is adjacent to the river corridor; however, this proposed action would have no impacts on it. Within the river corridor there are areas without roads that have a roadless character. It was determined that no activity is being planned that would negatively impact the roadless character of these areas.

Biodiversity (Diversity) - This was not considered a separate Key Issue because it is an important component of the Fisheries, Wildlife, and Vegetation OR values. The effects on diversity will be discussed in Chapter III, Effects of Alternatives under the section OTHER ISSUES.

Forest Health - This was not considered a Key Issue because of restrictions within existing laws (the Wilderness Act); the narrow area involved, which is composed mostly of riparian zones and buffers; the existing treatments that have already taken place; and the large portion of the corridor that is not forested. Areas with forest health concerns do exist within the river corridor. These will be dealt with under the Vegetation/Botanical OR value. The effects on forest health will be discussed in Chapter III, Effects of Alternatives under the section of OTHER ISSUES.

Private Lands - This was not considered a Key Issue because of the small amount of private

lands involved and the fact that most of the private lands are within the State "Scenic Waterway". The regulations developed by the State of Oregon for private land have been reviewed by the Forest Service. After reviewing these regulations they were determined adequate to protect OR values. Since the Forest Service cannot regulate private lands, the State's regulations will help assist in river management. The State regulations, in cooperation with the private landowner, will be used to manage the river through private lands. These regulations can be found in Appendix F of this document. They will apply to all alternatives.

Minerals - This was not considered a Key Issue because of the direction set in the Wild and Scenic Rivers Act and Mining Laws. These Acts provide direction for allowing mineral testing and extraction. The alternatives establishes guidelines for protecting Wild and Scenic River values for mineral operations, but they are the same for all alternatives.

Navigability - Under state law, the Division of State Lands (DSL) is responsible for the management of the beds and banks of navigable waterbodies (ORS 274.005-274.590). DSL is the administrative arm of the State Land Board (the 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. These assets include the beds and banks of Oregon's navigable waterways and are to be managed for the greatest benefit of the people of this state, consistent with the conservation of this resource under sound techniques of land management. Protection of public trust values of navigation, fisheries, and public recreation are of paramount importance, too.

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 Fork John Day River, from its confluence with Camas Creek (Rivermile 0) to its headwaters (Rivermile 54), has not been estab-

lished. Currently, the Federal government, State of Oregon, and private property owners claim 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 original Federal test for determining navigability was established in The Daniel Ball case over 100 years ago. This U.S. Supreme Court admiralty case clarified that rivers "are navigable in fact when they are used, or susceptible of being used, in their ordinary condition, as highways of commerce . . ." Interpreting this requirement, subsequent court decisions have adopted this test for title purposes and have ruled that a waterbody is navigable if it was capable of use, at the time of statehood, as a public highway for transporting goods or for travel in the customary modes of trade and travel on water.

The DSL has not made a determination concerning the navigability and state ownership for the beds and banks of this portion of the North Fork John Day River. The position of the Forest Service and Bureau of Land Management (BLM) is that the navigability of the river has not been established.

For purposes of managing the above portion of this river (where navigability has not been established), no special requirements will be pursued.

However, the DSL 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 waterways. The permit-review process involves coordination with the natural resource and land use agencies from the local through the Federal levels.

Nothing set forth herein shall limit the ability of the Forest Service and BLM to administer this segment of river.

As with any jointly managed resource, jurisdiction is not as important as care for the resource. The DSL, Forest Service, and BLM will continue

to work together to assure that the public trust interest and the purpose of the Wild and Scenic Rivers Act are met.

Oregon Scenic Waterway - The North Fork John Day River from the North Fork John Day Wilderness Boundary to River Mile 20.2 (Willamette Meridian) above Monument, Oregon is one of Oregon's Scenic Waterways. The federally designated portion of the North Fork John Day Wild and Scenic River that overlaps the Oregon Scenic Waterway designation is from the North Fork John Day Wilderness boundary to its confluence with Camas Creek (approximately 19 miles).

The management of the overlapping segment will be by both the State of Oregon and the Federal Government, each according to their authorities. The development of this EA and management plan is being accomplished with the cooperation of the State of Oregon. Implementation will continue with close cooperation between the two agencies.

Forest Service regulations require that the analysis evaluate the following issues:

- Consumers, civil rights, minority groups, and women,
- Prime farmlands, rangelands, and forest lands,
- Wetlands and floodplains,
- Threatened and endangered species, and
- Cultural resources.

These will be discussed in Chapter IV, Environmental Consequences-Effects of Implementation; under the section OTHER ISSUES.

OUTSTANDINGLY REMARKABLE VALUES (OR VALUES)

The Wild and Scenic Rivers Act requires that a river be free-flowing and possess one or more "outstandingly remarkable values." When the North Fork John Day River was designated Wild and Scenic in 1988, the Congressional Records indicated that Scenic, Geology, Cultural, Fisheries, and Wildlife values

qualified as outstandingly remarkable. Through the resource assessment process (a site specific assessment of the resource values on the river and part of the Region 6 river planning process) geology was determined not to be an OR value. All of the OR values are identified in detail in the Resource Assessment, completed in June of 1991 (Appendix C).

The OR values and the findings from the Resource Assessment follow:

Scenic

"Like other river drainages in the Elkhorn and Blue Mountains, the North Fork John Day River corridor possesses diversity in vegetation and topographic landform. Significant sections of the river had already been recognized through the 1984 Wilderness designation. The proposed Cougar Meadow Research Natural Area also encompasses a portion of the river drainage. The paved road which parallels part of the river was administratively designated a National Scenic Byway."

Recreation

"The quality and diversity of recreational opportunities available along the North Fork John Day River corridor makes it a popular area year-round for local visitors and those from outside the area."

Fisheries

The value of the *only* remaining genetically viable wild run of spring chinook salmon in the

entire Columbia River Basin is incalculable. Wild populations of bull trout and redband/rainbow are also extremely valuable as genetic conservation pools of their species. These facts easily qualify fisheries as an Outstandingly Remarkable Values.

Wildlife

"The importance of the habitat and its resulting wildlife species diversity qualifies this resource to be considered an outstandingly remarkable value. The expanse of designated Wilderness provides significant high quality habitat for species which require a large area for their survival."

Historic/Prehistoric

"Settlement of this part of the Elkhorn and Blue Mountains and surrounding valleys is tied to the gold mining activity which occurred in the North Fork John Day River corridor. It was the early settlers' pursuit of this ore which makes the area so rich in history."

These Key Issues and the outstandingly remarkable values (OR values) are the "drivers" of alternative development and provide a basis for the evaluation of the alternatives. Each alternative will address the issues and develop management strategies to protect and enhance the OR values.

Chapter II

Affected Environment



CHAPTER II. AFFECTED ENVIRONMENT

This narrative describes those portions of the physical or biological environment that may be affected by management activities proposed in the Wild and Scenic River corridor. Conditions stated represent those that existed at the time of designation or best approximation. It can generally be accepted that the conditions at time of designation are the current conditions today. The identified environmental qualities form a baseline for measuring changes and comparing alternatives.

A. Fisheries/Water Quality

Species Present and Current Status

Native salmonid species present in the NFJD include chinook salmon (Oncorhynchus tshawytscha), bull trout (Salvelinus confluentus), and redband/inland rainbow trout (Oncorhynchus mykiss gairdneri) - both non-migratory resident populations and the anadromous form known as steelhead. Introduced non-native species are hatchery rainbow trout (derived from coastal rainbow stocks Oncorhynchus mykiss irideus) and eastern brook trout (Salvelinus fontinalis).

Bull trout and redband/rainbow trout are on both the State of Oregon and the Regional Forester's Sensitive Species List. Bull trout have recently been petitioned to the U.S. Fish & Wildlife Service for federal listing as endangered under the Endangered Species Act. The NFJD spring chinook is listed as a stock of special concern by the American Fisheries Society. In addition, redband/rainbow trout are a management indicator species as designated in the Forest Plans for both the Umatilla and Wallowa-Whitman National Forest.

Sensitive Species

Bull Trout

Before 1978, the Dolly Varden (Salvelinus malma) was grouped into anadromous and interior forms. Cavender (1978) redescribed the interior form as a separate species Salvelinus confluentus, commonly known as the bull trout. Morphometric, meristic and osteological characteristics were used to differentiate the bull trout from the Dolly Varden. Consis-

tency between these features was found throughout each species' geographic range. Although bull trout were called Dolly Varden for many years in Oregon prior to their reclassification, the southern limit of the Dolly Varden's distribution is actually in Washington state in the Chehalis River drainage. Dolly Varden are predominately anadromous and have never been recorded in Oregon coastal streams. Although similar in appearance to the bull trout, S. malma may be more closely related to the arctic char (Salvelinus alpinus) (Cavendar 1984).

Historically, the bull trout was found in most major river systems in the Pacific Northwest. However, most populations outside of wilderness areas have shown accelerated declines in distribution and abundance in the last 30 years. In fact, many populations have been extirpated. An explanation for this decline may be related to the special habitat requirements of spawning adults and rearing juveniles. Bull trout, unlike most other salmonid species, require nearly pristine stream habitat and water quality in order to maintain viable populations. Maximum high water temperatures that they will tolerate are believed to be around 64°F but they prefer water that is much cooler.

Spawning adults require clean gravel with low levels of fine sediments and deep pools for overwintering. Rearing juveniles require habitat with clean, cool water, abundant woody debris, and are often found around overhanging stream banks and debris jams.

Bull trout are predominately bottom dwellers, preferring clean gravel or cobble substrate. They are aggressive by nature and highly piscivorous in their feeding habits, characteristics that make them vulnerable to sport angling pressure since they are easily caught.

Bull trout can be divided into several life history types, based mainly on migration characteristics and size. Non-migratory resident populations live in smaller headwater streams and tributaries during their entire life cycle. These isolated stocks mature at an early age, reach a maximum size of 8 to 12", and have low fecundity. Migratory populations spawn in the smaller headwater streams and then

return downstream to larger rivers (most common) or lakes. Their offspring generally rear for 2-3 years close to where they were spawned, then migrate downstream to live in a larger river or lake until they reach sexual maturity. They then join the yearly upstream spawning migration in late August, September, and October, thus completing the cycle. The fish in these migratory populations commonly reach sizes in the 5 to 15 lb. range.

Historically, bull trout inhabited most of the North Fork John Day River and its tributaries (Oregon Department of Fish & Wildlife Reports 1949-1979). Surveys were conducted in 1990 by the ODF&W for sensitive species in portions of the John Day River basin. Bull trout were found to exist as small populations in isolated sections of the North Fork John Day River and some of its tributaries. Most of these relict populations are apparently of the resident non-migratory life history type. However, there are still scattered reports of the larger migratory types being seen in the upper North Fork during the spawning period. From this we could speculate that these fish are surviving due to the water quality and habitat available in the downstream wilderness section of the river on the Umatilla National Forest.

Bull trout are rated as at moderate to high risk of extinction throughout the North Fork John Day River drainage (Ratliff and Howell, 1992). Mining, logging, road building, and livestock grazing are the activities that have seriously degraded water quality and fish habitat. Comprehensive surveys are needed in the analysis area to determine the presence, distribution, and life history type of the remaining populations of bull trout.

Redband/Inland Rainbow Trout

All native trout belonging to the rainbow trout complex (*Oncorhynchus mykiss* sp.) that are found east of the Cascade Mountains, are assumed to be of the redband/rainbow variety (*Oncorhynchus mykiss gairdneri*). These fish can be generally differentiated from coastal rainbow (*O. mykiss irideus*) on the basis of morphologic and meristic characters, and by electrophoretic genetic analysis. However, hybridization and gene flow between interior redband and coastal rainbow trout probably occurred during and after the last glacial epoch some 30,000 years ago (Behnke 1992).

Both resident non-migratory redband/rainbow trout and its anadromous (ocean going) form known as steelhead are found in the NFJD drainage.

Little is known about the specific life history characteristics of resident populations of redband/rainbow in the NFJD drainage. In general, they are spring spawners and often ascend smaller tributaries to spawn. Fish sampling by the ODF&W in the upper North Fork John Day drainage has found that an average of about 15% of the redband/rainbow population are resident/non-anadromous fish, with the other 85% being rearing steelhead juveniles (personal communication, Errol Claire, 1993).

Habitat affects all life history stages of redband trout, including spawning, incubation, rearing, and upstream and downstream migration. Habitats range from high-gradient headwater streams to low-gradient meandering streams, to larger streams like the North Fork John Day below Trail Creek. Redband/rainbow can tolerate a wider range of environmental conditions than bull trout. Some populations have adapted to surviving in intermittent streams with high summer maximum water temperatures in excess of 78°F and low dissolved oxygen levels. In general, however, temperatures of 54-64°F could be considered optimal for growth and production.

As with most other stream salmonids, the presence of large woody debris is an essential part of good habitat. Large woody debris traps spawning gravel and helps to form pools. Pools with large woody debris provide excellent cover for rearing juveniles as well as a nutrient source for aquatic insects, which are often the main food source for fish. Pool habitat is a critical part of redband/rainbow habitat. The fish biomass in a stream is often proportional to the quantity of pool habitat. Deeper pools are better and the presence of large woody debris and overhanging riparian vegetation greatly increases the value of pool habitat.

Clean gravel for spawning is necessary for optimum redband/rainbow populations. If there is too much embeddedness (silt load high enough to "cement" gravel together), it becomes difficult for the fish to create a redd (spawning depression) as they can't loosen and dig the gravel out with their tail. The percent of siltation or surface fines (particles smaller than 2 mm) is also critical to spawning success. Egg and alevin (sac fry) survival is inversely related to the

percent of silt in the gravel. Large amounts of silt prevent oxygen flow and eggs or alevins suffocate. Heavy siltation may also prevent emergence of alevins from the gravel.

Redband/rainbow are generally found throughout the North Fork John Day drainage in those areas where water quality and habitat is sufficient to allow their survival. The only exception to tying redband/rainbow distribution to water quality may be in the very headwaters of the upper North Fork (above North Fork Meadows) and Baldy Creek, in the wilderness area. Fish sampling by the ODF&W in this area has determined that salmonid fish present are almost entirely bull trout, with an odd eastern brook trout that drops down out of Baldy Lake (personal communication, Errol Claire, ODF&W, 1993).

The anadromous form of redband/rainbow are called steelhead. All redband steelhead (Columbia River basin populations east of the Cascades) are summer-run fish except for Fifteenmile Creek near The Dalles. The Fifteenmile fish are winter-run fish and are more closely related to coastal rainbow, apparently from being near the Cascades eastside/westside interface (Behnke 1992).

Summer steelhead in the North Fork John Day River are a pure wild stock with no hatchery influence (personal communication, Errol Claire, ODF&W, 1993). Therefore, they are an extremely valuable genetic resource as almost all other steelhead populations in the mid-Columbia River Basin are hatchery influenced and thus genetically diluted.

Historically, the North Fork John Day River and most of its larger tributaries have been used by steelhead for spawning and rearing habitat. Because of a number of consecutive drought years (through 1992), some of the traditional tributaries were not used by steelhead due to extremely low flows that limited their access. Annual steelhead spawning index counts have been done by the ODF&W since 1959 in the John Day River basin. The ODF&W management goal is 8.6 redds/mile for the basin. For 1989, '90, and '91, the redds/mile were 3.2, 4.0, and 2.4, respectively. For 1992, the redds/mile increased somewhat to 5.7, which was a slight improvement of 4% above the most recent 5-year average of 5.5 redds/mile, but still 34% below the steelhead spawning escapement goal of 8.6 redds/mile.

Adult steelhead enter the John Day River in mid-summer and reach the North Fork and upper tributaries in late summer and early fall. They overwinter and then spawn in the spring, during higher flows and cool stream temperatures. After emerging from the gravel, the juveniles rear for an average of two years, then migrate to the ocean in the spring of their second year. The majority of these fish spend two years in the ocean before migrating back to the John Day River system as adults.

Stock of Special Concern

Spring chinook salmon in the North Fork John Day drainage are listed as a stock of special concern by the American Fisheries Society. These fish are thought to be the only remaining genetically viable (greater than 300 returning adults) population of wild spring chinook in the entire Columbia River Basin. The South Fork Salmon River in Idaho, and the Wenaha River and Lostine River in Oregon have some wild spring chinook still returning, but are termed relict populations because of their low numbers. All other rivers that support spring chinook salmon in the Columbia drainage thus have some degree of hatchery influence in the gene pool.

The North Fork John Day stock is also considered to be invaluable by researchers and biologists, in that these fish only have to pass three mainstem Columbia River dams (Bonneville, The Dalles, and John Day) before entering the totally free-flowing John Day River. As such, they are used as a comparison of relative mortality at dams (for both returning adults and downstream outmigrant smolts) with those spring chinook stocks that must survive seven or eight dams between the ocean and some of the Snake River tributaries.

There are several federally mandated plans that involve the John Day River spring chinook salmon. The Northwest Power Planning Council's (NWPPC) Columbia River Basin Fish and Wildlife Program calls for long-term planning for salmon and steelhead production. Specifically, the Council has directed the region's fish and wildlife agencies, and Indian tribes to develop a systemwide plan consisting of 31 integrated subbasin plans for major river drainages in the Columbia Basin. The John Day River is one of these 31 major subbasins. The main goal of this planning process is to develop options

or strategies for doubling salmon and steelhead production in the Columbia River.

The Salmon Summit Agreement was signed by the Regional Foresters for Regions 1, 4, and 6. It directs those Forests with anadromous fish in the Columbia Basin to list water diversions, mining activities, and grazing allotments that are located in anadromous drainages. It also directs the Forests to list possible land acquisitions that could be made which would ultimately improve fish habitat and water quality through proper management.

The Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide was signed by the Regional Foresters for Regions 1, 4, and 6. While the fish and wildlife agencies for Oregon, Washington, and Idaho, along with the Columbia River tribes have primary responsibility for management of anadromous fish populations, the Forest Service has primary responsibility for management of fish habitat on National Forest Lands. It is the policy of Regions 1, 4, and 6 to fully support and participate in the achievement of Columbia basin anadromous fish restoration goals. The Policy Implementation Guidelines are premised on a landscape ecology view of fish habitat management, specifically, that natural production of fish habitat is directly influenced by the condition and function of watersheds, particularly the riparian portion of a watershed. Riparian areas play a key role in defining the quality of water, fish, and selected wildlife and plant resources. For this reason, the value of riparian areas is greatly disproportionate to the percentage of land base they occupy. In recognition of this importance, the Forest Service has afforded riparian-dependent resources preferential management over other resources in cases of conflict (FSM 2526).

The North Fork John Day River annually attracts about 70% of the distribution of the distribution of adult spring chinook in the John Day basin. Adult fish reach resting pools in the upper North Fork, Granite Creek, and Clear Creek in late June and spawn in late August and early September. The juveniles spend a year or so in the stream, then migrate to the ocean as smolts in the spring.

Until 1992, all areas in the John Day subbasin, except the North Fork Wilderness, have had steady decreases in spawning index counts since the higher counts of 1986 and 1987. The Granite Creek

system on the upper North Fork has had the most significant reductions, while the North Fork Wilderness has had relatively good returns. Average redd density for spring chinook index areas increased in 1992 to 13.2 redds per mile for the John Day basin overall. The overall North Fork average increased from 6.4 redds/mile in 1991 to 18.8 redds/mile in 1992, with the North Fork Wilderness count the highest ever, at 28.1 redds/mile.

Watershed

In 1986 Pfankuch's "Stream Reach Inventory and Channel Reach Evaluation" was conducted by the Umatilla National Forest for their portion of the North Fork John Day River outside of wilderness. The results indicate the riparian habitat is in fair condition. Surface shading is poor to fair for this section of the river with an average of 26.86% shade. Mass wasting of the upper banks and cutting of the lower banks is a reoccurring problem in this area. Woody debris is essentially absent from the channel area. The average gradient is 1% and the average summer low flow during the survey was 111.08 cfs. Pool rating is poor to fair due to the depth and the lack of cover. No migration barriers were observed. Salmon smolts and adult chinook salmon were observed throughout this area. Chinook salmon were observed making redds. (The complete stream inventory for this area is located at the North Fork John Day Ranger District, Ukiah, Oregon.)

A Hankin and Reeves Stream Inventory was conducted in 1991 on the entire Wild & Scenic portion of the North Fork John Day River by the Wallowa-Whitman National Forest.

Results from the inventory indicate a good riparian area, inadequate stream shade, and a poor percentage of pools available as fish habitat. Pool habitat is 5% of the total stream area with an average pool depth of 3.60 feet. The percent of pool/riffle/glide for the entire river is 5/75/16 with 4% inside channels. The average sinuosity is 1.0, and average gradient is 2.05%. The stream substrate is primarily cobble and gravel. The stream shade is fair (20-39%), and the effective hiding cover averaged 2.7%. Over 50% (53.9%) of the stream banks were stable with grass-forbs as the dominant riparian cover. Hiding cover is provided by substrate (50%) and depth >1m. (19%), turbulence/woody debris (11%) and aquatic vegetation (8%).

Stream Temperatures

From 1982-87 stream temperature data was collected from the lower portion of the North Fork John Day River, near Otter Creek and Turner Basin. From 1982-84 temperatures did not exceed 68 degrees Fahrenheit. In 1985, 16 days were recorded with temperatures exceeding 68 degrees between July 12 and July 28. In 1986, one day exceeded 68 degrees, and in 1987 there were 19 such days recorded throughout the summer. These temperatures exceed ideal habitat conditions for steelhead, spring chinook and bull trout. Temperatures above 68 degrees exceed State of Oregon Water Quality Standards and favor non-game fish. Presently the North Fork does not produce water over 68 degree for long periods of time, mainly because of the contribution still available from cold water tributaries. (Stream temperature data from this area is located at North Fork John Day Ranger District, Ukiah, Oregon.)

Water temperatures were monitored this summer on the Wallowa-Whitman portion of the North Fork John Day River. Temperatures were monitored in two places: above the North Fork Campground and near Peavy Cabin. Average maximum temperatures above the campground were 61 degrees F., with a high of 72 degrees F. on August 17, 1992. Average maximum temperature near Peavy Cabin was 57 degrees F., with a high of 62 degrees F. on August 17, 1992. (Stream temperature data from this area is summarized in the 1992 Stream Temperature Report at the Baker Ranger District, Baker City, Oregon.)

Water Condition

The 1988 Oregon Statewide Assessment of Non-point Sources of Water Pollution describes and assesses over 70 miles of the North Fork John Day River as one segment, not specifically identifying any one area. The assessment states that the North Fork John Day River has a pollution problem. Turbidity and erosion are listed as a moderate problem. DEQ states that fish and aesthetics have both been impacted. The probable causes, listed as disturbances, are: surface erosion, changes in flow pattern and timing, elimination of thermal cover, traffic and a decline in the alluvial water table. Alterations listed were water withdrawal, channelization and wetland drainage.

Riparian Habitat

The riparian habitat area for the North Fork John Day River has been historically used for mining, cattle grazing, road building, recreation and timber harvest. Historical mining has left eroding stockpiles, eroded banks, reduced bank stability and a reduction of riparian shrubs. Cattle grazing has been eliminated from the drainage but reduced riparian hardwoods are still evident. Roads are a significant source of sediment delivered to streams. In the North Fork John Day watershed, open road densities in most areas outside the Wilderness are not currently meeting Wallowa-Whitman National Forest Standards and Guidelines (equal or less than 1.5 miles/ sq. mile). A significant number of roads are maintained in an open status to accommodate mineral claim activity. The use of these roads continue to impact water by adding sediments. Recreational camping and vehicle parking occurs in the immediate floodplain, sometimes within a few feet of the river. This causes bank erosion and sediment production into the river.

The timber stands of the North Fork John Day basin are currently in various states of decline due to insect infestation. Trees have been affected by the spruce budworm, Douglas-fir bark beetle, tussock moth, and mountain pine beetle. The insect infestation has affected the fir species almost exclusively. Many of the infested trees are located within the special fish management area (an area identified in a Congressional report and identified in the Forest Plan), which is currently deficient in large wood and shading.

MANAGEMENT DIRECTION AND DESIRED FUTURE CONDITION

Land allocations for the analysis area designated by the Umatilla National Forest Land and Resource Management Plan (LRMP) are described as Management Areas. The Management Areas for the North Fork John Day River are A-7, Wild & Scenic Rivers, and B-1, Wilderness. Land allocations designated by the Wallowa-Whitman National Forest Land and Resource Management Plan (LRMP) are Management Area 7, Wild and Scenic River and Management Area 4, Wilderness.

The Umatilla National Forest Wild and Scenic Management Area (A-7)

Each component of the Wild and Scenic River System will be administered to protect and enhance the values for which the rivers were classified and to provide public use and enjoyment of those values. Emphasis will be given to protecting the outstandingly remarkable values for which the river was designated. Anadromous fisheries, wildlife, aesthetic, scenic, historic, archeologic, scientific and other features will be protected. Approved management plans will establish detailed corridor boundaries and specify management activities, land acquisition, easements, and other information necessary to protect each segment of the rivers.

Management area A-7 standards and guidelines for wildlife and fish are:

Wildlife and fish habitat improvement, development, and maintenance projects are permitted, provided Wild and Scenic Rivers objectives are met. Dead and down tree habitat will be managed to provide 80 percent of the potential population level for all primary cavity excavators.

Management area A-7 standards and guidelines for water and soil are:

All dams, diversions, levees, and hydroelectric power facilities are prohibited within the management area.

Management area A-7 standards and guidelines for minerals are:

Subject to valid existing rights, minerals that constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a Wild river are withdrawn from appropriation. On other river sections, through analysis and consideration of all public values, including minerals values, rivers may be recommended for withdrawal from mineral entry where appropriate and necessary.

Umatilla National Forest Wilderness Management Area (B-1)

Management area B-1 standards and guidelines for fish and wildlife are:

Wildlife viewing, hunting, and fishing are appropriate uses of Wilderness. Wildlife and fish habitat management will be permitted where they conform to the management of the wilderness resource. Re-establishment of indigenous species is permitted, subject to environmental assessments and Regional Forester approval.

Management area B-1 standards and guidelines for water and soil are:

Protect full natural flow of streams within the Wilderness, except for valid water rights existing at the time of classification. Water developments may be authorized by the President where such developments are deemed necessary. Meet Forest-wide Standards and Guidelines for soil and water.

Management area B-1 standards and guidelines for minerals are:

The wilderness is closed to mineral entry and mineral leasing, subject to valid existing rights. Occupancy, structures and use of motorized and mechanized equipment related to mining activities are permitted to the extent allowed by law and regulations. Every reasonable effort should be made through the Operating Plan to minimize their effect on the wilderness resource, compatible with rights of claimants and lessees. Geological and mineral surveys may be performed by the U. S. Geologic Survey and Bureau.

The Wallowa-Whitman National Forest Wild and Scenic Management Area (7)

Management Area 7 standards and guidelines for Watershed are:

Construction of water impoundments, diversions, straightening, riprapping, and other modification of the waterways will generally not be allowed. Exceptions would include protection of major improvements (such as an existing bridge) and then only to the extent that they do not diminish the values that caused the river to be designated. Instances where any construction activities are permitted are expected to be very rare and small scale.

Management Area 7 standards and guidelines for Minerals are:

Formal designation by Congress as a Wild river precludes further mineral entry but does not affect valid existing rights. Evaluate proposals for activities in Scenic and Recreational segments to prevent pollution and unnecessary impairment of scenic quality.

Permit no new entry into Study rivers pending study completion.

Management Area 7 has no standards and guidelines for fish.

The Wallowa-Whitman National Forest Wilderness Management Area (4)

Management Area 4 standards and guidelines for Watershed are:

Apply Forest-wide standards and guidelines.

Management Area 4 standards and guidelines for Minerals are:

Designated Wilderness is withdrawn from further mineral entry, but mining on valid claims that existed prior to December 31, 1983, or establishment of the Wilderness (whichever is later) may continue.

Management Area 4 standards and guidelines for Wildlife (re: fish) are:

Permit fish stocking and wildlife reintroduction only where compatible with overall wilderness objectives.

B. Recreation

Umatilla National Forest - Existing Recreation Condition:

The North Fork John Day River corridor provides a wide variety of recreational opportunities for the forest visitor, including hunting, fishing, horseback riding, camping, gold panning, hiking, water play, sightseeing, cross-country skiing and snowmobile travel. The river segment in wilderness is paralleled

by the North Fork John Day River Trail, #3022. Numerous trails leading to and from the river provide scenic and challenging hiking and horseback riding opportunities. River segments outside wilderness are easily accessed by roads and provide a full range of recreational opportunities.

Two developed campgrounds (North Fork John Day CG, and Tollbridge CG), three Forest Camps (Oriental, Gold Dredge, Driftwood), and numerous dispersed campsites are located within the corridor. These sites are used throughout the summer and fall months, especially during the big game hunting and fishing seasons. Opportunities for establishing two additional campgrounds/day-use areas/river access points are found near the junctions of Roads 55/5506 and Highway 395/Road 3963. Three trail head facilities are located within the corridor to provide access to the river and Wilderness area.

Heaviest use in the river corridor occurs in the summer and fall seasons. This use is primarily associated with camping, fishing, and upland bird and big-game hunting, drawing many visitors from outside the area. Big-game hunters utilize this area heavily during the fall in search of the high quality hunting for which the area is known. Fishing along the banks of the North Fork John Day River is also very popular, while recreational gold mining is another activity pursued by visitors. Only during the spring runoff period are the last few miles of the designated portion of the river floated by rafts, canoes, or kayaks. Pursuit of this recreational opportunity is currently modest, probably due to the very short season, and below the expected carrying capacity of the river. Some snowmobiling and cross-country skiing occurs during the winter months.

Six outfitter guide are currently permitted within the North Fork John Day Ranger District. One operates within the Wild river segment and the remaining are district wide permits (outside the Wild river segment). One of the six does not have access to the river corridor. There is only occasional use within the river corridor. These permits are for cougar/bear and/or elk hunting. Only occasional use. No permits exist for floating the river and none are expected as the is has a short float season and does not have a high use.

Wallowa-Whitman National Forest - Existing Recreation Condition:

The North Fork John Day River corridor provides a wide variety of recreational opportunities for the forest visitor, including hunting, fishing, horseback riding, camping, gold panning, hiking, water play, sight seeing, cross-country skiing and snowmobile travel. The river segment in wilderness is paralleled by Trail #1640. Several trails lead to the Elkhorn Crest National Recreation Trail. This trail follows the crest of the glaciated Elkhorn Mountains and affords spectacular views of the North Fork John Day River headwaters.

River segments outside wilderness are easily accessed by roads and provide a full range of recreational opportunities. Visitors to the area often travel the Elkhorn Drive National Scenic Byway, which is adjacent to part of the North Fork John Day Wild and Scenic River.

Heaviest use in the river corridor occurs in the summer and fall seasons. Use is primarily associated with camping, fishing, and big-game hunting, all drawing many visitors from outside the area. Big-game hunters utilize this area heavily during the fall in search of the high quality hunting for which the area is known. Fishing along the banks of the North Fork John Day River is also very popular. Some snowmobiling and cross-country skiing occurs during the winter months.

Only one outfitter guide is currently permitted within this area. This use within the river corridor is only occasional. The permit is district wide for the Baker Ranger District and is for cougar/bear. No permits exist for floating the river and none are expected as is not floatable.

Current Umatilla Forest Plan Direction

Forest Plan direction is summarized as follows: (1) river-oriented recreational opportunities may be provided, consistent with maintaining and protecting the OR values; (2) river area recreation will be managed to an Recreation Opportunity Spectrum (ROS) compatible with the river classification: Wild sections managed as wilderness with primitive to semi-primitive non-motorized recreation, Scenic sections managed for semi-primitive non-motorized and motorized activities, Recreation sections managed as roaded natural; and (3) trail and recreation facility construction, reconstruction, and maintenance are permitted in all classes.

Current Wallowa-Whitman Forest Plan Direction

Forest Plan direction is summarized as follows: (1) permit only primitive recreation developments within the Wild river segments, while primitive or non-primitive development may occur along Scenic and Recreational segments, (2) maintain existing river access points and establish no new access until a management plan for the river is completed; (3) allow off road vehicle use to continue on existing routes, but no new routes or areas will be established; and (4) manage trails consistent with objectives for the individual river segments.

C. Scenery

Current Umatilla Forest Plan Direction

<u>River Classification</u>	<u>Visual Quality Objective</u>
Wild	Preservation
Scenic	Retention
Recreation	Partial Retention

The Forest Plan direction is summarized as follows: (1) activities within the corridor will maintain the Visual Quality Objectives (VQO) as designated; (2) principles of visual management will be applied so that positive attributes of a managed forest can be enjoyed while negative visual aspects of activities will be minimized; (3) landscapes containing negative visual elements will be rehabilitated, and (4) landscapes may be enhanced by opening views to features of interest.

Existing Visual Condition:

The Wild and Scenic River corridor on the Umatilla National Forest runs generally east to west and can be characterized as a narrow canyon with steep hillsides containing a diversity of landforms and vegetation that captures the attention of the viewer. The river corridor is very scenic, from the open ponderosa pine stands and wider stretches of the river, to dense fir stands and narrow rock canyon walls.

The north and south sides of the river differ greatly in vegetative composition, as well as in the variety of past human activities. The south side of the river has less evidence of past logging activity and consists of heavily stocked mixed conifer or fir stands. Tree species include grand fir, Douglas-fir, western larch,

ponderosa pine, and small amounts of lodgepole pine. Due to the reduced amount of harvest activity, size and age classes tend to be more narrow and uniform, with less regeneration under the closed canopies. A few of the stands are more open where logging has occurred or where open ponderosa pine stands have been maintained. Much of the fir along the river has been severely impacted by spruce budworm defoliation and bark beetle infestations, resulting in sparse, dying crowns and many dead trees. This has negatively affected the scenic value along this portion of the river. Other visual characteristics include rock outcrops, grass-sedge meadows, two historic structures associated with mining activity, one historic homesite, three forest camps, and two developed campgrounds.

The north side of the river consists of a variety of open areas, from open ponderosa pine stands to grassy scab rock slopes and rock walls. The upper reaches in the Wilderness include some mixed conifer stands. Some of the pine stands outside wilderness have been partially cut in the past; this activity is relatively old and not readily apparent. Tree regeneration occurs in the openings, with an intermediate story of young to mature pine and scattered dominant old growth pine over the top, creating more diversity in size and age classes. State Highway 395 and Forest Roads 5500 and 5506 provide access along the river on this side, running parallel to the river. There are three established Forest Camps along the route, visible from the river as well as the roads. Several mining claims are scattered along the corridor, with associated signs of human activity including fences, gates, driveways, and minor amounts of equipment.

During the 1930's and 1940's, a gold dredge operated in the river itself and large tailing piles from this operation are still evident in the corridor.

Several bridges cross the river within the viewshed. One is located at the intersection of Roads 55/5505/5506, a second at the intersection of Roads 55/10 near Tollbridge campground, a third at the intersection of Highway 395 and Road 55, a fourth occurs at Highway 395 and Road 3963, and the last is at the west end of the viewshed as Highway 395 crosses Camas Creek.

There are sections of privately owned land that encompass one or both sides of the river in the lower section of the corridor. These areas include some

large dispersed campsites centered around the 55/5505/5506 and 395/3963 road junctions, and some evidence of recent partial cutting on the south side. The upper north side of the downriver section of the corridor is designated as Big Creek Game Management Area. It is visible from the river and is owned and administered by the Oregon Department of Fish and Wildlife.

Current Wallowa-Whitman Forest Plan Direction

<u>River Classification</u>	<u>Visual Quality Objective</u>
Wild	Preservation
Scenic	Retention
Recreation	Partial Retention

The Forest Plan direction is summarized as follows: (1) activities within the corridor will maintain the VQO's as designated, (2) principles of visual management will be applied so that positive attributes of a managed forest can be enjoyed while negative visual aspects of activities will be minimized.

Existing Visual Condition

The Wild and Scenic River corridor on the Wallowa-Whitman National Forest runs generally south to north in the Baldy Unit of the North Fork John Day Wilderness and generally east to west outside of the Wilderness. The designated river corridor contains a diversity of landforms and vegetation that captures the attention of the viewer.

The headwaters of the North Fork John Day River is located in the Baldy Unit of the North Fork John Day Wilderness, which comprises approximately 15,000 acres of scenic alpine lake basins. The headwaters and the overlapping Wilderness is in the glaciated Elkhorn Mountains. The south side of the river is characterized by stands of lodgepole pine, interspersed with stands of mixed conifer. Spruce and western larch are found near the river. Subalpine fir is present above 6,000' in elevation.

The north side of the river is outside of Wilderness and has had past harvest activities for removal of beetle-killed lodgepole pine. The associated conifer species remain. Several large meadows and other smaller wetland areas provide diverse scenery and outstanding wildlife habitat. An "old growth" aspen stand along the river corridor is part of the proposed Cougar Meadow Research Natural Area, as recom-

mended in the Forest Plan, and is a notable plant community feature.

Forest Road 73, which parallels the North Fork John Day River outside of Wilderness, is included in the National Forest Scenic Byways Program. The intent of this nation-wide program is to identify those roads which travel through the spectacular scenery of the National Forests. Recognition was given to this portion of road, due in part to the scenic beauty provided by the river environment.

D. Wilderness

Current Umatilla Forest Plan Direction:

River sections located within wilderness will be managed under Wilderness or Wild and Scenic River principles, standards and guidelines, whichever is most restrictive.

Existing Wilderness Condition:

The North Fork John Day Wilderness was congressionally designated in June 1984, thereby predating the Wild and Scenic River designation by four years. The Wilderness, and Wild and Scenic River corridor within it, is managed as a primitive or semi-primitive, non-motorized recreational experience. The North Fork John Day River winds through the center of the main Wilderness unit, and a trail traverses its length from Big Creek Trailhead on the west end to North Fork John Day Trailhead on the east end. Visible from the river and trail is evidence of the large amount of historic mining activity that occurred here, as well as some small-scale current mining on valid, existing mineral claims. An established system of trails leads in and out of the river canyon to various access points on the uplands. Most of these trails were originally established as mining roads or motorcycle trails, but since the designation of the Wilderness they have been managed for non-motorized use only.

Current Wallowa Whitman Forest Plan Direction:

River sections located within Wilderness will be managed under Wilderness or Wild and Scenic River principles, standards and guidelines, whichever is most restrictive.

Existing Wilderness Condition:

The North Fork John Day Wilderness was congressionally designated in June 1984, thereby predating the Wild and Scenic River designation by four years. The Wilderness, and Wild and Scenic River corridor within it, is managed as a semi-primitive, non-motorized recreational experience.

E. Wildlife

Existing Condition

The North Fork John Day Wild and Scenic River Corridor and adjacent areas support a wide variety of wildlife species. Populations are thought to be generally stable. The North Fork John Day river drainage is used as a major migration route by big game species. Approximately 2,500 Rocky Mountain elk migrate in and around the drainage from their summer range in the Elkhorn Mountains to their winter range in the Bridge Creek Wildlife Area. Approximately 1,000 mule deer also use the drainage as a similar migration route. A small population of white-tailed deer reside in the dense, brushy, mosaic-type habitat found at lower elevations.

There are documented sightings of black bear, cougar, bobcat, and wolverine in the river drainage. Populations of these species are thought to be low to moderate in numbers, based on the number and frequency of sightings. The wolverine is a Pacific Northwest Region sensitive species and is listed as threatened by the Oregon Department of Fish and Wildlife.

There are numerous sightings of bald eagles wintering along the North Fork John Day River near the confluence of Camas Creek at the lower end of the Wild and Scenic Corridor. The bald eagle is listed as threatened both by the U.S. Fish and Wildlife Service and ODFW. Golden eagles occur throughout the river corridor. Osprey also utilize most of the corridor. Perch trees and nest trees have been found along the river's lower reach.

A variety of woodpeckers are present in the river corridor including the pileated woodpecker, an indicator species of old-growth habitat. Goshawks and great gray owls also utilize the area.

Furbearers such as beaver, mink, and river otter, all dependent on aquatic habitats, reside along the river. The corridor also contains habitat for a variety of small mammals including pine marten, squirrels, chipmunks, and snowshoe hares.

A great variety of migratory songbirds use the riparian vegetation and adjacent coniferous forest for nesting and foraging. These habitats are critical to the survival of many of these species.

Several species of reptiles and amphibians also inhabit the river corridor, including snakes, lizards, salamanders, Pacific tree frog, and western toad.

In general, excellent wildlife habitat exists in the Wilderness portions of the watershed. Natural wet meadows in the upper reaches of the North Fork John Day River are in near pristine condition, having not been grazed by sheep for approximately forty years. This area provides high quality habitat for a variety of wildlife. Riparian areas are also in very good condition in the Wilderness. Within the Wilderness area on the Umatilla National Forest, portions of the river are bounded by rock outcrops, cliffs, and steep side slopes, forming river canyons. These are unique features and provide habitat for cliff-dwelling species of birds and bats.

Impacts from resource use and management such as timber harvest, mining, road construction, and fire suppression have degraded portions of the river corridor, generally outside of wilderness. Recreational use has impacted some of the open meadows and riparian areas. Several large meadows and other smaller wetland areas do provide diverse and outstanding wildlife habitat. The north side of the river has had past harvest activities for removal of beetle-killed lodgepole pine.

The amount of dead and dying trees due to insect infestations and recent fires has created very good habitat for a variety of woodpeckers and for great gray owls. Burned areas also provide habitat diversity and good forage for deer and elk.

An important wildlife habitat feature of the North Fork John Day Wilderness and Wild and Scenic River area is a natural, relatively undisturbed ecological corridor, part of which forms a link between the designated North Powder Wild and Scenic River and the North Fork John Day River. This corridor extends over a saddle (7400 feet) in the Elkhorn

Mountains. The entire stretch of Wild and Scenic sections on both these rivers, plus the saddle dividing these two drainages, constitutes a geographical and vegetational corridor through which a variety of wildlife species can travel, forage, reproduce, and find shelter. This corridor is approximately 64 miles in length, with the connecting area over the saddle being only about one mile long. The saddle is included in Management Area 6, Backcountry, of the Wallowa-Whitman National Forest Plan. It is currently roadless, and has only one hiking trail.

PETS (Proposed, Endangered, Threatened, Sensitive) Wildlife Species

Three animal species in this category have been documented by District personnel in the river corridor: the bald eagle, wolverine, and an invertebrate - the Blue Mountain cryptochian, a type of caddis fly. Potential habitat exists in the river corridor and surrounding areas for eight other sensitive species of birds and mammals.

F. Vegetation (Including Forest Health)

The headwaters and upper reaches of the North Fork John Day River are characterized by stands of lodgepole pine interspersed with mixed conifer. Englemann spruce and western larch are present near the river. Subalpine fir occurs above 6000' in elevation. A deciduous component of alder and willow is present along the river in spots. Areas north of the river, and outside of wilderness, have had past harvest activities for removal of beetle-killed lodgepole pine, leaving the associated tree species. Several large meadows, moist to wet, and smaller wetland areas such as seeps and bogs are occupied by a wide diversity of aquatic and mesic plant species, including sedges, rushes, grasses, cattails, pondweeds, and mosses. The meadows are rich in forbs and grasses. An "old growth" aspen stand within the upper river corridor is part of the proposed Cougar Meadow Research Natural Area and is a notable plant community feature. Farther downstream rock outcrops, rimrock topography and sheer cliffs are habitat for entirely different plants than those found in the forested, shaded areas. Most of these are adapted to growing in very shallow soils or even in cracks in the solid bedrock. Stands of conifers in rocky areas within the side canyons and along the river consist of ponderosa pine, Douglas fir, and western larch.

PETS Plant Species

There is one documented sensitive plant in the upper river corridor, a grapefern - Botrychium minganense. This species was discovered in the fall of 1992 when the plants were senescent and population numbers could not be determined. This will be done during 1993. There are large areas of habitat for a number of species of Botrychiums, and it is almost certain that more exist within the river corridor. Overall, there is potential habitat for at least 16 species of sensitive plants along the corridor.

Forest Health

The North Fork John Day River Wild and Scenic Corridor is approximately 10,791 acres, 65% of which is classified as plant communities capable of supporting stands of grand fir and Douglas-fir. The interim management direction for the river is Management Area A7 (Umatilla Forest Plan) and Management Area 7 (Wallowa-Whitman Forest Plan).

Many of the fir stands on the North Fork John Day River are in poor condition and massive mortality has occurred in some because of:

1. acceptable past management practices,
2. nearly a century of fire exclusion,
3. several years of drought,
4. a decade of epidemic defoliation by western spruce budworm,
5. an epidemic of bark beetle activity, and,
6. a general increase in damages caused by dwarf mistletoes, stem decays and root diseases.

Past harvesting practices and fire exclusion have allowed stands previously dominated by earlier successional species such as ponderosa pine and larch to be invaded by shade tolerant species such as grand fir and Douglas-fir. These shade tolerant species become established and continue to regenerate in their own shade. This has resulted in increased total stocking of the less disease and insect

resistant fir species. Stand conditions vary in the Scenic corridor from wholesale destruction in fir dominated stands to healthy, more resistant pine stands.

Following a decade of western spruce budworm infestation and its defoliation of grand fir and Douglas-fir, the numbers of Douglas-fir beetles began growing. Those Douglas-fir already weakened by drought and defoliation were more susceptible to the beetle and many were killed.

Grand fir dominated stands with excessive mortality levels have numerous problems that exist or will develop if left untreated. Long suppressed grand fir stands almost always have multiple indian paint fungus infections; defoliating insect outbreaks are more frequent, more severe and last longer; and most understories have some level of defoliation. These stands will provide few future resource benefits.

In mixed conifer and ponderosa pine/Douglas-fir plant communities, Douglas-fir understories have increased because of past management activities and fire exclusion. In some cases these stands are in better condition than the grand fir dominated stands but still have heavy damages due to western spruce budworm and bark beetle. Defoliating insects can be expected to increase future damage.

The effects of this and other catastrophic events, such as potential wildfires, will create large areas of dead trees or areas devoid of trees. In many infected stands small diameter trees will begin to fall from the combined actions of decay organisms and weather. Both hiding and thermal cover will be reduced as trees lose their needles and branches and tree boles fall. As the canopy naturally opens, ground vegetation will increase and will begin to occupy the site thus delaying any natural regeneration. Natural regeneration that does occur will be scattered species that will provide less than optimum wildlife cover. The species mix in this type of stand will be dominated by grand fir and will increase the chance that the future condition of these stands will be similar to what they are now. In addition, catastrophic fire from high fuel build-up may well remove all cover in large areas, including those stands which are not now heavily infected.

G. Minerals and Energy

The North Fork of the John Day River has a long history of placer mining that dates back to the initial placer discovery of 1845 near McCarty Gulch. Active Placer Mining took place from 1861 to 1950 as can be seen by extensive tailing piles, ditches and flumes along the river. Major placer mines were the Klopp Mine located just south of the North Fork John Day Campground and the Thornburg Mine located about 5 miles west of the Klopp Mine. These mines were worked for many years by hydraulic means in the late 1800's and early 1900's. A portion of the river east of Dale, Oregon was worked with a dragline and floating washplant in the late 1940's and early 1950's producing several thousand ounces of Gold. Total production of placer gold is estimated at \$2,000,000 involving approximately 2-3 million cubic yards of gravel worked.

No major mining has taken place on the river since the early 1950's and the current level of mining is limited to handwork, small-scale placer exploration, and small suction dredges. Above the North Fork John Day Campground, the river corridor contains about 70 mining claims that pre-date the Wild and Scenic River designation. Twenty mining claims are still located within the wilderness portions of the river. Most of these wilderness claims have not had

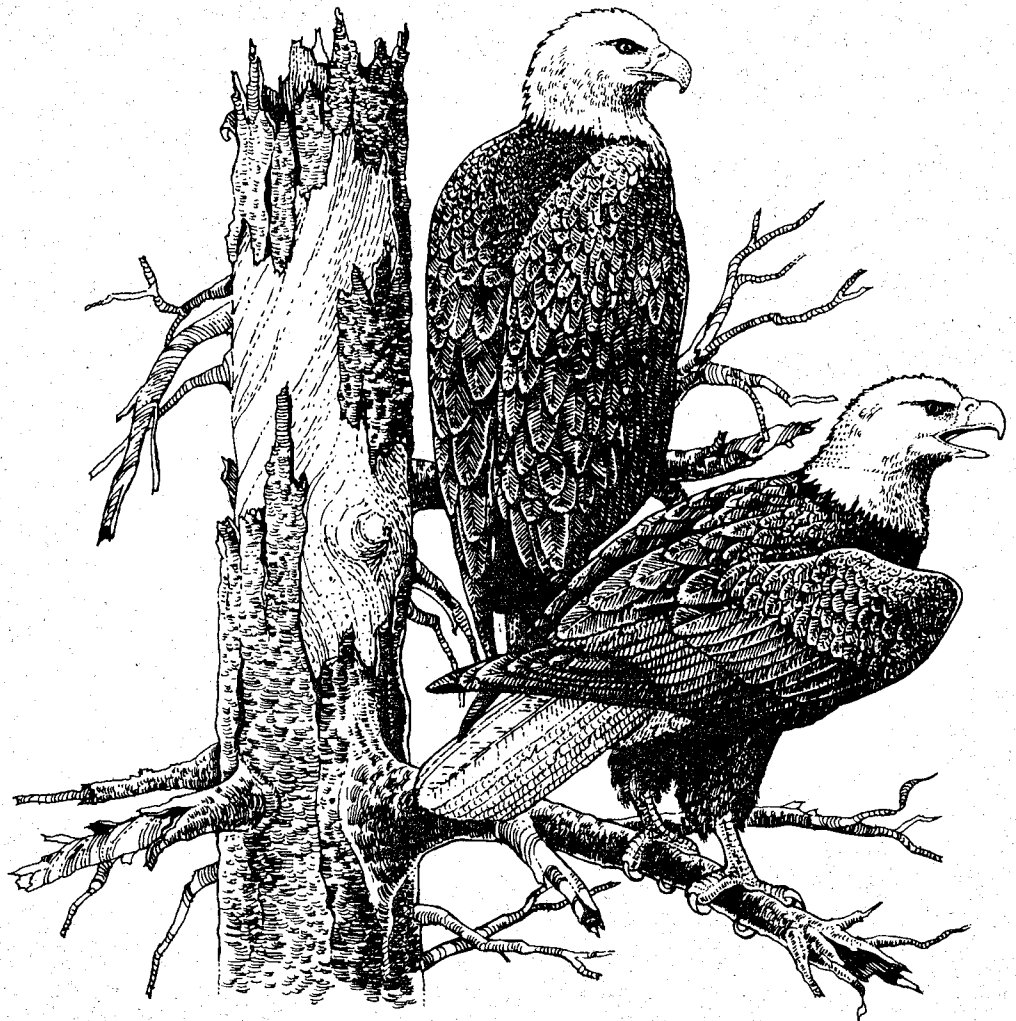
valid existing rights established. Before any significant surface disturbances could take place on the claims, a mineral examination would be conducted to establish valid existing rights before a plan of operation can be approved. Thirty-five claims are located along the river downstream from the wilderness boundary to Dale, Oregon.

Based on a 1984 U.S. Geological Survey and U.S. Bureau of Mines report, the North Fork of the John Day River contains significant resource potential for placer gold. No lode mining claims are located along the river. No geothermal, oil, gas leases or lease applications exist in or near the corridor.

Federal lands within the administrative boundary of scenic or recreation river segment downstream from the wilderness are currently open to mineral entry and subject to the operation of leasing laws and disposal of mineral materials. Mineral leases, licenses or permits are regulated under the applicable leasing or mineral material disposal regulations including, among other things, the use of conditions to safeguard the river against pollution and unnecessary impairment of scenery. The portion of the river upstream from the North Fork John day Campground has been segregated from mineral entry pending final action by the BLM on a mineral withdrawal application.

Chapter III

Alternatives Including the Proposed Action



CHAPTER III. ALTERNATIVES INCLUDING THE PREFERRED ALTERNATIVE

A. Introduction

The alternatives present a variety of ways to respond to the Key Issues and to manage the OR values. Each alternative is a comprehensive strategy for managing the North Fork John Day Wild and Scenic River.

The alternatives will be explained by giving the general goal of the alternative followed by a description of how that alternative deals with each Key Issue and OR value.

Because of the existing direction in the Forest Plans and for the North Fork John Day Wilderness, the range of reasonable alternatives is limited.

To fully understand each alternative, the reader will need to look at the alternative description, mitigation measures, alternative summary, and map.

B. Alternative Formulation

Before formulating the alternatives, each Key Issue and each OR value was defined in terms of an opportunity spectrum. An opportunity spectrum is a list of reasonable options available to resolve an issue or a level of management for an OR value. The spectrum is usually organized to start at one end of an issue (least restrictive) and go to the other end of that issue (most restrictive). The range is usually defined by the existing laws and regulations at one end and what is reasonable at the other end.

As an example, the Wild and Scenic Rivers Act states that the OR values shall be protected and enhanced; therefore, the range of management activities could not contain a practice that did not protect and enhance an OR value.

After developing the range or opportunity spectrum for each Key Issue and OR value, alternatives were developed by first defining their theme. The theme is defined as a goal statement in the alternative description. Based on this theme, options were selected from the opportunity spectrum that best fit that theme. This was done until all options within each opportunity spectrum were used in at least one alternative. The Interdisciplinary Team then

looked at any other theme or arrangement of components that would create a reasonable alternative. This completed the full range of alternatives needed to make a decision accomplishing the Purpose and Need.

All alternatives utilize the existing direction found in the Forest Plans, including the North Fork John Day Wilderness Plan, unless stated otherwise by an alternative.

C. Alternative Description

ALTERNATIVE A (No Action)

GOAL - The goal of Alternative A is to manage the North Fork John Day River under existing laws, current Forest Plan direction, and other authorities. These would include but are not limited to the North Fork John Day Wilderness Plan, direction for Management Area A7 (MA-A7) in the Umatilla Forest Plan and for Management Area 7 (MA-7) in the Wallowa-Whitman Forest Plan, and Forest Service Manual (FSM) direction. If conflicts arise between the different documents that cannot be resolved, the more restrictive guidelines would apply unless stated otherwise.

Management would be to preserve the OR values. Each OR value would be managed on its own, with no emphasis on any one OR value.

Easement acquisition would be considered for those lands critical to maintaining the characteristics of the river segments.

The boundary for the river corridor would be a quarter mile from either side of the ordinary high water line.

This alternative is the "No Action" alternative as defined by the council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), 40 CFR Parts 1500-1508.

Alternative A - Description by Key Issues

Recreation - Alternative A addresses this Key Issue by the following:

- a. Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor. This is Primitive or Semi-Primitive (WRS Scale, FSM 2322) for the Wild sections of the river and Semi-Primitive/Motorized or Roaded Natural for the Scenic and Recreational sections of the river.
- b. The existing management direction would be defined by the North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354. The current recreation opportunities provided in the corridor would be maintained.
- c. Campground development within the river corridor would remain at Level 2 in the Scenic River section and at Level 3 in the Recreational River sections. Campground Development Levels are defined in Appendix A.

Water Quality/Fisheries - Alternative A addresses this Key Issue by the following:

- a. Utilize current direction for maintaining and improving water quality as it relates to fish habitat, including but not limited to, sediment, stream temperature, shading, and large woody debris. Water quality would be that which existed at the time of river designation or the closest estimate.
- b. Current direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Other documents providing direction are the Columbia River Basin Anadromous Fish Habitat Policy and Implementation Guide and the John Day River Basin Plan. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

Alternative A - Description by Outstandingly Remarkable Value

Scenic - Alternative A addresses this outstandingly remarkable value by the following:

- a. Maintain the existing visual quality objective of Partial Retention or Retention in the Recreational section of the river and Retention in the Scenic section of the river.

- b. Maintain the existing visual quality objective of Preservation in the Wild section of the river.
- c. Visual management would be according to (but not limited to) the two existing Forest Plans, Umatilla Landscape Plan (UMA), National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

Recreation - Alternative A addresses this outstandingly remarkable value by the following:

- a. See Recreation under "Key Issues" listed above.

Fisheries - Alternative A addresses this outstandingly remarkable value by the following:

- a. See Water Quality/Fisheries under "Key Issues" listed above.

Wildlife - Alternative A addresses this outstandingly remarkable value by the following:

- a. Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Also involved is the Bridge Creek Wildlife Area Cooperative Management Plan. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

Historic/Prehistoric - Alternative A addresses this outstandingly remarkable value by the following:

- a. Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.
- b. Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Reservation. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

ALTERNATIVE B

GOAL - The goal of alternative B is to emphasize and manage for an increase in developed recreation and encouraging visitor use over time. This alternative would be considered emphasizing the highest level of Scenic and Recreation OR values without adversely impacting the other OR values. The other OR values would be managed for protection and enhancement, but they may not be managed to their highest potential due to conflicts with the emphasized OR values. The recreational setting, over time, would move towards the more developed end of the Roded Natural scale for the Recreational sections of the river. Maximum campground development in the Scenic section of the river would be Level 3.

Easements and land acquisition (from willing sellers) that are needed for scenic and recreational access and for interpretive sites would be actively pursued. The purchase of all private land or the purchase of easement on all private lands (from willing sellers only) would be encouraged.

The boundary would be identified so as to provide the greatest OR value protection. The boundary is identified in Appendix D.

Alternative B - Description by Key Issues

Recreation - Alternative B addresses this Key Issue by the following:

- a. Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor. This is Primitive or Semi-Primitive (WRS Scale FSM 2322) for the Wild sections of the river and Semi-Primitive/Motorized or Roded Natural for the Scenic and Recreational sections of the river.
 - b. The management direction would be defined by the existing North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354 with the following exceptions:
 1. No change to dispersed camping sites. Created new sites over time will have to be evaluated on a case-by-case basis to determine if the conflict with other OR values.
2. Upgrade existing campgrounds to Level 3. Expand existing campgrounds as needed. Develop three additional Level 3 campgrounds in the vicinity of Trough Creek/Texas Bar, Woods Camp (if acquired), and North Fork John Day Meadows.
 3. Upgrade existing trailheads and develop two additional trailheads in the vicinity of Trough Creek/Texas Bar.
 4. Maintain trails and developments within the Wild river section at the highest level, within the Wilderness guidelines.
 5. Upgrade existing trails outside of the Wild river sections. Develop new trails, outside of the Wild river section, in the vicinity of Trough Creek/Texas Bar. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.
 6. Continue with existing travel management plans.
 7. Develop four new access points to the river to encourage use in the vicinity of either Oriental Creek, Trough Creek/Texas Bar, Desolation Creek, or Woods Camp (if acquired).
 8. Develop appropriate interpretive signs, brochures, and turnouts. Provide for an on-site interpreter during the summer months.
 9. Develop two recreational gold panning or suction dredging/slucce box sites within the corridor. A recreational gold panning site would be located at the North Fork John Day Campground, and a recreational suction dredging/small sluice box site would be located at Gold Dredge Camp. Activities at both sites would allow "in-stream only"; no mining activity would be allowed above the water line. Suction dredge size is restricted to four inch diameter or less to concur with the Oregon State Scenic Waterway management. Recreational

panning, sluicing, or dredging would be discontinued during critical spawning seasons.

10. Allow fuelwood cutting at designated sites only.
11. Locate a site for an "accessible" route to the river in the vicinity of Woods Camp (if aquired), Desolation Creek, and Trough Creek/Texas Bar.
12. Provide law enforcement presence seven days a week during summer months.

Water Quality/Fisheries - Alternative B addresses this Key Issue by the following:

- a. Utilize current and additional direction for maintaining and improving water quality as it relates to fish habitat, including but not limited to, sediment, stream temperature, shading, and large woody debris. Minimum water quality would be that which existed at the time of river designation or the closest estimate.
- b. Current direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.
- c. Additional direction would be as follows:
 1. No recommendation to the State's fish stocking program.
 2. No recommendation to the current fish regulations and seasons.

Alternative B - Description by Outstandingly Remarkable Value

Scenic - Alternative B addresses this outstandingly remarkable value by the following:

- a. Adopt the "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992 as the visual guideline.

This viewshed plan specifically identifies the components of the VQO with the use of maps, viewpoints, and computer analysis. It describes the area, Desired Future Conditions, management recommendations, mitigation measures, and more accurately refines the VQO's established in the Forest Plan.

- b. Maintain the existing visual quality objective of Preservation in the Wild section of the river.
- c. Visual management would be according to (but not limited to) the two existing Forest Plans, Umatilla Landscape Plan (UMA), National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

Recreation - Alternative B addresses this outstandingly remarkable value by the following:

- a. See Recreation under "Key Issues" listed above.

Fisheries - Alternative B addresses this outstandingly remarkable value by the following:

- a. See Water Quality/Fisheries under "Key Issues" listed above.

Wildlife - Alternative B addresses this outstandingly remarkable value by the following:

- a. Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.
- b. Additional management direction would be as follows:
 1. Monitor for wildlife improvement projects. Prioritize and implement as needed.

2. Manage snags at the 100 percent level (according to Forest Plan direction) within the river corridor.
3. Continue the current motorized restrictions for winter range.

Historic/Prehistoric - Alternative B addresses this outstandingly remarkable value by the following:

- a. Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.
- b. Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Reservation. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.
- c. Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp. Incorporate cultural information at campgrounds or other appropriate interpretive sites.

ALTERNATIVE C

GOAL - The goal of Alternative C is to emphasize and manage for the highest level of Water Quality/Fisheries OR values without adversely impacting the other OR values. The other OR values would be managed for protection and enhancement, but they may not be managed to their highest potential due to conflicts with the emphasized OR values.

The recreational setting, over time, would continue to be at the more rustic and less developed end of the Roaded Natural scale for the Recreational sections of the river. Maximum campground development level in the Scenic section of the river would be Level 2.

Easements and land acquisition (from willing sellers) that are needed for scenic and recreational access and for interpretive sites would be actively pursued. The purchase of all private land or the purchase of easement on all private lands (from willing sellers only) would be encouraged.

The boundary would be identified so as to provide the greatest OR value protection. The boundary is identified in Appendix D.

Alternative C - Description by Key Issues

Recreation - Alternative C addresses this Key Issue by the following:

- a. Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor. This is Primitive or Semi-Primitive (WRS Scale FSM 2322) for the Wild sections of the river and Semi-Primitive/Motorized or Roaded Natural for the Scenic and Recreational sections of the river.
- b. The management direction would be defined by the existing North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354 with the following exceptions:
 1. Inventory and close dispersed campsites that impact OR values.
 2. Upgrade existing campgrounds to Level 2 in Scenic and Level 3 in Recreational.
 3. Upgrade existing trailheads.
 4. Maintain trails and developments within the Wild river section at a high level, within wilderness guidelines. This would be at a higher level than is presently provided.
 5. Upgrade existing trails outside of wilderness. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.
 6. Implement a motorized area closure for the entire river corridor.
 7. Restrict river access at critical spawning sites and during critical seasons. No new access would be developed.

8. Develop appropriate interpretive signs.
9. Close corridor to recreational panning, dredging, or sluicing. Exploration and mining will only take place under the 36 CFR 228 regulations.
10. Allow fuelwood cutting at designated sites only. Seasonal restrictions would apply.
11. Increase law enforcement during high use periods.
12. This alternative does not address "handicap accessibility".

Water Quality/Fisheries - Alternative C addresses this Key Issue by the following:

- a. Utilize current and additional direction for maintaining and improving water quality as it relates to fish habitat, including but not limited to, sediment, stream temperature, shading, and large woody debris. Minimum water quality would be that which existed at the time of river designation or the closest estimate.
- b. Current direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.
- c. Additional direction would be as follows:
 1. Recommend implementation of a native fish stocking program from Big Creek to the headwaters. This would be in coordination with Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Reservation. This would be an on-going process reviewed annually.
 2. Recommend closing bull trout fishing until complete population and distribution surveys are completed. Close areas during critical spawning times to all fishing. Recommend additional regula-

tions concerning tackle, take, or seasons as needed. This would be in coordination with Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Reservation. This would be an on-going process reviewed annually.

3. Require bonding for any operation within the river corridor that has the potential to impact a river related value. Bonding would be in an amount no less than the actual cost to the government, assuming work would be contracted out, to correct or mitigate any damage that could reasonably be caused by the operation. This would include, but not be limited to, move-in and move-out costs, heavy equipment costs, operator costs, cost of any materials needed, revegetation costs, hazardous material handling and clean-up (if any quantity of hazardous materials are on site), reclamation costs, and administrative costs.

Some operations have established direction concerning bonding (example might be some mining activities). Some of these may take priority over this management plan. In these cases bonding will be to the maximum needed to protect river values that the established direction may allow. An example of this is the bonding requirement for mining or exploration in accordance with 36 CFR 228(A).13) Locatable Mineral Surface Use Regulations.

4. Recommend withdrawal of mineral related activities for the entire river corridor.

Alternative C - Description by Outstandingly Remarkable Value

Scenic - Alternative C addresses this outstandingly remarkable value by the following:

- a. Adopt the "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992 as the visual guideline.

This viewshed plan specifically identifies the components of the VQO with the use of maps, viewpoints, and computer analysis. It describes the area, Desired Future Conditions, management recommendation, mitigation measures, and more accurately refines the VQO's established in the Forest Plan.

- b. Maintain the existing visual quality objective of Preservation in the Wild section of the river.
- c. Visual management would be according to (but not limited to) the two existing Forest Plans, Umatilla Landscape Plan (UMA), National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

Recreation - Alternative C addresses this outstandingly remarkable value by the following:

- a. See Recreation under "Key Issues" listed above.

Fisheries - Alternative C addresses this outstandingly remarkable value by the following:

- a. See Water Quality/Fisheries under "Key Issues" listed above.

Wildlife - Alternative C addresses this outstandingly remarkable value by the following:

- a. Direction for habitat management is defined in the two existing Forest Plans and FSM

2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

- b. Additional management direction would be as follows:

1. Monitor for wildlife improvement projects. Prioritize and implement as needed.
2. Manage snags at the 100 percent level (according to Forest Plan direction) within the river corridor.
3. Continue the current motorized restrictions for winter range.
4. Implement road or other closures where wildlife harassment is identified as a problem.

Historic/Prehistoric - Alternative C addresses this outstandingly remarkable value by the following:

- a. Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.
- b. Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Reservation. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.
- c. Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp.

ALTERNATIVE D - Preferred Action

GOAL - The goal of Alternative D is to emphasize and manage for a high level of Water Quality/Fisheries OR values without adversely impacting the other OR values. This high level would try to achieve at least a good rating for all water quality and fisheries habitat elements with some elements in the excellent category. The Recreational OR values would be managed at a higher level than in Alternative C but not necessarily to its potential.

The recreational setting, over time, would move towards the less developed and more rustic end of the Roaded Natural scale for the Recreational sections of the river. Maximum campground development level in the Scenic section of the river would be Level 2.

Easements and land acquisition (from willing sellers) that are needed for scenic and recreational access and for interpretive sites would be actively pursued. The purchase of all private land or the purchase of easement along the river on all private lands (from willing sellers only) would be encouraged.

The boundary would be identified so as to provide the greatest OR value protection. The boundary is identified in Appendix E.

Alternative D - Description by Key Issues

Recreation - Alternative D addresses this Key Issue by the following:

- a. Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor. This is Primitive or Semi-Primitive (WRS Scale FSM 2322) for the Wild sections of the river; Semi-Primitive/Motorized or Roaded Natural for the Scenic and Recreational sections of the river; and Primitive where Recreation and Scenic sections of the river overlap with wilderness.
- b. The management direction would be defined by the existing North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354 with the following exceptions:
 1. Inventory and monitor dispersed recreation campsites. Close sites which adversely impact OR values. If dispersed sites are closed, then identify areas that could be used but are not. Evaluate these areas as to why they are not being used and attempt to facilitate their use.
 2. Upgrade existing campgrounds. Develop additional recreational facilities in the vicinity of Trough Creek/Texas Bar, North Fork John Day Meadows, and Woods Camp (if acquired). No campground would be developed higher than Level 3 in the Recreational river corridor and Level 2 in the Scenic river corridor.
 3. Upgrade existing trailheads.
 4. Maintain trails and developments within the Wild river section at a high level, within wilderness guidelines. This would be at a higher level than presently provided.
 5. Upgrade existing trails outside of wilderness. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.
 6. Continue with the existing travel management plan. Where OR values are threatened, implement closures for specific areas. These may be seasonal or yearly.
 7. Restrict river access at critical spawning sites and during critical spawning seasons. Develop new access points to encourage use at acceptable sites, having a high priority on acquiring Woods Camp as an access point.
 8. Develop interpretive signs, brochures, and turnouts.
 9. Develop two recreational gold panning or sluice box/suction dredging sites within the corridor. A recreational gold panning site would be located at the North Fork John Day Campground, and

a recreational suction dredging/small sluice box site would be located at Gold Dredge Camp. Activities at both sites would allow "in-stream only"; no mining activity would be allowed above the water line. Suction dredge size is restricted to four inch diameter or less to concur with the Oregon State Scenic Waterway management. Recreational mining would be discontinued during critical spawning seasons.

10. Allow fuelwood cutting (excluding on site camp fires) at designated sites only. Seasonal restrictions would apply. Fuelwood cutting would only be designed to meet river management objectives. Examples may include reduction of woody debris to improve visual or removal of hazard trees.
11. Locate a site for an "accessible" route to the river in the vicinity of Woods Camp (if acquired), Desolation Creek, and Trough Creek/Texas Bar.
12. Increase law enforcement during high use periods.

Water Quality/Fisheries - Alternative D addresses this Key Issue by the following:

- a. Utilize current and additional direction for maintaining and improving water quality as it relates to fish habitat, including but not limited to, sediment, stream temperature, shading, and large woody debris. Minimum water quality would be that which existed at the time of river designation or the closest estimate.
- b. Current direction for habitat management is defined in the two existing Forest Plans and FSM 2354.
- c. Additional direction would be as follows:
 1. Cooperatively work with the Oregon Department of Fish and Wildlife and the Confederated Tribes of the Umatilla Reservation concerning fish stocking as it relates to the protection and en-

hancement of the Fisheries OR value. Protection of Wild river and Wilderness values would be of concern as well as maintaining wild fish runs. This would be an on-going process reviewed annually.

2. Cooperatively work with Oregon State Department of Fish and Wildlife and Confederated Tribes of the Umatilla reservation concerning seasons, tackle, or take as it relates to the protection and enhancement of the Fisheries OR value. This would be an on-going process reviewed annually.
3. Require bonding for any operation within the river corridor that has the potential to impact a river related value. Bonding would be in an amount no less than the actual cost to the government, assuming work would be contracted out, to correct or mitigate any damage that could reasonably be caused by the operation. This would include, but not be limited to, move-in and move-out costs, heavy equipment costs, operator costs, cost of any materials needed, revegetation costs, hazardous material handling and clean-up (if any quantity of hazardous materials are on site), reclamation costs, and administrative costs.

Some operations have established direction concerning bonding (example might be some mining activities). Some of these may take priority over this management plan. In these cases bonding will be to the maximum needed to protect river values that the established direction may allow. An example of this is the bonding requirement for mining or exploration in accordance with 36 CFR 228(A)(13) Locatable Mineral Surface Use Regulations.

4. Support the existing mineral withdrawal proposal currently being reviewed by the BLM. This existing proposal is for that portion of the river corridor from North Fork John Day Campground east to the Wilderness boundary.

Alternative D - Description by Outstandingly Remarkable Value

Scenic - Alternative D addresses this outstandingly remarkable value by the following:

- a. Adopt the "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992 as the visual guideline within and adjacent to the river corridor.

This viewshed plan specifically identifies the components of the VQO with the use of maps, viewpoints, and computer analysis. It describes the area, Desired Future Conditions, management recommendation, mitigation measures, and more accurately refines the VQO's established in the Forest Plan.

- b. Maintain the existing visual quality objective of Preservation in the Wild section of the river.
- c. Visual management would be according to (but not limited to) the two existing Forest Plans, Umatilla Landscape Plan (UMA), National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

Recreation - Alternative D addresses this outstandingly remarkable value by the following:

- a. See Recreation under "Key Issues" listed above.

Fisheries - Alternative D addresses this outstandingly remarkable value by the following:

- a. See Water Quality/Fisheries under "Key Issues" listed above.

Wildlife - Alternative D addresses this outstandingly remarkable value by the following:

- a. Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.

- b. Additional management direction would be as follows:

1. Monitor for wildlife improvement projects. Prioritize and implement as needed.
2. Manage snags at the 100 percent level (according to Forest Plan direction) within the river corridor.
3. Continue the current motorized restrictions for winter range.
4. Implement road or other closures when wildlife harassment is identified as a problem.

Historic/Prehistoric - Alternative D addresses this outstandingly remarkable value by the following:

- a. Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.
- b. Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Indians. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.
- c. Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp. Incorporate cultural information at campgrounds or other appropriate interpretive sites.

D. Alternatives Considered But Eliminated From Detailed Study

- 1. An alternative establishing guidelines for private land, in addition to the those identified by the Oregon Scenic Waterways Act, was considered. It was not fully developed. After reviewing the Oregon Scenic Waterways regulations, they were determined to be adequate. Since the Forest Service has no regulatory authority over private lands, and the Act promotes cooperation between the Forest Service and private landowners in managing the river, this alternative seemed unreasonable.

E. Management Requirements, Constraints, and Mitigation Measures

As explained earlier, the issues were looked at to determine which were "Key" and which were not. Some issues were not considered "Key" because the effects could be mitigated, the activity was constrained by existing laws and regulations, or mitigation measures were developed to constrain an activity. The following management requirements, constraints, and mitigation measures are common to all action alternatives unless stated otherwise.

1. Range

- a. Manage allotments to protect the river's free flow, water quality, and OR values. Allotment management plans shall be modified when grazing practices or other activities allowed within the Allotment Management Plan are found to adversely impact Wild and Scenic river values.

2. Transportation

- a. Continue the road standards on Road 55 from 395 to Texas Bar at Level 4. Continue the road standards on Road 5506 from Texas Bar to mile post 5.9 at Level 3. Continue the road standards on Road 5506 from mile post 5.9 to Big Creek at Level 2.

Correct sediment source problems on Roads 55 and 5506 to protect and en-

hance the water quality and the Fisheries OR value. These sediment source problems are due to the proximity of the road to the river and inadequate drainage.

Road 55 has a stretch which is narrow and needs to be widened to safely handle mixed traffic. This stretch would be reconstructed to correct this concern.

- b. Continue the road standards at Level 5 on Road 73 from North Fork John Day Campground to where it leaves the river.
- c. Increase the road standards to Level 2 on Road 7300380 from Road 73 to Peavy Cabin.

Correct sediment source problems on Road 7300380 to protect water quality and the Fisheries OR value. Sediment sources are due to poor drainage and the proximity of the road to the river. Road reconstruction and/or surfacing may be needed to protect the road and minimize sediments reaching the river.

3. Vegetation Management

- a. Use fire as a tool to meet vegetation management needs. Fire has a natural role in the management of the river corridor.
- b. As is reasonable, rehab disturbed areas with native species.
- c. Recognize, promote, and enhance the qualities which will preserve the vegetative qualities of the river corridor.

4. Private lands

- a. Use the Oregon Scenic Waterway guidelines to guide the Forest Service in working with private landowners.

5. Easements

- a. Nothing in any alternative precludes the Forest Service from actively pursuing easements when an OR value is about to be or is being threatened or damaged.

6. Fisheries/Water Quality

- a. Continually monitor for fisheries enhancement projects. Prioritize and implement as needed. Because of riparian degradation from dispersed campsites, tying horses next to streams, cutting or riparian/streambank tree, mining activities, and other impacts, Peavy Cabin to North Fork Campground and Oriental Creek to Texas Bar are identified as priority areas for enhancement work.
- b. Continually monitor, prioritize, and correct sediment source problems. Utilize the North Fork John Day stream survey to identify existing sediment sources.
- c. Gather baseline information through monitoring. This baseline information should include such items as water temperature, sediments, and other water quality factors that affect fish habitat. This will quantify the water quality and fish habitat at the time of the Act or provide the best estimate. Utilize the North Fork John Day stream survey, Soil Conservation Service data, Oregon Department of Fish and Wildlife data, or other sources to achieve this objective.

Stream flows are an important factor to fish habitat and water quality. There are few diversion on this portion of the river and they were determined to have no or minimal impacts at this time. Any new request to remove water from the river would protect Wild and Scenic River values.

Activities will be measured against this baseline to determine if water quality and the Fisheries OR value is being protected.

- d. Develop an educational program to inform recreational users, particularly at the campgrounds, on the importance of protecting salmon and steelhead spawning beds during the spawning season. Example may include educating user on the importance of not harassing salmon

while spawning or not damaging the willows along the river.

- e. Provide toilet facilities where people are concentrated. Where toilets are not provided, the "cat hole" or other appropriate methods for all human waste disposal will be encouraged at least 200 feet from the river. In any case, human body waste shall not be deposited within the high water lines of the river.

7. Minerals

The management of river related resources in coordination with the Mining Laws is often confusing for both the mining claimant and the Forest Service. To help facilitate the management of the Wild and Scenic River and the mineral program, the following objectives, standards, and guidelines were established. These are not absolutes and must be tempered with reason, an understanding of the Mining Laws, the Wild and Scenic Rivers Act, and other appropriate direction. These are objectives and guidelines to help administrator understand what level of protection is needed for OR values, what process should be followed to alter these guides, and to identify when other option may be pursued to protect river values.

- a. For those lands within the river corridor, but outside of an area withdrawn from mineral extraction, the following process would be used:
 1. Work with the mining claimant through the Plan of Operation to meet those objectives, standards, and guidelines needed to protect water quality, free-flow, and OR values. These objectives, standards, and guidelines are listed below as item b.

Because the standards and guidelines are a means to achieve an objective, they are not intended to be mandatory rules. They are to be used as starting points to achieve

river objectives within the framework of the mining laws.

2. Work through a district process to modify the standards and guidelines (if needed) to protect the river-related values and objectives. These new standard and guidelines would then be used in the Plan of Operation. Additional standards or guidelines may be proposed by the Forest Service or the mining claimant. The district process, as a minimum, shall include people who are knowledgeable in each of the OR values, the Wild and Scenic Rivers Act, and mining rights.

Approved plans and additional standard and guidelines must be feasible, reasonable and do not materially interfere with uses reasonably incident to prospecting, mining, or processing operations (43 CFR 3710; also PL 167).
3. If conflicts still exist with the Plan of Operations that cannot be resolved, then the District Ranger may deny the Plan of Operation or approve a Plan of Operation that the District Ranger feels is reasonable and feasible. In either case the claimant would then have appeal rights through 36 CFR 215.
4. In addition to the above, use a district process to review all current and proposed operating plans. Incorporate to the extent possible the above guidelines to protect OR values. Modify existing operating plans to provide Wild and Scenic River protection.
5. This process will be monitored to determine effectiveness in protecting and enhancing OR values, water quality, and free-flow. If OR value objectives, listed here, are not being met, then a mineral withdrawal or

regulation through the Secretary of Agriculture may be considered.

- b. The objectives, standards, and guidelines are listed below, according to river-related values:
 1. Scenic OR value: Objective - Protect the scenic quality of the river at the same standards that apply to other activities within this plan.
 - * Utilize the Retention Foreground and Retention Middle-ground mapping and guidelines found in the "Wild and Scenic North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992.
 - * Visual management will be according to (but not limited to) the two existing Forest Plans, Umatilla Landscape Plan (UMA), National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents will be resolved by deferring to the most restrictive unless stated otherwise.
 2. Recreation OR value: Objective - Protect all recreation facilities, developed or undeveloped. Provide for quality and safe recreational experiences.
 - * No developed recreational facility will be damaged or negatively changed.
 - * No undeveloped recreational facility will be damaged or negatively changed.
 - * Safety will be provided for all recreational visitors.

* The quality of the recreational experiences will not be unreasonably altered.

3. Fisheries OR value: Objective - Protect the fisheries habitat and populations at no less than its quality and quantity at the time of the Act. Enhance, without short-term losses, the fisheries habitat and populations over time.

* Within 25 feet of the river's ordinary high water line, any Class I, II, III, IV streams, or any wetlands, no vegetation or ground disturbance will take place.

* Within 100 feet of the river's ordinary high water line, any Class I, II, III streams, or any wetlands, no reduction of vegetation that provides shade to any water or wetlands will occur. Ground disturbance will be limited to no more than 10 percent, taking into account existing, past, or planned disturbances. In all cases, best management practices will be used so that the operation reasonably assures that no sediments will reach the river.

* Within 200 feet of the river's ordinary high water line, any Class I, II, III streams, or any wetlands, ground disturbance will be limited to no more than 20 percent, taking into account existing, past, or planned disturbances. In all cases, best management practices will be used so that the operation reasonably assures that no sediments will reach the river.

* To measure the disturbance, use the distance from the river being considered, multiplied by the length of area parallel to the river involved. Example: 100 feet (distance from river) X 200 feet (distance being operated in par-

allel to the river) equals 20,000 X 0.10 equals 2000 square feet of disturbance (10 percent) or an area approximately 100 feet by 20 feet.

* Disturbance will include any action that exposes soils, compacts soils, or displaces soils. An area will be considered disturbed until the impact has been recovered to within 10 percent of undisturbed areas. Example: If an area had 100 percent vegetative ground cover, it would need to have 90 percent vegetative ground cover to be recovered.

* Beyond 200 feet of the river's ordinary high water line, best management practices will be used to reasonably assure that no sediments will reach the river.

* Reclamation of any disturbed area will be in accordance with the Forest Plan's Watershed Standards and Guidelines.

4. Wildlife OR value: Objective - Protect and enhance wildlife habitat and populations within and adjacent to the river corridor.

* Protect existing snags, as safety will allow, and other large, woody debris. Snags that need to be felled will be left where they fall or moved to an appropriate location.

5. Historic OR value: Objective - Protect and enhance the Historical OR value which includes the past mining activities.

* Protect, through cooperative agreements or withdrawals, those areas needed for interpretation, education, or preservation. These areas will be a representative sample. Other ar-

... eas will need to be mitigated before operations start.

- c. In addition, suction dredging within the river corridor requires a National Pollution Discharge Elimination System Water Discharge Permit (NPDES permit) issued by the Oregon Department of Environmental Quality. This permit contains the basis guidelines for suction dredging.

For all mining activities, a site-specific reclamation plan will be completed and implemented as soon as possible

8. Timber

- a. In the Wild sections, no commercial timber harvest will occur.
- b. In the Scenic and Recreational sections, timber harvest will be permitted on a non-scheduled basis. Standard silvicultural practices and intensities consistent with meeting Scenic and Recreational River objectives are permitted. These may include such things as enhancing visual quality, improving/maintaining forest health, or for public safety.

9. Recreation

- a. Use level is well below capacities (both floating and camping) or the level that would threaten the ability to maintain the DFC and it is not expected that use will increase so as to threaten the DFC within the planning horizon. Monitoring of this will be addressed later in this chapter. If use increases at an unanticipated level, the river manager will re-evaluate the need to establish other direction.
- b. Consider special use permits (outfitter guide or other) as they are submitted to achieve desired future condition or if consistent with desired future condition. No need for additional outfitter guides were identified in the planning process.

10. Monitoring

- a. Incorporate into the Forest's monitoring plan, the monitoring of the implementation of the Wild and Scenic River management plan.

11. Adjacency

- a. For Federal land management, the Wild and Scenic Rivers Act, Sec. 12(a), addresses adjacency. The North Fork John Day Ranger District and the Baker Ranger District must address impacts to the river corridor during project planning if a project is adjacent to the river corridor. The management of the river corridor must also consider other adjacency concerns at areas where divisions between the Recreational, Scenic, and Wild river segments occur.

Examples include, but are not limited to, the viewshed outside the river corridor when considering the Scenic OR value or the tributaries when considering water quality or the Fisheries OR value.

12. Conflict Resolution

- a. If conflicts arise between OR values which cannot be resolved within the direction of the Act or management plan, then they shall be resolved according to the following priorities: (1) Fisheries, (2) Wildlife, (3) Historic, (4) Scenic, and (5) Recreation.
- b. Because this is Congressionally designated area, an environmental assessment will normally be the minimum NEPA documentation for any ground or vegetation disturbing activity. There are few activities that could occur within the river corridor that would not have some effect on at least one of the OR values, free-flow, or other river related values..

13. Management Processes Concerning Private Lands

- a. Forest Service policy, in accordance with the Wild and Scenic Rivers Act, estab-

lished a process for managing the river corridor involving private lands. This process includes:

Cooperatively work with landowners to meet the objectives of the Wild and Scenic River as well as to meet the objectives of the landowner.

Work toward agreed upon solutions acceptable to both parties (See Sec. 11 of the Act).

Identify opportunities and incentives that landowners may take advantage of which would protect and enhance the OR values.

Work through Federal, State, and County laws, regulations, or zoning to protect OR values.

Discuss the alternative of buying/selling an easement to protect of the OR values.

Only as a last resort will the Forest Service identify the need to condemn an easement in order to acquire it for protection the OR values.

14. **Coordination with the Oregon Scenic Waterway**

- a. A Memorandum of Understanding shall be developed between the State of Oregon and the Forest Service in which each party will notify the other of proposed projects they are aware of. Time would be allowed for the other party to provide comment.
- b. The above memorandum of understanding shall include as a minimum the following or similar wording: State agencies shall be notified and given an opportunity to review all mining permit applications on National Forest Lands within the river corridor to assure coordination of management actions. The State agencies that shall receive such notifications should include the Division of State Lands, Department of Geologic and Mineral Industry, Department of Environmental Quality, Water Resource Board, Oregon Department of Fish and Wildlife, and the State Parks Department.
- c. If conflicts arise between the Federal designation and the State designation that cannot be resolved, then they shall be resolved by deferring to the more restrictive if possible. This applies to Federal lands only.

F. Alternative Comparison

The following table summarizes the Key Issues and OR values for each alternative for easy comparison.

	ALTERNATIVES			
ISSUES	Alternative A	Alternative B	Alternative C	Alternative D
Recreation	<p>Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor.</p> <p>The existing management direction would be defined by the North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354. The current recreation opportunities provided in the corridor would be maintained.</p> <p>Campground development within the river corridor would remain at Level 2 in the Scenic River section and at Level 3 in the Recreational River sections. Campground Development Levels are defined in Appendix A.</p>	<p>Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor.</p> <p>The management direction would be defined by the existing North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354 with the following exceptions:</p> <p>No change to dispersed camping sites. Created new sites over time will have to be evaluated on a case-by-case basis to determine if the conflict with other OR values.</p> <p>Upgrade existing campgrounds to Level 3. Expand existing campgrounds as needed. Develop three additional Level 3 campgrounds in the vicinity of Trough Creek/Texas Bar, Woods Camp, and North Fork John Day Meadows.</p> <p>Upgrade existing trailheads and develop two additional trailheads in the vicinity of Trough Creek/Texas Bar.</p> <p>Maintain trails and developments within the Wild river section at the highest level, within the Wilderness guidelines.</p>	<p>Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor.</p> <p>The management direction would be defined by the existing North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354 with the following exceptions:</p> <p>Inventory and close dispersed campsites that impact OR values.</p> <p>Upgrade existing campgrounds to Level 2 in Scenic and Level 3 in Recreational.</p> <p>Upgrade existing trailheads.</p> <p>Maintain trail and developments within the Wild river section at a high level, within wilderness guidelines. This would be a higher level than is presently provided.</p>	<p>Maintain the existing Recreational Opportunity Spectrum (ROS) for the river corridor.</p> <p>The management direction would be defined by the existing North Fork John Day Wilderness Plan, Forest Plans (MA-A7, MA-7), and FSM 2300, including FSM 2354 with the following exceptions:</p> <p>Inventory and monitor dispersed recreation campsites. Close sites which adversely impact OR values. If dispersed sites are closed, then identify areas that could be used but are not. Evaluate these areas as to why they are not being used and attempt to facilitate their use.</p> <p>Upgrade existing campgrounds. Develop additional recreational facilities in the vicinity of Trough Creek/Texas Bar, North Fork John Day Meadows, and Woods Camp. No campground would be developed higher than Level 3 in the Recreational river corridor and Level 2 in the Scenic river corridor.</p> <p>Upgrade existing trailheads.</p> <p>Maintain trails and developments within the Wild river section at a high level within wilderness guidelines. This would be at a higher level than presently provided.</p>

ISSUES	Alternative A	Alternative B	Alternative C	Alternative D
Recreation (cont)		<p>Upgrade existing trails outside of the Wild river sections. Develop new trails, outside of the Wild river section, in the vicinity of Trough Creek/Texas Bar. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.</p> <p>Continue with existing travel management plans.</p> <p>Develop four new access points to the river to encourage use in the vicinity of either Oriental Creek, Trough Creek/ Texas Bar, Desolation Creek, or Woods Camp.</p> <p>Develop appropriate interpretive signs, brochures, and turnouts. Provide for an on-site interpreter during the summer months.</p> <p>Develop two recreational mining sites within the corridor. A recreational gold panning site would be located at the North Fork John Day Campground, and a recreational suction dredging/ small sluice box site would be located at Gold Dredge Camp. Activities at both sites would be allowed "in stream only"; no mining activity would be allowed above the water line. Suction dredge size is restricted to four inch diameter or less to concur with the Oregon State Scenic Waterway management. Recreational mining would be discontinued during critical spawning seasons.</p> <p>Allow fuelwood cutting at designated sites only.</p>	<p>Upgrade existing trails outside of wilderness. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.</p> <p>Implement a motorized area closure for the entire river corridor.</p> <p>Restrict river access at critical spawning sites and during critical seasons. No new access would be developed.</p> <p>Develop appropriate interpretive signs.</p> <p>Close corridor to mining other than that covered under the 36 CFR 228 regulations.</p> <p>Allow fuelwood cutting at designated sites only. Seasonal restrictions would apply.</p>	<p>Upgrade existing trails outside of wilderness. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.</p> <p>Continue with the existing travel management plan. Where OR values are threatened, implement closures for specific areas. These may be seasonal or yearly.</p> <p>Restrict river access at critical spawning sites and during critical spawning seasons. Develop new access points to encourage use at acceptable sites. Develop an access point at Woods Camp.</p> <p>Develop interpretive signs, brochures, and turnouts.</p> <p>Develop two recreational mining sites within the corridor. A recreational gold panning site would be located at the North Fork John Day Campground, and a recreational suction dredging/small sluice box site would be located at Gold Dredge Camp. Activities at both sites would be allowed "in stream only"; no mining activity would be allowed above the water line. Suction dredge size is restricted to four inch diameter or less to concur with the Oregon State Scenic Waterway management. Recreational mining would be discontinued during critical spawning seasons.</p> <p>Allow fuelwood cutting at designated sites only. Seasonal restrictions would apply. Fuelwood cutting would only be designed to meet river management objectives. Examples may include reduction of woody debris to improve visual or removal of hazard trees.</p>

ISSUES	Alternative A	Alternative B	Alternative C	Alternative D
<p>Water Quality/Fisheries (cont)</p>		<p>No recommendation to the current fish regulations and seasons.</p>	<p>Recommend closing bull trout fishing until populations reach management objectives. Close areas during critical spawning time to all fishing. Recommend additional regulations concerning tackle, take, or seasons as needed. This would be in coordination with Oregon Department of Fish and Wildlife and the Umatilla Confederated Tribe. This would be an on-going process reviewed annually.</p> <p>Require bonding for any operation within the river corridor that has the potential to impact a river-related value. Bonding would be an amount no less than the actual cost to the government, assuming work will be contracted out, to correct or mitigate any damage that could reasonably be caused by the operation. This would include, but not be limited to, move-in and move-out costs, heavy equipment costs, operator costs, cost of any materials needed, revegetation costs, hazardous material handling and clean-up (if any quantity of hazardous materials are on site), reclamation costs, and administrative costs.</p> <p>Some operations have established direction concerning bonding (example might be some mining activities). Some of these may take priority over this management plan. In these cases bonding will be to the maximum needed to protect river values that the established direction may allow.</p> <p>Recommend withdrawal of mineral-related activities for the entire river corridor.</p>	<p>Cooperatively work with Oregon State Department of Fish and Wildlife and Umatilla Confederated Tribe concerning seasons, tackle, or take as it relates to the protection and enhancement of the Fisheries OR value. This would be an on-going process reviewed annually.</p> <p>Require bonding for any operation within the river corridor that has the potential to impact river-related value. Bonding will be an amount no less than the actual cost to the government, assuming work would be contracted out, to correct or mitigate any damage that could reasonably be caused by the operation. This would include, but not be limited to, move-in and move-out costs, heavy equipment costs, operator costs, cost of any materials needed, revegetation costs, hazardous material handling and clean-up (if any quantity of hazardous materials are on site), reclamation costs, and administrative costs.</p> <p>Some operations have established direction concerning bonding (example might be some mining activities). Some of these may take priority over this management plan. In these cases bonding will be to the maximum needed to protect river values that the established direction may allow.</p> <p>Support the existing mineral withdrawal proposal currently being reviewed by the BLM. This existing proposal is for that portion of the river corridor from North Fork John Day Campground east to the Wilderness boundary.</p>

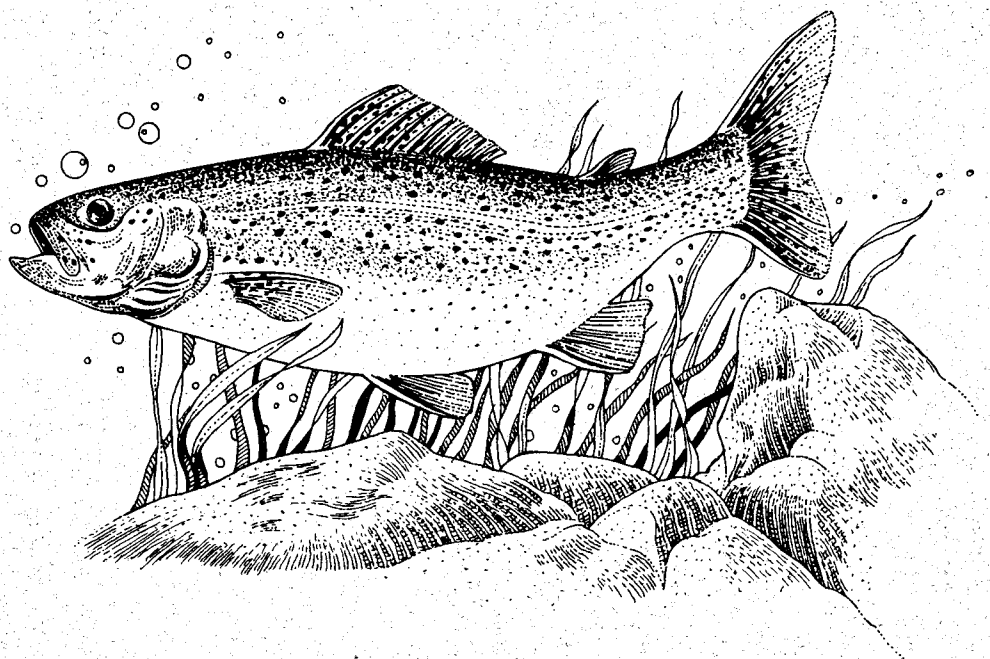
	ALTERNATIVES			
OR VALUES	Alternative A	Alternative B	Alternative C	Alternative D
Scenic	<p>Maintain the existing visual quality objective of Partial Retention or Retention in the Recreational section of the river and Retention in the Scenic section of the river.</p> <p>Maintain the existing visual quality objective of Preservation in the Wild section of the river.</p> <p>Visual management would be according to the two existing Forest Plans, National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Adopt the "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992 as the visual guideline.</p> <p>Maintain the existing visual quality objective of Preservation in the Wild section of the river.</p> <p>Visual management would be according to the two existing Forest Plans, National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Adopt the "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992 as the visual guideline.</p> <p>This viewshed plan specifically identifies the components of the VQO with the use of maps, viewpoints, and computer analysis. It describes the area, Desired Future Conditions, management recommendation, mitigation measures, and more accurately refines the VQO's established in the Forest Plan.</p> <p>Maintain the existing visual quality objective of Preservation in the Wild section of the river.</p> <p>Visual management would be according to the two existing Forest Plans, National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Adopt the "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992 as the visual guideline within and adjacent to the river corridor.</p> <p>This viewshed plan specifically identifies the components of the VQO with the use of maps, viewpoints, and computer analysis. It describes the area, Desired Future Conditions, management recommendation, mitigation measures, and more accurately refines the VQO's established in the Forest Plan.</p> <p>Maintain the existing visual quality objective of Preservation in the Wild section of the river.</p> <p>Visual management would be according to the two existing Forest Plans, National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>
Recreation	See Recreation under "Key Issues" listed above.	See Recreation under "Key Issues" listed above.	See Recreation under "Key Issues" listed above.	See Recreation under "Key Issues" listed above.
Fisheries	See Water Quality/Fisheries under "Key Issues" listed above.	See Water Quality/Fisheries under "Key Issues" listed above.	See Water Quality/Fisheries under "Key Issues" listed above.	See Water Quality/Fisheries under "Key Issues" listed above.

OR VALUES	Alternative A	Alternative B	Alternative C	Alternative D
Wildlife	<p>Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Also involved is the Bridge Creek Wildlife Area Cooperative Management Plan. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p> <p>Additional management direction would be as follows:</p> <p>Monitor for wildlife improvement projects. Prioritize and implement as needed.</p> <p>Manage snags at the 100 percent level (according to Forest Plan direction) within the river corridor.</p> <p>Continue the current motorized restrictions for winter range.</p>	<p>Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p> <p>Additional management direction would be as follows:</p> <p>Monitor for wildlife improvement projects. Prioritize and implement as needed.</p> <p>Manage snags at the 100 percent level (according to Forest Plan direction) within the river corridor.</p> <p>Continue the current motorized restrictions for winter range.</p> <p>Implement road or other closures where wildlife harassment is identified as a problem.</p>	<p>Direction for habitat management is defined in the two existing Forest Plans and FSM 2354. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p> <p>Additional management direction would be as follows:</p> <p>Monitor for wildlife improvement projects. Prioritize and implement as needed.</p> <p>Manage snags at the 100 percent level (according to Forest Plan direction) within the river corridor.</p> <p>Continue the current motorized restrictions for winter range.</p> <p>Implement road or other closures where wildlife harassment is identified as a problem.</p>
Historic/Prehistoric	<p>Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.</p> <p>Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Indians. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.</p> <p>Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Indians. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.</p> <p>Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Indians. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>	<p>Utilize current direction to protect, enhance, and interpret historic/prehistoric sites.</p> <p>Direction for management is defined in the two existing Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Indians. Conflicts between any of these documents would be resolved by deferring to the most restrictive unless stated otherwise.</p>

OR VALUES	Alternative A	Alternative B	Alternative C	Alternative D
<p>Historic/Prehistoric (cont)</p>		<p>Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp. Incorporate cultural information at campgrounds or other appropriate interpretive sites.</p>	<p>Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp.</p>	<p>Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp. Incorporate cultural information at campgrounds or other appropriate interpretive sites.</p>

Chapter IV

Environmental Consequences



CHAPTER IV. ENVIRONMENTAL CONSEQUENCES-EFFECTS OF IMPLEMENTATION

This chapter forms the scientific and analytic basis for the comparison of alternatives and the assessment of effects on the Key Issues and the river's outstandingly remarkable values (OR values). This section will also disclose the effect on other specific issues as directed by laws, regulations and policies (See Other Issues). The analysis includes the short-term, long-term, direct, indirect, irreversible, irretrievable, and cumulative effects.

The following is a discussion of the effects of the alternatives by Key Issues:

A. Key Issues

RECREATION

The issue is: What type and level of recreation opportunities will be available within the corridor? Elements used to define this issue are as follows:

The discussion on recreation will be broken out by the two Forests. First will be the effects on the Umatilla National Forest (UMA) and then the Wallowa-Whitman (W-W).

Alternative A

Direct/Indirect Effects (UMA)

Alternative A would maintain the existing ROS within the corridor and would maintain development at current levels with no new facilities planned. Existing management direction defined by the North Fork John Day Wilderness Plan and the Forest Plan MA-A7 would apply.

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternative B

Direct/Indirect Effects (UMA)

Recreation opportunities would be developed to the highest level possible within the ROS designations

for the corridor. Existing facilities would be upgraded to handle increased use, and new facilities would be developed. Four new river access points and two recreational panning or sluice box sites would be developed to encourage river use. The level of public information and interpretation would be greatly increased.

Cumulative Effects

Over time the additional development called for with this alternative could lead to a level of public use that changes or reduces the recreation experience for users. It is probable that this high level of use would move the ROS experience into the upper, more developed end of Roded Natural, and quite possibly into an Urban ROS.

Alternative C

Direct/Indirect Effects (UMA)

This alternative would result in less dispersed camping use near the river and would restrict river access during critical times for fisheries protection. No new river access points, campgrounds, or trailheads would be developed, thereby limiting recreation opportunities for river corridor users. Motorized recreation opportunities would be minimized by the area closure, and no recreational mining would be allowed within the entire corridor.

Cumulative Effects

As recreational opportunities were reduced by closing dispersed sites and restricting river access and motorized travel, recreational use would decrease. These cumulative changes would tend to move the recreational experience towards the Semi-Primitive ROS throughout the corridor. Assuming the number of recreation visitor days on the North Fork John Day Ranger District would not decline (they are actually expected to increase), the restricted opportunities within the corridor would cause increased use at other sites on the District.

Alternative D

Direct/Indirect Effects (UMA)

This alternative would allow for a full range of recreation opportunities and some increased recreational use within the corridor, but it would keep the development level compatible with maintaining the existing ROS. Dispersed sites closed due to resource conflicts would be "replaced" at more appropriate sites. Some reduction of motorized use would occur, but probably not enough to adversely effect recreational opportunities. While some river access points could be closed or restricted, new sites would be developed in areas less likely to cause impacts on fisheries or water resources.

Cumulative Effects

The combination of site and access closures balanced by new locations and future development at low levels would best maintain the existing ROS for the entire corridor. It should maintain a variety of recreation opportunities for river corridor users while protecting the OR values.

Alternative A

Direct/Indirect Effects (W-W)

Alternative A would maintain the existing ROS of Wilderness Semiprimitive for Segment A (the 3.5 mile segment from the river's headwaters in the North Fork John Day Wilderness to the Wilderness boundary) and Roded Natural for Segment B (the 7.5 mile segment from the Wilderness boundary to Trail Creek). The existing management direction would be defined by the North Fork John Day Wilderness Plan and the Forest Plan (MA-A7, MA-7).

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternative B

Direct/Indirect Effects (W-W)

Alternative B would develop recreation opportunities to their highest level. The recreational setting, over time, would move towards the more developed

end of the Roded Natural Scale for Segment B of the river. This alternative would develop a Level 3 campground in North Fork John Day Meadows where dispersed camping now takes place. This campground would be designed to accommodate group camping. Peavy Cabin and Baldy Lake Trailheads would be upgraded. Current travel management plans would remain in effect and current access in Segment B would not be restricted. In this alternative, a recreational panning site would be designated near North Fork John Day Campground. Recreational panning would be limited to panning or small sluice boxes only. Fuelwood cutting would be allowed in designated areas in Segment B. This alternative would develop an intensive interpretive program consisting of interpretive signs, brochures, turnouts, and on-site interpreters during the summer months. The managerial setting would emphasize a high level of visitor contacts with law enforcement personnel present seven days a week during the summer months.

Cumulative Effects

Over time the additional development called for with this alternative could lead to a level of public use that changes or reduces the recreation experience for users. It is probable that this high level of use would move the ROS experience into the upper, more developed end of Roded Natural, and quite possibly into an Urban ROS.

Alternative C

Direct/Indirect Effects (W-W)

Under Alternative C, the recreation setting, over time, would continue to be more rustic or towards the less developed end of the Roded Natural Scale in Segment B. Dispersed campsites that impact OR values would be closed, no new campgrounds would be developed. Peavy Cabin and Baldy Lake Trailheads would be upgraded. Under this alternative, a motorized area closure would be implemented and river access at critical spawning sites and during critical spawning seasons would be restricted. The entire river corridor would be closed to recreational mining. Fuelwood cutting would be more restrictive than in Alternative B. Interpretation under this alternative would consist of interpretive signs only. The managerial setting would emphasize a high level of visitor contacts during high use periods only.

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternative D

Direct/Indirect Effects (W-W)

Alternative D manages the Recreation OR value at a higher level than Alternative C, but not to its potential. Alternative D would allow for some increased development over time, but overall, maintain a more rustic and less developed setting with the ROS of Roaded Natural. Dispersed campsites that impact OR values would be closed, but replacement sites would be identified. Like Alternative B, a Level 3 campground would be developed in North Fork John Day Meadows to accommodate group camping. Peavy Cabin and Baldy Lake Trailheads would be upgraded. Under this alternative, current travel management plans would remain in effect, except where OR values are threatened. These areas would be closed. River access at critical spawning sites would be restricted, but new access sites would be developed at acceptable locations. A progressive interpretive program would provide for interpretive signs, brochures, and turnouts. Like Alternative C, fuelwood cutting would be at designated sites and some seasonal restrictions would apply. The managerial setting would be similar to Alternative C with increased law enforcement presence during high use periods.

Cumulative Effects

No cumulative effects were identified during the analysis process.

WATER QUALITY/FISHERIES

The Issue Is: How to protect and enhance the population and habitat of the wild runs of chinook salmon, steelhead, and bull trout. Elements used in addressing this issue include the following: effects on the watershed and fish habitat would occur mainly from (1) recreation, (2) mining, and (3) timber harvest; the effects from these activities would be different for each alternative; and each alternative would have some effect on the watershed and the habitat provided for fish.

Alternative A

Direct/Indirect Effects

Alternative A would use existing management direction for maintaining and enhancing the river corridor and fish habitat. Current direction for habitat management is defined in the two existing Forest Plans and FSM 2345. Other documents providing direction are the Columbia River Basin Anadromous Fish Habitat Policy and Implementation Guide and the John Day River Basin Plan.

Alternative A would utilize current direction for maintaining and improving water quality as it relates to fish habitat, including but not limiting to sediment, stream temperature, shading and large woody debris.

Under this alternative, watershed and fish habitat could slowly improve over time, using current Forest Plan direction. The watershed is currently in only fair condition, reaching the threshold for water temperature, shading and pool habitat. Current management direction is to improve to those standards which are below Forest standards and guidelines.

Under this alternative, visitor use would be expected to increase over time as the North Fork John Day River becomes a more popular area for recreation. Currently, Forest users are impacting riparian areas and fish habitat. Camping occurs within several feet of the river, and vehicles are driven all over riparian areas. As use increases we would expect more impact to fisheries habitat. Vehicles are driven across the river in several places, which usually destroys available habitat and eggs still in the gravel. Stream-bank stability may continue to decline as visitor use increases. Existing facilities would be maintained and expansion or construction of new facilities, roads and trails would likely occur. Increases in human visitation, facilities, and associated vehicles could result in increased disturbance to riparian areas and fish habitat. Fish species like the bull trout or spawning chinook salmon, which are intolerant of disturbance, would be temporarily or permanently displaced in areas of high recreation use.

Mining operations are currently allowed in the North Fork John Day River corridor with a current approved operating plan. Portions of the lower river are currently excluded from mineral entry with a mineral activity withdrawal. The upper river corridor

is currently proposed for mineral activity withdrawal, but no decision has been made. There are several mining operations within the watershed but very few working within the Wild & Scenic corridor. Current operating plans should protect water quality and fish habitat, if the operating plans are followed. Historical mining has left many mine tailings and mining debris in the river corridor. Many of the tailings are stabilized, but there are areas of sediment production, vegetation loss, and streambank instability that will continue to occur for years. Current operating plans include road building, excavation of vegetation, water use for settling ponds, all occurring within the riparian area. Heavy machinery is used for excavation and for restoring mining areas. This compacts the soil, causing less water retention and impeding vegetation growth. Small scale mineral testing usually has less of an impact to fish habitat because hand tools are used. Vehicles and living quarters established on site during the hand operation can cause some disturbance.

Livestock grazing no longer occurs in the Wild and Scenic corridor on the Wallowa-Whitman National Forest. Grazing is allowed on the lower portion of the river on the Umatilla National Forest. Grazing impacts in the river corridor and watershed no longer occur, but impacts on vegetation are still evident. Hardwoods, streambanks and trails in the riparian areas are slowly recovering. Grazing in the lower portion of the river has been minimal due to steep terrain and good management. Greater use occurs on the tributary streams.

Under the current Forest Plan direction, timber harvest is allowed within the designated Scenic and Recreational portions of the river corridor. Any harvest proposal would need an approved environmental analysis that would mitigate for any harvest activity that had potential to disturb fish habitat or cause water resource damage.

Prior timber harvests have impacted the watershed. Large clearcuts have removed vegetation in riparian areas and along streambanks. Equipment use on most of the harvest units has caused soil compaction, loss of water filtration and holding capacity, vegetation loss and soil displacement.

Streamside shade is expected to increase in old clearcut units as hardwoods and conifers grow. In some locations streamside shade would decline as

trees currently under insect attack die. Dead trees would fall over in streams, riparian areas and timber stands creating openings of various sizes throughout the project area. Dead trees and limbs on the ground could help hold ground moisture and snow, depending on the size of the opening. Increased openings would change the ability of the area to accumulate and retain snow. Snowmelt could occur earlier in the natural openings created by dead and dying fir than it would in the unharvested forest. This could result in higher peak flows and lower flows in summer. Lower flows and less shade during the summer months could produce higher stream temperatures. Gradually stream temperatures would decline as new shade was produced and old harvest units planted. No new management-related shade losses would occur.

Cumulative Effects

Cumulative impacts are the impacts on the environment which result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions.

Several factors indicate that cumulative effects on water quality and fish habitat may be occurring in the North Fork John Day watershed due to past and present management activities. Potential and recognizable adverse cumulative effects to stream channels and water quality would include: increased water temperatures from direct removal of streamside vegetation that has occurred on North Fork John Day tributaries prior to the Umatilla and Wallowa-Whitman National Forest Land and Resource Management Plans; increased pool filling by deposited sediment and bedload; increased erosion, resulting in sediment increases; turbidity during runoff events; and embeddedness of spawning gravel associated with high road densities. It is suspected that accelerated timber harvest, associated road building in the 1980's, mining, grazing and streamside recreation/camping have all contributed to the effects on stream channels, water quality, and fish habitat.

In some locations streamside shade would decline as trees currently under insect attack die. Stream temperatures could elevate in the area streams but are not expected to exceed State of Oregon Water Quality Standards.

This alternative would not contribute to cumulative impacts to the watershed or to the North Fork John Day River.

Alternative B

Direct/Indirect Effects

This alternative would provide for the the highest level of recreation and scenic OR values, without adversely impacting the other OR values. There would be new campground development, new trails built, upgrading of existing trails and campgrounds, development of new access areas, mineral entry, interpretation and gold panning. There would be no new recommendations for fish stocking, changes in fish regulations or changes in restoration proposals for the entire river. Alternative B would protect and enhance fish and water habitat better than Alternative A, but not to the degree provided for by Alternatives C and D.

Under this alternative, it is expected that recreational use would increase with recreational development and improvements. The effects on fisheries and watershed condition would be the same as in Alternative A but with greater intensity and at higher levels as anticipated use increased.

Mineral activity would continue in the river corridor with this alternative. Gold panning and mineral interpretation would be promoted at several of the campgrounds. This would increase the level of mining activity in the corridor, as compared to Alternative A. Fish habitat would not be destroyed by the panning and sluicing activity, but there could be further displacement of bull trout and chinook salmon from the increased stream activity. With this alternative additional guidelines for Wild and Scenic River protection would be incorporated into operating plans.

Livestock grazing in the lower portion of the river may have additional guidelines for Wild and Scenic River protection that would be incorporated into the allotment plan. This would give better protection to the watershed and fisheries habitat than Alternative A, but not to the degree provided for by Alternatives C and D.

Under the current Forest Plan direction timber harvest is allowed within the designated Scenic and

Recreational portions of the river corridor. Any harvest proposal would need an approved environmental analysis that would mitigate for any harvest activity that had potential to disturb fish habitat or cause water resource damage. This alternative would be similar to Alternate A, but more restrictive. The additional Wild and Scenic River guidelines would be beneficial to the watershed and fish habitat.

Cumulative Effects

This alternative would not contribute to cumulative impacts to the watershed or to the North Fork John Day River.

Alternative C

Direct/Indirect Effects

This alternative would emphasize the highest level of water quality and fisheries management, without adversely impacting the other OR values. This alternative provides for improved fish protection, habitat restoration and enhancement as compared to all the other alternatives.

Under this alternative it is expected that recreational use would not increase to a higher level without new trails or campgrounds. There would be some improvements from upgrading the existing campgrounds and trails. Some dispersed camping areas would be closed that impact fish habitat or riparian areas. River access would be restricted at critical spawning sites and seasons and no new access would be developed. This alternative would be the most beneficial for fish habitat and would protect the watershed by restricting recreational use.

This alternative creates the least impacts to the watershed and fisheries habitat, due to the closure of the river corridor to all recreational panning, sluicing, and dredging. There would be a mineral activity withdrawal proposal for the entire river corridor. This would mean no new mining claims could be established in the river corridor. Only existing valid claims would be allowed to operate in the corridor. These mining operations would have additional guidelines to ensure protection of water quality and fish habitat. This alternative, as compared to the other alternatives, would give fish habitat and water quality additional protection and promote restoration.

Before any operating plan could be approved within the mineral withdrawal, a mining claim validity determination would be conducted to determine valid existing rights. These examinations are costly and often result in lengthy court cases. Only claims with valid existing rights could operate within the withdrawal.

Livestock grazing in the lower portion of the river may have additional guidelines for Wild and Scenic River protection that would be incorporated into the allotment plan. This alternative would be similar to Alternate A, but more restrictive than Alternatives B and D. The additional Wild and Scenic River guidelines would be beneficial to the watershed and fish habitat.

Under the current Forest Plan direction, timber harvest is allowed within the designated Scenic and Recreational portions of the river corridor. Any harvest proposal would need an approved environmental analysis that would mitigate for any harvest activity that had potential to disturb fish habitat or cause water resource damage. This alternative would be similar to Alternate A, but more restrictive than Alternatives B and D. The additional Wild and Scenic River guidelines would be beneficial to the watershed and fish habitat.

With this alternative there would be additional protection of fish habitat and PETS fish species. This alternative recommends implementation of a native fish stocking program, closing fishing for bull trout, and closing areas of critical habitat to all fishing. These changes would be monitored and reviewed annually to see if objectives were being met.

Cumulative Effects

This alternative would not contribute to cumulative impacts to the watershed or to the North Fork John Day River.

Alternative D

Direct/Indirect Effects

The goal of this alternative is to emphasize and manage for a high level of water quality and fisheries, without adversely impacting the other OR values. Recreation would be managed at a higher level than Alternative C but not at the level proposed in Alternative B.

Under this alternative recreational use would increase with recreational development and improvements, but to a lesser degree than Alternative B. Some dispersed campsites would be closed but other sites could be built as replacements that would impact the OR values less. There would be development of additional facilities and upgrading of existing trails.

This alternative recommends a mineral activity withdrawal for the area from the North Fork John Day Campground to the headwaters, which would benefit fisheries habitat. This alternative proposes the development of two recreational areas for mining. This would increase the level of mining activity in the corridor as compared to Alternatives A and B. Fish habitat would not be destroyed by the panning and sluicing activity but there could be further displacement of bull trout and chinook salmon from the increased stream activity. With this alternative there would be additional guidelines for Wild and Scenic River protection that would be incorporated into operating plans.

Before any operating plan could be approved within the mineral withdrawal, a mining claim validity determination would be conducted to determine valid existing rights. These examinations are costly and often result in lengthy court cases. Only claims with valid existing rights could operate within the withdrawal.

Livestock grazing in the lower portion of the river would have additional guidelines for Wild and Scenic River protection that would be incorporated into the allotment plan. This alternative would be similar to Alternate A, more restrictive than Alternative B, but not as restrictive as Alternative C, which is the best alternative for protecting the watershed and fish habitat. The additional Wild and Scenic River guidelines would be beneficial to the watershed and fish habitat.

Under current Forest Plan direction, timber harvest is allowed within the designated Scenic and Recreational portions of the river corridor. Any harvest proposal would need an approved environmental analysis that would mitigate for any harvest activity that had potential to disturb fish habitat or cause water resource damage. This alternative would be similar to Alternate A, more restrictive than Alternative B, not as restrictive as Alternative C, which is the best alternative for protecting the watershed and

fish habitat. The additional Wild and Scenic River guidelines would be beneficial to the watershed and fish habitat.

Cumulative Effects

This alternative would not contribute to cumulative impacts to the watershed or to the North Fork John Day River.

B. Other Issues

BIODIVERSITY (Diversity)

The health and maintenance of a functioning ecosystem is dependent on its diversity. There are three OR values that are important to diversity: Fisheries, Wildlife, and Vegetation/Botanical. The protection and enhancement of these OR values would be part of the objective of the management plan. Each project, as it is proposed, would be analyzed for its effect on the OR values, which would include a discussion on biodiversity. The management of the OR values should protect and enhance the biodiversity of the area.

FOREST HEALTH

The Umatilla and the Wallowa-Whitman have been looking at Forest Health for several years now. Within the framework of existing laws and regulations, the river management plan would conform to the direction set in the Forest Plans. However, as stated in Chapter I, given the size of the river corridor, its location, and the existing laws, there is little that can be done to deal with Forest Health that will effect the situation as a whole.

Because the health of the forest is necessary for the protection and enhancement of the OR values, Forest Health would be a part of any analysis for any proposed projects.

The environmental impacts to forest health would be similar in all of the alternatives. All alternatives would protect and enhance outstandingly remarkable values, while emphasizing recreation or water quality/fisheries. Managing stand health under the Forest Plans and the Umatilla Interim Direction of August 18, 1992, would provide for protecting and enhancing the OR values.

Only dead and dying fir would be removed in the short term. In some stands, a mix of age classes and large diameter trees would be maintained where non-fir species is a major component. Landscapes would be rehabilitated from the catastrophic conditions that exist today. Planting would be done with seral species (predominately ponderosa pine and western larch) with no more than 65 percent in a single species. By converting these stands to seral components, the likelihood of repeated damage to climax species (grand fir and Douglas-fir) would be reduced.

In the Scenic and Recreational segments of the river, some timber harvest may improve some of the OR values for which the river was designated. Harvest practices, consistent with Scenic and Recreational river objectives, would be used. Uneven-aged management would be the most commonly used silvicultural system, but even-aged management could be used to meet desired future conditions.

PRIVATE LANDS

Approximately 12 percent of the river corridor is in other ownership. Of this, the majority of the other ownership (90 percent) is by either Oregon Department of Fish and Wildlife (80 percent) or Louisiana Pacific (15 percent).

Oregon Department of Fish and Wildlife has many of the same objectives for the OR values of the river. The other landowners are covered by local, State, and Federal regulations and laws that provide for the protection of river-related values. Because most of the river is also a Oregon State Scenic Waterway, the regulations governing it would also be used to guide the Forest Service in working with private landowners. All alternatives provide for the use of existing laws and the Interdisciplinary Team felt they would adequately protect the river values.

Acquiring all of the private land (other than ODF&W) was determined desirable in all alternatives. This would be from willing sellers only. However, two areas were determined important to managing the river corridor. These were Wood Camp for camping, river access, boat launch, and interpretation and Texas Bar for camping, boat launch, river access, and other recreation needs. These two areas were identified in all action alternatives.

Acquiring easements along the river was also identified for riparian protection. Although this would not be critical at this time, it was felt it would be desirable over time.

MINERAL

The extraction of minerals has always be a dynamic process rather than a static process. Because of the the wording in the Mining Laws, market values, technology, and operational expenses the ability remove to minerals from Federal land is always changing. As an example the term "reasonable" is used in the Mining Laws to determine resource protection. What was reasonable in 1870, or 1940, or even 1990 may or may not be reasonable in 1993 or on into the year 2000. A practice of hydraulic mining was reasonable at one but is not in today setting.

The guidelines set out in all alternatives are within the the framework of the Mining Laws, Forest Plan, and 36 CFR 228(A) Locatable Minerals Regulations. They are a starting point in determining what is reasonable given the miners rights in the protection of Wild and Scenic River values. They are flexible to deal with site specific concerns (the Forest Service or the miner).

The effects on the extraction of minerals is difficult to determine. The greatest effect will be on those sites that are low in minerals. This is due to the additional protection measures that may increase the cost to extract the mineral beyond the value recovered. On the other hand, it may have beneficial effects by miners conduction more testing. In some cases the additional testing may indicate that there is not as much mineral as once thought, saving the time and money of starting a major operation.

Before any operating plan could be approved within the mineral withdrawal (Alternatives C and D), a mining claim validity determination would be conducted to determine valid existing rights. These examinations are costly and ofter result in lenthly court cases. It is possible that every current mining claim within the proposed withdrawals would have to be examinid for validity.

There should be little effect on the time and cost to produce operating plans, environmental analysis, and administration as these are required already with consideration on water, fish, wildlife, vegeta-

tion, cultural resource, recreation and other resource values. The guidelines in the alternative only help to define how to deal with the OR values, water quality, and free-flow as directed by the Wild and Scenic Rivers Act.

OREGON SCENIC WATERWAY

All alternatives recommend close cooperation between the various State agencies and the Forest Service in managing the river to meet both the Wild and Scenic Rivers Act and the Oregon Scenic Waterways Act. In all action alternatives a Memorandum of Understanding would be developed between the two agencies to identify the process by which the cooperation would be accomplished.

CONSUMERS, CIVIL RIGHTS, MINORITY GROUPS, AND WOMEN

No additional impacts to any of these groups were identified outside of what has already been addressed in the Forest Plans, CMP, or covered in other sections of this document.

WETLANDS AND FLOODPLAINS

Wetlands and floodplains do exist within the planning area. Any proposed project would address the specific impacts to these areas. Because of the Fisheries OR value and the direction within the Act to protect water quality, this issue has been discussed in a previous section. No negative impacts from the development of this management plan were identified.

THREATENED AND ENDANGERED SPECIES

Threatened and endangered species and their habitat have been located within or adjacent to the river corridor. Protected, endangered, threatened, and sensitive (PETS) species have also been identified within the river corridor. These include wildlife, plants, and fish. All of these are part of an OR value to be protected and enhanced. Therefore, any action should improve upon the existing condition. Each individual proposed project in the river corridor would analyze the impact on these species. A biological evaluation (BE) has been completed for this Environmental Assessment (EA) and is in the analysis file.

CULTURAL RESOURCES

Cultural resources have been identified as an OR value. These would be protected and enhanced as described in the alternatives. See Historic/Prehistoric under the section, Outstandingly Remarkable Values.

PRIME FARMLANDS, RANGELANDS, AND FOREST LANDS

The river corridor contains rangelands and forest lands. The effects on these lands would be directly related to the use of easement or special protection measures needed to manage the river values. Alternative A would have the least impact because it would be least likely to pursue easements. Alternatives B, C, and D all would pursue easements. However, because of the language in the Wild and Scenic Rivers Act, the impact should be minor. The Act states "...that such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement." The majority of the rangeland and forest land is in Federal ownership.

ENERGY REQUIREMENTS

No energy requirements were identified during the analysis process.

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

No adverse environmental effects that cannot be avoided were identified during the analysis process. The impact to private landowners cannot be avoided as Congress designated the river a part of the National Wild and Scenic System. The Forest Service is charged with developing the management plan.

RELATIONSHIP BETWEEN SHORT-TERM USE AND LONG-TERM PRODUCTIVITY

During the development of the alternatives, neither long-term or short-term productivity would be affected.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

No alternative represents an irreversible or irretrievable commitment of resources.

POTENTIAL CONFLICTS WITH PLANS AND POLICIES OF OTHER JURISDICTIONS

No conflicts were identified with plans or policies of other agencies during the analysis process.

C. Outstandingly Remarkable Values

SCENIC

The discussion on the Scenic OR value will be addressed individually for the two Forests. The effects on the Umatilla National Forest (UMA) will be discussed first and then the Wallowa-Whitman (W-W). All alternatives provide for maintaining the existing visual objective of Retention and Preservation throughout the river corridor.

Alternative A

Direct/Indirect Effects (UMA)

Alternative A would maintain the current visual quality objectives of Preservation in the Wild section, Retention in the Scenic section, and Partial Retention in the Recreational section. It would not set any direction for protecting or enhancing the scenic resource beyond current levels. Existing management direction is defined by the Forest Plan, MA-A7.

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternative B

Direct/Indirect Effects (UMA)

Visual quality within the Recreational section of the corridor, as related to human structures and activities, would improve over time as higher standard visual quality objectives were implemented. Visual quality of the vegetation would be dependant upon management levels. Areas where timber management activities emphasize silvicultural systems such as thinning and uneven-age management would visually improve through time as the level of dead and dying trees in the visual zone was reduced

through harvest and new, green trees were regenerated.

The large number of dead and dying trees has created a large amount of natural fuel in the forest, and a wildfire occurrence under these conditions would have immediate, negative visual impacts. The visual quality would gradually improve following the fire as charred snags were removed or fell down and new vegetation became established.

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternatives C and D

Direct/Indirect Effects (UMA)

The direct and indirect effects of Alternatives C and D would be very similar to Alternative B. The exception would be if increased emphasis on water quality and fisheries led to a reduction in timber salvage within the corridor. Then the chances of a wildfire and the associated negative visual impacts would be increased.

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternative A

Direct/Indirect Effects (W-W)

Alternative A would provide the least amount of scenic enhancement because it would not set any direction for protecting or enhancing this scenic resource.

Cumulative Effects

No cumulative effects were identified during the analysis process.

Alternatives B, C, and D

Direct/Indirect Effects (W-W)

Alternatives B, C, and D would provide the highest level of scenic enhancement by adopting the "Wild

and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992. This plan makes recommendations for specific activities such as vegetative management, developed recreation, dispersed recreation, transportation facilities, administrative sites, private land development and other uses. This plan addresses clean-up for previous management activities including sawing off exposed stumps, removing slash, planting trees along main travelways, and modifying the edge of the previous cut area in pure stands of lodgepole pine. These alternatives would improve the scenic quality over time as non-conforming visual impacts were brought into conformance.

Cumulative Effects

No cumulative effects were identified during the analysis process.

RECREATION

See "Key Issues" listed previously.

FISHERIES

See "Key Issues" listed previously.

WILDLIFE

Effects on wildlife species and wildlife habitat would occur mainly from four activities: recreation, mining, timber harvest, and grazing. The type and degree of effects in relation to the four alternatives is discussed below. All alternatives would affect the quality and diversity of habitat to some extent. None of the alternatives would result in a loss of diversity or species using the river corridor, which contributed to its designation as an OR value.

Disturbances to wildlife would be mitigated by the presence of Wilderness adjacent to large areas of the river corridor. Approximately 35 miles (65% of the total corridor length) is bordered by Wilderness. The large tracts of natural habitat available to wildlife would have a buffering effect on human activities that cause harassment to various animal species.

Alternative A

Direct/Indirect Effects

Alternative A would use existing management direction for maintaining and enhancing wildlife habitat, as stated in the Forest Plans for the Willowa-Whitman and Umatilla National Forests and the Bridge Creek Wildlife Area Cooperative Management Plan for the Oregon Department of Fish and Wildlife. This alternative would provide the least protection of wildlife habitat and the least opportunity for enhancement.

Under this alternative, visitor use is expected to increase over time as the general population increases, and as the area becomes better known due to the river's designation as Wild and Scenic. The wide variety of recreational uses which now exist within the river corridor would continue and probably expand. Existing facilities would be maintained and expansion or construction of new facilities, roads and trails would likely occur. These increases in human visitation, facilities, and associated vehicles and noise would result in increased disturbance to wildlife species which are resident in the same areas or which use these areas for foraging and travel avenues. Species which are intolerant of disturbance could be temporarily displaced, or may abandon territories in areas of high recreation use. There would be little to no impact on species which are not highly sensitive to the presence of people and associated sounds.

Fuelwood cutting would cause minor losses to wildlife habitat and snag levels.

There would also be increased impacts to vegetation in the vicinity of campgrounds and other facilities and a loss of vegetation where there was new construction of roads, trails, interpretive sites, boat landings and other such facilities. The major impacts would be to ground vegetation and shrubs, with some tree removal necessary. Riparian areas would be impacted the most, but this could be mitigated by management of heavily used areas.

Wildlife harassment from vehicular travel could be mitigated by seasonal and/or permanent road closures.

Mineral exploration and extraction, where allowed, could involve new road construction or reconstruc-

tion of old roads, severe ground disturbance and excavation, clearing of vegetation and tree cutting, construction of settling ponds, and creation of piles of tailings. Use of heavy machinery, equipment and vehicles would be necessary for such mining operations. Smaller scale testing could involve use of hand tools only. Impacts from mining would be similar to those described above for recreational activities, except more severe where heavy equipment and vegetation removal were involved. The presence of people, machinery and high noise levels would temporarily displace some animals, potentially disrupting foraging and travel patterns and possibly nesting and roosting activities. There would be a temporary loss of habitat in many instances, until the mining sites were revegetated and rehabilitated. Depending upon the site characteristics and availability of native plant materials, many mining sites could undergo a long-term habitat alteration. However, valuable wildlife habitat could still be created, and various types of habitat restoration would be accomplished over time.

Timber harvest would be allowed within the designated Scenic and Recreational portions of the river corridor. This is true for all the alternatives. If timber harvest occurred, it would result in long-term wildlife habitat alteration and changes in seral stages. The degree of alteration would depend on how many trees were removed and the type of equipment used. There would be an increase in the amount of forage and in habitat types containing forage. There would be some loss of thermal and hiding cover for big game. Snag levels would be less than optimal, and there would be some loss of potential nesting, roosting and foraging trees. General effects on wildlife would be similar to those of increased recreation, due to the presence of people, heavy equipment, and high noise levels. Ground disturbance and removal of vegetation would cause temporary to long-term changes in microsites and species composition of grasses, forbs, and shrubs. There may be local increases in soil erosion and stream sedimentation, though these should be minimal due to constraints of existing standards and guidelines.

The effect of livestock grazing on wildlife habitat would result in an overall reduction in the amount of forage available for deer and elk. There may be impacts to vegetation, especially in riparian zones, from feeding, trampling, bedding, and trailing. Increased erosion of streambanks and general soil erosion in areas of heavy use could occur. Such

adverse effects could be mitigated by improvement in allotment management plans. This would occur to some degree under all alternatives. There would also be some displacement of elk and deer by the presence of cattle or other livestock.

Cumulative Effects

No cumulative effects on wildlife were identified during the analysis process.

Alternative B

Direct/Indirect Effects

This alternative would provide for the highest level of Recreation and Scenic OR values. There would be numerous new recreational developments, both structural and non-structural. There would also be increased opportunity for implementation of wildlife improvement projects and for habitat management that would enhance values to wildlife, as compared with Alternative A, but not to the degree provided for by Alternatives C and D.

In this alternative, it is expected that visitor use would increase above levels associated with Alternative A, due to greater development of recreational facilities. Effects on wildlife species, habitat, and general vegetation would be the same as described for Alternative A, but at higher levels or intensities due to increased visitor use and facilities.

Impacts from mining activities would be the same as those for Alternative A, except there would be a more detailed and comprehensive evaluation process for proposed and existing operating plans to ensure protection of water quality and all the OR values. Operating plans could be modified, where practical, to meet standards and guidelines for Wild and Scenic River protection. Additional measures to maintain high water quality and protect vegetation would benefit wildlife and maintain or enhance existing habitat values.

Effects of timber harvest on wildlife and habitat would be similar to those for Alternative A, but would be somewhat mitigated by more restrictive standards and guidelines to protect all Wild and Scenic River values. Also, snags would be managed at the 100 percent level within the entire river corridor, providing high quality habitat for cavity nesting

species and primary excavator species (which are also management indicator species).

Impacts from livestock grazing would also be similar to those described for Alternative A, except, as with other activities impacting resources, allotment management plans would be modified to better protect all Wild and Scenic River values, and management techniques to protect and enhance these values would be implemented.

Impacts to wildlife from all activities would be offset by monitoring for and implementing habitat improvement projects. Wildlife harassment from vehicular use would be mitigated by seasonal and/or permanent road closures. Development of interpretive signs and brochures could include information about various wildlife species, habitats, and rare/sensitive plants. This would provide benefits through public education and increased awareness of protection for natural resources.

Cumulative Effects

No cumulative effects on wildlife were identified during the analysis process.

Alternative C

Direct/Indirect Effects

Alternative C would place the greatest emphasis on water quality and fisheries. Management practices to preserve and enhance these values would also benefit wildlife. This alternative would provide the greatest protection of wildlife habitat and opportunities for enhancement.

In Alternative C, a slower increase in visitor use is expected to occur, compared to other alternatives, due to a lower emphasis on recreation and less development of facilities. However, visitor use is still expected to increase over time as the general population increases and as the area becomes better known due to the river's designation as Wild and Scenic. Effects on wildlife and vegetation would be the same as those described for Alternative A, except the extent and intensity of impacts from recreational activities would be at a lower level.

Impacts of mining activities would be the least of all the alternatives, due to closure of the river corridor to all recreational mining, and a mineral withdrawal

for the entire corridor. This would reduce the extent of mining to valid existing claims, with no establishment of new claims. Where mining does occur, the effects on wildlife and habitat would be the same as those described for Alternative A, except some additional mitigation measures would be required. There would be a more detailed and comprehensive evaluation process for proposed and existing operating plans to ensure protection of water quality and all the OR values. Operating plans would be modified, where practical, to meet standards and guidelines for Wild and Scenic River protection. Additional resource protection measures for water quality and fisheries under this alternative (and Alternative D) would further help to mitigate impacts from mining on wildlife habitat.

Effects of timber harvest on wildlife and habitat would be similar to those described for Alternative A, but would be mitigated by more restrictive standards and guidelines to protect all Wild and Scenic River values. Additional resource protection measures for water quality and fisheries would further help to mitigate impacts from timber harvest on wildlife habitat. Snags would be managed at the 100 percent level within the entire river corridor.

Impacts from livestock grazing would also be similar to those described for Alternative A, except, as with other activities impacting resources, allotment management plans would be modified to better protect all Wild and Scenic River values, and management techniques to protect and enhance these values would be implemented. Additional resource protection measures for water quality and fisheries under this alternative would further help to mitigate impacts from livestock grazing.

Impacts to wildlife from all activities would be offset by monitoring for and implementing habitat improvement projects. Wildlife harassment from vehicular use would be mitigated by seasonal and/or permanent road closures. Development of interpretive signs could include information about various wildlife species, habitats, and rare/sensitive plants. This would provide benefits through public education and increased awareness of protection for natural resources.

Cumulative Effects

Alternative C could have long-term beneficial effects to wildlife through implementation of habitat im-

provement projects, a greater degree of protection of water quality and fisheries values than under Alternatives A or B, and public environmental education.

Alternative D

Direct/Indirect Effects

Alternative D would emphasize and manage for a high level of water quality and fisheries values while also providing for a high level of recreational values. Management practices to preserve and enhance fish habitat would also benefit wildlife, but to a somewhat lesser extent than in Alternative C.

Recreation developments and facilities would be intermediate between those of Alternatives B and C. A gradual increase in visitor use is expected over time as the general population increases, and as the area becomes better known due to the river's designation as Wild and Scenic. Effects on wildlife and vegetation would be the same as those described for Alternative A, except the extent and intensity of impacts from recreational activities would be at a lower level than either Alternatives A or B, but greater than in C.

Impacts of mining activities would also be less than in Alternatives A or B, but greater than in C. A mineral withdrawal would be recommended for approximately seven miles within the river corridor, and recreational mining would be permitted in designated areas. Where mining does occur, the effects on wildlife and habitat would be the same as those described for Alternative A, except some additional mitigation measures would be required. There would be a more detailed and comprehensive evaluation process for proposed and existing operating plans, to ensure protection of water quality and all the OR values. Operating plans would be modified, where practical, to meet standards and guidelines for Wild and Scenic River protection. Additional resource protection measures for water quality and fisheries under this alternative (the same as in Alternative C) would further help to mitigate impacts from mining on wildlife habitat.

Effects of timber harvest on wildlife and habitat would be similar to those described for Alternative A, but would be mitigated by more restrictive standards and guidelines to protect all Wild and Scenic River values. Additional resource protection mea-

asures for water quality and fisheries (the same as in Alternative C) would further help to mitigate impacts from timber harvest on wildlife habitat. Snags would be managed at the 100 percent level within the entire river corridor.

Impacts from livestock grazing would also be similar to those described for Alternative A, except, as with other activities impacting resources, allotment management plans would be modified to better protect all Wild and Scenic River values, and management techniques to protect and enhance these values would be implemented. Additional resource protection measures for water quality and fisheries under this alternative (the same as in Alternative C) would further help to mitigate impacts from livestock grazing on wildlife habitat.

Impacts to wildlife from all activities would be offset by monitoring for and implementing habitat improvement projects. Wildlife harassment from vehicular use would be mitigated by seasonal and/or permanent road closures. Development of interpretive signs could include information about various wildlife species, habitats, and rare/sensitive plants; this would provide benefits through public education and increased awareness of protection for natural resources.

Cumulative Effects

Alternative D could have long-term beneficial effects to wildlife through implementation of habitat improvement projects, a greater degree of protection of wildlife values than under Alternatives A or B. Beneficial effects to wildlife and habitat would be somewhat less than under Alternative C.

HISTORIC/PREHISTORIC

Alternative A

Direct/Indirect Effects

All of the alternatives would utilize current direction to protect, enhance and interpret the historic/prehistoric OR values. Alternative A would provide the least enhancement opportunities.

Alternatives B, C, and D

Direct/Indirect Effects

Alternatives B, C, and D would provide for the research and development of an interpretive site for the gold dredge tailings in the vicinity of Gold Dredge Camp. Alternatives B and D would also provide for incorporating cultural information at campgrounds and other appropriate interpretive sites. These alternatives would provide for the highest level of enhancement for the OR values.

Cumulative Effects

The increased recreation developments and opportunities provided by Alternative B would lead to an increased number of recreational visitors in the corridor. Greatly increased numbers of users could reduce the ability of Federal and State agencies to protect the historic and prehistoric sites located there.

PROBABLE ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

No adverse environmental effects that cannot be avoided were identified during the analysis process. The impact to private landowners cannot be avoided as Congress designated the river a part of the National Wild and Scenic System. The Forest Service is charged with developing the management plan.

RELATIONSHIP BETWEEN SHORT-TERM USE AND LONG-TERM PRODUCTIVITY

During the development of the alternatives, neither long-term or short-term productivity would be affected.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

No alternative represents an irreversible or irretreivable commitment of resources.

POTENTIAL CONFLICTS WITH PLANS AND POLICIES OF OTHER JURISDICTIONS

No conflicts were identified with plans or policies of other agencies during the analysis process.

Chapter V

Agencies and Persons Consulted



CHAPTER V. AGENCIES AND PERSONS CONSULTED

The development of this environmental analysis involved numerous people, agencies, groups, and governments. The following is a list of the person(s) and agencies consulted.

Government

State of Oregon
Confederated Tribe of the Umatilla Indian Reservation
Confederated Tribe of the Warm Springs Reservation
Grant County
Umatilla County

Agencies and Organizations

American Camping Association
American Fisheries Society
American Rivers, Inc.
Antler & Fin Club
Army Corps of Engineers, Dist. Engineers
Audubon Society of Portland
Baker Resources, USA
Blue Mountain Audubon Society
Blue Mountain Intergovernment Council
Blue Mountains Protection Alliance
Bonneville Power Administration
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Reclamation
Columbia River Inter-tribal Fish Commission
E. O. Sportsmen Council
East-Central Oregon Organization of Counties
Eastern Oregon Mining Association
Eastern Washington University
Federal Energy Regulatory Commission
Forestry & Range Sciences Lab
Grant County Chamber of Commerce
Grant County Soil and Water Conservation District
National Forest Products Association
National Park Service
National Wildlife Federation
Native Plant Society of Oregon
Natural Heritage Advisory Council
Nez Perce Fisheries Management
Nez Perce Tribe
Northwest Forestry Association
Northwest Indian Fisheries Commission
Northwest Power Planning Council
Northwest Rivers Council
Northwest Steelheaders
Northwest Trailriders Association
Oregon Cattlemen's Association
Oregon Division of State lands

Agencies and Organizations (cont.)

Oregon Department of Agriculture
Oregon Department of Environmental Quality
Oregon Department of Fish & Wildlife
Oregon Department of Forestry
Oregon Department of Geology
Oregon Department of Transportation
Oregon State Land Conservation and Development
Oregon Hunter's Association
Oregon Kayak & Canoe Club
Oregon Natural Resources Council
Oregon Nordic Club, Inc.
Oregon Rivers Council
Oregon State Marine Board
Oregon State Parks Department
Oregon State University Extension Service
Oregon State Water Resources Department
Oregon Trout
Our National Forest, Inc.
Point No Point Treaty Council
Rural Electification Administration
Sierra Club, Blue Mountain Group
Sierra Whitewater Expeditions
Special Protection Inc., Ag.
The Nature Conservancy
Tri-State Steelheaders
Umatilla County Planning Department
Umatilla County Weed Control Supervisor
Umatilla County Watermaster
U. S. Department of Interior, Bureau of Mines
U. S. Environmental Protection Agency
U. S. Fish & Wildlife Service
U. S. Soil Conservation Service
Western Land and Minerals
Wilderness Society

Individuals Representing Government

Les Aucoin (U.S. Representative)
Ray Baum (State Representative)
Larry Craig (State Representative)
Peter Defazio (U.S. Representative)
Mark Hatfield (U.S. Senator)
Denny Smith (U.S. Representative)
Robert Smith (U.S. Representative)
Eugene Timms (State Senator)
Ron Wyden (U.S. Representative)

Private Landowners and Individuals

Private landowners that live within a half a mile of the North Fork John Day River were put on a mailing list to keep them informed as we proceeded through the process. Other interested private individuals were also kept informed throughout the process. There are over 130 people on this list.

Interdisciplinary Team

We have participated in this analysis and believe the significant issues have been identified and addressed:

MARTY GARDNER, River Planner Date _____

ALAN GUTTRIDGE, NFJD Resource Assistant Date _____

LYNN ROEHM, Baker District Resource Assistant Date _____

JACKIE DOUGAN, Baker District Fishery Biologist Date _____

HEIDI HAID, Baker District Botanist Date _____

GORDON STRUTHERS, Baker Dist. Resource Coordinator Date _____

BOB CLEMENTS, NFJD Silviculturist Date _____

Recommended by:

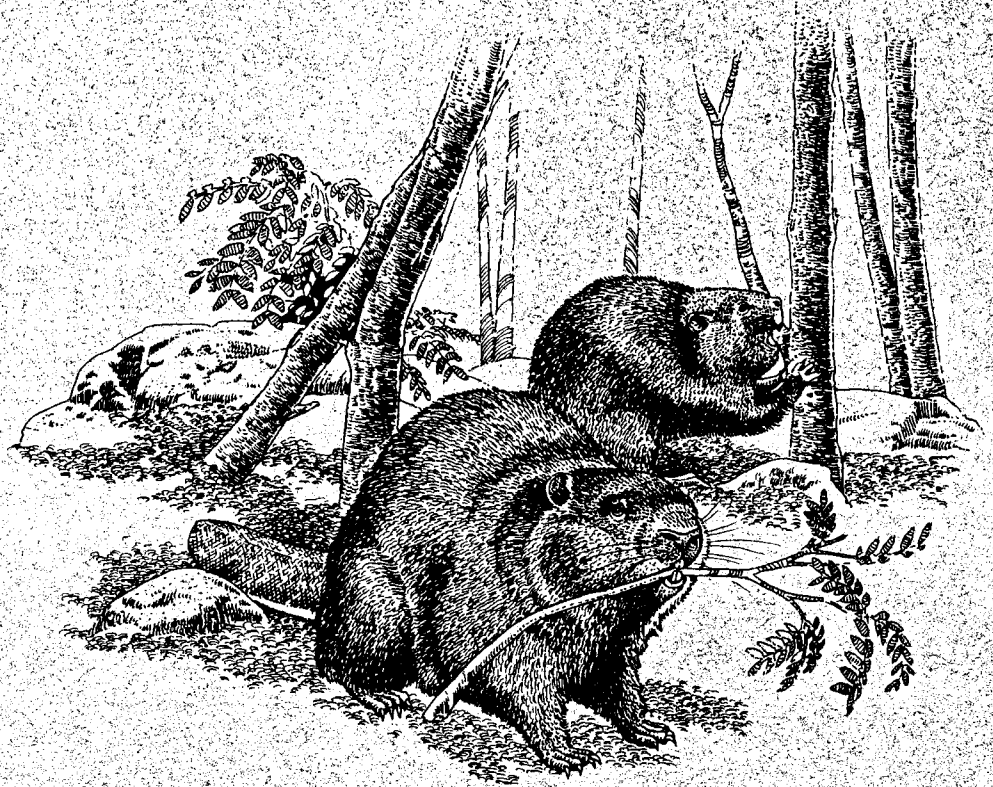
CRAIG SMITH-DIXON NFJD Dist. District Ranger Date _____

CHUCK ERNST, Baker Dist. District Ranger Date _____

I believe this assessment meets the requirements of the National Environmental Policy Act of 1969.

BRUCE McMILLAN, Forest Environmental Coordinator Date _____

Appendices



Appendix A

Appendix A

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.

Best management practices - A practice or combination of practices that is determined by a State (or designated area-wide planning agency) after problem assessment, examination of alternative practices, and appropriate public participation, to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals (Federal Register, Volume 40, No. 230 dated 11/28/75).

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)
- Fire intensity level** - Fire intensity level; a measure of heat released over time by the flaming front of a fire; indicated by flame length (i.e., FIL 1 = 0-2 ft; FIL 2 = 2-4 ft).
- 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.

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 eliminating 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.

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 Site Development Level

1. **Minimum Site Modification** - Rustic or rudimentary improvements designed for protection of the site rather than comfort of the users. Use of synthetic materials excluded. Minimum controls are subtle. No obvious regimentation. Spacing informal and extended to minimize contacts between users. Motorized access not provided or permitted.
2. **Little Site Modification** - Rustic or rudimentary site rather than for the comfort of the users. Use of synthetic materials avoided. Minimum controls are subtle. Little obvious regimentation. Spacing informal and extended to minimize contacts between users. Motorized access provided or permitted. Primary access over primitive roads. Interpretive services informal, almost subliminal.
3. **Site Modification Moderate** - Facilities about equal for protection of site and comfort of users. Contemporary/rustic design of improvements usually based on use of native materials. Inconspicuous vehicular traffic controls usually provided. roads may be hard surfaced and trails formalized. Development density about 3 family units per acre. Primary access may be over high standard roads. Interpretive services informal, but generally direct.
4. **Site Heavily Modified** - Some facilities designed strictly for comfort and convenience of users. Luxury facilities not provided. Facility design may incorporate synthetic materials. Extensive use of artificial surfacing of roads and trails. Vehicular traffic control usually obvious. Primary access usually over paved roads. Development density 3-5 family units per acre. Plant materials usually native. Interpretive services often formal or structured.
5. **High Degree of Site Modification** - Facilities mostly designed for comfort and convenience of users and usually include flush toilets; may include showers, bathhouses, laundry facilities, and electrical hookups. Synthetic materials commonly used. Formal walks or surfaced trails. Regimentation of users obvious. Access usually by high-speed highways. Development density 5 or more family units per acre. Plant materials may be foreign to the environment.

Formal interpretive services usually available. Designs formalized and architecture may be contemporary. Mowed lawns and clipped shrubs not unusual.

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 harmonize 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.

Selection cutting - The annual or periodic removal of trees (particularly mature trees), individually or in small groups, from an uneven-aged forest, to realize the yield and establish a new crop of irregular constitution.

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.

State Scenic Waterway - Those rivers or sections of rivers designated as State Scenic Waterways by the State of Oregon, either under the voter initiative that established the program in 1970, or under subsequent ballot measures or legislative acts. Parts of the McKenzie River were designated as a State Scenic Waterway in the Oregon Rivers initiative, a statewide ballot measure passed in 1988.

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.)

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.

Wilderness Resource Spectrum Class (WRS) - Classification of area within a wilderness based on such criteria as the current condition of use, density of camping sites, presence of trails.

1. **Pristine** - This class is characterized by an extensive unmodified natural environment. Natural processes and conditions have not and will not be measurably affected by the actions of users. This class provides the most outstanding opportunity for isolation and solitude, free from evidence of past human activities and with very infrequent encounters with other users.
2. **Primitive** - This class is characterized by essentially an unmodified natural environment. Concentration of users is low and evidence of human use is minimal. This class provides a high opportunity for exploring and experiencing considerable isolation, solitude, and self reliance.
3. **Semiprimitive** - This class is characterized by a predominately unmodified natural environment of moderate size. Concentration of users is low, but there is evidence of other users. In this class moderate opportunities for exploring and experiencing isolation from the sights and sounds of users; independence; closeness to nature; tranquility and self reliance.
4. **Transition** - This class includes areas that are characterized predominantly by conditions of relatively concentrated use where encounters with other groups are frequent, opportunities for solitude are limited, and controls may be highly evident.

Appendix B

WILD AND SCENIC RIVERS ACT

¹An 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).

¹ 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 unsuitability 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.

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

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.

Appendix C

RESOURCE ASSESSMENT

**North Fork John Day River
National Wild and Scenic River**

**USDA - Forest Service
Umatilla and Wallowa-Whitman National Forests**

RESOURCE ASSESSMENT

North Fork John Day River
National Wild and Scenic River

USDA - Forest Service
Umatilla and Wallowa-Whitman National Forests

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Date: 6/6/91

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

Date: 6/6/91

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NORTH FORK JOHN DAY WILD AND SCENIC RIVER RESOURCE ASSESSMENT--Final

I. EXECUTIVE SUMMARY

As a result of the Omnibus Oregon Wild and Scenic Rivers Act of 1988, a segment of the North Fork John Day River 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 Fork John Day River. This resource assessment has been done to identify the river values that are outstandingly remarkable and/or to verify the Congressionally-named values.

On August 1, 1990, 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 Fork John Day River to be outstandingly remarkable values: scenery, cultural, recreation, fisheries, and wildlife.

Although geology was mentioned in the Congressional Record as another outstandingly remarkable value, it was identified when a much longer stretch of the North Fork John Day River was considered for inclusion in the 1988 bill. Hence, a more significant change in geologic features from headwaters to the lower termini was the basis for that determination. As in the draft resource assessment, geology is not considered to be an outstandingly remarkable value in the final document. The W&SR designation on the North Fork John Day is typical, geologically, of many other drainages in the Elkhorn Mountains.

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 Fork John Day River remain: scenery, cultural, recreation, fisheries, and wildlife.

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. The North Fork John Day 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 Fork John Day River identified in the Congressional Record include: scenery, geology, cultural, recreational, fisheries, and wildlife.

Under the Wild and Scenic Rivers Act, the Forest Service is required to prepare a comprehensive river management 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 is essential for the success of a sound management plan.

A portion of the North Fork John Day Wild and Scenic River was also included in the Oregon Scenic Waterways Program via 1988 Ballot Measure #7 (Oregon Rivers Initiative). This program, established in 1970 by the State of Oregon, is administered through the State Parks and Recreation Department.

The Oregon Scenic Waterways Program includes free-flowing waterways considered to possess one or more "outstanding scenic, fish, wildlife, geological, botanic, historic, archaeological, and outdoor recreation values of present and future benefit to the public" (ORS 390.805) For each waterway, Oregon State Parks and Recreation Department determines which resources within the corridor will be considered "special attributes," and, therefore, subject to rules and recommendations for protection or enhancement of these attributes. For the North Fork John Day River, the State Parks and Recreation Department finds the special attributes to be the same as the outstandingly remarkable values as discussed in this document.

The Oregon Scenic Waterway designation on the North Fork John Day River begins at the North Fork John Day Wilderness boundary (at Big Creek) and ends at River Mile 20.2 above the town of Monument. The state/federal overlap is from the North Fork John Day Wilderness boundary (Big Creek) to Camas Creek.

The Forest Service, as lead agency for Wild and Scenic River management planning, and the State of Oregon will coordinate planning efforts for the river segment which has this dual designation. If timing permits, a joint federal-state management plan will be developed for this portion of the North Fork John Day River.

III. INTRODUCTION TO 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 final boundaries.

Although the determination of value significance is a matter of informed professional judgement 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*
- Values must be river related in that they owe their existence or contribute to the functioning of the river system and its immediate environs.
- The use of qualitative guidelines to help determine significance
- Verification by other experts in the subject area.

* Based partially on the eight geographic regions described in the 1989 Statewide Comprehensive Outdoor Recreation Plan for Oregon.

The resource value categories that have been considered include:

Scenic
Recreational
Geologic
Fisheries
Wildlife
Historic
Prehistoric
Traditional Use, Cultural
Other Resource Values

IV. RIVER DESCRIPTION

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 designated 54.1 miles of the North Fork John Day River from its headwaters in the North Fork John Day Wilderness to its confluence with Camas Creek, in the following classes:

Segment A (Wilderness)	WILD RIVER: The 3.5-mile segment from its headwaters in the North Fork John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork John Day Wilderness boundary.
Segment B	RECREATIONAL RIVER: The 7.5-mile segment from the North Fork John Day Wilderness boundary to Trail Creek.
Segment C (Wilderness)	WILD RIVER: The 24.3-mile segment from Trail Creek to Big Creek.
Segment D	SCENIC RIVER: The 10.5-mile segment from Big Creek to Texas Bar Creek.
Segment E	RECREATIONAL RIVER: The 8.3-mile segment from Texas Bar Creek to its confluence with Camas Creek.

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 attached map shows private and federal landownership. The final corridor boundary will be determined as part of the Wild and Scenic River management plan development.

The State Scenic Waterway segment which overlaps with the federal Wild and Scenic River designation:

**from the North Fork John Day Wilderness boundary (Big Creek) to Camas Creek.

The boundaries for the State Scenic Waterway are set at 1/4 mile on each side of the river and will not change.

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

The designated river corridor for the North Fork John Day River contains a diversity of landforms and vegetation that captures the attention of the viewer. Several stretches of the North Fork John Day River received previous national recognition by Congress through enactment of the Oregon Wilderness Act of 1984. The North Fork John Day Wilderness includes four separate units, two of these contain Wild and Scenic River segments.

The Baldy Creek Unit comprises approximately 15,000 acres of scenic alpine lake basins and the headwaters of the North Fork John Day River. Further downstream is the North Fork John Day Unit, approximately 85,000 acres, which encompasses the mainstem and its tributaries.

The headwaters area and overlapping Wilderness designation is in the glaciated Elkhorn Mountains. The south side of the river is characterized by stands of lodgepole pine, interspersed with fingers of mixed conifer. Spruce and western larch are found near the river. Subalpine fir is present above 6,000' in elevation.

The north side of the river (outside of Wilderness) had past harvest activities for removal of beetle-killed lodgepole pine. The associated conifer species remain. Several large meadows and other smaller wetland areas provide diverse scenery and outstanding wildlife habitat. An "old growth" aspen stand along the river corridor is part of the proposed (Forest Plan recommendation) Cougar Meadow Research Natural Area, and is a notable plant community feature.

Progressing downstream towards, and including, the second Wilderness unit (North Fork John Day Unit), a similar species mix is found, with some rock outcrops and steep side slopes into the river canyon. Below the Wilderness boundary, rimrock topography is common, with small fingers of trees in a few places. Below Horse Canyon there is an area of about 1/2-3/4 mile long known locally as the "cliffs" or "narrows" due to the sheer rock cliffs confining the North Fork John Day River. The tree species, where present, are typically ponderosa pine, Douglas-fir, and western larch.

The Forest Road (73) which parallels the North Fork John Day River outside of Wilderness is included in the National Forest Scenic Byways Program. The intent of this nation-wide program is to identify those roads which travel through the spectacular scenery of the National Forests. Recognition given to this portion of road certainly was due, in part, to the scenic beauty provided by the river environment.

Finding

Like other river drainages in the Elkhorn Mountains, the North Fork John Day River corridor possesses diversity in vegetation and topographic landforms. Significant sections of the river had already been

recognized through the 1984 Wilderness designation. The proposed Cougar Meadows Research Natural Area also encompasses a portion of the river drainage. The paved road which parallels part of the river was administratively designated a National Scenic Byway. This finding agrees with the Congressional Record regarding the outstandingly remarkable scenic value of the North Fork John Day River.

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 Fork John Day River corridor provides a wide variety of recreational opportunities. The two river segments in Wilderness are paralleled by trails for both hiking and horseback riding in the scenic North Fork John Day Wilderness. Several of these trails lead to the Elkhorn Crest National Recreation Trail. This trail follows the crest of the glaciated Elkhorn Mountains, and affords spectacular views of the North Fork John Day River headwaters.

River segments outside of Wilderness are easily accessed by roads. Visitors to the area often travel the Elkhorn Drive National Scenic Byway, which is adjacent to part of the North Fork John Day Wild and Scenic River. It is the main route by which visitors access the entire area to recreate.

Heaviest use in the river corridor occurs in the summer and fall seasons, primarily associated with camping and big-game hunting, drawing many visitors from outside the area. A number of campgrounds have a primitive or limited level of development, and dispersed camping in open areas and flat spots along the river is popular. Big-game hunters utilize these areas heavily during the fall, in search of the high quality hunt for which this area is known. Several trailheads provide access to the Wilderness trails.

Fishing along the banks of the North Fork John Day River is also very popular, while recreational gold panning is another activity pursued by visitors. Only during the spring runoff period are the last few miles of the designated portion of the North Fork John Day River floated by rafts, canoes, or kayaks. Pursuit of this recreational opportunity is modest. Some snowmobiling occurs during the winter months.

Finding

The quality and diversity of recreational opportunities available along the North Fork John Day River corridor makes it a popular area year-round for local visitors and those from outside the area. This finding agrees with the Congressional Record on recreation being an outstandingly remarkable value.

GEOLOGIC

Criteria for Outstandingly Remarkable Rating

The river or the area within the river corridor contains an example(s) of a geologic 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 features (erosional, volcanic, glacial, and other geologic structures.)

Evaluation of the Present Situation

The North Fork John Day River drainage is typified by rugged rock outcrops. The side drainages are often steep with mixed conifer species reaching down to the river. Sheer canyon walls confine the river approximately 1/2-3/4 mile in the area known locally as the "cliffs" or "narrows". The Elkhorn Mountains are rocks of sedimentary origin; layers of ash (probably from Mt. Mazama) 7-14" thick can be found in places.

A wide variety of rocks can be seen along the North Fork John Day River itself. These include metamorphosed igneous rocks such as granites and diorites, and volcanic rocks such as basalt, andesite, tuff, and pyroclastic flows. The Elkhorn argillite formation is the predominant sedimentary rock in the upper drainage; it also includes small bodies of limestone, tuffs, and conglomerates. Glacial till, with its mixed layers of fine sand and large boulders, can also be seen in the upper drainage. Many of these rock units have been metamorphosed, faulted, and folded producing a variety of shapes and colors. Further downstream, the river has cut through layers of older and younger basalt and volcanic rocks to form cliffs and narrow canyons.

Finding

Overall, the geologic features within the North Fork John Day River drainage are not particularly unique to the region. Geology is not retained with "outstandingly remarkable value" status, although the "cliffs" area is an outstanding feature and notable for this river corridor. The history associated with the drainage's mining activity is very significant, and is more appropriately dealt with under the Historic section of this document.

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 John Day Basin is the only undammed major basin in the state, and the North Fork John Day River supports the largest and most important run of anadromous fish in this Basin. The North Fork and its tributaries support an estimated 70% of the total spring chinook salmon run and 43% of the summer steelhead run within the subbasin. This is the largest spawning population of wild spring chinook and summer steelhead in the Columbia River system.

Summer steelhead (Oncorhynchus mykiss) spawn in streams tributary to the designated Wild and Scenic River section, and use the North Fork John Day River for rearing habitat. Summer steelhead are native stocks; no hatchery steelhead smolts have ever been stocked in the John Day Basin. The run contributes to sport and tribal harvest.

Spring chinook (Oncorhynchus tshawytscha) spawn in the North Fork John Day River and its tributaries. The chinook runs are native to the John Day Basin and have never been supplemented with hatchery chinook. The run contributes to commercial, sport, and tribal harvests. However, since 1978 sport harvest has been closed and tribal harvest has been very limited. These harvests will increase when escapement (number of adult fish returning to spawn) improves.

The John Day River Basin, including the North Fork John Day River, is managed for the production and regulated harvest of wild spring chinook and summer steelhead. The genetic integrity of the runs is unique compared to the majority of Columbia River Basin anadromous fish runs, which are supplemented by hatchery fish or were established from non-native stocks.

Bull trout (Salvelinus confluentus) is listed on the Forest Service Region 6 and State Sensitive species list, and is in Category 2, US Fish and Wildlife Service. Bull trout depend on high quality water with temperatures which rarely exceed 49°F. The upper North Fork John Day River meets their specific habitat requirements and is thought to have one of the few remaining healthy bull trout populations in the state.

Redband trout (Oncorhynchus mykiss sp.) are a non-migratory native subspecies of rainbow trout. According to fish biologists, there is a high probability that this subspecies exists in conjunction with rainbow trout in the North Fork John Day River. Upcoming surveys planned for this river will verify their existence and population distribution.

Other major species which historically occupied this drainage include Pacific lamprey, sculpin, and mountain whitefish. Less is known about their current population size and distribution, although whitefish are generally abundant throughout western North America. Whitefish and Pacific lamprey have not been an important commercial or sport harvest species, but have contributed to tribal harvests.

Habitat

The importance of the fisheries and associated habitat present in the North Fork John Day River made it a high priority for inclusion in the Oregon Wilderness Act of 1984. The redd counts in the Wilderness tend to be higher than those portions outside of Wilderness. This is due to the highly-oxygenated, cold, clear water flowing over excellent spawning gravel, plus the adequate amount of large woody material in the river creating diverse habitat for fish. Additionally, the amount of river drainage under Wilderness protection contributes importantly to maintaining cold water temperatures in the lower North Fork John Day River.

Overall, the spawning, rearing, and holding habitat for anadromous and resident salmonid fish is good throughout this river corridor. There is a fair amount of granitic (spawning) gravels and cobble, and boulder-sized substrate; the latter contributing to the habitat for invertebrate fish food. Sufficient finer (sandy) substrate conditions exist due to the granitic parent material in the headwaters. There is a plentiful amount of large woody debris in the river which helps to diversify habitat and create pools.

A stream survey on the North Fork John Day River is planned to provide more specific data on the fishery habitat and substrate quality.

Finding

The exceptional high quality and importance of the fisheries habitat and its resident and anadromous fish populations and diversity qualifies it as an outstandingly remarkable value. This finding agrees with the Congressional Record.

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, and 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

The wildlife population is diverse and thought to be generally stable. The North Fork John Day River drainage serves as a major migration route for big-game species. Approximately 2,500 Rocky Mountain elk (an indicator species) use the drainage to migrate from their summer range in the Elkhorn Mountains to their winter range in Bridge Creek Wildlife Area. Another 1,000 mule deer utilize the drainage for a similar migration route. A small population of white-tail deer reside in the dense, brushy, mosaic-type habitat found at lower elevations.

Documented sightings of black bear, cougar, bobcat, and wolverines have been made in the river drainage. By the number and frequency of sightings, it is thought that both the black bear and bobcat populations are moderate. Less is known about the others; populations most likely are low.

Numerous sightings of bald eagles (listed as a threatened species) wintering along the North Fork John Day River around the confluence of Camas Creek have been documented. Golden eagles have been sighted and osprey perch and nest trees can be found along this stretch of river as well.

There is a variety of woodpeckers found in the river corridor, specifically pileated woodpeckers (an indicator species of old-growth habitat). Goshawks (another indicator species) and great gray owls also utilize the area, as well as small mammals such as mink and beaver. It is probable that river otter also reside here.

Habitat

In general, excellent wildlife habitat exists in Wilderness, while those portions of river corridor outside of Wilderness tend to be in fair condition. In the upper reaches, a 20,000 acre sheep allotment has been vacant for many years; the last known time the area was grazed by domestic animals was in the 1950's. Therefore, the natural wet meadows in this upper portion are near pristine, and provide high quality habitat for big-game, hawks, owls, and small mammals. The riparian condition is very good in Wilderness.

Impacts from resource use and management such as timber harvest, mining, road building, and fire suppression have degraded portions of the river corridor, generally outside of Wilderness. Some of the flat, open meadows and/or riparian areas have been impacted by recreational use.

The amount of dead and dying trees due to insect infestations and recent fires have created very good habitat for a variety of woodpeckers and great gray owls. The burned areas also provide a diversity of habitat which is excellent for foraging deer and elk.

Finding

The importance of the habitat and its resulting wildlife species diversity qualifies this resource to be considered an outstandingly remarkable value. The expanse of designated Wilderness provides significant high quality habitat for species which require a large area for their survival. This finding agrees with the Congressional Record.

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 are eligible for inclusion, in the National Register of Historic Places.

Evaluation of the Present Situation

Gold mining is a long- and well-established activity along the North Fork John Day River, and continues today. It was the primary activity which first brought substantial numbers of people to the Blue Mountains in the 1860's, and evidence of this "gold rush" still exists along the river.

Gold occurs in the placer sand and gravel deposits along the river. Many of the mounds of hand-stacked boulders and thousands of feet of ditches and flumes are testimony to the 1860's gold rush that produced an estimated \$5,000,000. Additional evidence of this rich history includes various structures for habitation and use, mines, prospect holes, and other related developments. Other minerals such as silver, copper, lead, zinc, chromite and manganese have also been produced in small quantities.

Peavy Cabin, just outside the Wilderness boundary, is eligible for the National Register of Historic Places. It was built around 1934 by the Dean of the School of Forestry of Oregon State University who conducted experimental forestry studies on a 40-acre tract of surrounding forest. It is currently used as a Forest Service administrative site.

Finding

Much settlement of this part of the Elkhorn Mountains and surrounding valleys is tied to the gold mining activity which occurred in the North Fork John Day River corridor. It was the early settler's pursuit of this ore which makes the area so rich in history. This preliminary finding agrees with the outstandingly remarkable value determination in the Congressional Record for the (historic) cultural resource.

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 National Register of Historic Places.

Evaluation of the Present Situation

The North Fork John Day River corridor had been used by the southern Plateau Indians. In particular, ancestors of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are said to have used this area heavily in prehistoric times for hunting, fishing, camping, root digging and berry picking. However, surveys on federal land in the river corridor have not identified more than a few prehistoric sites.

Finding

Since no extensive cultural resource inventories have been completed for the North Fork John Day River, it is undetermined what level of significance prehistoric use had in the corridor. In the meantime, known and discovered sites are protected under existing statutes, regulations and policy. The historic values in the corridor are the basis for maintaining the outstandingly remarkable value for cultural resources as determined by Congress.

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 North Fork John Day drainage is included within the ceded boundaries of the Confederated Tribes of the Umatilla Indians (Cayuse, Walla Walla, and Umatilla Tribes). In response to the draft resource assessment, CTUIR provided information that they have an extensive array of documented usual and accustomed use sites for fishing, hunting, camping, root digging, berry picking, and other cultural and traditional uses. The Confederated Tribes of the Warm Springs Indians are said to have pursued "usual and accustomed" activities/sites in this area as well.

Finding

No extensive cultural resource inventory has been completed by the Forest Service on the North Fork John Day River and the tribes have not indicated there are any regionally unique sites in the corridor. 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. In particular, the significance of the anadromous fish runs in the North Fork John Day River and the CTUIR's assertion that the usual and accustomed use sites are extremely important to their tribe and others belonging to the Columbia River Inter-Tribal Fish Commission.

At this time, it is undetermined whether or not "Traditional Use, Cultural Values" will have status as an outstandingly remarkable value. The tribes will continue to be consulted throughout the Wild and Scenic River management plan development to see if this value meets the criteria for an outstandingly remarkable rating.

OTHER SIMILAR VALUES

Additional river-related values were considered during the assessment process, including but not limited to hydrologic, paleontologic, botanic, and ecologic resources. Preliminary information on these "other similar values" was considered as well as responses to the draft resource assessment suggesting the potential of botany and ecology having significant value(s). Botany and ecology experts were again consulted; both consider the North Fork John Day River drainage typical for the Elkhorn Range (Blue Mountains). At this time, no known sensitive, threatened, or endangered plant species exists in the corridor. Cougar Meadows, the proposed Research Natural Area, is, however, notable for its "old growth" aspen community.

Hydrologic, botanic, ecologic, and paleontologic, and other resource values, if notable in any way, are included in the discussions of the major value areas such as scenery, fisheries, etc. At this time, none have warranted an outstandingly remarkable value status, but they will continue to be evaluated throughout the management planning process.

Appendix D

United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
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).

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

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2

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/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 1/. 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.

1/ 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:

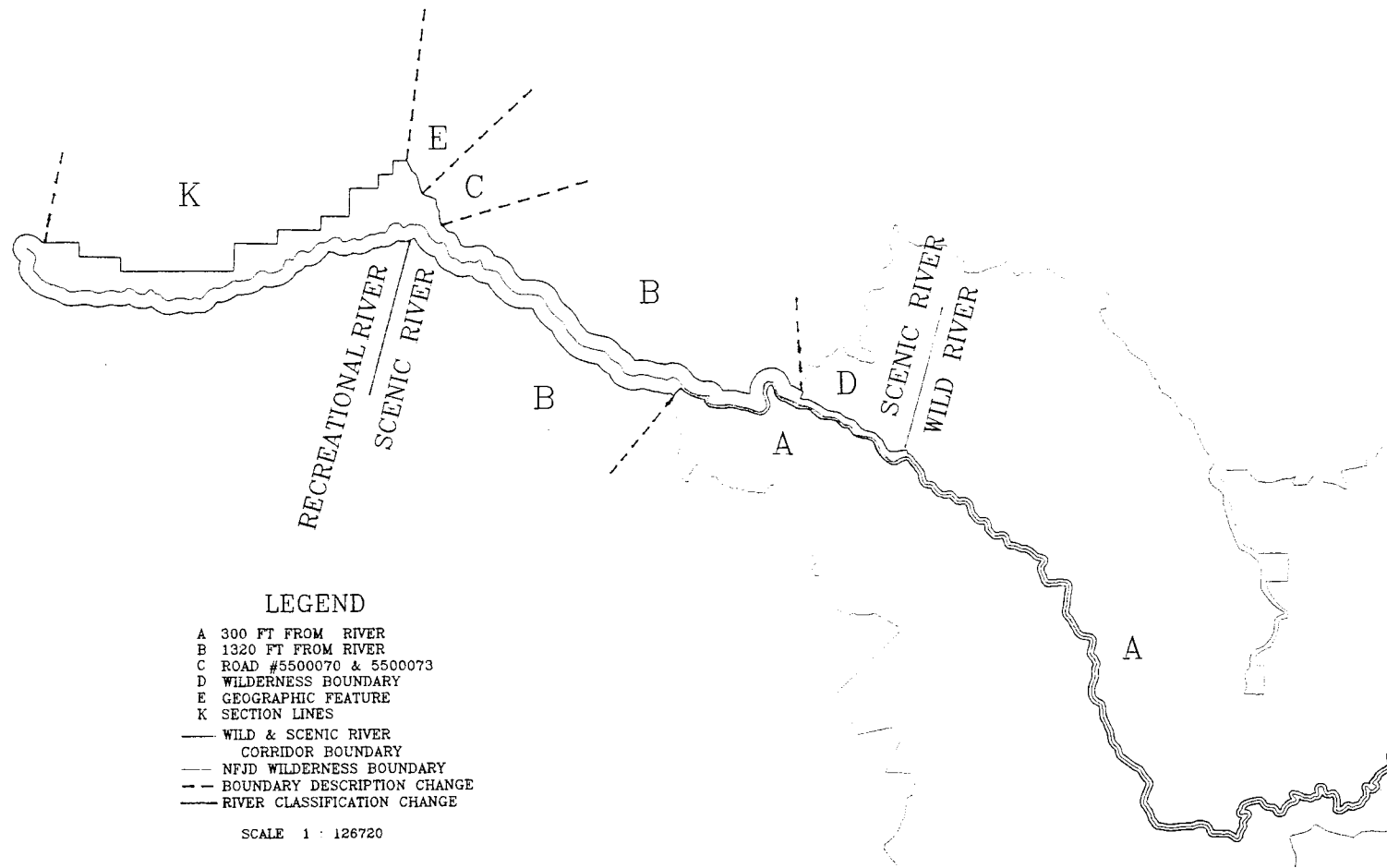
"The Committee is aware of the concern expressed by some parties of the potential effect that designation of certain rivers as components of the Wild and Scenic Rivers System may have on ongoing stream restoration and improvement projects in the State of Michigan. The Committee notes the importance of 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:

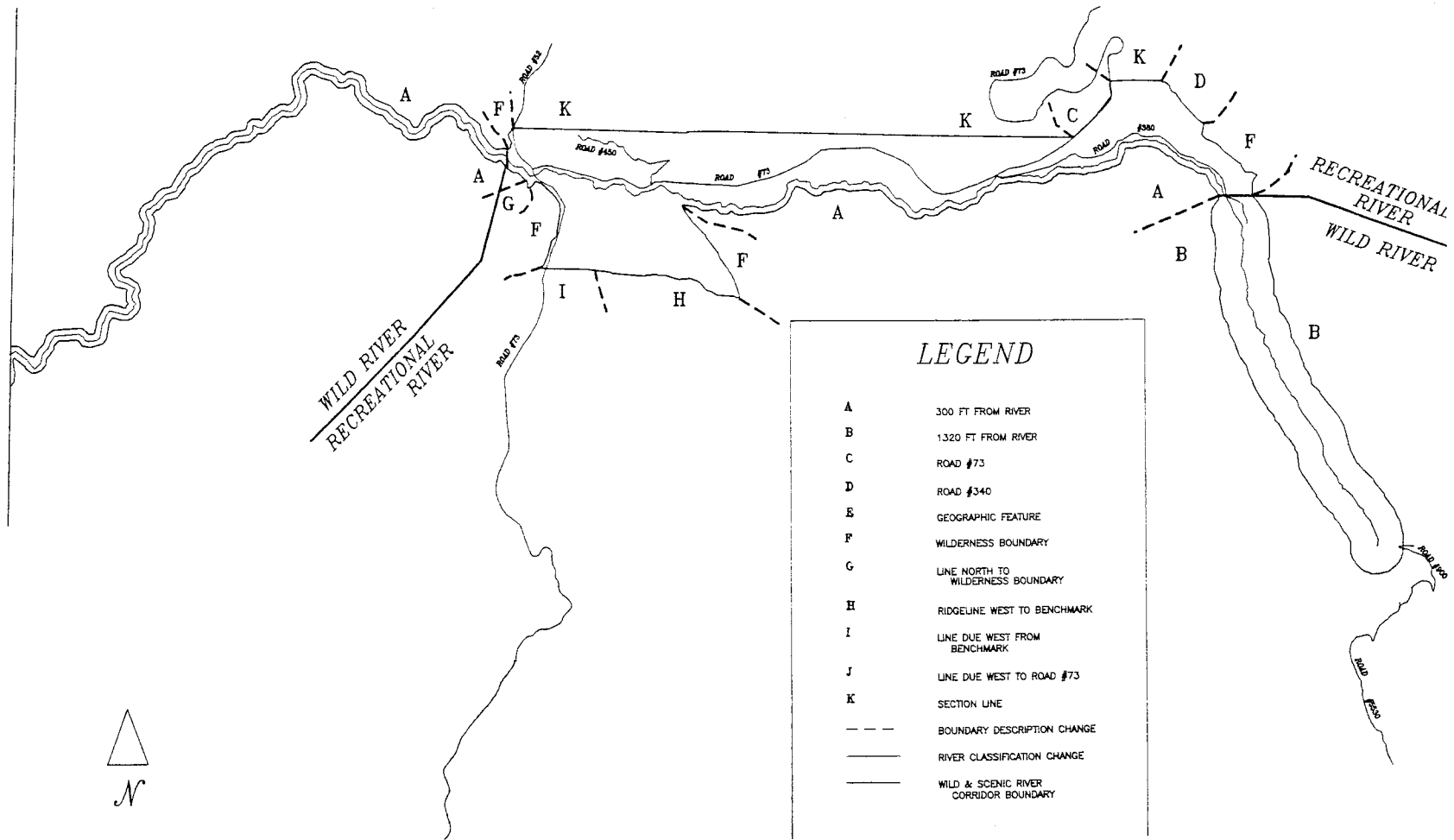
"The committee has provided flexibility with regards to sea lamprey control in order that appropriate management actions can be taken consistent with the requirements of law. In keeping with sound management practices for wild and scenic rivers, the Committee believes there is appropriate flexibility 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 FORK JOHN DAY RIVER CORRIDOR

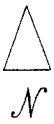


NORTH FORK JOHN DAY RIVER CORRIDOR



LEGEND

A	300 FT FROM RIVER
B	1320 FT FROM RIVER
C	ROAD #73
D	ROAD #340
E	GEOGRAPHIC FEATURE
F	WILDERNESS BOUNDARY
G	LINE NORTH TO WILDERNESS BOUNDARY
H	RIDGELINE WEST TO BENCHMARK
I	LINE DUE WEST FROM BENCHMARK
J	LINE DUE WEST TO ROAD #73
K	SECTION LINE
---	BOUNDARY DESCRIPTION CHANGE
---	RIVER CLASSIFICATION CHANGE
---	WILD & SCENIC RIVER CORRIDOR BOUNDARY



SCALE 1: 63360.
 AUTOMETRIC, INC.
 LAKEWOOD, CO 80228
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Appendix F

OREGON STATE SCENIC WATERWAY PROGRAM

Background

The Oregon Scenic Waterway Act was established by a ballot initiative in 1970. The original Oregon Scenic Waterways system created by the Act included 496 free-flowing miles of six rivers.

Rivers can be added to the system through designation by the Governor or the legislature. Such actions have added significant mileage of five rivers, as well as Waldo Lake, to the Scenic Waterways system since passage of the original Act.

Rivers can also be added to the system by the citizens of Oregon. In 1988, Oregon voters passed the Oregon Rivers Initiative (Ballot Measure #7), which added 573 river miles to the system. These additions included the Willowa River from its confluence with the Minam River at the hamlet of Minam to its confluence with the Grande Ronde at Rondowa, and the Grande Ronde River from Rondowa to the Oregon-Washington state line. There is now one lake and segments of 19 rivers (1,148 miles) in the State Scenic Waterways system.

Program Goals

The scenic waterway program promotes cooperative protection and wise use of rivers in the system by all agencies (Federal, State, and local), individual property owners, and recreation users. Program goals are:

- To protect the free-flowing character of designated rivers for fish, wildlife, and recreation. No dams, reservoirs, impoundments, or placer mining activities are allowed on scenic waterways.
- To protect and enhance scenic, aesthetic, natural, recreation, scientific, and fish and wildlife values along scenic waterways. New development or changes of existing uses proposed within a scenic waterway are reviewed before they may take place.

- To protect private property rights. The Act discourages unsightly structures or inappropriate development that could be a nuisance to neighboring landowners or even depreciate property values. It prohibits pollution and the disturbance of adjacent surface lands by placer mining. It also prohibits public use of private property without explicit consent of the landowner.
- To promote expansion of the scenic waterway system. The Act sets up a process for adding new rivers to the system and establishes criteria for candidate rivers.
- To encourage other local, State, and Federal agencies to act consistently with the goals of the program. Oregon State Parks reviews plans and decisions made by other agencies to ensure consistency with the scenic waterways program.

Administration

Scenic waterways are administered under the authority of the Oregon State Parks and Recreation Commission (ORS 390.805 to ORS 390.925). Administrative rules (OAR 736-40-005 to 736-40-095) have been adopted to govern the program (see Appendix G). In addition to the general rules governing the program, specific rules are generated for management of each river segment in the system. These rules are created through the management planning process, and tailored to the actions necessary to maintain the existing character of the designated river corridor.

The Act and the Commission's rules require the evaluation of proposed land use changes within one-quarter mile from each side of the river for their potential impacts on aesthetic and scenic values, as viewed from the river. Property owners wanting to build roads or houses, develop mines, harvest timber, or other similar projects, must provide written notification to the Oregon State Parks and Recreation Department. Parks evaluation of the project will be coordinated with other natural resource agencies (Federal and State) having regulatory responsibility and with the local jurisdiction. Parks relies on its river classification and administrative rules for each segment of the scenic waterway to determine whether the proposed project is incompatible or inconsistent with the

designated classification. State Parks will work with the landowner to reach a mutually satisfactory resolution of any conflicts. Where such a resolution cannot be reached, the Commission must decide within one year of the original notification whether to pay the property owner for the land or the development rights. If the Commission does not decide within one year to acquire the land or development rights, then the landowner may proceed in accordance with the original development proposal.

Other local and State agencies must comply with the scenic waterway laws and rules. Parks also works closely with Federal agencies to assure their actions are compatible with scenic waterway law, rule, and resource management recommendations.

The Management Planning Process

The goal of the scenic waterway management planning process is to develop a comprehensive and workable management plan which will protect or enhance the special attributes of the designated river corridor. Primary emphasis is the protection of aesthetic, scenic, fish and wildlife, scientific and recreational features. The intent is to maintain the scenic "status quo" condition of the area, without "turning back the clock" on existing land uses. The mechanisms for protection and enhancement include:

River Classification - Within the management plan, scenic waterways are classified into one or more of six possible classifications, according to the character of the landscape and the amount and type of development.

Administrative Rules - Once the classifications are set, specific guidelines for new development are established as rules.

Other Management Recommendations - These are suggestions for actions to protect corridor values, to be implemented by persons or agencies other than State Parks.

Scenic Waterway Classification

Under Oregon law (ORS 390.845 - Functions of the department; use of adjacent lands), the scenic wa-

terway program is administered by the State Parks and Recreation Commission, and staffed by the Oregon State Parks and Recreation Department. The Parks Department is required to protect and aesthetic, scenic, fish and wildlife, scientific and recreation features based on special attributes of each river area. The Parks Department strives to protect special attributes of the river while recognizing existing land uses and management practices on adjacent lands.

In order to define and achieve management goals, the river is classified into one or more of six possible classifications, according to the present level of land development or landscape alterations. Once the classifications are set, appropriate guidelines for new development or landscape alterations are established as rules. The aim of the program is to maintain the existing scenic condition of the river.

The following are existing land use and land alteration conditions usually associated with each of the six river classifications; and how each kind of classification should be administered (managed) in scenic waterways:

1. Natural River Areas are generally inaccessible except by trail or river, with primitive or minimally developed shorelands. Preservation and enhancement of the primitive character of these areas is the goal of this and the next two classifications.
2. Accessible Natural River Areas are relatively primitive, undeveloped areas with access by railroad or lightly traveled road.
3. Natural Scenic View Areas are designated where one riverbank is inaccessible, undeveloped or primitive in character while the opposite bank is accessible and developed.
4. Scenic River Areas may be accessible by roads, but are largely undeveloped and primitive except for agriculture and grazing. River segments considered "Scenic" are managed to maintain or enhance their high scenic quality, recreation value, fishery and wildlife habitat. The intent is to preserve their largely undeveloped character while allowing continuing agricultural uses.

5. Recreational River Areas are readily accessible by road or railroad, with some agricultural, commercial and/or residential development along the banks; the river may have undergone some impoundment or diversion in the past. River segments considered "Recreational" are managed to allow continuance of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not substantially impair the natural beauty of the scenic waterway or diminish its aesthetic, fish and wildlife, scientific and recreational values.

6. River Community Areas are river segments where the density (residential tract or platted subdivision) of existing structures or other developments precludes application of a more restrictive classification. River segments considered "Community Areas" are managed to allow development that is compatible with county zoning and blends into the natural character of the surrounding landscape. This also means protecting riparian vegetation, and encouraging activities that enhance the landscape.

The rules established for each river classification generally allow some new construction and continued use of existing structures and improvements. Though some improvements require notification, review and approval, many others do not.

For example, notification and approval is not generally needed for construction of new fences; maintenance of farm buildings, fences or outbuildings; laying of irrigation lines; crop rotation; removal of danger trees; construction of grain storage facilities under certain conditions; maintenance of existing residences and outbuildings; minor residential remodeling; construction of garages adjacent to existing homes; certain changes in homesite landscaping; maintenance of roads and bridges; and firewood cutting for personal use.

Mining, road building, construction of most new structures, placement of mobile homes, land clearing, and timber harvest are examples of activities requiring approval. River classifications and the associated rules or guidelines determine how the natural and scenic beauty of the river will be maintained.

North Fork John Day Scenic Waterway

Proposed Classifications

Accessible Natural River Area - From the Boundary of the North Fork John Day Wilderness, near Big Creek, to the Bridge on Highway 395, approximately 34.5 miles, is proposed to be an Accessible Natural River Area. This segment is paralleled on one side by a dirt road and has been impacted by historical mining. Most of the land in this section is publicly owned. The management goal is to maintain the relatively primitive character of the landscape.

Recreational River Area - From the Bridge on Highway 395 to the confluence with Camas Creek, approximately 2.5 miles, is proposed to be a Recreational River Area. This segment is paralleled on one side by State Highway 395. There is good river access here for rafting and fishing. The management goal is to allow the continuance of existing uses with minimum restrictions, and to provide for public recreational needs.

Proposed Land Management Rule

Accessible Natural River Area - That segment of the North Fork John Day River from the Boundary of the North Fork John Day Wilderness, near Big Creek, downstream to the Bridge on Highway 395.

This Accessible Natural river Area will be administered consistent with the standards set by OAR 736-40-040 (1)(e)(B) and OAR 736-40-035. In addition to these standards, all new development in resource zones (i.e. farm and forest related dwellings) must comply with Umatilla and Grant County land use regulations.

No new structures or improvements which are visible from the river will be permitted except as provided under OAR 736-40-030 (5).

New roads will be permitted only when fully screened from the river by topography or existing vegetation.

When consistent with other state and federal regulations, new or expanded mining operations, (except placer mining), and similar improvements shall be permitted only when they are substantially screened from view from the river by topography or native vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of improvements may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure the altered improvement site.

Visible tree harvest may be allowed provided that: 1) the operation complies with the relevant Forest Practices Act rules, 2) harvest methods with low visual impact are used and 3) the effect of the harvest is to enhance the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management tree density patterns).

Existing visible roads may be upgraded when those roads are partially screened or partial screening is established. No side cast which would be visible from the river is permitted. Excess material must be hauled to locations out of sight from the river.

If inadequate screening exists, upgrading the road may be permitted if native vegetation is established to provide moderate screening of the road within a reasonable period (4-5 years). The condition of "partial vegetative screening" shall consist of an ample density and mixture of native evergreen and/or deciduous vegetation to allow a moderately filtered view (at least 50% filtering) of the road.

Proposed utility facilities should share existing utility corridors, and any vegetation disturbance should be kept to a minimum. Improvement needed for public recreation use or resource protection may be visible from the river, but must be primitive in character and designed to blend with the natural character of the landscape.

Whenever the standards of OAR 736-40-035 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Administrative Rules shall apply.

Recreational River Area - That section of the river from the bridge at Highway 395 downstream to the confluence with Camas Creek, approximately 2.5 miles.

This Recreational River Area will be administered consistent with the standards set by OAR 736-40-040 (1)(c)(B) and OAR 736-40-035. In addition to these standards, all new development in resource zones (i.e. farm and forest related dwellings) must comply with Umatilla County land use regulations. New structures and associated improvements (except as provided under OAR 736-40-030 (5)) shall be partially screened with native vegetation and/or existing topography. If inadequate topography or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation (preferably native) is established to provide partial screening of the proposed structure or improvement within a reasonable time (4-5 years). The condition of "partial vegetative screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation to partially obscure (at least 30%) the viewed improvement or structure, or allow a partially filtered view (at least 30% filtering) of the proposed structure or improvement.

Visible tree harvest may be allowed provided that : 1) the operation complies with the relevant Forest Practices Act rules, 2) harvest methods with low visual impact are used and 3) the effect of the harvest enhances the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management density patterns).

New roads constructed for agricultural use, mining, timber harvest, or residential use shall be partially screened, either with vegetation and/or topography. If inadequate topography or vegetative screening exists, the road may be permitted if native vegetation is established to provide moderate screening of the road within a reasonable period of time (for example, 4-5 years). The condition of "partial screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to allow a moderately filtered view (at least 50% filtering) of the road.

When consistent with other state and federal regulations, new or expanded mining operations^(Except Placer Mining) and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or existing vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of development may be permitted if vegetation is established which would provide substantial screening on the affected area.

The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure the altered improvement site.

Improvements needed for public recreation use or resource protection may be visible from the river, but shall be designed to blend with the natural character of the landscape.

Whenever the standards of OAR 736-40-35 and the above rule are more restrictive than the Grant County and Umatilla County Land Use and Development Ordinances, the above Oregon Administrative Rules shall apply.

Agency Jurisdiction

A number of agencies other than Oregon State Parks have land management and/or land use responsibilities within the Grande Ronde and Wallowa state Scenic Waterway corridors. Most of both corridors are within Wallowa County, with a few small portions in Union County. The Wallowa River Scenic Waterway is under study for inclusion in the federal Wild & Scenic Rivers program; lead agency for the study is the Wallowa-Whitman National Forest. The Grande Ronde Scenic Waterway is designated under the federal ~~Wild & Scenic Rivers program~~ ^{Resource} program; lead management agency is the Baker ~~District~~ ^{Area} of the Bureau of Land Management. A memorandum of understanding between the United States Forest Service and the Bureau of Land Management with Oregon State Parks has provided the framework by which the USFS and BLM will notify and consult with State Parks regarding land use activity on federal lands. See Appendix ___ for a text of the memorandum.

County Land Use Administration

This section describes, in a general way, county land use classifications and allowed uses within the Grande Ronde and Wallowa scenic waterway corridors. Both corridors are primarily within Wallowa County, but small portions of each are within Union County.

Most of the land (both corridors, both counties) is zoned for either Exclusive Farm Use or Timber-Grazing. The Exclusive Farm Use zone is intended "...to provide areas for the continuation of existing commercial agricultural activities and permit the establishment of only those new uses which are compatible with agricultural activities...to guarantee the preservation of the areas so classified for farm use free from conflicting non-farm uses." Similarly, the Timber-Grazing zone is intended "...to provide areas for commercial farm and forest activities and permit the establishment of only those new uses which are compatible with

agricultural activities...to guarantee the preservation of the areas so classified for farm use free from conflicting non-farm, non-forest use."

In both zones, uses permitted outright are:

farm uses
management and harvest of forest products
a single-family dwelling for the operator (if the homesite is on a lot or parcel managed as part of the operation not smaller than the minimum lot size)
another single-family dwelling on the same lot or parcel ~~for~~ ^{with} assistance is necessary for management of the operation
nonresidential buildings customarily provided in conjunction with the farm or forest uses.

In addition, public or private schools and solid waste disposal facilities are allowed within the Exclusive Farm Use zone. Some of these outright uses are subject to county review to ensure that they fall within the provisions and definitions set forth in state statutes and county ordinances.

Both zones allow the creation of new lots greater than 160 acres, following county review. New lots smaller than 160 acres may also be approved, if the county finds that certain conditions are met and following a public hearing.

Both zones also allow for certain uses other than those listed above, subject to findings of fact and a public hearing on whether a particular use should be allowed. If the county decides to allow a use, it may impose conditions that must be met by the landowner. These conditional uses include:

single-family dwellings not necessary for farm or forest operations
temporary placement of mobile homes or travel trailers under certain hardship conditions
churches or other meeting places of non-profit groups
public utility services, except transmission towers over 200 feet high
exploration, mining and processing of geothermal, aggregate or sub-surface resources
commercial activities in conjunction with farm use
private or public parks, playgrounds, campgrounds, fishing and hunting preserves
community centers operated by a government agency or a non-profit organization
personal use airports and helicopter pads
certain home occupations
temporary facilities for the processing of forest products
cultivation and harvest of aquatic species

the boarding of horses for profit
golf courses

State Agencies

Oregon Water Resources Department (WRD). The WRD is responsible for management and allocation of the state's water resources. The Water Resources Commission typically develops policy through the preparation of basin plans for each of Oregon's 18 river basins. Through Basin plans, the WRD classifies stream flow for certain purposes, such as domestic use, industry, municipal, recreation or irrigation. The plans are adopted as administrative rules which reflect how water is currently used, and its future use and allocation.

The WRD issues water rights on all waters in the state and enforces the exclusion of dams, impoundments, and placer mining in scenic waterways and on tributary streams within scenic waterway boundaries. In addition, the Scenic Waterway Act requires the Water Resources Commission to review proposed land condemnations and to review new scenic waterway management plans and scenic waterway additions proposed by State Parks for designation by the governor.

Minimum perennial stream flows are administrative designations established by the Water Resources Commission. A law passed in 1987 by the Legislature allows for the conversion of minimum perennial stream flows to instream water rights. Three state departments may apply for these instream rights: Parks and Recreation, Fish and Wildlife, and Environmental Quality. Once granted, the instream water right is held by WRD in trust for the people of Oregon.

A 1988 Oregon Supreme Court decision (Diack vs. City of Portland) found that the Water Resources Commission must make findings on the effects of new consumptive water uses on state scenic waterways. Because of this court ruling, WRD is working closely with State Parks and other agencies to quantify stream flow needs for scenic waterways.

Division of State Lands (DSL).

DSL is the administrative arm of the State Land Board (composed of the Governor, the Secretary of State and the 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.

Common School Fund assets include the beds and banks of Oregon's

navigable waterways, up to ordinary high water, 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".

New utility or transportation corridors that impose into or cross a navigable waterway below ordinary high water will require an easement from the Land Board. In addition, existing facilities will require an easement at such time as they undergo major structural alteration, replacement or relocation.

DSL studied the history of commercial navigation in the Grande Ronde basin in 1979. They found that the use of the river for unaided log drives would support the state's claim to the bed and banks of the Grande Ronde from River Mile 162 to River Mile 192 (about present-day Perry upstream nearly to Sheep Creek), and to the bed and banks of the Minam from its mouth to River Mile 2.5. The Minam claim may extend upstream to about River Mile 30, based on a finding of the Public Utilities Commission that log drives would be feasible during the spring and early summer. Additionally, that report suggested that commercial tourist use below the hamlet of Minam on the Wallowa River and below Rondowa on the Grande Ronde River is a sufficient foundation for state ownership of the bed and banks. Therefore, it is likely that both the Wallowa State Scenic Waterway and the Grande Ronde State Scenic Waterway meet the navigability standard for the assertion of state ownership of the bed and banks.

The Oregon Removal-Fill Law 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 any waters of the state. The permit-review process involves coordination with the applicant, adjacent land owners, and natural resource and land use agencies from local through federal levels.

The State Scenic Waterways Act requires that the State Land Board approve any alteration of the bed and/or banks of a scenic river or wetlands within the scenic waterway, regardless of the amount of material involved. Generally, the Board will prefer non-structural techniques, such as bank sloping and revegetation, for bank projects, rather than hardened structures. In its review of a proposed project, the Board will consider the management goals and recommendations of this plan, and may require mitigation as a condition of approval.

Oregon Department of Fish and Wildlife (ODFW). The ODFW is charged with management and protection of Oregon's fish and wildlife resources, and for recommending seasons, methods and bag limits for recreational and commercial take of the resources.

Department of Land Conservation and Development (DLCD). The DLCD works with cities, counties, and state agencies to develop and maintain Oregon's comprehensive land use plans, and regulations. One aspect of these responsibilities is to ensure that jurisdictions have included State Scenic Waterways in their Goal 5 (Natural Resources) planning. To comply with Goal 5, counties must inventory the resource, identify conflicting uses which could impact the resource, and develop implementation strategies to resolve conflicting uses as identified. This would include a program to notify State Parks of proposed changes in land use within scenic river corridors. The resources identified in the inventory are then required to be protected through mandatory plans, policies and zoning requirements.

Department of Environmental Quality (DEQ). The DEQ is responsible for the implementation of the Statewide Water Quality Management Plan, which establishes standards of water quality for each of WRD's eighteen basins in Oregon. Beneficial uses of rivers and streams that are to be protected by DEQ are: public, private and industrial water supplies, irrigation, livestock watering, anadromous fish passage, salmonid rearing and spawning, resident fish and aquatic life, wildlife and hunting, fishing, boating, water contact recreation, and aesthetic quality. Dissolved oxygen is to be kept at the highest possible levels. Temperature, bacteria, dissolved chemical substances, and toxic materials are to be kept at the lowest possible levels. The DEQ anti-degradation policy states that high quality waters are to be protected from degradation unless the Environmental Quality Commission finds it necessary to make an exception based on economic or social needs.

DEQ regulates direct discharges of waste into waters of the state. Industrial and municipal dischargers must obtain a permit and comply with permit provisions for protection of water quality. DEQ also has standards and procedures for on-site sewage systems, issues permits for dredge and fill of wetlands, and maintains water quality monitoring stations throughout Oregon.

Department of Forestry (DOF). DOF responsibilities include fire protection on 16 million acres of private, state, and federal forests, detection and control of forest pests and forest tree diseases on state and private lands, and the management and rehabilitation of 785,000 acres of state-owned forest lands. DOF also administers the Oregon Forest Practices Act, adopted in 1971 and amended in 1987, which is governed by rules developed by the Board of Forestry. The purpose of the Act and rules is to encourage and enhance the growth and harvesting of trees while providing for the overall maintenance of air, water and soil resources, and fish and wildlife habitat. Forest practice rules regulate reforestation, road construction and maintenance,

harvesting, application of chemicals and disposal of slash.

Included within these regulation are rules designed to protect "riparian management areas." Under these rules, a proposed commercial forest operation within the riparian management are of a Class 1 stream must be described in a written plan. The FPA does not contain special requirements for operations within a scenic waterway. These plans are submitted to the DOF for approval. Written plans required for the purposes of the FPA must describe how the operation will be conducted to meet the minimum standards prescribed by the FPA.

In these sensitive areas, close coordination is required. For operations that occur within the state scenic waterways system, DOF directive (6-1-0-002) outlines specific procedures for coordinating the Forest Practices Program and the Oregon Scenic Waterways Program (see Appendix item ____). This coordination is designed to facilitate the involvement of DOF and State Parks personnel with the affected landowners and operators. The goal is to keep all parties informed of obligations, requirements and planned activities so as to make the whole process, from planning to accomplishment, as efficient and effective as possible.

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DIVISION 40

OREGON SCENIC WATERWAYS

Rules for Conducting Hearings on Scenic Waterways Regulations

736-40-005 The Commission hereby adopts and promulgates rules and procedures governing hearings on regulations for the management of related adjacent land within scenic waterways as provided in ORS 390.845(2):

(1) The Transportation Commission hereby delegates to the State Parks and Recreation Administrator, or his designated representative, the duty of arranging and conducting auditive public hearings, if such is requested, under the provisions of ORS 390.845(2).

(2) Any public hearing held pursuant to ORS 183.330 shall be fully recorded and transcribed by the Secretary of the Commission, and the Secretary will receive and properly mark all exhibits, documents or other statements introduced or received by the hearing officer at the hearing. Exhibits, documents or other statements received by the Commission within ten (10) days after any hearing will be made part of the record of the hearing.

(3) Following the transcribing of the hearing, the Commission's Secretary shall file in the Commission's records a full copy of the transcript of the hearing as well as a copy of all exhibits, documents or other statements received at the hearing. The transcript, including exhibits, documents or other statements, will be considered in preparing Scenic Waterways rules and regulations by the Commission.

(4) The procedure under which any hearing will be conducted is as follows:

(a) The comments and exhibits to be received at this hearing will be limited to whether the rules and regulations proposed by the State Parks and Recreation Division are reasonable;

(b) The limits and intent of the proposed rules and regulations will be explained by representatives of the State Parks and Recreation Division;

(c) Except for questions that may be asked by the hearing officer there will be no direct questions to or cross-examination of any individual who is making a statement or introducing exhibits;

(d) Following the opening statements by the representatives of the State Parks and Recreation Division the hearing will be open to anyone in attendance who wishes to make a statement or introduce exhibits, either for or against the proposed rules and regulations. The hearing officer will recognize anyone in attendance for this purpose;

(e) The hearing will be continued with such recesses as are necessary, as determined by the hearing officer, until all persons wishing to make a statement or introduce exhibits have had an opportunity to do so.

Stat. Auth.:

Hist.: HC 1252, f. 5-13-71, ef. 5-12-71

Designated Scenic Waterways

736-40-010 The following rivers or segments of rivers are designated as Scenic Waterways:

(1) The segment of the Rogue River extending from the confluence with the Applegate River

downstream a distance of approximately 88 miles to Lobster Creek Bridge.

(2) The segment of the Illinois River from the confluence with Deer Creek downstream a distance of approximately 46 miles to its confluence with the Rogue River.

(3) The segment of the Deschutes River from immediately below the existing Pelton Re-regulating Dam downstream approximately 100 miles to its confluence with the Columbia River, excluding the City of Maupin.

(4) The entire Minam River from Minam Lake downstream a distance of approximately 45 miles to its confluence with the Wallowa River.

(5) The segment of the South Fork Owyhee River in Malheur County from the Oregon-Idaho border downstream approximately 25 miles to Three Forks where the main stem of the Owyhee River is formed, and the segment of the main stem Owyhee River from Crooked Creek (six (6) miles below Rome) downstream a distance of approximately 45 miles to the mouth of Birch Creek.

(6) The segment of the main stem of the John Day River from Service Creek Bridge (at river mile 157) downstream 147 miles to Tumwater Falls (at river mile 10).

(7) The segment of the Sandy River from the east boundary line of Section 25 and Section 36, Township 1 South, Range 4 East, of the Willamette Meridian, in Clackamas County at Dodge Park, downstream approximately 12.5 miles to the west line of the East Half of the Northeast Quarter of Section 6, Township 1 South, Range 4 East, of the Willamette Meridian, in Multnomah County at Dabney State Park.

(8) The confluence of the Rogue and Applegate Rivers is defined as the West boundary line of the East 1/2 of the East 1/2 of Section 19, Township 36 South, Range 6 West, of the Willamette Meridian, in Josephine County.

(9) The segment of the Clackamas River from River Mill Dam to Baker Bridge at Carver.

(10) Opal Lake in Marion County and the main stream of Opal Creek from Opal Lake to its confluence with Battle Ax Creek.

(11) Waldo Lake in Lane County and the segment of the North Fork of the Middle Fork of the Willamette River from Waldo Lake to a point one mile upstream from the railroad bridge that is near the town of Westfir.

(12) The following segments of the Upper Deschutes River in Jefferson and Deschutes Counties are classified as a state scenic waterway. Those segments are: The gauging station (approximately river mile 226.4) immediately below Wickiup Dam downstream approximately 28 miles to the General Patch Bridge at river mile 199; that segment beginning at Harper Bridge at river mile 192 downstream approximately 20 miles to river mile 172 above Bend, Oregon; and the segment beginning at Twin Bridges at river mile 154.5 downstream approximately 34.5 miles to Lake Billy Chinook approximately river mile 120 excluding the Cline Falls Dam and powerhouse between river miles 145 and 144.

Stat. Auth.: ORS Ch. 184 & 390

Hist.: EC 1258, f. 6-30-71; HC 1285, f. 6-27-72; 10TC 6, f. 11-1-73; 10TC 14, f. 12-5-73; PR 7-1985, f. & ef. 10-24-85; PR 6-1986, f. & ef. 5-28-86; PR 7-1986, f. & ef. 5-28-86; PR 2-1988, f. & cert. ef. 3-25-88

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Definition of Terms

736-40-015 As used in these rules and regulations, unless the context requires otherwise:

(1) "The Act" means the Scenic Waterways Act (ORS 390.805 to 390.925).

(2) "Commission" means the Oregon Transportation Commission.

(3) "Existing Use" means the use to which related adjacent land was being put on December 3, 1970, or any subsequent change in use authorized under the Act or these rules.

(4) "Improvement" means the placing on related adjacent land of any building or structure or modification of existing buildings or structures or the clearing, leveling, filling or excavating of related adjacent land.

(5) "Related Adjacent Land" means all land within one-fourth of one mile (measured horizontally or level, as in usual surveying practice) of the bank on each side of a river within a scenic waterway, except land that, in the Commission's judgment, does not affect the view from the waters within a scenic waterway.

(6) "River Bank" The banks of a river are the boundaries which confine the water to its channel throughout its entire width when the stream is carrying high water at the elevation to which it ordinarily rises annually in season. Generally this will be the line at which the land becomes dominantly influenced by the river and takes on the characteristics of a riverbed and is thereby set apart from the uplands. An evulsion or sudden channel change will not change the boundaries of related adjacent lands.

(7) "Road" means all roads, public and private.

(8) "Scenic Easement" means the acquired right to control the use of related adjacent land, including airspace above such land, for the purpose of protecting the scenic view from waters within a scenic waterway.

(9) "Scenic Waterway" means a river or segment of a river, including related adjacent land and the airspace above, that has been so designated by or in accordance with the Act.

(10) "Seen from the waters" and "visible from the river" mean not entirely concealed from view from the river within a scenic waterway by topography. Land beyond the boundaries of "related adjacent land", whether or not visible from the river, is not within the jurisdiction of this Act.

Stat. Auth.:

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72

Responsibility and Authority of the Oregon Transportation Commission

736-40-020 (1) The Act shall be administered by the Commission in such a manner as to protect and enhance the values which caused a scenic waterway to be included in the system. Primary emphasis shall be given to protecting the scenic beauty, fish and wildlife, scientific and recreation features, based on the special attributes of each area.

(2) The Commission has adopted these regulations governing the management of related adjacent lands, including state highway construction, after due consideration of the responsibilities outlined above and consultation with the Oregon State Department of Forestry, the Department of

Agriculture, and other such federal, state, and local agencies as may be involved; and with the concurrence of the State Water Resources Board.

(3) Agreements entered into and approvals given by the Commission in no way relieve persons or entities affected thereby of requirements established by other governmental agencies, local, state or federal.

Stat. Auth.:

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72

Public Use of Scenic Waterways

736-40-025 (1) These rules apply to all scenic waterways unless more specific rules have been adopted for a particular scenic waterway. All persons using scenic waterways for recreation shall comply with the provisions of the Act and with the rules and regulations adopted by the Commission under the Act:

(a) Private Property: Nothing in the Act or in these rules and regulations affords to any person any right to trespass upon the property of another or in any way alters the rights of private landholders in regard to trespass. The Commission admonishes all persons to respect the rights and sensibilities of those who make their homes and livelihoods within the scenic waterways;

(b) Litter and Pollution: Refuse, scrap, trash and garbage which is not placed in receptacles provided for that purpose at maintained recreation sites shall not be buried or abandoned, but shall be taken out of the scenic waterways for proper disposal. All persons shall avoid pollution of the waters, lands and air within scenic waterways in any manner whatsoever;

(c) Fires: Fires shall be made only in compliance with state law and only when and where there is no possibility of their causing damage. Conditions of wind and weather, proximity of vegetation or flammable materials and other factors as prudence dictates shall be most carefully considered. No open fire shall be made unless a shovel, axe and bucket of water are nearby. No open fire shall be left unattended and all fires shall be completely extinguished with water after use. Permissible fires shall be of the smallest practicable size;

(d) Tree Cutting: Living or standing trees or plants shall not be cut for burning or for any other purpose by persons using the scenic waterways for recreation;

(e) Collecting Souvenirs and Relics: Except as provided by law, antiquities, relics, artifacts, fossils and souvenirs shall not be removed from the site of their discovery or otherwise harmed. Archeological sites and fossil beds shall not be disturbed without proper authority under law;

(f) Livestock: Persons using the scenic waterways for recreation shall not harass or in any way interfere with livestock or domestic animals, whether on private or public land, or damage fences lawfully placed on such lands for their management.

(2) Natural springs shall not be damaged or in any way rendered unusable by persons or animals.

(3) The Commission asks all persons to leave in passing no mark upon the land that might diminish its value to another, for the unspoiled beauty of

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these waterways, of value to the human spirit, is the common heritage of all.

Stat. Auth.: ORS Ch. 390

Hist.: HC 1285, f. 6-27-72; PR 3-1982, f. & ef. 3-26-82

Land Management

Improvements and Changes in Use of Related Adjacent Lands

736-40-030 (1) Except as provided in section (5) of this rule, OAR 736-40-035 and 736-40-045 through 736-40-075, no person shall make any improvement or change in the existing use of related adjacent land without first giving written notification to the Commission of the intent to make an improvement or change in land use. The proposed improvement or change in land use shall not be made or work started sooner than one year after such notice unless the Commission has given its written approval of the proposal. (See notification procedures in OAR 736-40-080.)

(2) Upon receipt of such notice, the Commission shall determine if the proposal would impair the natural beauty of the scenic waterway substantially.

(3) If the proposed improvement or change of land use would not impair the natural beauty substantially, the Commission shall give written notice to the owner of the related adjacent land that he may proceed immediately with the proposal as described in his notification to the Commission.

(4) Should the Commission determine that the proposal, if carried out, would impair the natural beauty of the scenic waterway substantially, or otherwise violate the provisions of the Act or these rules and regulations, it will so notify the owner of the related adjacent land in writing. No steps shall be taken by the applicant to carry out such proposal until at least one year after the original notice to the Commission unless agreement with the Commission is sooner reached. (See OAR 736-40-080.)

(5) In connection with existing use of related adjacent land, farmers, ranchers and residents may modify existing structures or construct or place such subsidiary and lesser structures adjacent thereto, except residences or guest houses, as are usual and necessary to their existing use without prior notice to the Commission, provided that such modification or construction will not violate OAR 736-40-035(7)(a) and (b) and will be in harmony with the natural beauty of the scenic waterway.

(6) Repair and maintenance of existing facilities and structures in a manner compatible with these rules and regulations do not require notification to the Commission.

Stat. Auth.:

Hist.: HC 1285, f. 6-27-72; IOTC 6, f. 11-1-73

Rules of Land Management

736-40-035 These rules and regulations governing the use of related adjacent lands and improvements made on or to these lands apply to all designated scenic waterways. Land management on scenic waterways includes, but is not limited to, the following examples:

(1) Timber Harvest: The forest cover on related

adjacent land is a part of the scenic beauty of the scenic waterway and notification of planned timber harvest operations must be given to the Commission one year prior to commencement. The notification must include a plan specifying timber to be cut, road locations, logging methods, slash cleanup, soil stabilization, revegetation measures and any other details as the Commission may require.

(2) Tree Cutting: No person shall cut any living tree within a scenic waterway without prior written notice except as provided in these rules.

(3) Grazing and Farming: Existing use in the form of grazing or farming of the related adjacent land is a part of the scenic beauty of the waterway. Notification is not required for:

(a) Construction of fences;

(b) Maintenance of farm buildings, fences or appurtenances necessary to existing use;

(c) Laying of irrigation lines;

(d) Pumphouse construction, if not in violation of OAR 736-40-030(5);

(e) Additions to farm buildings, if not in violation of OAR 736-40-030(5);

(f) Crop rotation;

(g) Variations in grazing land management;

(h) Placing of grazing land under cultivation, except within classified natural river areas named in OAR 736-40-045 through 736-40-075;

(i) Construction of silos and grain storage facilities, and other structures or buildings as are needed in connection with the existing use of the related adjacent land, if not in violation of OAR 736-40-030(5), except within classified natural river areas named in OAR 736-40-045 through 736-40-075;

(j) Cutting of danger trees. Notification is required for construction of new roads or improvement of existing roads.

(4) Suburban Housing: Notification is not required for:

(a) Maintenance of existing homes in a manner compatible with these rules and regulations;

(b) Modifications to existing single family dwellings, if not in violation of OAR 736-40-030(5);

(c) Construction of garages necessary to the use of existing homes, if not in violation of OAR 736-40-030(5);

(d) Changes in or additions to homesite landscaping which do not impair vegetation screening structures from view from the river;

(e) Construction of protective fences necessary to use of the home;

(f) Cutting of firewood for occupant's dwelling;

(g) Cutting of danger trees. Notification is required for construction of new roads or improvement of existing roads.

(5) Prospecting, Mining, Dredging, and Quarrying:

(a) All prospecting, mining, dredging, and quarrying operations, including removal or movement of gravel, rocks and sand within related adjacent lands, require notification to the Commission as prescribed herein;

(b) Such notification shall include plans to insure that debris, silt, chemicals or other materials, shall not be discharged into or allowed to reach the waters within a scenic waterway and that the natural beauty of the scenic waterway shall not be impaired substantially.

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(6) Transportation Facilities and Utilities:

(a) No roads, railroads or other facilities for transportation or utilities shall be constructed or improved within a scenic waterway without notification to the Commission as prescribed by the Act and herein;

(b) The Commission, whenever practicable, will require the sharing of land and airspace by such facilities and utilities. All permissible transportation facilities and utilities shall be so located as to minimize impairment of the natural beauty of the scenic waterway. For example, it will be desirable to place electrical and telephone lines underground wherever reasonably practicable.

(7) Structures, Buildings, and Other Improvements: Except as provided in OAR 736-40-030(5), sections (3) and (4) of this rule and OAR 736-40-045 through 736-40-075, no structures, buildings, or other improvements shall be made, erected or placed on related adjacent lands without notification to the Commission as prescribed by the Act and herein. Permitted new structures, buildings, or other improvements on related adjacent lands which can be seen from the waters within a scenic waterway shall:

(a) Be of such design and be constructed of such materials as to be unobtrusive and compatible with the scenic qualities of the area. For example, the following shall apply:

(A) All structures shall be finished in muted tones appropriate to their natural surroundings;

(B) No large areas, including roofs, shall be finished with white or bright colors or reflective materials;

(C) Except for large farm buildings such as barns, metal siding or roofing shall not be used;

(D) No structures shall exceed 30 feet in height from natural grade on a side facing the river;

(E) All structures shall be so designed and constructed that little or no soil is left exposed when construction is completed.

(b) Be located in such a way that topography and natural vegetation make them as inconspicuous as reasonably practicable, and in no case obtruding on the view from the river. The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area.

(8) Mobile homes, modular residential structures, house trailers, campers and similar structures and vehicles. Mobile homes, modular residential structures, house trailers, campers, motor homes and the like shall not be established as dwellings, either permanent, (or) seasonal or temporary, within related adjacent lands unless they are entirely concealed from view from the waters within a scenic waterway by topography, except, that those mobile homes, modular residential structures and house trailers that are at least 20 feet wide, with exterior dimensions, less hitch, of 800 square feet, may be permitted under these rules subject to the same requirements and standards set forth in the previous section relating to criteria for review for structures and improvements that are visible from the waters within a scenic waterway. Additionally, except when a mobile home, modular residential structure, house trailer or the like is not set on a ground-level foundation, full skirting shall be installed which in

design, color and texture appears to be an integral part of the exterior of the structure:

(a) For purposes of these rules, a structure is a mobile home, modular residential structure, house trailer, camper or motor home if it is used, designed or intended to house persons, and is transported to the site in a state of substantial prefabrication. Once a structure fulfills this test, it shall remain subject to the rule regardless of whether the wheels or other temporary assembly have been removed or detached, and regardless of whether the structure is subsequently relocated;

(b) Within public recreation sites and transient public trailer parks where travel trailers, campers, motor homes and similar vehicles are permitted by the public agency, firm or individual maintaining the facility, their transient, short-term use by travelers is allowed, but they shall not be left on the site during their user's absence of more than three (3) day's duration.

(9) Maintenance of Structures and Improvements: Owners and users of existing structures and other improvements shall maintain them and their surroundings in a manner and condition in harmony with the environment, compatible with the objectives set forth in these rules and regulations for the classified river area in which they lie, and without impairing substantially the natural beauty of the scenic waterway. The existing color of such structures may be maintained.

(10) Replacement of Existing Structures and Improvements: Replacement of existing structures and improvements, including those lost by fire, flood or other casualty, will be permitted, provided the new structure or improvement is in compliance with provisions of the Act and these rules and regulations. Notification procedures set forth in OAR 736-40-040 and Commission approval are required.

(11) Advertising: No signs or other forms of outdoor advertising that are visible from waters within a scenic waterway shall be constructed or maintained. Property protection signs (No Hunting, No Trespassing, etc.) are exempted.

(12) Erosion Protection: The Commission recognizes that erosion protection work and maintenance may be necessary on riverbanks and related adjacent lands along the scenic waterways. Notification, which shall include plans to protect the natural beauty of the scenic waterway, and Commission approval are required.

(13) Submerged and Submersible Lands:

(a) No dam or reservoir or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the State Engineer;

(b) No bank protection works or dredging facility shall be constructed or used on such waters, except as permitted by the Director of the Division of State Lands and approved by the State Land Board.

(14) Emergencies:

(a) The owner or his authorized agent may act in emergencies without prior notice when necessary in the interest of public safety, or safety of his own property, except that notice of any action taken shall be filed with the Commission not later than seven days following the commencement of the emergency procedures;

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(b) The owner or his authorized agent must show that the emergency situation required immediate action to prevent immediate danger or damage. Such emergency procedures shall not be extended beyond the minimum necessary to accomplish the needed protection safely and shall be conducted throughout in such manner as to minimize impairment of the natural beauty of the scenic waterway. For example, car bodies and similar scrap or trash shall not be used as riprap.

(15) Solid Waste, Pollution and Sanitation: Owners, occupants and users of related adjacent land shall comply with the rules and regulations of the Department of Environmental Quality relating to solid waste control, water, air and noise pollution control and sewage disposal.

Stat. Auth.:

Hist.: HC 1285, f. 6-27-72; IOTC 6, f. 11-1-73; IOTC 28, f. 6-15-74; PR 12-1981, f. & ef. 7-29-81

Classification of Scenic Waterways and Segments Thereof

736-40-040 (1) OAR 736-40-040 through 736-40-075 supplement, but in no way alter, other provisions of these rules and regulations. Notification procedures set forth in OAR 736-40-030, 736-40-035 and 736-40-080, relating to Land Management, are applicable to these rules. In order to establish varying intensities of protection or development based on special attributes of each area within the scenic waterways, the following classifications are established:

(a) Natural River Areas:

(A) Those designated scenic waterways or segments thereof that are generally inaccessible except by trail or the river, with related adjacent lands and shorelines essentially primitive. These represent vestiges of primitive America;

(B) Natural River Areas may include an occasional lightly traveled road, airstrip, habitation or other kind of improvement already established, provided the effects are limited to the immediate vicinity;

(C) Natural River Areas will be administered to preserve their natural, wild and primitive condition, essentially unaltered by the effects of man, while allowing compatible recreational uses, other compatible existing uses and protection of fish and wildlife habitat.

(b) Scenic River Areas:

(A) Those designated scenic waterways or segments thereof with related adjacent lands and shorelines still largely primitive and largely undeveloped, except for agriculture and grazing, but accessible in places by roads. Scenic River Areas may not include long stretches of conspicuous or well-traveled roads paralleling the river in close proximity, but may include extensive areas in agricultural use;

(B) Scenic Areas will be administered to maintain or enhance their high scenic quality, recreational value, fishery and wildlife habitat, while preserving their largely undeveloped character and allowing continuing agricultural uses.

(c) Recreational River Areas:

(A) Those designated scenic waterways or segments thereof that are readily accessible by road

or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past;

(B) Recreational River Areas will be administered to allow continuance of compatible existing uses, while allowing a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

(d) Natural Scenic View Areas:

(A) Those designated shorelines and related adjacent lands, lying along only one bank of a river within a scenic waterway, which possess the qualities of a Natural or Scenic River Area except that the opposite shoreline and related adjacent land, by reason of accessibility, or development, qualifies only for a less restrictive classification;

(B) Natural Scenic View Areas will be administered to preserve or enhance their essentially primitive scenic character, while allowing compatible public outdoor recreational use.

(e) Accessible Natural River Areas:

(A) Those designated scenic waterways or segments thereof that are readily accessible by road or railroad but otherwise possess the qualities of a Natural or Scenic River Area;

(B) Accessible Natural River Areas will be administered to protect or enhance their essentially primitive scenic character, while allowing compatible public outdoor recreation use.

(f) River Community Areas — Those designated areas of a scenic waterway, perhaps on only one bank of the river, where density of structures or other developments, already existing or provided for precludes application of a more restrictive classification.

(2)(a) Within the general framework of these classifications, the Commission will further consider the nature and extent of existing land uses and developments, the scenic qualities and the esthetic, fish and wildlife, scientific and recreational values of each classified area within the scenic waterways in determining whether, in its judgment, proposals for changes of land use or improvements are compatible with the Act;

(b) Because of the individual character of each scenic waterway, administrative criteria within each of the six classifications may vary from one scenic waterway to another.

736-40-041 Nestled River Scenic Waterway
736-40-042 Upper Creeks
736-40-043 Upper Mc Kenzie

Stat. Auth.:
Hist.: HC 1285, f. 6-27-72

Interim Classification of State Scenic Waterways

736-40-044 Those segments of rivers under the scenic waterways program without a management plan will be assigned an interim river classification until such time a river management plan has been adopted by the State Parks and Recreation Commission with the concurrence of the Water Resources Board. Only one interim river classification will be assigned to each scenic waterway as indicated in the following list:

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River	Classification	Description
(1) Clackamas River:		Crater Lake National Park to the east boundary of Rogue River National Forest (42 miles).
(a) North Fork of the Clackamas River, that segment from the source to North Fork Reservoir (12 miles);	Scenic	(11) North Santiam River: Little North Fork, that segment from Battle Ax Creek to Willamette National Forest boundary (7 miles).
(b) South Fork of the Clackamas River, that segment from river mile 4 to mainstem;	Scenic	(12) North Umpqua River: From Mt. Thielsen Wilderness boundary to Lemolo Reservoir (6 miles).
(c) Mainstem, that segment from Ollalie Lake Scenic Area boundary to North Fork Reservoir (54 miles).	Recreational	
(2) Deschutes River:		Stat. Auth.: ORS 390.845(2) Hist.: PR 11-1991, f. & cert. ef. 6-18-91
(a) Upper, that segment from Little Lava Lake to Crane Prairie Reservoir (8 miles);	Recreational	
(b) Bend, that segment from Urban Growth Boundary to Central Oregon Irrigation diversion;	Scenic	
(c) Upper, that segment from Sawyer Park to Tumalo State Park (5 miles);	Scenic	
(d) Upper, that segment from Deschutes Market Road to Twin Bridges, excluding Cline Falls hydroelectric facility (17 miles).	Scenic	
(3) Elk River:		
(a) North Fork, that segment from the source to South Fork (5 miles);	Scenic	
(b) South Fork, that segment from the source to North Fork (5 miles);	Scenic	
(c) Mainstem, that segment from North-South Forks confluence to Elk River Fish Hatchery (11 miles).	Scenic	
(4) Grande Ronde: From the confluence with Wallowa River to Washington border (42 miles).	Recreational	
(5) Wallowa River: From the confluence with Minam to confluence with Grande Ronde (10 miles).	Recreational	
(6) John Day River:		
(a) North Fork, that segment from the North Fork John Day Wilderness boundary to River Mile 20.2 (Willamette Meridian) above Monument (56 miles);	Recreational	
(b) South Fork, that segment from Post-Paulina Road crossing to north boundary of Murderer's Creek Wildlife Area (29 miles);	Recreational	
(c) Middle Fork, that segment from Crawford Bridge crossing to confluence with North Fork (71 miles);	Recreational	
(d) Mainstem, that segment from Parrish Creek to Service Creek (13 miles).	Recreational	
(7) Klamath River: From the John Boyle Dam powerhouse to California Border (11 miles).	Accessible Natural	
(8) McKenzie River:		
(a) South Fork, that segment from the Three Sisters Wilderness boundary to Cougar Reservoir (16.5 miles);	Scenic	
(b) South Fork, that segment from Cougar Dam to mainstem (4.5 miles);	Recreational	
(c) Mainstem, that segment from Clear Lake to Carmen Reservoir (2 miles);	Scenic	
(d) Mainstem, that segment from Tamolitch Falls to Trail Bridge Reservoir (2 miles);	Scenic	
(e) Mainstem, that segment from Trail Bridge to Paradise (USFS) campground (12 miles).	Recreational	
(9) Metolius River: Mainstem, that segment from Metolius Lodge Springs to Candle Creek (14 miles).	Recreational	
(10) Rogue River: Upper, that segment from	Scenic	

**Classifications by River and Segment, With
General Administrative Criteria for Each**

Rogue River Scenic Waterway

736-40-045 Within the Rogue River Scenic Waterway, already designated as a component of the National Wild and Scenic Rivers System by Public Law 90-542, the Commission will, insofar as its responsibility and authority under the Act permit, give consideration to the management objectives and directives stated in the Rogue River Plan prepared jointly by the United States Forest Service and the Bureau of Land Management.

(1) Natural River Area:

(a) That segment of the scenic waterway extending from Grave Creek downstream approximately 33 miles to Watson Creek is classified as a Natural River Area;

(b) In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or other improvements, except those needed for public outdoor recreation or for resource protection, and no new lodges or commercial public service facilities which are visible from the river will be permitted. Additional boat docks, moorings or "salmon boards" will not be permitted.

(2) Scenic River Area:

(a) That segment of the scenic waterway extending from Blue Jay Creek in Section 11, Township 35 South, Range 12 West, of the Willamette Meridian, (T 3S, R 12W, W.M.), Curry County, downstream approximately 7-1/2 miles to the unnamed creek in Section 36, Township 35 South, Range 13 West, of the Willamette Meridian, (T 35S, R 12W, W.M.), Curry County, is classified as a Scenic River Area;

(b) Commercial public service facilities which are visible from the river will not be permitted in this area;

(c) Permissible structures within this area are single-family dwellings which meet the requirements stated in these rules and regulations. Including those already existing, such structures which are visible from the river will be limited to a total of two on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Rogue River prepared by the U.S. Geological Survey from survey made in 1923.

(3) Recreational River Areas:

(a) Three segments of the scenic waterway are designated as Recreational River Areas. These are:

(A) Hellgate, extending from the mouth of the Applegate River downstream approximately 26 miles to Grave Creek Bridge, but excluding the

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Natural River View Area and the River Community Areas therein contained;

(B) Agness, extending from Watson Creek downstream approximately 10 miles to Blue Jay Creek, but excluding the River Community Area therein contained;

(C) Skookumhouse, extending from the unnamed creek in Section 36, Township 35 South, Range 13 West, of the Willamette Meridian (T 35S, R 13W, W.M.), Curry County, downstream approximately seven miles to the Lobster Creek Bridge.

(b) Within these areas, permitted uses and structures may include agriculture, single-family dwellings, lodges, resorts and other necessary commercial public service facilities. Including those already existing, structures and improvements which are visible from the river will be limited to a total of four on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Rogue River prepared by the U.S. Geological Survey from survey made in 1923.

(4) Natural Scenic View Area:

(a) The shoreline and related adjacent land lying along the right bank of the river (as seen when facing downstream) between Hellgate Bridge as located in Section 4, Township 35 South, Range 7 West, of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County, and the Grave Creek Bridge as located in Section 1, Township 34 South, Range 8 West, of the Willamette Meridian (T 34S, R 8W, W.M.), Josephine County, is classified as a Natural Scenic View Area;

(b) Within this area no new structures or improvements which are visible from the river, except those needed for public outdoor recreation or for resource protection, will be permitted. Roads shall not be extended, or improved substantially.

(5) River Community Areas:

(a) Within the Hellgate Recreational River Area:

(A) Related adjacent lands lying within the boundaries of the following subdivision plats as recorded in the Clerk's office of Josephine County, Oregon;

(B) Galice — plat of Galice Subdivision, Volume 5, pages 4, 5. (Within the W 1/2 Section 36, T 34S, R 8W, W.M.);

(C) Rogue Riffles — plat of Rogue Riffles Subdivision, Volume 4, page 49. (Within the SW 1/4 of the NW 1/4, Section 25, T 35S, R 7W, W.M., and SE 1/4 of the NE 1/4, Section 26, T 35S, R 7W, W.M.);

(D) Burnette — plat of Burnette Estates Subdivision, Volume 7, page 8. (Within the NE 1/4 of the SW 1/4, Section 35, T 35S, R 7W, W.M.);

(E) Ferry Park — plat of Ferry Park Estates, Volume 7, pages 19, 20. (Within the SE 1/4 of the NE 1/4 and NE 1/4 of the SE 1/4, Section 2, T 36S, R 7W, W.M.);

(F) Peaceful Valley — plat of Peaceful Valley Acres Subdivision, Volume 3, page 54. (Within the SE 1/4 of the NW 1/4, and SW 1/4 of the NE 1/4, Section 11, T 36S, R 7W, W.M.).

(b) Also:

(A) Cathcart — Those related adjacent lands that are included in a plat of tracts surveyed for Tom Cathcart, which are situated in Sections 23 and 24, Township 35 South, Range 7 West, of the Willamette Meridian (T 35S, R 7W, W.M.),

Josephine County, and are filed by Survey No. 111-68 and Survey No. 106-71 in the County Surveyor's Office in Josephine County;

(B) Greentree — Those related adjacent lands included in a Notice of Intention filed with the Real Estate Division, Department of Commerce, on 29 September 1970 by Trenor and Helen Scott and identified by reference number PNI 2798, which are situated in Section 14, Township 35 South, Range 7 West, of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County;

(C) Within these areas, structures, improvements and uses that are consistent with Josephine County Zoning Ordinances and OAR 736-40-030 and 736-40-035 may be permitted.

(c) Within the Agness Recreational River Area:

(A) Agness — A parcel of land that comprises the Southwest Quarter (SW 1/4); West Half of the Southeast Quarter (W 1/4 SE 1/4), Section 7; and the Northwest Quarter (NW 1/4); West Half of the Northeast Quarter (W 1/2 NE 1/4), Section 18; all in Township 35 South, Range 11 West, of the Willamette Meridian (T 35S, R 11W, W.M.), Curry County;

(B) Also a parcel of land that comprises the East Half of the Southeast Quarter (E 1/2 SE 1/4), Section 12; and the East Half of the Northeast Quarter (E 1/2 NE 1/4), Section 13; all in Township 35 South, Range 12 West, of the Willamette Meridian (T 35S, R 12W, W.M.), Curry County;

(C) The Commission recognizes that further development of the Agness area may be necessary in order to provide services for both local residents and the public;

(D) Within the Agness River Community Area, when consistent with Curry County zoning ordinances, permitted uses, structures and improvements may include agriculture, single and multiple family dwellings, churches, lodges, resorts, motels, transient public trailer parks and other necessary commercial public service facilities. Permitted densities of improvements and structures which are visible from the river may be established by the Commission after consultation with the U.S. Forest Service, the Curry County Planning Commission, the Agness Community Council, and such other persons and agencies as the Commission may select. *736-40-047 Elsie's Ridge*

Stat. Auth.: *736-40-045 Nelson*
Hist.: HC 1285, f. 6-27-72
736-40-049 Upper Clackamas

Illinois River Scenic Waterway

736-40-050 (1) Accessible Natural River Area:

(a) The segment of the scenic waterway extending from Deer Creek downstream approximately 14 miles to Briggs Creek is classified as an Accessible Natural River Area;

(b) In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements which are visible from the river other than those erected or made in connection with a compatible existing use, or those needed for public recreation or for resource protection, will be permitted. Additional dwellings and commercial public service facilities, including resorts and motels, lodges and trailer parks which can be seen from the river, will not be permitted, except for a youth camp constructed and operated by the Boy Scouts of America, after proper

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notification and Commission approval, on their deeded property, amounting to 105.98 acres, within Township 37 South, Range 9 West, Section 32, Tax Lot 200, Josephine County.

(2) Natural River Area:

(a) The segment of the scenic waterway extending from Briggs Creek downstream approximately 27-1/2 miles to the intersection with the North Boundary Line of Section 32, Township 35 South, Range 11 West, of the Willamette Meridian (T 35S, R 11W, W.M.), Curry County, near Lawson Creek, is classified as a Natural River Area;

(b) In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements which are visible from the river other than those erected or made in connection with a compatible existing use, or those needed for public recreation or for resource protection, will be permitted. Additional dwellings and commercial public service facilities, including resorts and motels, lodges and trailer parks which can be seen from the river, will not be permitted.

(3) Recreational River Area:

(a) The segment of the scenic waterway beginning at the intersection with the North Boundary Line of Section 32, Township 35 South, Range 11 West, of the Willamette Meridian (T 35S, R 11W, W.M.), Curry County, near Lawson Creek, downstream approximately 3-1/2 miles to the boundary of the Agness River Community Area, is classified as a Recreational River Area;

(b) Within this area, permitted uses and structures may include agriculture, single-family dwellings, lodges, resorts and other necessary commercial public service facilities. Including those already existing, structures and improvements which are visible from the river will be limited to a total of four on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Illinois River prepared by the U.S. Geological Survey from survey made in 1923.

(4) River Community Area: The segment of the scenic waterway extending from the boundary of the Agness River Community Area to the Rogue River is classified as part of that area.

736-40-051 Middle River Area

Stat. Auth.:

Hist.: HC 1285, f. 6-27-72

Owyhee River Scenic Waterway

736-40-055 Natural River Area:

(1) The entire Owyhee River Scenic Waterway, in its two segments, is classified as a Natural River Area.

(2) In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements which are visible from the river, other than those erected or made in connection with the existing agricultural uses, or those needed for public outdoor recreation or for resource protection will be permitted. Commercial public service facilities, including resorts and motels, lodges and trailer parks, and additional dwellings which are visible from the river will not be permitted.

Stat. Auth.:

Hist.: HC 1285, f. 6-27-72

Minam River Scenic Waterway

736-40-060 (1) Natural River Area:

(a) The segment of the scenic waterway extending from Minam Lake downstream approximately 37 miles to the river's intersection with the Willamette Base Line, which is also the north boundary of Section 4, Township 1 South, Range 41 East, of the Willamette Meridian (T 1S, R 41E, W.M.), Union County, is classified as a Natural River Area;

(b) In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements, other than those erected or made, after notification and Commission approval, in connection with existing uses by Red's Horse Ranch and Minam River Lodge, or those needed for public recreation or for resource protection, will be permitted.

(2) Accessible Natural River Area:

(a) The segment of the scenic waterway extending from the river's intersection with the Willamette Base Line which is also the north boundary of Section 4, Township 1 South, Range 41 East, of the Willamette Meridian, (T 1S, R 41E, W.M.), Union County, downstream approximately eight miles to the Wallowa River, is classified as an Accessible Natural River Area;

(b) Additional dwellings and commercial public service facilities, including resorts, motels, lodges and trailer parks which are visible from the river will not be permitted. Roads within the area shall not be extended or improved substantially.

Stat. Auth.:

Hist.: HC 1285, f. 6-27-72

John Day River Scenic Waterway

736-40-065 (1) Natural River Area:

(a) The segment of the scenic waterway beginning at the intersection of West to East Centerline of Section 5, Township 5 South, Range 19 East, of the Willamette Meridian, (T 5S, R 19E, W.M.), Sherman County, extended easterly from the center of said section to its intersection with the John Day River, near the mouth of Thirty Mile Creek; thence downstream approximately 31 miles to the North Boundary of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 24, Township 2 South, Range 18 East, of the Willamette Meridian, (T 2S, R 18E, W.M.), Sherman and Gilliam Counties, near East Ferry Canyon, is classified as a Natural River Area;

(b) Within this area, no new structures or improvements which are visible from the river, other than those erected or made in connection with agricultural uses, or those needed for public recreation or resource protection will be permitted. Additional dwellings and commercial public service facilities, including resorts and motels, lodges and trailer parks which are visible from the river will not be permitted.

(2) Scenic River Areas:

(a) The segments of the scenic waterway upstream and downstream from the designated Wild River Area are classified as Scenic River Areas;

(b) Within these areas, no new structures or improvements which are visible from the river, other than those erected or made in connection with agricultural uses, or those needed for public

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recreation or resource protection will be permitted. Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels, lodges and trailer parks which are visible from the river, will not be permitted.

Stat. Auth.:
Hist.: HC 1285, f. 6-27-72

Deschutes River Scenic Waterway

736-40-070 (1) Recreational River Area:

(a) The segment of the scenic waterway extending from the Deschutes River intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian, (T 9S, R 13E, W.M.), Jefferson County, downstream approximately 96 miles to the Columbia River, but excluding the right bank shoreline (as seen when facing downstream) and adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is classified as a Recreational River Area;

(b) Within this area, no new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection will be permitted;

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(2) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-regulating Dam downstream approximately 4 miles to the Deschutes River intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian (T 9S, R 13E, W.M.), Jefferson County, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area;

(b) Within these areas, when consistent with Jefferson County and Wasco County zoning ordinances, permitted uses and structures may include agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. Permitted densities of improvements and structures which are visible from the river may be established by the Commission after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(3) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Oregon Parks and Recreation Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's

unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-40-035 (Rules for Land Management) or this rule shall apply;

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline;

(B) Nothing in these rules give to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

(c) Camping:

(A) No camping is permitted on river islands;

(B) No person shall camp or allow their equipment to occupy a campsite on public land for more than four (4) consecutive days in any one campsite. In addition, the campsite must be vacated at least three (3) days prior to re-occupying the same campsite. This rule does not apply to the following areas within the Deschutes River Scenic Waterway: Public campgrounds at Trout Creek, South Junction and Deschutes River State Park, and all public lands between the locked gate above Maupin within Section 36, Township 5 South, Range 13 East, of the Willamette Meridian, and Mack's Canyon Campground. In order to comply with this rule an individual's tent, stove and all other associated camp equipment and personal property must be physically removed from the campsite area to an entirely new campsite area location at least one-quarter mile from the original campsite. The intent of this rule is to keep desirable campsite areas available for the short-term use of all river users;

(C) In order to minimize the impact of camping on the fragile river area, it is recommended that camping parties limit their size to 16 persons.

(d) Campfires, Fuel, Firepans:

(A) No person shall build, maintain or keep any fire which is fueled by other than charcoal, gas or petroleum products within the Deschutes River Scenic Waterway designated by ORS 390.825 from June 1 to October 1. Fire must be contained in a firepan or similar device of metal. A firepan is a

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metal container with at least 2-inch high sides to prevent ashes from spilling onto the ground;

(B) Every overnight camp, overnight hiking party or person using fire or operating a motor driven vehicle or boat within the Deschutes River Scenic Waterway designated by ORS 390.825, from June 1 to October 1, shall carry and keep reasonably accessible one bucket of at least one gallon capacity and one spade or shovel;

(C) No person shall leave a fire unattended;

(D) All fires shall be completely extinguished after use and the remains disposed of in a manner consistent with subsection (g) of this section relating to the disposal of litter;

(E) Within 48 hours after the declaration of an extreme fire danger condition as determined by the Bureau of Land Management, the following rules shall apply within the Deschutes River Scenic Waterway from Pelton Re-regulation Dam to the confluence of the Deschutes River with the Columbia River:

(i) No person shall build any fire, including but not limited to fires built in firepans, or using wood or charcoal briquets, except in enclosed structures (e.g., residence of recreational vehicles);

(ii) Commercially manufactured metal camp stoves and lanterns are permissible for outdoor use only when fueled with bottled liquified petroleum gas (e.g., propane) or white gas. Such stoves or lanterns shall be operated in a responsible manner at all times;

(iii) Smoking is prohibited except in enclosed buildings, enclosed motor vehicles, or in boats on the river.

(F) These rules shall remain in effect until the close of the normal fire season on October 1 or until suspended by action of the State Parks Director.

(e) Tree Cutting and Firewood Gathering: No dead, living, standing or down trees or brush, including driftwood, shall be cut, gathered, or damaged in any way by persons using the Deschutes River Scenic Waterway for recreational purposes;

(f) Firearms: The discharge of firearms for any purpose other than protection of life and property, including livestock, is prohibited within the scenic waterway corridor from the third Saturday in May through August 31 of each year;

(g) Litter and Personal Sanitation:

(A) Persons using the Deschutes River Scenic Waterway for recreational purposes shall place refuse, scrap, trash and garbage in proper receptacles provided for that purpose at maintained recreation sites or litter collection stations. No such refuse, litter, garbage or similar materials shall be buried or abandoned. When no approved receptacle or container is available, the material shall be taken out of the scenic waterway area for disposal;

(B) All persons using the Deschutes River Scenic Waterway for recreational purposes shall use the developed toilet facilities provided at public recreation sites. Where toilets are not provided, persons shall bury all human waste and toilet paper at least six inches below the surface of the ground in natural soil and at least 50 feet from the edge of the river.

(h) No person shall use fireworks within the Deschutes River Scenic Waterway: Defined as any combustible or explosive composition or substance or any combination of any such compositions or

substances or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or any other article of like construction or any article containing any explosive or inflammable compound or any tablets or other device containing any explosive substance or inflammable compound;

(i) The rules set forth in this rule shall not be applicable to the Deschutes River State Recreation Area Campground, the use of which shall instead be governed by general park area rules and the authority and discretion of the park manager.

Stat. Auth.: ORS Ch. 390

Hist.: HC 1285, f. 6-27-72; PR 3-1982, f. & ef. 3-26-82; PR 4-1983, f. & ef. 3-30-83; PR 3-1985, f. & ef. 6-4-85; PR 5-1985(Temp), f. 7-15-85, ef. 11-1-85; Suspended by PR 6-1985(Temp), f. & ef. 10-1-85; PR 9-1986, f. & ef. 6-12-86; PR 5-1990, f. & cert. ef. 12-18-90

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Deschutes River Scenic Waterway Boater Pass System Rules

736-40-071 (1) Policy:

(a) The Oregon Transportation Commission finds that in order to carry out the intent of Oregon Law 1981, Chapter 798, monies collected from the sale of the Deschutes River Scenic Waterway Boater Pass shall be used for the following purposes:

(A) For operation of the pass system;

(B) For providing river-user oriented law enforcement services;

(C) For providing river recreation information and education;

(D) For developing and maintaining river oriented recreation facilities; and

(E) For any other purposes the Department considers appropriate for the maintenance, enhancement or protection of the natural and scenic beauty of the Deschutes River Scenic Waterway consistent with ORS 390.805 to 390.925.

(b) As provided by the statute, monies collected from this program shall be used exclusively within the Deschutes River Scenic Waterway;

(c) It shall further be the policy of the Commission that these monies shall be used first, to operate the pass system; and secondly, to provide as directly as possible, education, information and rule enforcement services to those river users who contribute directly to this fund. When in the judgment of the State Parks Administrator, these priority needs can be continually met, additional uses of these funds shall be allowed consistent with paragraphs (1)(a)(D) and (E) of this rule;

(d) In determining the future use of these funds for purposes other than those listed in paragraphs (1)(a)(A), (B), and (C) of this rule, the State Parks Administrator may consider input from the Scenic Waterways Advisory Committee, the various local, state, and federal agencies involved with managing resources within the Deschutes River Scenic

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Waterway, the Confederated Tribes of Warm Springs Reservation of Oregon, and the general public;

(e) The Oregon Transportation Commission, by adoption of this rule, delegates the administration of this Deschutes River Scenic Waterway Boater Pass program and the funds derived from it as authorized by Oregon Law 1981, Chapter 798, to the State Parks Administrator or the Administrator's designee;

(f) The Commission encourages all local, state and federal agencies involved in resource management of the Deschutes River Scenic Waterway and the river users themselves, to give their full cooperation to this program;

(g) The Commission recognizes that the Deschutes River Scenic Waterway Boater Pass program is experimental in nature. It will endeavor to annually adjust the program as new information about visitation, river user needs and trends become apparent.

(2) Definitions: For purposes of this rule, the following definitions shall apply:

(a) "Deschutes River Scenic Waterway" — That portion of the Deschutes River designated in ORS 390.825 as a State Scenic Waterway. The designated river area covers approximately 100 miles from Pelton Re-regulating Dam to the Columbia River, excluding the city limits of Maupin as established on October 4, 1977. The Scenic Waterway area includes all water and lands within 1/4 mile of the bank on either side of the river;

(b) "Boat" — Every watercraft or device used as a means of transport on the water of the Deschutes River Scenic Waterway;

(c) "Deschutes River Scenic Waterway Boater Pass" — A receipt for a fee paid pursuant to Oregon Laws 1981, Chapter 798, Section 2;

(d) "In Possession" — Possessed in such a manner as to be readily available, nearby, or in close proximity to the passholder and able to be easily and quickly produced on the site in the event the passholder is requested to do so by an authorized agent or law enforcement officer, or State Park employee authorized to issue citations pursuant to Oregon Laws 1981, Chapter 692, Section 2;

(e) "Day" — Any part of a 24-hour period running from 12:01 a.m. to the following midnight;

(f) "Group" — A boating party of 2-16 persons;

(g) "Group Leader" — A person who purchases a pass as the representative of a group;

(h) "Passholder" — Any individual person or person within a group for which the appropriate fee has been paid and that individual or a member of the group is in possession of a Deschutes River Scenic Waterway Boaters Pass;

(i) "Immediate Family" — The spouse and any natural or adopted children of a property owner or the property owner's spouse who reside with the owner of property which immediately abuts the Deschutes River Scenic Waterway.

(3) When Pass is Required:

(a) No person shall launch, operate or ride in any boat or engage in any camping, fishing or other activity in connection with being transported by a boat on those portions of the Deschutes River designated as scenic waterways under ORS 390.825, during the time period established in section (4) of this rule, without having first

obtained a valid Deschutes River Scenic Waterway Boater Pass (hereinafter referred to as "pass") for the days during which these activities are conducted. A person will be issued, upon payment of the appropriate fee and completion of the pass form, either an individual pass, annual pass, a group pass, or a special pass as specified in section (10) of this rule;

(b) Every person landing, operating or riding in a boat or engaging in any camping, fishing or other activity in connection with being transported by a boat on the Deschutes River Scenic Waterway shall display his/her individual, annual, group or special pass upon the demand of any law enforcement officer or employee of the Parks and Recreation Division who is authorized to enforce these rules.

(4) Time Period of Pass: The time period for which a valid pass is required will be from May 15, 1982, until January 1, 1986.

(5) Requirements for Valid Pass:

(a) The pass will consist of the following information to be placed on a form provided by the Parks Division and completed at the time of purchase:

- (A) Calendar date(s) pass will be used;
- (B) Number of days pass will be valid;
- (C) Total fee paid for issuance of the pass;
- (D) Number of persons authorized by pass;
- (E) Signature of passholder or group leader;
- (F) A summary of appropriate river use rules;
- (G) Driver's license number;
- (H) Date of birth.

(b) In order for a pass to be valid in subsection (a) of this section, the recipient must:

(A) Provide all of the above information as requested;

(B) Have the completed pass in possession while boating within the Deschutes River Scenic Waterway;

(C) Be boating within the Deschutes River Scenic Waterway only on the calendar days authorized for on the recipient's completed pass; and

(D) Have paid the appropriate fee.

(c) A passholder may also be issued with the pass, informational and educational material designed to encourage an appreciation of the scenic waterway and promote minimum impact recreation use.

(6) Cost of Pass:

(a) The fee for issuance of a pass, either individual or group, shall be \$1.75 per person per day;

(b) The fee for issuance of an individual annual pass shall be \$12 per person per year. Each annual pass will be valid only for a single calendar year beginning on January 1 and ending on December 31 of each year a pass is required under section (4) of this rule.

(7) Group Pass:

(a) No group shall exceed the number of persons shown on the pass. In the event the number of persons in the group exceeds the number shown on the pass, the group leader shall be in violation of this rule;

(b) Group passes will be issued only in multiples of 16 persons or less;

(c) The pass shall be in the possession of the group leader at all times while within the Deschutes River Scenic Waterway.

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(8) Sale of Pass:

(a) The pass will be available for purchase at selected state park offices, certain cooperating businesses and selected public agency locations throughout the state. Selection of vendors will be based on location, days and hours of operation, past performance in similar governmental sales and the ability to provide service to a large number of potential Deschutes River Scenic Waterway boaters;

(b) Private vendors and cooperating agencies must comply fully with the terms of the Division/Vendor agreement and the Division's policies for vending the Deschutes River Scenic Waterway Boater Pass. Private vendors and cooperating agencies may charge a \$.50 handling fee for dispensing each pass, raincheck or duplicate pass. Such fee will be in addition to any fee charged under section (6) of this rule;

(c) Passes will be available for purchase beginning in March, 1982. The State Parks Division will publish and make available to the public, at no cost, a listing of all vendors of the Deschutes River Scenic Waterway Boater Pass. The list will include location of vendors and days and hours the pass will be available for purchase.

(9) Refunds, Cancellations, Replacements:

(a) No cash refunds will be permitted in the event a pass is not used;

(b) A passholder who determines that the pass will not be used, may receive a raincheck for the value of the pass. The value of the raincheck may be applied to the purchase of a new pass at any time during the year in which it was issued;

(c) The passholder must make such a request for the raincheck in writing, or in person. The request must be made any time up to and including the earliest effective date of the original pass. The original pass must be surrendered prior to issuance of the raincheck;

(d) Rainchecks will be issued at any of the vendor locations where Deschutes River Scenic Waterway Boater Passes are sold;

(e) The passholder may get a duplicate pass to replace one that is lost or destroyed by applying for a duplicate from the same vendor from which he purchased the original pass. A duplicate pass may only be issued prior to the effective date of the original pass. The passholder must provide to the vendor all information necessary to permit the vendor to confirm the original pass sale.

(10) Special Exceptions:

(a)(A) Pursuant to Oregon Laws 1981, Chapter 798, Section 2(3), the State Parks Administrator shall issue without charge annual passes to comply with the requirements of this rule to persons who own ranch, farm, or residential property immediately abutting those portions of the Deschutes River designated as a Scenic Waterway under ORS 390.825 and to members of the immediate family of such persons. This rule does not authorize the issuance without charge of passes to persons holding less than a majority interest in a firm, corporation or cooperative organization which owns land immediately abutting the Deschutes River designated as a scenic waterway under ORS 390.825;

(B) Free annual passes shall be issued by the State Parks and Recreation Division to persons who qualify under this section and have contacted the

State Parks and Recreation Division. All passes issued under this section are non-transferable. They are for the sole use of the person(s) to whom they are issued;

(C) Persons who believe they qualify for a free annual pass must contact in person or by mail: River Programs, State Parks and Recreation Division, 525 Trade Street SE, Suite 301, Salem, Oregon 97310 (Attn: Free Annual Pass), and present for the Division's review evidence that substantiate the applicant's claim to a free annual pass. Evidence may consist of property tax information, deeds, birth certificates or similar legal or real estate devices.

(b)(A) The State Parks Administrator may issue a \$5 annual access pass to persons who own, either wholly or in partnership, farm, ranch or residential land within the Deschutes River Scenic Waterway and whose sole or customary means of access to their farm, ranch or residential facilities is by boat. The purpose of this pass is to permit unrestricted access to private property not reasonably or traditionally accessible by any means other than by boat. Each annual access pass will be valid for up to four persons;

(B) Prior to the issuance of this pass, an individual must submit written request to the State Parks Administrator clearly stating the reasons, factors or circumstances requiring the issuance of the annual access pass.

(c) The State Parks Administrator may issue a \$5 annual occupational pass to persons or employees of farm, ranch or residential property owners and leasees of farm, ranch or residential property. The farm, ranch or residential property must be immediately abutting the Deschutes River Scenic Waterway. The annual occupational pass shall be for those persons engaged in boating in order to access, supervise, or maintain property immediately abutting the Deschutes River Scenic Waterway. This pass will not be valid for boating in connection with any recreational activity. The pass is transferable among employees and caretakers of a single property-owner or organization; the pass is also transferable among leaseholders of a particular parcel of property. Proof of employment or lease agreement will be required prior to the issuance of this pass;

(d) Pursuant to Oregon Laws 1981, Chapter 798, Section 3(2), no Deschutes River Scenic Waterway boater pass will be required of:

(A) Peace officers, members or employees of a governmental body or their agents while engaged in the discharge of official duties; or

(B) Any member of the Confederated Tribes of the Warm Springs Indian Reservation.

(11) Effective Date of Rule: Sections (3), (4) and (10) of this rule will be effective on May 15, 1982. All other sections shall take effect upon filing with the Secretary of State.

736-40-072 Middle Deschutes Scenic Waterway
Stat. Auth.: ORS Ch. 390
Hist.: PR 2-1982, L 2-3-82, ef. 5-15-82; PR 2-1983, f. & ef. 3-11-83

Sandy River Scenic Waterway

736-40-075 (1) Natural River Area: The segment of the scenic waterway extending from the east boundary line of Section 25 and Section 36, Township 1 South, Range 4 East, of Willamette

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Meridian, in Clackamas County at Dodge Park, downstream approximately 3.8 miles to the South line of the North Half of the Northeast Quarter of Section 23, Township 1 South, Range 4 East, of Willamette Meridian, in Multnomah County near Indian John Island, is classified as a Natural River Area.

(2) Scenic River Area: The segment of the scenic waterway extending from the South line of the North Half of the Northeast Quarter of Section 23, Township 1 South, Range 4 East, of the Willamette Meridian, in Multnomah County near Indian John Island, downstream approximately 8.7 miles to the West line of the East Half of the Northeast Quarter of Section 6, Township 1 South, Range 4, East, of the Willamette Meridian, in Multnomah County at Dabney State Park, is classified as a Scenic River Area.

(3) In both the Natural River Area and the Scenic River Area of the Sandy River Scenic Waterway:

(a)(A) Within the area of greatest visual effect on the natural river scene, as indicated on the map of the Sandy River Scenic Waterway prepared by the State Parks and Recreation Division and dated September 13, 1972, new structures or other improvements which are visible from the river (see OAR 736-40-015(10), Definition of Terms), other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection will not be permitted unless they are so located that their visual effect is primarily on the upland scene (above the rims of the canyon, or "bluff line", usually readily discernible) rather than on the scene as viewed from the river;

(B) Outside that area of greatest visual effect on the natural river scene, uses which are consistent with applicable county zoning ordinances and OAR 736-40-030 and 736-40-035 may be permitted. Within the Natural River Area, such permitted uses shall be largely concealed from view from the river by topography or established evergreen vegetation which shall be maintained; within the Scenic River Area such permitted uses may be visible from the river, provided they are consistent with applicable county zoning regulations and OAR 736-40-030 and 736-40-035.

(b) Outside the area of greatest visual effect on the natural river scene, as indicated on the map of the Sandy River Scenic Waterway prepared by the State Parks and Recreation Division and dated 13 September 1972, notification is not required for changes of land use, construction of buildings or other improvements or other alterations or activities which:

(A) Are less than 21 feet in height above natural grade on a side facing the river;

(B) Are entirely concealed from view from the river by topography or established evergreen vegetation which shall be maintained;

(C) Do not involve reduction of existing vegetation which is visible from the river;

(D) Are finished in muted tones without large reflective surfaces; and

(E) Meet applicable requirements of other governmental agencies, including county zoning regulations.

Stat. Auth.:

Hist.: 10TC 6, f. 11-1-73

Clackamas River Scenic Waterway

736-40-076 (1) Recreational River Area:

(a) That segment of the Scenic Waterway extending from River Mill Dam downstream approximately 12 miles to Bakers Bridge at Carver is classified as a Recreational River Area;

(b) The Recreational River Area will be administered consistent with the purposes of OAR 736-40-040(1)(c)(B). Within this area, new structures and improvements, mining operations and timber harvesting activities shall be permitted only when substantially screened from view from the river by topography or vegetation. If no such topographic or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation is established which will provide substantial screening to the proposal in a reasonable time (for example, 2-3 years). The condition of "substantial vegetative screening" shall consist of an ample density and mixture of native evergreen and deciduous vegetation to totally obscure or allow only a highly filtered view of the proposed structures or improvements. Developments necessary for public outdoor recreation, as provided by public agencies, and resource protection may be visible from the river but must blend into the natural scene as much as possible.

(2) All the Commission's rules for scenic waterway management, OAR 736-40-025 through 736-40-035, shall apply to the Clackamas River Scenic Waterway except where this section is more specific.

Stat. Auth.: ORS Ch. 390

Hist.: PR 7-1985, f. & ef. 10-24-85

Opal Lake and Opal Creek Scenic Waterway

736-40-077 (1) Accessible Natural River Areas:

That segment of the Scenic Waterway including Opal Lake in Marion County and the main stream of Opal Creek from Opal Lake to its confluence with Battle Ax Creek, a distance of approximately four miles.

(2) The accessible natural river area will be administered to protect or enhance the essentially primitive scenic character, while allowing compatible public outdoor recreation use.

Stat. Auth.: ORS Ch. 390

Hist.: PR 6-1986, f. & ef. 5-28-86

Waldo Lake and the North Fork of the Middle Fork of the Willamette River

736-40-078 Natural Area: Waldo Lake, the lake shore and adjacent land within 1/4 mile, except for the area described in section (1) of this rule as North Waldo campground, Islet campground, the area between them, and the Shadow Bay campground:

(1) Scenic Area: The Waldo Lake shore and related adjacent land from a point approximately 200 feet northwesterly of the boat ramp at North Waldo campground in a southerly direction to a point approximately 200 feet south of southernmost development at Islet campground, and from a point approximately 200 feet north of the northernmost development at Shadow Bay campground south to a creek at the easternmost head of Shadow Bay.

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(2) Natural River Area: The North Fork of the Middle Fork of the Willamette River, from its outlet of Waldo Lake downstream approximately 8-1/2 miles to its intersection with the south section line of Section 36, Township 19S, Range 5-1/2E, of the Willamette Meridian.

(3) Scenic River Area: That segment of the North Fork of the Middle Fork of the Willamette River, from its intersection with the south section line of Section 36, Township 19S, Range 5-1/2E, of the Willamette Meridian, downstream approximately 6-1/2 miles to its intersection with Forest Road 1944.

(4) Recreational River Area: That segment of the North Fork of the Middle Fork of the Willamette River, from its intersection with Forest Road 1944 downstream to the lower boundary of the scenic waterway, one mile upstream from the railroad bridge near Westfir.

Stat. Auth.: ORS Ch. 390
Hist.: PR 7-1986, f. & ef. 5-28-86

Upper Deschutes River Scenic Waterway

736-40-079 (1) Scenic River Areas:

(a) Three river segments are designated as Scenic River Areas:

(A) The segment of the scenic waterway beginning at the Wickiup Dam stream gauge at about river mile 226.4 and extending downstream about 28 miles to the General Patch Bridge (Deschutes County Road — FAS 793) at about river mile 199 with the exception of the Pringle Falls (about river mile 217.5 to 216.5) and General Patch River (river mile 204-199) as Community Areas as described in paragraph (2)(a)(A)(B)(C) of this rule is classified as a Scenic River Area;

(B) The segment of the scenic waterway extending from the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.) to the Bend Urban Growth Boundary at River Mile 172 is classified as a Scenic River Area;

(C) The segment of the scenic waterway beginning at a point known as Twin Bridges where the north section line of Section 20, Township 16, South, Range 12 East, of the Willamette Meridian (Section 20, T 16S, R 12E, W.M.), crosses the river at about river mile 154.5 and extending downstream approximately 20 miles, excluding the Cline Falls Dam and powerhouse between river mile 145 and 144, to the Deschutes County Road Bridge (FAS 395) at Lower Bridge at about river mile 126.5 is classified as a Scenic River Area.

(b) Within these areas no new improvements, roads or mines other than those screened by topography, set back a minimum of 100 feet from the river's edge, set back 20 feet from the edge of the rim rock (where this feature exists) or those needed for public outdoor recreation or natural resource protection will be permitted;

(c) In paragraph (1)(a)(A) and subsection (1)(b) of this rule, timber harvest activities, including thinning, shall not be visually evident after completion of the removal of trees as viewed from the river; from developed recreation sites; or from trails adjacent to the river. Stumps shall be cut low, slash cleaned up promptly, and the remaining trees and brush protected. Reforestation shall occur

within one year of the project's completion. The provisions of the Oregon Department of Forestry forest practices rules shall be strictly followed.

(2) River Community Areas:

(a) Four areas are designated as River Community Areas:

(A) Those related adjacent lands made up of the residential tract of homes, cabins, and similar dwellings along the river extending downstream of the Wickiup Dam stream gauge at about river mile 226.4 approximately two miles to about river mile 224.5 is classified as the Wickiup River Community Area;

(B) Those related adjacent lands made up of residential tracks along the river in approximately river mile 217 of Pringle Falls within the northeast quarter of Section 23, Township 21 South, Range 9 East, of the Willamette Meridian (NE 1/4 Section 23, T 21S, R 9E, W.M.), extending downstream approximately seven-tenths of a mile (0.7) from about river mile 217.5 to river mile 216.8 is classified as the Pringle Falls River Community Area;

(C) Those related adjacent lands within platted residential tracks known as Oregon Water Wonderland Unit 1, River Forest acres and Deschutes River Homesites, Units 8 Part 1 and Unit 6 situated along the river extending downstream approximately five miles from about river mile 204 to about river mile 199 or the General Patch Bridge (Deschutes County Road — FAS 793) is classified as the General Patch River Community Area;

(D) Those related adjacent lands containing approximately 108 platted lots within the Crooked River Ranch development at approximately river mile 130.5 and 131.7 in Jefferson County is classified as the Crooked River Ranch River Community Area.

(b) Within these areas new improvements must be consistent with the applicable Deschutes or Jefferson County's zoning ordinances. New structures visible from the river must to the greatest extent possible, comply with the following conditions:

(A) Be finished in muted tones appropriate to the natural surroundings;

(B) Not exceed 30 feet in height from natural grade on the side facing the river;

(C) Be located in such a way that natural vegetation makes the improvements as inconspicuous as reasonably practicable. Additional vegetative screening may be required to be established and maintained.

(c) In order to maintain a healthy forest and to protect scenic natural values of the scenic waterway, timber harvest activities, including thinning except those needed to remove dead, dying, or diseased trees, must adhere to the following conditions:

(A) Be screened by topography or vegetation when seen from:

(i) The river;

(ii) Developed recreation sites within scenic waterways;

(iii) Trails adjacent to the river.

(B) Riparian vegetation shall be protected;

(C) Stumps shall be kept low; and remaining trees and brush protected from damage during harvest;

(D) Reforestation shall occur within over year of completion of harvest;

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(E) For operations involving the removal of dead, dying, or diseased trees section (1) of this rule shall not apply. All other conditions as stated above shall apply as well as any special conditions stipulating upon project approval.

(3) Recreational River Area:

(a) One river segment shall be designated as a Recreational River Area;

(b) The segment of the scenic waterway beginning at Harper Bridge (Deschutes County Road — FAS 900) at approximately river mile 190.6 and extending downstream approximately five miles to the point at which the river intersects the Deschutes National Forest boundary in Section 20, Township 19 South, Range 11 East, of the Willamette Meridian, (Section 20, T 19S, R 11E, W.M.), at approximately river mile 184.8 is classified as a Recreational River Area;

(c) Within this area new improvements, including public outdoor recreation facilities and natural resource protection measures, may be visible from the river if the following conditions apply:

(A) Are of such design and be constructed of such materials as to be unobtrusive and compatible with the scenic qualities of the area;

(B) Are finished in muted tone appropriate to the natural surroundings;

(C) Do not exceed 30 feet in height from natural grade on the side facing the river;

(D) Are located in such a way that natural vegetation make the improvements as inconspicuous as reasonably practicable and in no case obtruding on the view from the river. Additional vegetative screening may be required to be established and maintained;

(E) Provide for minimal soil disturbance during construction. Allow for revegetation of disturbed areas.

(d) All other new land uses including roads and mines within this area must be screened from view from the river by evergreen vegetation or topography;

(e) In order to maintain a healthy forest and to protect scenic natural values of the scenic waterway, timber harvest activities, including thinning except those needed to remove dead, dying, or diseased trees, must adhere to the following conditions:

(A) Be screened by topography or vegetation when seen from:

(i) The river;

(ii) Developed recreation sites within scenic waterways;

(iii) Trails adjacent to the river.

(B) Riparian vegetation shall be protected;

(C) Stumps shall be kept low; and remaining trees and brush protected from damage during harvest;

(D) Reforestation shall occur within over year of completion of harvest;

(E) For operations involving the removal of dead, dying, or diseased trees section (1) of this rule above shall not apply. All other conditions as stated above shall apply as well as any special conditions stipulating upon project approval.

(4) Natural River Areas:

(a) One area is designated as a Natural River Area;

(b) The segment of the scenic waterway beginning at the Deschutes County Road Bridge

(FAS 395) at Lower Bridge at approximately river mile 133.7 and extending downstream approximately 14.5 miles excluding the Crooked River Ranch River Community Areas as described in paragraph (2)(a)(D) of this rule, to the Lake Billy Chinook stream gauge at approximately river mile 120 is classified as a Natural River Area;

(c) In order to preserve the related adjacent land visible from the river in an essentially primitive condition, no new structures or improvements, except those needed for resource protection or public outdoor recreation, will be allowed unless screened from view by topography.

(5) Special Relief from Notification Requirements:

(a) Within the areas described in sections (1), (2), and (3), of this rule notification to the State Parks and Recreation Division is not required for new improvements and land use changes (e.g., timber harvest) if any of the following apply;

(b) The project is screened from view from the river by topography;

(c) The project is situated 100 feet or more away from the riverbank or twenty feet away from the rim rock feature;

(d) The project does not involve the removal of vegetation visible from the river; and

(e) The project is permitted outright under the Deschutes or Jefferson County Comprehensive Land Use Plan and Zoning Ordinance. In order to be permitted outright, the project must not require any special local land use reviews or approvals (i.e., variances, conditional use permits, flood plain development permits, zone or comprehensive plan changes or the like). A building permit is not considered a special local land use approval for the purpose of this rule.

Stat. Auth.: ORS Ch. 184 & 390

Hist.: PR 2-1988, f. & cert. ef. 3-25-88

Notification Procedures

736-40-080 (1)(a) Notification to the Commission of a proposal for change of existing use of related adjacent land, or improvement thereto, or any other activity for which the Act or these rules and regulations require notification, shall be written and shall contain a detailed description of the proposed change, improvement or activity, and such other information as the Commission may require;

(b) Notifications or request for information or assistance may be made to the nearest District Highway Engineer's office or to the State Parks and Recreation Division in Salem;

(c) The proposed change of use or improvement or activity shall not be carried out or commenced sooner than one year after such notification unless the Commission has sooner given its written approval.

(2) Upon receipt of written notice provided in section (1) of this rule, the Commission shall:

(a) If the proposal will not impair substantially the natural beauty of the scenic waterway or be in violation of either the Act or these rules, give the landowner, or other applicant when that is appropriate, written notification that he may immediately proceed;

(b) Notify the owner or applicant in writing if the Commission determines the proposed use would

OREGON ADMINISTRATIVE RULES
CHAPTER 736, DIVISION 40— STATE PARKS AND RECREATION DIVISION

impair the natural beauty of the scenic waterway or otherwise violate either the Act or these rules. The owner or applicant shall not proceed with the proposal until at least one year after the date of the original notice to the Commission unless the owner and the Commission sooner reach agreement on an alternate plan.

Stat. Auth.:

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72

Procedures in Event of Commission Denial

736-40-085 (1) During the period of one year following the original notice to the Commission:

(a) The Commission and the owner of the land involved may agree upon modifications or alterations of the proposal so that implementation thereof would not, in the judgment of the Commission, impair substantially the natural beauty of the scenic waterway or otherwise violate the provisions of the Act or these rules and regulations;

(b) The Commission may acquire by purchase, gift, or exchange, the land involved or interest therein, including scenic easements, for the purpose of preserving the natural beauty of the scenic waterway;

(c) The landowner may make a written request of the Commission to enter into further negotiations regarding use of the land as prescribed in section (2) of this rule.

(2) The Commission, upon receiving a written request from an owner of related adjacent land, shall enter into negotiations and endeavor to reach agreement with such owner establishing for the use of such land a plan that would not impair substantially the natural beauty of the scenic waterway. At the time of such request for negotiations, the owner may submit an alternate plan in writing setting forth in detail his proposed uses. Then:

(a) Three months after the owner makes such a request for negotiations, either the Commission or the owner may give written notice that the negotiations are terminated without agreement;

(b) Nine months after the notice of termination of negotiations, the owner may use his land in conformity with any specific written plan submitted by the owner prior to or during negotiations, in the event the Commission and the owner reach agreement establishing a plan for land use, such agreement is terminable upon at least one year's written notice by either the Commission or the owner;

(c) Twelve months after the original notice to the Commission, the owner may use his land in conformity with the specific written plan submitted as a part of that notice unless the Commission has sooner instituted proceedings to acquire the land involved.

Stat. Auth.:

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72

Condemnation of Related Adjacent Land

736-40-090 With the concurrence of the State Water Resources Board, the Commission may institute condemnation proceedings to acquire related adjacent land for the purposes of the Act if:

(1) At any time subsequent to nine months after the receipt of an owner's proposal agreement cannot be reached by the Commission and the landowner; or

(2) At any time related adjacent land is used in a manner violating the Act or the rules and regulations promulgated by the Commission; or

(3) At any time related adjacent land is used in a manner which, in the judgment of the Commission, impairs substantially the natural beauty of a Scenic Waterway, if the Commission has not been given at least one year's advance written notice of such use and if there is not in effect Commission approval of such use.

Stat. Auth.:

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72

Public Lands Within or Adjacent to a Scenic Waterway

736-40-095 (1) The Commission may enter into agreement with an Indian tribe, the United States, another state agency or local governmental agency for the administration of lands contained in a scenic waterway.

(2) With the consent of the governing body, any public land within or adjacent to a scenic waterway may be transferred to the jurisdiction of the Commission with or without compensation and shall become state recreational land and be administered by the Commission as part of the scenic waterway.

(3) Any land within a scenic waterway not transferred to the jurisdiction of the Commission shall be administered by the public body having jurisdiction thereof in accordance with the provisions of the Act.

Stat. Auth.:

Hist.: HC 1258, f. 6-30-71; HC 1285, f. 6-27-72

**PUBLIC RECREATIONAL USE
OF PRIVATE LANDS**

105.655 Definitions for ORS 105.655 to 105.680. As used in ORS 105.655 to 105.680:

(1) "Charge" means the admission price or fee asked by any owner in return for invitation or permission to enter or go upon the owner's land.

(2) "Land" means agricultural land, range land, forest land, and lands adjacent or contiguous to the ocean shore as defined by ORS 390.605, including roads, bodies of water, watercourses, private ways, private buildings and structures on such lands and machinery or equipment on the land when attached to the realty, but shall not include lands described in ORS 390.605 to 390.770. "Land" also includes abandoned borrow pits, gravel or rock quarries not currently being used for commercial or industrial purposes, whether or not such pits or quarries are situated on agricultural land, range land, forest land or lands adjacent or contiguous to the ocean shore as defined in ORS 390.605.

(3) "Owner" means the possessor of a fee title interest in any land, a tenant, lessee, occupant or other person in possession of the land.

(4) "Recreational purpose" includes, but is not limited to, hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, water skiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites and participating in a salmon and trout enhancement project under ORS 496.430 to 496.455. [1971 c.780 §1; 1973 c.732 §4; 1979 c.258 §1; 1983 c.775 §1]

105.660 Policy. The Legislative Assembly hereby declares it is the public policy of the State of Oregon to encourage owners of land to make their land available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes and, in the case of permissive use, by protecting their interests in their land from the extinguishment of any such interest or the acquisition by the public of any right to use or continue the use of such land for recreational purposes. [1971 c.780 §2; 1973 c.732 §3]

105.665 Duties and liabilities of owner of land used by public for recreation. Except as otherwise provided in ORS 105.675:

(1) An owner of land owes no duty of care to keep the land safe for entry or use by others for any recreational purpose or to give any warning of a dangerous condition, use, structure or activi-

ty on the land to persons entering thereon for any such purpose.

(2) An owner of land who either directly or indirectly invites or permits any person to use his land for any recreational purpose without charge does not thereby:

(a) Extend any assurance that the land is safe for any purpose;

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed; or

(c) Assume responsibility for or incur liability for any injury, death or loss to any person or property caused by an act or omission of that person. [1971 c.780 §3]

105.670 ORS 105.665 applies to duties and liability of owner of land leased to public body or public corporation. Unless otherwise agreed in writing, ORS 105.665 shall be deemed applicable to the duties and liability of an owner of land leased to the state or any political subdivision thereof or to any public corporation for recreational purposes. [1971 c.780 §4]

105.675 Liabilities of landowner unaffected in certain cases. Nothing in ORS 105.655 to 105.680 limits in any way any liability of an owner of land which may otherwise exist:

(1) For his reckless failure to guard or warn against a dangerous condition, use, structure or activity on the land; or

(2) For any injury suffered where the owner of land charges any person who enters or goes upon the land for any recreational purpose, except that where land is leased by the owner to the state or a political subdivision thereof or to any public corporation, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this subsection. [1971 c.780 §5]

105.677 Permissive recreational use of land does not create easement; preservation of preexisting public rights. (1) An owner of land who either directly or indirectly invites or permits any person to use his land for any recreational purpose without charge shall not thereby give to such person or to other persons any right to continued use of his land for any recreational purpose without his consent.

(2) The fact that an owner of land allows the public to recreationally use his land without posting or fencing or otherwise restricting use of his land shall not raise a presumption that the landowner intended to dedicate or otherwise give

over to said public the right to continued use of said land.

(3) Nothing in this section shall be construed to diminish or divert any public right acquired by dedication, prescription, grant, custom or otherwise existing before October 5, 1973. [1973 c.732 §2]

105.680 Construction. Nothing in ORS 105.655 to 105.680 shall be construed:

(1) To create a duty of care or basis for liability upon any owner of land for injury to persons or property resulting from the use of such land for recreational purposes.

(2) To relieve any person using the land of another for recreational purposes from any obligation which he may otherwise have to exercise care in his use of the land in his activities thereon or from the legal consequences of his failure to employ such care. [1971 c.780 §6]

PUBLIC WOODCUTTING ON LAND OF OTHERS

105.685 Definitions for ORS 105.685 to 105.697. As used in ORS 105.685 to 105.697:

(1) "Charge" means the admission price or fee asked by any owner in return for invitation or permission to enter or go upon his land. However, "charge" does not include a reasonable fee, not to exceed \$5, for the cost of administration.

(2) "Owner" means the possessor of a fee title interest in any land, a tenant, lessee, occupant or other person in possession of the land.

(3) "Woodcutting" means the cutting or removal of wood from land by an individual who has obtained permission from the owner of the land to cut or remove wood. [1979 c.434 §1]

105.687 Declaration of legislative policy. The Legislative Assembly hereby declares it is the public policy of the State of Oregon to encourage owners of land to make their land available to the public for woodcutting by limiting their liability toward persons entering thereon for such purpose and, in the case of permissive use, by protecting their interests in their land from the extinguishment of any such interest or the acquisition by the public of any right to use or continue the use of such land for such purpose. [1979 c.434 §2]

105.689 Liability of landowner to woodcutters limited. Except as otherwise provided in ORS 105.693:

(1) An owner of land owes no duty of care to

keep the land safe for entry or use by others for woodcutting or to give any warning of a dangerous condition, use, structure or activity on the land to persons entering thereon for any such purpose.

(2) An owner of land who either directly or indirectly invites or permits any person to use his land for woodcutting without charge does not thereby:

(a) Extend any assurance that the land is safe for any purpose;

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed; or

(c) Assume responsibility for or incur liability for any injury, death or loss to any person or property caused by an act or omission of that person. [1979 c.434 §3]

105.691 Applicability of ORS 105.689 to land leased to public body. Unless otherwise agreed in writing, ORS 105.689 shall be deemed applicable to the duties and liability of an owner of land leased to the state or any political subdivision thereof or to any public corporation for woodcutting. [1979 c.434 §4]

105.693 Limits to landowner exemption. (1) Nothing in ORS 105.685 to 105.697 limits in any way any liability of an owner of land which may otherwise exist:

(a) For his reckless failure to guard or warn against a dangerous condition, use, structure or activity on the land; or

(b) For any injury suffered where the owner of land charges any person who enters or goes upon the land for woodcutting, except that where land is leased by the owner to the state or a political subdivision thereof or to any public corporation, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this subsection.

(2) The provisions of ORS 105.685 to 105.697 do not affect the liability of the State of Oregon under the provisions of ORS 30.260 to 30.300. [1979 c.434 §5]

105.695 Presumption of permission for continued use limited. (1) An owner of land who either directly or indirectly invites or permits any person to use his land for woodcutting without charge shall not thereby give to such person or to other persons any right to continued use of his land for such purpose without his consent.

(2) The fact that an owner of land allows the public to use his land for woodcutting without

Appendix G

United States
Department of
Agriculture

Forest Service

Umatilla National
Forest and
Wallowa-Whitman
National Forest

June 1993



North Fork of the John Day

Wild and Scenic River Management Plan



MANAGEMENT PLAN

NORTH FORK JOHN DAY WILD AND SCENIC RIVER

Umatilla National Forest
Wallowa-Whitman National Forest
U.S.D.A. Forest Service
Grant, Baker, and Umatilla Counties, Oregon

MANAGEMENT PLAN

North Fork John Day Wild and Scenic River

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I. INTRODUCTION

A. Introduction

The Oregon Omnibus Wild and Scenic Rivers Act of 1988 placed the North Fork John Day River into the National Wild and Scenic Rivers system, to be managed according to the Wild and Scenic Rivers Act of 1968. This law required the Forest Service to develop a management plan within three years of designation.

This River Management Plan is accompanied by an Environmental Assessment. The Environmental Assessment provides information about the planning process used and documents the environmental analysis completed by the river planning team. The alternative chosen by the Forest Supervisors from the Environmental Assessment is the basis for the River Management Plan. The Forest Supervisors' decision is in the Decision Notice, which accompanies the Environmental Assessment.

The North Fork John Day River Management Plan will be incorporated into the Forest Plans through an amendment to the Wallowa-Whitman National Forest Land and Resource Management Plan and the Umatilla National Forest Land and Resource Management Plan (Forest Plans). Any changes to this river plan will be through the Forest planning process or through environmental analyses and amendments to the Forest Plans.

Many terms used in the Act can be confusing. The terms Wild, Scenic, and Recreational apply to river sections. These terms do not define the river. For example, the Recreational section does not mean that it is for recreation. Congress has used these terms to define the level of development along the river. The following are the development levels associated with each term (Sec. 2 (b) of the Act):

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

Scenic river - 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.

Recreational river - 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.

B. Relationship With Other Plans

Within the river corridor, there is one other special management area with its own specific management objectives: the North Fork John Day Wilderness.

In most cases, the management the two areas are compatible. The goal is to manage for the intent of each area while protecting the other. However, there are times that this may not be possible. In this case, according to Section 10 (b) and (c) of the Wild and Scenic Rivers Act, the more restrictive provision shall apply. This has been incorporated into the management plan. If conflicts arise between the other management plans and this plan, the more restrictive shall apply.

Within the river corridor, there are threatened and endangered animals. These species fall under the Endangered Species Act. The intent is to manage according to both Acts, with neither taking priority over the other. If conflicts arise that cannot be resolved, then they should be settled by using the more restrictive provisions or more restrictive management plan, if possible. If the conflict is resolved in favor of the Endangered Species Act because of the wording of that Act, then the activity should be modified to best meet the needs of the Wild and Scenic Rivers Act.

Private property, both inside and outside the National Forest boundary, is contained within the river corridor. The Forest Service has no regulatory authority over private lands. Private property rights need to be address in any planned activity. More will be said on private property later in this document.

C. Outstandingly Remarkable Values

The Wild and Scenic Rivers Act requires that a river be free flowing and possess one or more "outstandingly remarkable values." When the North Fork John Day River was designated Wild and Scenic in 1988, the Congressional Records indicate that scenic, geology, fisheries, and historic, and wildlife values qualified as outstandingly remarkable. Through the resource assessment process (a site-specific assessment of the resource values on the river and part of the Pacific Northwest Region river planning process), the geology outstandingly remarkable (OR) value was dropped. All of the OR values are identified in detail in the Resource Assessment, completed in June of 1991 (Appendix A).

The following is a summary of the outstandingly remarkable values:

Scenic - Dominated by a diverse landscape creating high quality natural scenery. Manmade developments have a primitive or historic appearance.

Recreation - Provides a combination of recreational activities including hunting, fishing, sight-seeing, horseback riding, hiking, snowmobiling, and camping.

Dispersed camping and developed camping are dominant uses along the river. Other recreation activities include picnicking, mushroom picking, photography, and skiing. Rafts or boats float the river in the spring and are a growing use.

Fisheries - Includes the population and habitat of the spring and fall Columbia River chinook salmon, sensitive steelhead and bull trout.

Wildlife - Comprises the wildlife population and habitat in the North Fork John Day River corridor, including a variety of species such as, but not limited to, mule deer, elk, and black bear.

Proposed, endangered, threatened, and sensitive (PETS) animal species within the corridor are an important part of the OR value. These include, but are not limited to, the Townsend's big-eared bat, peregrine falcon, and bald eagle.

Historic - Tied mainly to gold mining, which started in the 1860's. Earlier settlers' pursuit of this ore makes the area rich in history.

D. How To Use This Plan

This plan is divided into three sections: Introduction, Standards and Guidelines, Implementation, and Appendix.

The chapter on standards and guidelines addresses the management practices that will be used on Federal lands. It also includes actions that will or will not be taken by the Forest Service in the management of the river corridor.

The standards and guidelines will apply to both National Forests unless indicated otherwise. If it applies only to the Wallowa Whitman National Forest it will be followed by W-W. If it applies only the to Umatilla National Forest it will be followed by UMA. If not identified as either W-W or UMA then it applies to both Forests.

The chapter on implementation describes specific management actions that the Forest Service will take as a result of this management plan, describes the budget process, and describes the monitoring process.

II. STANDARD AND GUIDELINES FOR FEDERAL LANDS

Because this area is managed to meet the intent of two Congressional Acts, as well as other National Forest objectives, these standards and guidelines must be considered in conjunction with the standards and guidelines of other areas involved. These include both the North Fork John Day Wilderness, Scenic Management Areas, and Fish Management Areas. These standards and guidelines should be consulted before the general Forest Plan standards and guidelines. The following is a guide to other management areas (MA) that should be consulted before implementing any projects.

Wild Section (W-W)	Inside Wilderness Outside Wilderness	See also MA 4 See also MA 6	(Wilderness) (Back Country)
Recreational Section (W-W)		See also MA 4 See also MA 12 See also MA 16 See also MA 18	(Wilderness) (Research Nat. Area) (Admin. Sites) (Anadromous Fish Emphasis)
Wild Section (UMA)		See also MA B1	(Wilderness)
Scenic Section (UMA)		See also MA A3 See also MA B1 See also MA C1 See also MA C3 See also MA C4 See also MA C7	(Viewshed 1) (Wilderness) (Dedicated Old Growth) (Winter Range) (Wildlife) (Special Fish Management)
Recreational Section (UMA)		See also MA A3 See also MA A6 See also MA C1 See also MA C3	(Viewshed 1) (Developed Recreation) (Dedicated Old Growth) (Winter Range)

In case of conflict between the standards and guidelines of these management areas or conflicts between the provisions of the Congressional Acts (Wilderness Act or Wild and Scenic Rivers Act), the more restrictive standard and guideline or provision shall apply.

Because there are threatened and endangered species within the river corridor, the Endangered Species Act is also applicable. This Act shall be coordinated with the Wild and Scenic Rivers Act to achieve the objectives of both Acts. In any case, any activity that must take place under the Endangered Species Act should be modified, if needed, to best meet the Wild and Scenic Rivers Act.

The following are the standards and guidelines for the management of the North Fork John Day Wild and Scenic River. These apply to Federal lands or identify actions that need to take place off of Federal lands to facilitate the management of the river corridor. The desired future conditions are applicable for the river corridor.

These standards and guidelines follow the same order as in Chapter 4 of the Forest Plans. For each resource that is also an outstandingly remarkable value, a description of desired future condition (DFC) is given.

A7 or MANAGEMENT AREA 7 WILD AND SCENIC RIVERS

GOAL MANAGE CLASSIFIED WILD AND SCENIC RIVER SEGMENTS TO APPROPRIATE STANDARDS AS WILD, SCENIC, OR RECREATIONAL RIVER AREAS, AS DEFINED BY THE WILD AND SCENIC RIVERS ACT, PUBLIC LAW 90-542, OCTOBER 2, 1968, AND EXPANDED BY THE OMNIBUS OREGON WILD AND SCENIC RIVERS ACT OF 1988 (PUBLIC LAWS 100-557).

DESCRIPTION The following river segments were designated by the Omnibus Oregon Wild and Scenic Rivers Act of 1988 and are managed under this management area:

1. North Fork John Day River: approximately 54.1 river miles.

Segment 1 From its headwaters in the North Fork John Day Wilderness at section 13, township 8 south, range 36 east, to the North Fork John Day Wilderness boundary. Approximately 3.5 miles. Designation – Wild (W-W)

Segment 2 From the North Fork John Day Wilderness Boundary to Trail Creek. Approximately 7.5 miles. Designation – Recreational (W-W)

Segment 3 From Trail Creek to Big Creek. Approximately 24.3 miles. Designation – Wild (UMA)

Segment 4 From Big Creek to Texas Bar Creek. Approximately 10.5 miles. Designation – Scenic (UMA)

Segment 5 From Texas Bar Creek to its confluence with Camas Creek. Approximately 8.3 miles. Designation – Recreational (UMA)

**DESIRED
FUTURE
CONDITION**

Each component of the Wild and Scenic River System will be administered to protect and enhance the values for which the rivers were classified and to provide public use and enjoyment of those values. Emphasis will be given to protecting the outstandingly remarkable values for which the river was designated. Anadromous fisheries, wildlife, aesthetic, scenic, historic, archeologic, scientific and other features will be protected.

WILD RIVERS

Wild rivers, or sections of rivers, will be free of impoundments and continue to be accessible by trail and/or water, and inaccessible by road. The viewing area and shorelines will have an essentially natural appearance. Signs of human activity, including structures or evidence of resource use, will be kept to a minimum or will be inconspicuous. Sections within the Wilderness will be managed as wilderness. The opportunity to interact with a natural environment, with challenges and minimal sights and sounds of other people will be available. There will generally be no use of motorized vehicles. Where a need to regulate use exists, indirect methods will predominate. Outfitters will provide services to people to help them enjoy and interpret the environment.

SCENIC RIVERS

Scenic rivers, or sections of rivers, will be free of impoundments; shorelines and viewing areas will have a largely natural appearance. Some recreation structures, evidence of timber harvest roads, and other evidence of human activity may be present but will not detract from the near natural appearance and scenic qualities of the immediate environment. A variety of water related recreation opportunities will be available. The river will be accessed in places by road. Motorized use on a few trails within the corridor will occur. There will be very few restrictions on recreation use. Frequency of contact with others will be moderate. On-going activities such as timber harvest, fish habitat improvement, and others may be permitted if outstandingly remarkable values, free-flow and other river-related values are protected and enhanced and adverse effects avoided.

RECREATIONAL RIVERS

The recreational sections will be free of impoundments and be readily accessible from roads. Some major public use facilities such as developed campgrounds, administrative buildings, bridges, or private residences will remain within the corridor. Although developments, timber harvest, and other activities may occur and be evident near the river, management shall protect and enhance outstandingly remarkable values, free-flow and other river-related values. A range of recreational opportunities will be available in which interactions are relatively high and visitors are likely to share their recreational experience with other individuals or groups.

MANAGEMENT AREAS STANDARDS AND GUIDELINES

GENERAL

Management direction for the river corridor will provide protection in the following ways:

1. Construction of new water impoundments, diversions, straightening, rip-rapping, and other modifications of the North Fork John Day River will generally not be allowed. Under Section 7(a) of the Wild and Scenic Rivers Act, the agency must determine whether the proposed water resources project has a "direct and adverse effect on the values for which such river was established." **Following the regional guidelines, a Section 7 (a) analysis will be completed for any project affecting the flow, bed, or banks of the river.** The outcome of the analysis should clearly demonstrate a compelling need for the project and consistency with achieving the DFC's for it to continue.

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

- a. Log removal for recreation user safety;
 - b. Fisheries habitat and watershed enhancement projects;
 - c. Bridge and other roadway construction or reconstruction projects;
 - d. Bank stabilization projects;
 - e. Recreation facilities such as boat ramps, fishing piers, etc.;
 - f. Activities that require a 404 permit from the Corps of Engineers.
2. For any proposed activity affecting free flow in which there will be another Federal agency "assisting by loan, grant, license, or otherwise ...," the responsible official will be the Regional Forester (reference 2354.04e).

3. Outstandingly remarkable values of the river must be protected and enhanced.
4. Management and development of the river and its corridor cannot be modified to the degree that classification would be affected (i.e., classification cannot be changed from Wild to Scenic or Scenic to Recreational).
5. Require bonding for any operation within the river corridor that has the potential to impact a river related value. Bonding would be in an amount no less than the actual cost to the government, assuming work would be contracted out, to correct or mitigate any damage that could reasonably be caused by the operation. This would include, but not be limited to, move-in and move-out costs, heavy equipment costs, operator costs, cost of any materials needed, revegetation costs, hazardous material handling and clean-up (if any quantity of hazardous materials are on site), reclamation costs, and administrative costs.

Some operations have established direction concerning bonding (example might be some mining activities). Some of these may take priority over this management plan. In these cases bonding will be to the maximum needed to protect river values that the established direction may allow.

6. Because this is Congressionally designated area, an environmental assessment will normally be the minimum NEPA documentation for any ground or vegetation disturbing activity. There are few activities that could occur within the river corridor that would not have some effect on one of the OR values, free-flow, or other river related values.

CONFLICT
RESOLUTION

7. If conflicts arise between OR values which cannot be resolved within the direction of the Act or management plan, then they shall be resolved according to the following priorities: (1) Fisheries, (2) Wildlife, (3) Historic, (4) Scenic, and (5) Recreation.

WILDERNESS

8. River sections located within the Wilderness will be managed under Wilderness or Wild and Scenic River principles and standards and guidelines, whichever is most restrictive.

RECREATION

9. **OUTSTANDINGLY REMARKABLE VALUE/DFC** - The desired future condition of the North Fork John Day River recreation OR value will be a combination of dispersed and developed recreation camping outside of the Wild river section. Although parts of the river have an ROS of Roaded Natural, the appearance will be closer to Semiprimitive/Motorized. Developments will not exceed Level 3. Because of the sensitivity of other resources, most recreation facilities will be located off the river, and some activities may need to be controlled. A wide range of recreational activities will take place throughout the year.

Within the Wild section of the river, wilderness management will dictate a Primitive or Semiprimitive recreational setting.

10. River-oriented recreation opportunities may be provided, consistent with maintaining and protecting Wild and Scenic River values.

Use level is well below capacities (both floating and camping) or the level that would threaten the ability to maintain the DFC and it is not expected that use will increase so as to threaten the DFC within the planning horizon. Monitoring of this will be addressed later. If use increases at an unanticipated level, the river manager will re-evaluate the need to establish other direction.

11. River area recreation will be managed according to the following general standards:
 - a. Wild Classification:
 - 1) Manage areas for Primitive or Semiprimitive, using the Wilderness Recreation Spectrum (WRS).
 - 2) Access will be mostly for walk-in or horseback opportunities along Wild segments.
 - 3) No motorized use will be permitted in the Wild segments of the North Fork John Day River. Motorized watercraft will not be allowed on Wild sections of the river.
 - 4) Only rustic recreation facilities and settings may be permitted (development scale 1 or 2).
 - b. Scenic Classification:
 - 1) Manage areas for a Semiprimitive/Nonmotorized or Semiprimitive/Motorized setting.
 - 2) A mix of access types will be available in the Scenic section including open roads, roads closed to motorized use, and walk-in or horseback opportunities in a few remote areas.
 - 3) Motorized vehicles, including off-highway vehicles, may be permitted on designated roads or trails.
 - 4) Recreation developments are permitted but will not exceed development Level 2.
 - c. Recreational Classification:
 - 1) Manage areas for a Roaded Natural setting (or Semiprimitive when overlapped with the Wilderness). However, activities shall be managed towards the Semiprimitive end of Roaded Natural. As you approach the Wild river section, activities shall also be modified to approach a Semiprimitive/Motorized or Semiprimitive/Nonmotorized setting.
 - 2) Road access will be provided to most areas along the Recreational sections.
 - 3) Maintain accessibility for motorized vehicles; off highway vehicle use may be permitted on designated trails.
 - 4) Recreation developments are permitted but will not exceed development Level 3.
12. Permit trail and related facility construction, reconstruction, and maintenance in all classes.

13. Permit outfitter and guide services or other special use permits as they are submitted to achieve desired future condition or if consistent with desired future condition. No need for additional outfitter guides were identified in the planning process.
14. Inventory and monitor dispersed recreation campsites. Close sites which adversely impact OR values. If dispersed sites are closed, then identify areas that could be used for dispersed camping but are not. Evaluate these areas as to why they are not being used and attempt to facilitate their use.
15. Upgrade existing campgrounds. Develop additional recreational facilities in the vicinity of Trough Creek/Texas Bar, North Fork John Day Meadows, and Woods Camp (if acquired). No campground would be developed higher than a Level 3 in the Recreational river segment and Level 2 in the Scenic river corridor.
16. Upgrade existing trailheads.
17. Maintain trails and developments within the Wild river section at a high level, within wilderness guidelines. This will be at a higher level than presently provided.
18. Upgrade existing trails outside of the Wilderness. These trails should provide for a variety of recreational uses. Some trails may need to be designated for specific uses.
19. Continue with the existing travel management plan. Where OR values are threatened, implement closures for specific areas. These may be seasonal or yearly.
20. Restrict river access at critical spawning site and during critical spawning seasons. Develop new access points to encourage use at acceptable sites, having a high priority on acquiring Woods Camp as an access point.
21. Develop interpretive signs, brochures, and turnouts.
22. Develop two recreational mining sites within the corridor. A recreational gold panning site would be located at the North Fork John Day Campground, and a recreational suction dredging/small sluice box site would be located at Gold Dredge Camp. Activities at both sites would allow "in-stream only"; no mining activity would be allowed above the water line. Suction dredge size is restricted to four inch diameter or less to concur with the Oregon State Scenic Waterway management. Recreational mining would be discontinued during critical spawning seasons.
23. Locate sites for "accessible" routes to the river in the vicinity of Woods Camp (if acquired), Desolation Creek, Trough Creek/ Texas Bar.
24. Increase law enforcement during high use periods.
25. **OUTSTANDINGLY REMARKABLE VALUE/DFC** - The desired future condition of the North Fork John Day River visual (Scenic) OR value will be dominated by a natural appearing landscape. Activities will be subordinate or unnoticed by recreation users. As time goes by, riparian vegetation will become more abundant as the river system approaches a more pristine state.
26. Manage visual resources to meet standards for each classification as follows:

VISUAL

River Classification	Visual Quality Objective
Wild	<u>Preservation</u> is the norm. <u>Retention</u> may be used for some limited recreation facilities outside of the Wilderness.
Scenic	<u>Retention</u> foreground <u>Retention</u> middleground
Recreation	<u>Retention</u> foreground <u>Retention</u> middleground

(See Glossary for description of terms.)

27. Activities within corridors may only repeat form, line, color, and texture which are frequently found in the characteristic landscape. Changes should be of such size, amount, intensity, direction, and pattern that they will not be visually evident in the foreground distance zone and will be visually subordinate to the characteristic landscape in the middleground distance zone.
28. Principles of visual management will be applied so that positive attributes of a managed forest can be enjoyed while negative visual aspects of activities will be minimized.
29. Landscapes containing negative visual elements will be rehabilitated. Landscapes may be enhanced by opening views to distant peaks, unique rock forms, unusual vegetation, or other features of interest.
30. River corridor viewshed management direction was established as part of the river management plan. The "Wild and Scenic River North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992, is the river corridor plan developed for the North Fork John Day River.

This viewshed plan specifically identifies the components of the VQO with the use of maps, viewpoints, and computer analysis. It describes the area, Desire Future Condition, management recommendation, mitigation measures, and more accurately refines the VQO's established in the Forest Plan.

31. Other visual management not addressed specifically in the corridor viewshed plan will be managed according to, but not limited to, the National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559, and Forest Service Manual 2354 (FSM 2354) as well as Forest Plan direction. Conflicts between any of these documents should be resolved by deferring to the more restrictive unless stated otherwise.
32. Locate utility corridors so they will not be visible from river segments.
33. **CULTURAL** OUTSTANDINGLY REMARKABLE VALUE/DFC - The desired future condition of the North Fork John Day River cultural (Historic) OR value will employ interpretive and/or

educational programs developed for the river. Specific sites will be identified and protected for this purpose. Past mining activities will be the main emphasis.

34. Direction for management is defined in the Forest Plans, Forest Programmatic Memorandum Of Agreement (PMOA), FSM 2354, and in conference and agreement with the Confederated Tribes of the Umatilla Indians. Conflicts between any of these documents will be resolved by deferring to the more restrictive unless stated otherwise.
35. Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp. Incorporate cultural information at campgrounds or other appropriate interpretive sites.

WILDLIFE

36. OUTSTANDINGLY REMARKABLE VALUE/DFC - The desired future condition of the North Fork John Day River wildlife OR value will be dominated by good to excellent riparian areas, wildlife travel routes through the river corridor, and good to excellent habitat for cavity nesting birds. A wide variety of birds and mammals will be present within the corridor with occasional sightings of those animals that avoid human activities.
37. Continually monitor for wildlife improvement projects. Prioritize and implement as needed.
38. Dead and down trees and snag habitat will be managed to provide or maintain 100 percent of the potential population level for all primary cavity excavators. The 100 percent level is defined in the Forest Plan.
39. Continue the current motorized restriction for winter range.
40. Implement road or other closures when wildlife harassment is identified as a problem.

FISHERIES

41. OUTSTANDINGLY REMARKABLE VALUE/DFC - The desired future condition of the North Fork John Day River fisheries OR value will be dominated by good to excellent fish habitat and water quality. Over time, habitat will improve to a more pristine condition. Populations of bull trout and anadromous fish will increase in order to utilize the habitat available. Improvement projects will eventually correct the damage done to the river by previous dredging and bring the river back to more natural channels, floodplains, and riparian vegetation.
42. Utilize current and additional direction for maintaining (that water quality at the time of river designation or closest estimate) and improving water quality as it relates to fish habitat, including but not limited, to sediment, stream temperature, shading, and large woody debris.
43. Current direction for habitat management is defined in the two existing Forest Plans and FSM 2354.
44. Continually monitor for fisheries enhancement projects. Prioritize and implement as needed. Because of riparian degradation from dispersed campsites, tying horses next to streams, cutting of riparian/stream side trees, mining, and other activities, Peavy Cabin to North Fork Campground and Oriental Creek to Texas Bar are identified as priority areas for enhancement work.

45. Continually monitor, prioritize, and correct sediment source problems. Utilize the North Fork John Day stream survey to identify existing sediment source problems.
46. Gather baseline information through monitoring. This baseline information should include such items as water temperature, sediments, and other water quality factors that affect fish habitat. This will quantify the water quality and fish habitat at the time of the Act or provide the best estimate. Utilize the North Fork John Day stream survey, Soil Conservation Service data, Oregon Department of Fish and Wildlife data, or other sources to achieve this objective.

Stream flows are an important factor to fish habitat and water quality. There are few diversions on this portion of the river and they were determined to have no or minimal impacts at this time. Any new request to remove water from the river would protect Wild and Scenic River values.

47. Activities will be measured against the above baseline to determine if water quality and the fisheries OR value is being protected.
48. Develop an educational program to inform recreational users, particularly at campgrounds, on the importance of protecting salmon and steelhead spawning beds during the spawning season. Examples may include educating users on the importance of not harassing salmon while spawning or not damaging the willows along the river.
49. Cooperatively work with the Oregon Department of Fish and Wildlife and the Umatilla Confederated Tribes concerning fish stocking as it relates to the protection and enhancement of the Fisheries OR value. Protection of Wild river and Wilderness values would be of concern as well as maintaining wild fish runs. This would be an on-going process reviewed annually.
50. Cooperatively work with the Oregon Department of Fish and Wildlife and the Umatilla Confederated Tribes concerning fishing seasons, tackle, or take as it relates to the protection and enhancement of the Fisheries OR value. This would be an on-going process reviewed annually.
51. Support the existing mineral withdrawal proposal currently being reviewed by the BLM. This existing proposal is for that portion of the river corridor from North Fork John Day Campground east to the Wilderness boundary.

RANGE

52. Allotment management shall protect the river's free-flow, water quality, and OR values. Allotment management plans shall be modified when grazing practices or other activities allowed within the Allotment Management Plan are found to adversely impact Wild and Scenic river values.
53. The domestic livestock grazing level and management intensity existing prior to designation of the river will be permitted, consistent with free-flow, water quality, and OR values.
54. Development and maintenance of range improvements will be permitted. Range utilization standards, management practices, and improvements will be designed and managed to meet Wild and Scenic and riparian objectives.

TIMBER

55. In the Wild sections, no commercial timber harvest will occur.
56. In the Scenic and Recreational sections, timber harvest will be permitted on a non-scheduled basis. Standard silvicultural practices and intensities consistent with Scenic and Recreational river objectives are permitted. These may include such things as enhancing visual quality, improving/maintaining forest health, or for public safety.
57. Uneven-aged management will be the preferred and most commonly used silvicultural system; even-aged management techniques may also be used to meet objectives. Scheduling of treatments, timber harvest, logging systems, debris disposal, reforestation, and stand improvement practices will be designed and implemented to accomplish river management objectives.
 - a. Emphasis will be on viewing large diameter trees and multi-age stands; both vertical and horizontal diversity will also to be emphasized. The large tree component should be as dispersed as necessary to give the overall character of large trees to the area. Use the corridor plan by Walker and Macy, 1992 for examples on achieving desired visual characteristics.
 - b. A created opening is defined as an opening developed through management activities where tree heights are less than 20 feet. Created openings will be shaped and blended with the natural terrain.
 - c. Exceptions to created opening size and maximum percentage of openings at one time will be permitted under catastrophic circumstances such as blow down, insect and disease attacks, wildfire, and others. Landscapes will be rehabilitated under these conditions.
 - d. Thinnings and plantings in the foreground will leave irregularly spaced trees. Mixed conifer stand regeneration in foregrounds and middlegrounds will be planned for at least two species with no more than 65 percent in a single species.
58. Allow fuelwood cutting (excluding on site campfires) at designated sites only. Seasonal restrictions will apply. Fuelwood cutting only be designed to meet river management objectives. Examples may include reduction of woody debris to improve visuals or remove hazard trees.

WATER AND SOIL

59. All dams, diversions, levees, and hydroelectric power facilities are prohibited within the management area.
60. Many of the water quality factor for the North Fork John Day River are above State standards. The standard for which water quality will be measured is the water quality at the time of the Act (1988) or best estimate rather than State standards. Those water quality factors below State standards (Example: temperature in some location) need to be brought up to at least State standards.
61. No human caused action may be undertaken which will result in a reduction of existing water quality or in not meeting State of Oregon water quality standards.
62. Toilet facilities shall be provided where people are concentrated. Where toilets are not provided, the "cat hole" or other appropriate methods for all human waste disposal will be encouraged at least 200 feet from the river. In any case, human body waste shall not be deposited within the high water lines of the river.

MINERALS
AND ENERGY

63. Subject to valid existing rights, minerals that constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a Wild river are withdrawn from appropriation. On other river sections, through analysis and consideration of all public values, including minerals values, rivers may be recommended for withdrawal from mineral entry where appropriate and necessary.
64. Mining of common mineral material is not allowed within the river corridor.
65. The management of river related resources in coordination with the Mining Laws is often confusing for both the mining claimant and the Forest Service. To help facilitate the management of the Wild and Scenic River and the mineral program, the following objectives, standards, and guidelines were established. These are not absolutes and must be tempered with reason, an understanding of the Mining Laws, the Wild and Scenic Rivers Act, and other appropriate direction. These are objectives and guidelines to help administrator understand what level of protection is needed for OR values, what process should be followed to alter these guides, and options available to resolving conflicts.
 - a. For those lands within the river corridor, but outside of an area withdrawn from mineral extraction, the following process would be used:
 1. Work with the mining claimant through the Plan of Operation to meet those objectives, standards, and guidelines needed to protect water quality, free-flow, and OR values. These objectives, standards, and guidelines are listed below as item b.

Because the standards and guidelines are a means to achieve an objective, they are not intended to be mandatory rules. They are to be used as starting points to achieve river objectives within the framework of the mining laws.

2. Work through a district process to modify the standards and guidelines (if needed) to protect the river-related values and objectives. These new standard and guidelines would then be used in the Plan of Operation. Additional standards or guidelines may be proposed by the Forest Service or the mining claimant. The district process, as a minimum, shall include people who are knowledgeable in each of the OR values, the Wild and Scenic Rivers Act, and mining rights.

Approved plans and additional standard and guidelines must be feasible, reasonable and do not materially interfere with uses reasonably incident to prospecting, mining, or processing operations (43 CFR 3710; also PL 167).

3. If conflicts still exist with the Plan of Operations that cannot be resolved, then the District Ranger may deny the Plan of Operation or approve a Plan of Operation that the District Ranger feels is reasonable and feasible. In either case the claimant would then have appeal rights through 36 CFR 215.
4. In addition to the above, use a district process to review all current and proposed operating plans. Incorporate to the extent possible the above guidelines to protect OR values. Modify existing operating plans to provide Wild and Scenic River protection.

- b. The objectives, standards, and guidelines are listed below according to river-related values:
1. Scenic OR value: Protect the Scenic quality of the river at the same standard that applies to other activities within this plan.
 - Utilize the Retention Foreground and Retention Middleground mapping and guidelines found in the "Wild and Scenic North Fork John Day East and West Viewshed Corridor Plan" completed by Walker and Macy, May 1992.
 - Visual management will be according to the two existing Forest Plans, National Forest Landscape Management Handbook Vol. 2 Chapter 1, The Visual Management System USDA #462, The Timber Chapter USDA Handbook 559 and Forest Service Manual 2354 (FSM 2354). Conflicts between any of these documents will be resolved by deferring to the most restrictive unless stated otherwise.
 2. Recreation OR value: Protect all recreation facilities, developed or undeveloped. Provide for quality and safe recreational experiences.
 - No developed recreational facility would be damaged or negatively changed.
 - No undeveloped recreational facility would be damaged or negatively changed.
 - Safety will be provided for all recreational visitors.
 - The quality of the recreational experiences will not be unreasonably altered.
 3. Fisheries OR value: Protect the fisheries habitat and populations at no less than its quality and quantity at the time of the Act. Enhance, without short term losses, the fisheries habitat and populations over time.
 - Within 25 feet of the river's ordinary high water line, any Class I, II, III, IV streams, or any wetlands, no vegetation or ground disturbance will take place.
 - Within 100 feet of the river's ordinary high water line, any Class I, II, or III stream, or any wetlands, no reduction of vegetation that provides shade to any water or wetlands will occur. Ground disturbance will be limited to no more than 10 percent, taking into account existing, past, or planned disturbances. In all cases, best management practices will be used so that the operation reasonably assures that no sediments will reach the river.
 - Within 200 feet of the river's ordinary high water line, any Class I, II, or III stream, or any wetlands, ground disturbance would be limited to no more than 20 percent, taking into account existing, past, or planned disturbances. In all cases, best management practices will be used so that the operation reasonably assures that no sediments will reach the river.

- To measure the disturbance, use the distance from the river being considered, multiplied by the length of area parallel to the river involved. Example: 100 feet (distance from river) X 200 feet (distance being operated in parallel to the river) equals 20,000 X 0.10, which equals 2,000 square feet of disturbance (10 percent) or an area approximately 100 feet by 20 feet.
 - Disturbance will include any action that exposes soils, compacts soils, or displaces soils. An area will be considered disturbed until the impact has recovered to within 10 percent of undisturbed areas. Example: If an area had 100 percent vegetative ground cover, it would need to have 90 percent vegetative ground cover to be recovered.
 - Beyond 200 feet of the river's ordinary high water line, best management practices will be used to reasonably assure that no sediments will reach the river.
 - Reclamation of any disturbed area will be in accordance with the Forest Plan Watershed Standards and Guidelines.
 - Establish an Interdisciplinary Team to review all current and proposed operating plans. Incorporate the above guidelines to protect OR values. Modify existing operating plans to provide Wild and Scenic River protection.
4. Wildlife OR value: Protect and enhance wildlife habitat and populations within and adjacent to the river corridor.
 - Protect existing snags, as safety will allow, and other large, woody debris. Snags that need to be felled will be left or moved to an appropriate location.
 5. Historic OR value: Protect and enhance the historic OR value which includes past mining activities.
 - Protect, through cooperative agreements or withdrawals, those areas needed for interpretation, educations, or preservation. These protected areas will be a representative sample. Other areas will need to be mitigated before operations start.
 - c. In addition, suction dredging within the river corridor requires a National Pollution Discharge Elimination System Water Discharge Permit (NPDES permit) issued by the Oregon Department of Environmental Quality. This permits contains the basis guidelines for suction dredging.

For all mining activities, a site-specific reclamation plan will be completed and implemented as soon as possible.

**LANDS AND
LAND USES**

66. Where opportunities exist, private land within the Wild and Scenic River corridor will be acquired. Acquiring private lands can only be from a willing seller.
67. All Federal land will be retained in public ownership unless it is determined to be in the interest of free-flow, water quality, or the OR values.

- 68. Acquiring interest in Woods Camp was identified as a specific need in order to facilitate the development of recreation within the river corridor. It will be necessary for river access and campground uses.
- 69. Where opportunities exist, acquire easement from willing sellers on private land within the Wild and Scenic River corridor. Easements will be for the protection of riparian areas, additional access, and protection of OR values.
- 70. Nothing in this section precludes the Forest Service from actively pursuing easements when an OR value or other river-related value is about to be or is being threatened or damaged.
- 71. Wild sections are "Exclusive Areas" for development of new utilities (transmission lines, gas lines, etc.). Scenic and Recreational areas are "Avoidance Areas." Where no reasonable alternative exists, additional or new facilities should be restricted to existing right-of-ways.

TRANSPOR-
TATION

- 72. Existing roads and trails may be operated and maintained in keeping with overall management and river segment objectives.
- 73. New roads and trails may be permitted, consistent with maintaining and protecting Wild and Scenic River values.
- 74. Continue the road standards at Level 4 on Road 55 from Hwy 395 to Texas Bar. Continue the road standards at Level 3 on Road 5506 from Texas Bar to milepost 5.9. Continue the road standards at Level 2 on Road 5506 from milepost 5.9 to Big Creek.
- 75. Sediment sources problems on Roads 55 and 5506 shall to be corrected to protect and enhance the water quality and the fisheries OR value. These sediment source problems are due to the proximity of the road to the river and inadequate drainage.
- 76. Road 55 has a segment which is narrow and needs to be widened to handle mixed traffic safely. This segment will be reconstructed to correct this concern. This segment is located between Horse Canyon and Juniper Creek.
- 77. Continue the road standards at Level 5 on Road 73 from North Fork John Day Campground to where the road leaves the river.
- 78. Increase the road standards to Level 2 on Road 7300380 from Road 73 to Peavy Cabin.
- 79. Sediment source problems on Road 7300380 shall be corrected to protect water quality and the fisheries OR value. Road reconstruction and/or surfacing may be needed to protect the road and minimize sediments reaching the river.

FACILITIES

- 80. Maintain existing facilities that support Wild and Scenic River management objectives. Fences, gauging stations, and other management facilities may be permitted if there is no major effect on the character of the area. New facilities, including recreation facilities, may be permitted, consistent with maintaining and protecting Wild and Scenic River values.

FIRE

- 81. The fire suppression activities within the Wild Section of the river will adhere to the North Fork John Day Wilderness Fire Plan, when approved. Until the plan is approved,

and in the Scenic and Recreational sections, follow current Forest Service Manual direction for initial attack and extended attack of fires giving high priority to protection of OR values.

The minimum acceptable suppression response to wildfires will be "confine" at FIL 1-2-3, and "contain" for FIL 4 and greater. For moderate to high intensity wildfires, the appropriate suppression response will emphasize a control strategy. Emphasis should be on protecting life and facilities.

82. Wildfire suppression efforts should utilize low impact methods, since use of heavy equipment may require restoration efforts to mitigate visual impacts. An example is the fire suppression standards developed for the Vinegar Hill/Indian Rock Scenic Area.
- FUELS
83. Prescribed burning will be permitted. Low intensity prescribed fires, producing minimal scorch and rapid recovery, will be the most desirable.
- PESTS
84. Use integrated pest management (IPM) principles and methods. Prescribed fire may be used to help reduce stocking and conditions favorable to bark beetle and other insects and diseases.
 85. Suppress pests when outbreaks threaten users and/or managed resources. Use suppression methods that minimize site disturbance.
- VEGETATION
MANAGEMENT
86. Use fire as a tool to meet vegetation management needs. Fire has a natural role in the management of the river corridor.
 87. As is reasonable, rehab disturbed sites with native species.
 88. Recognize, promote, and enhance qualities which will preserve the ecological corridor.
- PRIVATE
LANDS
89. The Oregon Scenic Waterway guidelines and regulations will be used to guide the Forest Service in working with private landowners (Appendix F).
 90. Private land rights are not affected by the Wild and Scenic River designation. The only recreation opportunities that are available on private lands are sightseeing and photography from road right-of-ways, unless permission is obtained from the landowner. Private land rights must be respected.
 91. Essential to river management is the Forest Service's understanding that it does not have regulatory authority over private lands. The Act clearly states that the Forest Service is to assist, advise, and cooperate with landowners to plan, protect, and manage river resources (Sec. 11 (b)(1) of the Act). Forest Service policy, in accordance with the Wild and Scenic Rivers Act, established a process for managing the private lands within the river corridor. This process includes:
 - a. Cooperatively working with landowners to meet the objectives of the Wild and Scenic River as well as to meet the objectives of the landowner.
 - b. Work towards agreed upon solution acceptable to both parties (See Sec. 11 of the Act).

- c. Identifying opportunities and incentives that landowners may employ which would protect and enhance the OR values.
- d. Working through Federal, State, and county laws, regulations, or zoning to protect OR values.
- e. Discuss the alternative of buying/selling an easement to protect the OR values.
- f. Only as a last resort will the Forest Service identifying the need to condemn in order to acquire an easement to protect the OR values.

MONITORING 92. Incorporate into the Forest's monitoring plan, the monitoring of implementation of the Wild and Scenic management plan.

ADJACENCY 93. For Federal land management, the Wild and Scenic Rivers Act, Sec. 12(a), addresses adjacency. The North Fork John Day Ranger District, and the Baker Ranger District must address impacts to the river corridor during project planning if the project is adjacent to the river corridor. Management of the river corridor must also consider other adjacency concerns at areas where divisions between the Recreational, Scenic, and Wild river segments occur.

Example include, but are not limited to, the viewshed outside the river corridor when considering the Scenic OR value or the tributaries when considering water quality or Fisheries OR values.

COORDINATION WITH THE OREGON SCENIC WATERWAY PROGRAM 94. A Memorandum of Understanding shall be developed between the State of Oregon and the Forest Service wherein each party agrees to notify the other of any proposed projects and allow for comments.

95. The above memorandum of understanding shall include as a minimum the following or similar wording: State agencies shall be notified and given an opportunity to review all mining permits applications on National Forest Lands within the river corridor or State Scenic Waterway Corridor to assure coordination of management activities. The State agencies that shall receive notification (unless agreed to otherwise) shall include the Division of State Lands, Department of Geologic and Mineral Industry, Department of Environmental Quality, Water Resource Board, Oregon Department of Fish and Wildlife, and the State Parks Department.

96. Conflicts between the Federal designation and the State designation that cannot be resolved then they shall be resolved by deferring to the more restrictive if possible. This applies to federal land only.

III. IMPLEMENTATION

A. Management Actions

The following are management actions identified during the environmental analysis.

1. District Responsibilities

The District, in conjunction with other agencies, will oversee the management of the river, implementation of the management plan, and coordination with the private landowners.

The District, in conjunction with other agencies, will be responsible for maintaining the monitoring file for the visual resource, identifying non-conforming impacts, and developing rehabilitation plans for each site.

The District, in conjunction with other agencies, will be responsible for maintaining the monitoring file for the fisheries resource, identifying impacts, and developing rehabilitation plans for each site.

The District, in conjunction with other agencies, will be responsible for maintaining the monitoring file for the wildlife resource, identifying impacts, and developing rehabilitation plans for each site.

The District, in conjunction with other agencies, will be responsible for maintaining the monitoring file for the cultural resource, identifying impacts, and developing rehabilitation plans for each site.

Responsibility: District Ranger.

Time: The day of the published Decision Notice for all above items.

2. Recreation Projects

Continually monitor dispersed campsites and eliminate those dispersed sites that are adversely impacting OR values. Sites may be left if their impacts can be mitigated.

Upgrade existing campgrounds. In the Recreational river segment development level would be no higher than a Level 3 and in the Scenic river segment the development level would be no higher than a level 2.

Develop additional recreation facilities in the vicinity of Trough Creek/Texas Bar, North Fork John Day Meadows, and Woods Camp. Woods Camp can only be developed if an agreement to purchase the area can be reached.

Upgrade existing trailheads. These trailheads would be upgraded to facilitate appropriate uses.

Upgrade existing trails outside of wilderness to provide for a variety of uses. Because of user conflicts, some trails may be designated for specific uses.

Develop new river access points at Woods Camp (if acquired). Woods Camp can only be developed if an agreement to purchase the area can be reached.

Restrict river access at critical spawning sites during spawning season.

Develop interpretive signs, brochures, and turnouts for OR values.

Develop recreational gold panning site at the North Fork John Day Campground. Develop recreational suction dredging/small sluice box site at Gold Dredge Camp.

Locate a site for "accessible" routes to the river in the vicinity of Woods Camp (if aquired), Desolation Creek, and Trough Creek/Texas Bar.

3. Fisheries Water Quality Projects

The "North Fork John Day stream survey was conducted in 1992. However, the report was not completed at the time of this document. The report will identify management recommendations. These recommendations should improve fish habitat at specific locations. Any of the recommendations that are consistent with the river management plan may be implemented after further analysis.

Cooperatively work with the Oregon Department of Fish and Wildlife and the Umatilla Confederated Tribe concerning fish stocking as it relates to the protection and enhancement of the Fisheries OR value. Protection of Wild river and Wilderness values would be of concern as well as maintaining wild fish runs. This would be an on-going process reviewed annually.

Cooperatively work with Oregon State Department of Fish and Wildlife and Umatilla Confederated Tribe concerning seasons, tackle, or take as it relates to the protection and enhancement of the Fisheries OR value. This would be an on-going process reviewed annually.

Continually monitor for fisheries enhancement projects. Prioritize and implement as needed. Peavy Cabin to North Fork Campground and Oriental Creek to Texas Bar are identified as priority areas for enhancement work.

Continually monitor, prioritize, and correct sediment source problems. Utilize the North Fork John Day stream survey to identify existing sediment sources.

Gather baseline information through monitoring. This baseline information should include such items as water temperature, sediments, and other water quality factors that affect fish habitat. This will quantify the water quality and fish habitat at the time of the Act or provide the best estimate. Utilize the North Fork John Day stream survey, Soil Conservation Service data, Oregon Department of Fish and Wildlife data, or other sources to achieve this objective.

Activities will be measured against this baseline to determine if water quality and the Fisheries OR value is being protected.

Develop an educational program to inform recreational users, particularly at the campgrounds, on the importance of protecting salmon and steelhead spawning beds during the spawning season. Example may include educating user on the importance of not harassing salmon while spawning or not damaging the willows along the river.

4. Cultural Resources

Research and develop an interpretive site concerning mine tailings in the vicinity of Gold Dredge Camp.

5. Transportation

Correct sediment source problems on Roads 55 and 5506 to protect and enhance the water quality and the Fisheries OR value. These sediment source problems are due to the proximity of the road to the river and inadequate drainage.

Road 55 has a stretch which is narrow and needs to be widened to safely handle mixed traffic. This stretch would be reconstructed to correct this concern.

Increase the road standards to Level 2 on Road 7300380 from Road 73 to Peavy Cabin.

Correct sediment source problems on Road 7300380 to protect water quality and the Fisheries OR value. Road reconstruction and/or surfacing may be needed to protect the road and minimize sediments reaching the river.

6. Mineral

Implement process for updating and completing Plan of Operations.

7. Wildlife

Monitor for wildlife improvement projects. Prioritize and implement as needed.

8. Coordination with the Oregon Scenic Waterway

Develop a Memorandum of Understanding with the State of Oregon concerning communication and cooperation for the river corridor.

B. Monitoring

1. Forest Level

Monitoring of this plan will be incorporated into the Forest's monitoring process. The standard and guides will be incorporated into the Forest monitoring checklist.

2. District Level

The District, in conjunction with other agencies, will be responsible for evaluating each project within the river corridor or adjacent to the river corridor for compliance with the standards and guidelines.

The District is also responsible for an annual report concerning the Wild and Scenic River, as directed by the Forest monitoring plan. This report will include a discussion on the condition and changes, if any, for each of the OR values. The following are threshold limits for each OR value:

- a. Scenic: No additional adverse impacts. All activities meet Retention and Preservation VQO.

- b. Recreation: An mix of dispersed and developed camping is available. Each of the ROS classes identified in the management plan for the river sections are maintained.
- c. Wildlife: No reduction of PETS species habitat or populations. No reduction of big game species habitat related to management activities.
- d. Fisheries: No reduction of fish habitat or no reduction in PETS fish species related to management activities.
- e. Historic/Prehistoric: No damage to cultural sites.

3. Water Quality Monitoring

Monitoring water quality is an important element in managing the National Wild and Scenic River system. Five monitoring points are recommended along the North Fork John Day River. Only through cooperative agreements, use of volunteers, and other creative means can this part of the monitoring program be accomplished. The following are the preferred locations for the monitoring points and possible cooperative parties or organization:

- 1. Peavy Cabin -- Snowmobile Club, Fishing Clubs, or Oregon Department of Fish and Wildlife.
- 2. North Fork John Day Campground -- Oregon Department of Fish and Wildlife, Campground Host, or Snowmobile Club.
- 3. Oriental Campground -- Oregon Department of Fish and Wildlife, Umatilla Confederated Tribe, Snowmobile Club.
- 4. Texas Bar -- Oregon Department of Fish and Wildlife, Umatilla Confederated Tribe, or Snowmobile Club.
- 5. Dale Work Center -- Oregon Department of Fish and Wildlife, Umatilla confederated Tribe, Snowmobile Club, Fishing Club, or resident at Dale.

Monitoring will be of simple parameters that will give an indication of whether more intense monitoring is needed. This will include, but is not limited to, temperature, dissolved oxygen, sediments, PH, and nitrates. Simple kits exist that are capable of monitoring this information.

The District Ranger will be responsible for establishing this monitoring program. Although this monitoring is dependent on funding and assistance, a target time for having all monitoring stations in place is two years.

C. Budget

1. Budget Process

Each year the District and Forest will provide out year budget request. The following outlines the budget process for all resources. Those dollars identified here are estimates at the time of development of this management plan. Each year the District's and Forest's will submit a more detailed budget.

1. Recreation Facilities Operation and Maintenance

Include the funds necessary to operate and maintain all *existing* recreation facilities.

\$27,000.00 per year

As a separate line item, indicate funding needs associated with *planned* recreation construction as identified in the River Management Plan. The dollars for plan, feasibility, survey/design, and construction should be identified in the Regional capital investment or challenge cost share program.

\$212,000.00 total

FY 94: \$18,500
FY 95: \$34,500
FY 96: \$39,500
FY 97: \$119,500

2. Roads

Include the funds necessary to maintain *existing* single-purpose recreation roads such as access to campgrounds, picnic sites, boat ramps, etc.

\$1,000 per year

Include as a separate line item, the funds necessary to maintain multi-purpose roads open to the public.

\$23,000 per year

As a separate line item, indicate funding needs associated with *planned* recreation road construction/reconstruction as identified in River Management Plan. The dollars for plan, survey/design, and construction/reconstruction should be identified in the Regional capital investment program.

\$856,000 for Road 55
\$603,000 for Road 5506
\$100,000 for Road 7300380

3. Trails

Include the funds necessary to maintain *existing* trail systems.

\$15,000 per year

As a separate line item, indicate funding needs associated with *planned* trail construction/reconstruction as identified in River Management Plan. The dollars for plan, survey/design, and construction/reconstruction should be identified in the Regional capital investment program.

\$75,000 total

4. Forest Service Administration

Recreation

This section would include all recreation funds needed to administer the river corridor including :

- a. river-related outfitter guide permit administration
- b. river-related special use administration (e.g. river events)
- c. river-patrol (salary, equipment, supplies excluding vehicles)
- d. river-related information/education programs
- e. easement administration
- f. interpretive activities
- g. vehicular support (cost for vehicles and boat operation and maintenance). Identify acquisition or replacement cost as separate line item.

\$10,000.00 per year

Resource Managemet

This section should include funds needed from other resource programs to administer the river corridor. For example, indicate resource areas such as range, fish, wildlife, vegetation, etc. as separate line items.

Fisheries	\$8,700.00 per year
	\$56,000 total project cost
Wildlife	\$9,000 per year
Cultural	\$5,000 per year

5. Cooperative Agreements

Include costs to maintain river-related cooperative agreements such as for law enforcement (with local sheriff, recue agency, etc.), support to county and/or other public and private entities. Identify each cooperator by name and indicate funding needs as a separate line item.

\$1,000 per year

6. Management Plan Revision

Include costs associated with revisions of river management plans including amendment to the Forest Plan.

None identified at this time.

7. Special Studies as Scheduled in Management Plan

Include special studies s identified in the river management plan. Special studies might include user survey, water quality/quantity survey/analysis, etc.

No dollars identified at this time.

8. Acquisition

Indicate as a separate line items the funds estimated for easement acquisition and fee title purchase. This information should be coincident with general direction from the river management plan and for purchases likely to be completed; i.e., not speculative proposals. (Note easement administration is included in Forest Service administration, item 4.

\$35,000 total

9. Monitoring

Include costs of monitoring program as detailed in the river management plan. Separate monitoring elements by resource area such as water, recreation, fisheries, ect. Provide via separate line or footnote one time costs for acquisition of equipment.

Water Quality	\$6,000 per year
	\$10,000 for equipment