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John Day River Proposed Management Plan, Two Rivers and John Day Resource Management Plan Amendments and Final Environmental Impact Statement

Volume 3
Summary of Public Comments and Responses

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

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JOHN DAY RIVER PROPOSED MANAGEMENT PLAN, TWO RIVERS AND JOHN DAY RESOURCE MANAGEMENT PLAN AMENDMENTS
AND
FINAL ENVIRONMENTAL IMPACT STATEMENT

SUMMARY OF PUBLIC COMMENTS AND RESPONSES

ON THE

DRAFT JOHN DAY RIVER PLAN AND EIS

Comment Period Ending 3/03/00

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INTRODUCTION

The Draft John Day River Management Plan and Environmental Impact Statement was released for a 90 day public review and comment period in November, 1999. The comment period ended on March 3, 2000. Comments were received at public meetings and by other means, primarily letters and email, throughout the public comment period. This document is a summary of the comments received.

SUMMARY OF PUBLIC MEETINGS

There were a total of **173 people** attending **6 public meetings** held in Central Oregon and in the Willamette Valley. The meetings were open house style meetings where the planning team had information available at 5 to 7 tables set up throughout the meeting room. Each table had one or more planning team representatives available to answer questions and accept comments. Planning team members recorded public questions on filp charts. Following is a summary of the questions and comments captured on the flip charts. Responses to these questions and comments were provided at the meetings.

Redmond, Oregon

This meeting was held in the evening of January 11, 2000 with 18 people attending.

Public Questions and Comments

1. Come up with Boat Launch Alternative close to Twickenham.

2. Indicate (PGI-PGE) Line B pipeline route on map of Lower Segment. Also include Moratto et al as a reference for cultural resources. (Rozic, PGE).

3. Confirm that access for maintenance purposes within the utility corridor at Pine Cr/Thirtymile crossing will not change due to the Plan.

4. Check on BIA Trust Land Along Segment 1.

5. Tree Pruning at campsites should not be discouraged, can help trees survive in event of Fire.

6. Recreation should remain unregulated downstream of Service Creek. Too many Regulations controlling “life liberty and pursuit of Happiness” on recreation segments of the river. Boating permits restrict access for the common man. Don’t understand fire ring restriction, fire rings don’t harm fisheries, wildlife etc. Range: does anyone make a profit on ranching? Resources need to be protected, cows do more damage than people. Folks are basically clean, the average river user is responsible and cant keep up on the regulations and permits that are being proposed. Some of the efforts to clean the river, such as removing camp furniture, are akin to vandalism. Why are their recreation structures being built in the flood plain when they Just get washed out?

7. Taking grazing off completely is unnecessary. A balance needs to be met which protects resources and allows folks to continue to make a living. Ranchers are the primary land managers and many care deeply about resource conditions. Need culverts on the Priest Hole Road. Need to acquire lands along the river at the Big Muddy Ranch, the mouth of Dry Creek.

8. Concern expressed about overuse of the river

9. National advertising as smallmouth bass fishery has brought too many people and larger fish are disappearing.

10. Favors motorized boating for personal use but not for profit. Advertising would bring too many motorized clients and guides to serve them. Development should be limited along the river so that everyone can enjoy the scenery, not just those with $ to develop riverside homes, etc.

11. There should be a delineation between low powered downstream and high powered upstream motors. Lumping the 2 together eliminates practical, non-obtrusive uses.

12. Concern over increasing number of smaller smallmouth bass in river.

13 Would like to see the Claro Launch improved to accommodate more boats.

14. Is there any way to keep future commercial use from increasing use levels to the point where use is restricted for the general public?

15. Confine motorized boating to Segment 1, but don't regulate anything else in any segment-leave it uncomplicated.

16. Why limit electric motors to 40 lbs. Thrust when all electric motors are quiet and non-polluting?

17. Why is the public locked out of public lands when we pay taxes on them?

18. Want to allow electric motors downstream in all three Segments 1,2, and 3.

19. Why can't we use electric motors?

20. Can't go in the wild section- why not w/electric motor-it is not designated wilderness.

21. Don't designate as wilderness-WSA Please Don't do this. Keep decision here (local) not in WO. Nothing in Plan that Addresses Finance-How are you going to pay for implementation. Where is the $?

22. Is a Demo fee expected on the John Day River?-Because if you Don't you can't pay for this plan implementation.

23. Provide river access at or near Twikenham!

24. Work on gaining public access to Public land now trapped by private road gates. Specifically, downstream, east side of river from Clarno.

25. Do not regulate float trips and other recreation below Service Creek.

26. Our former name "Pacific Gas Transmission Company is used on p. 55. Name should be "PG&E Gas Transmission-Northwest" and should not be abbreviated. Thank you! Written Comment will be made.

27. Twickenham Turnout is going to be closed. Jan 1

Salem, Oregon

This meeting was held in the evening of January 12, 2000, with 16 people attending.

Public Questions and Comments

1. If you are going to ban motors, start with those that are causing damage (jet boats). Don't group all types of motors together. Assess what the damage is from outboards and then determine which types of motors are causing it and address specific problems. (Smaller motors, 4 cycle rather than 2 cycle).

2. Keep some motorized opportunities and access to meet the needs of older or disabled people.

3. Create more recreation opportunities for older and/or disabled people including road access to hunting areas--possibly areas only open to senior citizens or disabled folks.

4. Saw more damage from cows than motor boats--specifically bank damage.

5. Clarno boat launch should be designed to protect resources.

6. I like the signs identifying the river camps (2 comments).

7. Need a recreation map that is waterproof, shows campsites, and gps points and we don't mind paying for it. You could give out a free photocopy version to those who didn't want to pay for it.

8. Where private roads access the river, trash that can't be brought in by boat is showing up. This is especially true during hunting season and may be friends or fee hunters. Land owners may not be aware of the mess these people are making. (Car parts, motor oil, cans, shotgun shells, bags of buried trash brought in by vehicle).

9. The boaters are not the only people leaving trash on the river (especially Seg. 2, river left) Car campers are leaving a lot where private access roads reach the river or BLM.

10. Recommend non-transferable commercial licenses.

11. Dispersed Camping--limitations on campsites can lead to monopolization of spots by commercial outfitters, e.g. M.F. Salmon river--advance "barges" were sent down river to reserve spots-smaller individual parties were left with no available spots.

12. Permit system detracts from enjoyment of river experience--severely limits "spontaneous" outings.

13. Reservation system, i.e. agency personnel at put-in floaters select campsites for extent of trip- First come, first served-eliminates competition for spots and early advance "barges" reservations system mentioned above.

14. Dislike any signing other than at put-in and take out.

15. More education and enforcement for use of firepans, porta-pottys, etc.

16. Find easy way to determine public land from private land when floating river.

17. It is hard to make vacation plans due to proposed permit process.

18. If we need rules and regulations they should apply to everyone equally.

19. Porta-pottys should be required for day users.

20. Campsites should be marked in a way that it's evident it is a site and which one is which.

21. Need to enforce regulations with fines that stick.

22. Doesn't like to compete for campsites, would like more campsites.

23. Should charge launch fees and use the revenue on the river segment where it was collected. Use it for a concrete ramp at Clarno and river patrols.

24. Try to stop folks from burying trash.

25. Fence out the cows.

26. Consider changing the motorized closure dates slightly so as not to exclude hunting use in late September.

27. RM 120, BLM should acquire state park land in order to increase access to spring basin WSA, may need to acquire some private land as well.

28. Grazing alternatives not specific enough. Could be more detailed.

Clackamas, Oregon

This meeting was held in the evening of January 13, 2000, with 7 people attending.

Public Questions and Comments

1. Retain existing dates for motorized use in Segment 1. Do not expand, do not reduce.

2. 34 existing commercial permits should be examined to determine whether the services they offer are serving a real need. Use competitive bid process, training requirements, and business audits to weed out those permittees who are not providing a true needed service that is of high quality.

3. I was impressed with “spring” grazing systems proposed in the plan. Spring grazing should be encouraged.

4. If you can get there by drift boat or float boat, you don’t need a motor.

5. Counties could recover SAR costs by billing victim.

6. Pursue easements from land owners so public could use popular private land campsites legally and then keep them cleaned-up as you do BLM sites.

7. Use commercial use fees and future launch fees to hire more rangers to control and clean-up trash problems, or to coordinate volunteer clean-up trips.

8. Take a more pro-active approach to getting more water in the river. A few irrigators (BLM ag leases) may be negatively affected, but the benefits would be great to fish, recreationists over time.

9. BLM should put their water rights instream and a program to offer irrigators compensation for allowing water to remain instream should be put in place, with cooperators. Need to develop a policy statement regarding water flow goals with BLM, Tribes, etc. This statement needs to be included in this plan.

10. If # of party encounters are shown to be too high by LAC, ask members of a group to travel together rather limiting # of craft.

11. Require the majority of the group to arrive at a campsite at the same time to avoid the holding of group campsites by one or two people.

12. Requiring permits for launches will not encourage groups to travel with maximum group size #s. Check other permitted rivers.

13. Differential fees should not be used to direct traffic--It’s too confusing for the user.

14. Remember that commercial permittees don’t want to encounter many other parties--ask them to limit launches on peak use days or require this if necessary.

15. Supports preferred allocation system--common pool.

16. Segment 1 should be the only segment where motors are allowed because they provide access opportunities not otherwise available.
17. Phase out motors from WSA sections now to protect wildlife, wilderness experience, and primitive quality of the trip. If motors are allowed to increase, these users will argue against wilderness designation.

18. Commercial permits should be issued by both needs assessment and a competitive bid process in which applicants offer to pay more than the standard 3% use fee for the opportunity to operate a business. Let the free-market set the rate--use revenue to help cover administrative costs.

19. I wouldn't mind putting my name on a waiting list if numbers were regulated.

20. Some months of the year a waiting list is not needed (non-high use periods).

21. Anything the BLM can do to prevent "Commercialization," e.g. concessions, is needed.

22. BLM should be more aggressive when it comes to protecting and enhancing ORVs.

23. Goals of the plan are great, BLM just needs to step up the timeline to accomplish them.

24. Limits on number of boaters needed now because of growing increase in:
    wild fires cause by boaters
    garbage and toilet paper

25. Fencing on river could be juniper buck-n-pole type. Blends with environment.

26. Designate camping areas on more popular segments.

27. Issue map to boaters which shows land ownership.

28. Livestock can be used to control amount of vegetation to reduce fire danger.

29. Be careful on introduction of non-natives.

30. Increase flow of river in summer months by putting water rights instream, if and when possible.

31. Alt. C for fencing the river would be bad for visual and wildlife.

32. Porta-pottys should only be required from May 1 to July 15.

33. Fire-rings have historical value.

34. Hovercraft have been seen on the river. It caused a lot of turbidity and disruption, would be best to keep them off.

35. Motorized boats: Kick 'em off, year round! On Segments 2,3,4.

36. Grazing Alt C: Huge expense, eyesore, would accomplish little because the high flows wash away riparian soils and vegetation, cattle spend little time on the river.
Would affect private land. Couldn't get legal access to build fence. Would create a hazad for wildlife.

37. Grazing Alt D: Would create an economic hardship for many of the land owners along the river. Is BLM Ready to reimburse ranchers for lost revenue? Private land right are being stripped, stripping the value of it as well. Very seldom do you see over grazing on seg 2. Doesn't see recreation-trash problem in Horseshoe Bend Area, Problems are noted downstream. Cattle aren't causing damage, "land looks just like the Indians left it."

38. I see some inconsistency in plan as it relates to motorized boating.

39. Should be trying more to protect and enhance values

40. Should not allow motorboating in Segments 2 and above.

41. Should not open up commercial permits to additional permittees.

42. Existing number of commercial permit # is more than enough to meet the need.

43. What are the rules requiring fire pans ?

44. How do you determine the recreation use carrying capacity?

45. How do day trips (recreational users) figure into calculating the carrying capacity?

46. There is a bottle neck at launch sites between day users and overnight campers.

Fossil, Oregon

This meeting was held in the evening of January 19, 2000, with 41 people attending.

Public Questions and Comments

1. Float boat hunters shot 2 deer inside an exclosure and left most of the bodies to rot.

2. Hunting pressure on birds from the river is too high for resource.

3. Alt. D, Grazing. I just put in $48,000 in fences for viable livestock operation, what will happen to my investment if you eliminate grazing?

4. Alt. C, Grazing. The costs of fencing and developing spring developments (2.5-3 million) would be worth it to get the cows off. Benefits would be improved water quality, less probability of getting sick from e. coli, improved riparian vegetation (bird, wildlife habitat, shade (on tributaries), lower dissolved oxygen and nitrates would help salmonids). Ranchers should help with Fence and spring maintenance, reducing agency costs.

5. Grazing Alternatives C and D: What would be the costs associated with increased fire control?

6. The bottom line with grazing decisions is protecting water quality and riparian vegetation.

7. American agriculture is taking the brunt of the fish problem when in fact the problem is extremely complex and blame extends wide over human activities.

8. Weeds: Need to apply herbicide on the river. There's no way livestock management by itself will take care of the weed program. Tordon would be the best for knapweeds. Need to control the weeds while they are still down on the river. Before they spread to private lands.

9. Access: Vandalism and lack of respect for private property is causing landowners to restrict access.

10. River use Permitting: Would like to get in on the permitting. Would like to take a couple of long trips with groups of 15.

11. Grazing Alternative D: In effect this Alternative wold force private landowners to sell or trade their river frontage for lands outside the corridor. By eliminating grazing use on those lands, alternative D would rob that land of its value, the land owner would have no choice.

12. River Permitting: a fund needs to be started with $ from permits to compensate land owners for damage caused by recreation fires.

13. Fire danger and law enforcement are the two biggest problems on the river.

14. Allotment 2501, Herbert Asher, has no BLM land in river corridor. Need to change in document (especially appendix).

15. I support alternative A for Grazing. Would like to see character of the country remain the same. No new fences etc.

16. Allotment 2501 is now an (I) category Allotment and needs to be reevaluated. Permittee feels allotment should be (M) category.

17. Need accelerated program for noxious weed management. Continuing existing management won't do. Need to step it up.

18. Public and agency education for noxious weeds needs to be increased for identification.

19. Segment should be broken and analyzed one segment at a time.

20. No agriculture lands currently in commodity production should be taken out of commodity production.

21. As soon as a river segment is designated as "wild" (i.e. the lower river). The decision making power goes away for the local managing agency and uninformed decisions are made at higher levels, therefore, making a segment classified as "wild" should be avoided.

22. Will the tribes identify in lieu of fishing sites anywhere on the river that will restrict access by the public?

23. Do not want the Lower John Day to become as crowded as the Deschutes.

24. I have a concern that any regulation of the river does not discourage use, especially over-regulation.

24. Need to improve road to Burnt Ranch Rapids not shut off access.

25. Put in a toilet at Burnt Ranch Rapids.

26. Maintain road to Priest Hole. Remove Big rocks and possibly pave.

27. Lower Burnt Ranch should be developed for camping because it is perfectly suited for this use and it is on public land.

28. Why should we not encourage the public to use their lands, such as at Lower Burnt ranch? The fences should be relocated to allow camping in this area--at water level.

29. I'm in favor of a public boat launch at Twickenham, possibly a park managed by Wheeler County. This could be day use or overnight.

30. I'm opposed to closing vehicle access to the Burnt Ranch swimming hole because it would limit access by local users who have historically used this site. Perhaps local landowners could help care for site.

31. I approve of fixing up access to Priest Hole and installing a toilet.

32. Allow local people to build a good road down to Burnt Ranch rapids.

33. Would like to see day users (boaters) considered separately from overnight users as impacts are much less. Day users should not be limited.

34. At this time, I don't feel there is a need for launch restrictions on any river segment, as river flows naturally limit use to a certain time period.

35. The “Common Pool” allocation system contradicts the goals outlined in the plan which state that “the allocation system selected will be fair to all users.” The common pool system is not workable for commercial outfitters because there are no guaranteed launch dates.

35. The specifics of any allocation system need to be listed now in order to evaluate whether the system will work for commercial outfitters or not. Leaving details for later makes it a “wild card” for users.

36. Motorized boating should stay as it is in Segment 2 because river flows will naturally limit use.

37. It would benefit both private and commercial users to develop an access point just above Tumwater Falls.

38. I’m in favor of closing the existing Burnt Ranch to motor vehicles due to damage to vegetation on steep terrain. Use should be shifted to new site at Lower Burnt Ranch.

39. I feel that no new commercial permits should be issued because new permits would not serve additional publics, but rather divide existing use between more outfitters, making it impossible for permittees to make a profit.

40. It is imperative that we have a launch and take-out point at Twickenham because without it day use (boating) would be severely limited and it would transfer existing use to other parts of the river.

41. As a landowner in the area, I’m strongly opposed to pursuing public access across private land to Tumwater Falls.

42. I’m in favor of closing existing Burnt ranch site due to damage and difficulty in getting back out of the there. Don’t believe use would increase by low impact development (blading an access to the river, no toilet, etc.) of Lower Burnt Ranch site near Cherry Creek.

43. Issuing more commercial permits will not help address any concerns about too many people on the rive and the impacts on river campsites.

44. New commercial permittees may resort to offering low-cost trips to attract use away from current permittees. These low cost trips are less likely to be staffed at the same ratio and will likely result in more abuse from undamaged publics.

45. Evaluate performance of commercial trips by contacting clients a random and surveying their impressions of the trip and no trace camping practices. This would encourage outfitters to educate clients to a greater degree and accept responsibility for their actions.

John Day, Oregon

This meeting was held in the evening of January 20, 2000, with 43 people attending.

Public Questions and Comments

1. Mining: A cloudburst will put more mud in the river than a miner will. Ditto for miners.

2. Boundaries on the maps, outside Designated Segments, should only be drawn where public lands exist in an allotment. Private lands that are not part of BLM Allotment should not show 1/4 mile buffer.

3. Why do we have public land allotments identified on the maps that do not show any public land in them.

4. Correct map by extending W&S boundary on S. Fork to Forest Boundary.

5. BLM should not be planting cottonwoods because they use too much water. BLM should answer the question, “How much water do cottonwoods use” before they do any plantings. (325 gallons a day for a large cottonwood.)

6. The format of the John Day Presentation is not public input. It was a waste of time to come here tonight.

7. Why are the boundaries of the grazing allotments encompassing private property when landowner does not have a BLM permit.

8. Why is this process extending beyond the historic Wild and Scenic designation Boundaries/should not include Wild and Scenic river segments.

9. Why would a parcel of BLM land be allowed to influence the management of the surrounding higher value private property.

10. Grazing allotments (04071 for example) that do not exist are shown on map. No BLM lands.

11. Private and public lands not identified on the river.

12. Stick to preferred alternative, which is alternative B.

13. If you implement a common pool allocation system, all users will reserve more dates than needed and commercials will attempt to book these trips, canceling unused launches at the last minute.

14. The BLM has no authority to regulate boating on the John Day River. This authority lies with the State Marine Board. The BLM only has authority over BLM lands.

15. The grazing management proposed by this plan looks good on paper, but won’t work in practice because the cows won’t utilize the uplands but will hang at the riparian fence line. This will result in a loss of AUMs.

16. Clarify on tables on Alternative C and D that it would include private lands and that the BLM does not control private lands. Aren’t clarified in Table. Implied BLM controls private land.

17. If cows are excluded from riparian areas, trails recreation users use will disappear.

18. Appears the intent of the plan is for the BLM thru the state to control private lands.

19. How can the BLM add to Congressional Outstandingly Remarkable Values?

20. Commodity Values should be equal to Outstandingly Remarkable Values

21. Who is the Oregon Natural Heritage Base? How can they decide what the Endangered Vegetation is?

22. Photos of Riparian area--Make effort to photograph both banks.

23. Continuing weed problem on BLM land adjacent to Bob Brooks property in Mt. Vernon.

24. If these anadromous fish are endangered why is ODFW killing adult returns both wild and hatchery?

25. If the fish have bigger problems outside of the basin why are we spending so much time and effort on projects like this plan.

26. Water Resources Department and land owners need to retain right to maintain and adjust dams for water diversions.

27. Not enough time between receipt of plan and public meeting.

28. If population of sea lions is large enough to impact anadromous fish runs in a significant way T and E designation of sea lions should be reconsidered and removal instituted.

29. Is the plan blessed by NFS and USFWS?

Pendleton, Oregon

This meeting was held in the evening of February 28, 2000, with 48 people attending.

Public Questions and Comments

1. The Pendleton Area needs to be more involved in these public land planning processes.

2. Cottonwoods and other woody riparian plants should not be propagated using water from the John Day River if they can be adequately grown using other sources of water.

3. There should be no motorized boats on Segment 1 because of the disturbance to wildlife and fish habitat.

4. There should be no motorized boats on the lower segments in the fall because of low water levels.

5. If motorized boating is to be limited on the lower segments, the BLM should provide additional public access in other ways.

6. Why eliminate motorized boating before there is a definite problem? Criteria for how the elimination of motorized boating would occur should be established. Also, elimination doesn't have to happen immediately.

7. How are the private lands which are intermingled with public lands, treated with regards to grazing?

8. What effect will NEOALE have on management actions for the North Fork and the Wild and Scenic River in general?

9. How will the BLM provide public access to the North Fork?

10. How many additional regulations are there going to be?

SUMMARY OF WRITTEN COMMENTS

Most public comments received were in the form or written comments outside of the public meetings. BLM received **505 individual responses** (letters, e-mails or phone calls) **from 499 people** (a few submitted more than one response) during the 90 day comment period. Each response was assigned its own unique number as it was received and forwarded to the content summary team. The team extracted the comments contained in each response and with the aid of a specially designed computer software, summarized the comments for all responses by issue category. The following information is the result of this effort. Copies of the original letters are available for inspection or purchase for the cost of copying, from the Prineville BLM office.

DEMOGRAPHICS

Response Type	Count	Percentage
Form Letter	377	74.6%
Letter/Postcard/Fax/Memo	97	19.2%
E-Mail	18	3.6%
BLM Provided Comment Form	8	1.6%
Telephone Calls	3	0.6%
Petition	2	0.4%
Total Responses	**505**	**100%**

Note: *For this comment summary, a form letter was considered to be any letter that was developed from a common format. Some letters are identical. Others follow a pre-determined format and order of topics, even though the words may not be identical. This project had several different form letters.*

Organization Type	Count	Percentage
Individuals/Families	437	87.6%
Natural Resource Based Businesses or Business Groups	35	7.0%
Non-Governmental Organizations	19	3.8%
Governmental Organizations	5	1.0%
Tribal Organizations	2	0.4%
Other	1	0.2%
Total Individuals	**499**	**100%**

Origin of Responses

State	Count	Percentage	State	Count	Percentage
AZ	1	0.20%	MT	3	0.60%
CA	7	1.40%	NY	2	0.40%
CO	1	0.20%	OH	2	0.40%
GA	1	0.20%	OR	379	75.95%
ID	3	0.60%	PA	2	0.40%
IN	1	0.20%	TN	1	0.20%
MA	1	0.20%	UT	5	1.00%
MD	1	0.20%	WA	13	2.61%
MN	3	0.60%	WY	3	0.60%
MO	2	0.40%	Unknown	68	13.63%
			Total Individuals	**499**	**100%**

COMMENTS BY CATEGORY

The following comments represent a summary of the main points of the public input provided. This summary is not intended to replace reading comments in their original context, ie. the entire letter, email, etc. Exact wording of the author was preserved whenever practical. However, for summary purposes, paraphrasing of comments was done in situations where the comment was especially long and for situations where multiple authors made similar comments. Many of the following comments had multiple authors.

There are 34 comment categories numbered in increments of 100, starting at 100 through 3400. (Some category numbers were omitted after being merged with other categories during the process.) These categories are further divided into sub-categories, such as 101. Public comments under a category are identified by a alpha/numeric code which is a letter followed by numbers. This code ties the comments to their letter of origin.

100 AGRICULTURE LEASES AND WATER RIGHTS

101 Agricultural Leases and Water Rights in General

B-012.1 Efforts to save our salmon runs, once the most magnificent in the world, will require sacrifices by all the people of the Pacific Northwest. In order to recover native PNW fish populations, fishermen will have to take fewer fish, city people and industry will have to pay more for water treatment, and shippers and electricity users may even have to give up dams. Agriculture, no less responsible than other interests, will have to back away from the streams if we are serious about returning the salmon and enjoying other benefits of cold, clean water.

Response: *Opinion, no response required.*

B-042.14 BLM should not withdraw water from the John Day for agricultural activities or livestock watering. All BLM lands should be used to promote the health of the River and enhance ORVs. It is absurd that BLM is withdrawing water from an important salmon-spawning river that occasionally runs dry because of such water removal. The draft Plan denigrates the importance of small amounts of water to aquatic habitats, but such small amounts add up. It also demonstrates a lack of commitment by BLM to actually protect and enhance the river and its ORVs.

BLM should not engage in any agricultural activities on public lands, either through leasing or by their own efforts. All soil disturbances, such as by plowing, increase the amount of sediment eroding into streams. Any use of herbicides, pesticides, or fertilizer applied to the crops will further degrade water quality. All agricultural developments on public lands in the WSR should be abandoned, replanted with native species, dikes removed, and the lands allowed to recover their original function as flood plains. The tree nursery operation should be turned over to ranchers or farmers outside the John Day Basin.

Response: *Based on comments and internal review the Preferred Alternative is now C. Under this alternative all public land commodity agriculture will be phased out in 10 years. Emphasis would be placed on wildlife habitat enhancement. Irrigation would continue as needed to produce wildlife food and cover crops, to establish perennial vegetation (native and/or desirable non-native grasses, forbs, shrubs and trees) that does not require irrigation after establishment, and to grow native trees for out-planting. Species selection would be made to benefit wildlife habitat and would require species able to compete with noxious weeds. See Agriculture Lands Alternative C in Chapter 3 for details on implementation of this Alternative and Vegetation Rehabilitation and Restoration in Chapter 3 for native and non-native species guidance during conversion of agriculture lands.*

Irrigation of all agriculture fields that are entirely publicly owned and managed by the BLM would be terminated on August 15 to protect adult steelhead immigration. On fields where the BLM is in the process of establishing perennial vegetation (which includes tree and shrub propagation, cottonwood galleries, and upland grasses and forbs), the August 15 termination date would not be implemented to aid in the establishment perennial vegetation. Where perennial vegetation is established and water rights are no longer being used, beneficial use would be maintained and water rights would be leased or transferred instream in cooperation with the OWRD.

BLM approved herbicides would continue to be utilized to control noxious weeds on agriculture fields throughout the phase out process and as needed to maintain the fields (See discussion on Noxious Weed Control in Chapter 3).

Some ground disturbing activities would still occur when wildlife food and cover plots, perennial vegetation, and tree and shrub establishments are implemented or maintained. Because the slopes of the agriculture fields are less than one percent, the fact that there are generally buffer strips between the fields and the river, and little to no surface runoff occurs, the impacts to water quality would be little to non-existent. The native tree nursery operation will continue to be part of the preferred alternative. The BLM and USFS have spent several years incorporating native cottonwoods and other species from the John Day Basin to be grown and outplanted in rehabilitation efforts. These efforts are very important to riparian habitat restoration throughout the basin. The benefits and effects of the nursery are described in Chapters 2,3 & 5 of the Final EIS..

B-051.11 Feels most strongly that pumping any water from Bridge Creek and Bear Creek, especially for irrigation, is indefensible. All water in these creeks are needed for fish spawning.

Response: *BLM has no agriculture land with water rights on Bear Creek. Although outside the Wild and Scenic River corridor, the agriculture lands along Bridge Creek have existing water use stipulations that are designed to protect steelhead spawning and rearing. Agriculture leasees are notified when flow falls to 15 cfs and when flow reaches 10 cfs, all irrigation is terminated. Irrigation is stopped on Bridge Creek well before minimum flows in the John Day River are a concern for migrating anadromous fish. The Oregon Department of Fish and Wildlife have determined that August 15 is the earliest date at which steelhead could potentially begin to migrate into the John Day River.*

C-029.5 All publicly owned agricultural lands should be used variably as tools to restore riparian and upland communities for planting stock and wildlife forage. The long term goal for these lands should be natural vegetation communities. However, these lands could be wisely used to assist managed ecosystem restoration of larger areas in the near term (native plant nurseries, native grass seed, ungulate forage plants, willow cutting, etc.)

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

D-019.2 Cultivating additional land and therefore withdrawing more water should not be an option.

Response: *Agriculture land would be cultivated under the Preferred Alternative to aid in weed control, establish wildlife food and cover plots and hardwood nurseries, establish perennial vegetation, and continue commodity production until phase out of agricultural leases occurs. No additional agricultural land cultivation or water withdrawal is proposed under the Preferred Alternative.*

F-003.1 The river is supposed to be preserved according to the Wild and Scenic Rivers Act, and eliminating grazing and limiting irrigation is the only way for that preservation to happen.

Response: *Opinion, no response required.*

J-006.6 BLM-held water rights should be used for ensuring in-stream flows. BLM land within the corridor should not be leased unless the uses can be expected and proven: 1) to improve habitat for fish and wildlife (or at least not degrade it), 2) not degrade or impair water quality, and 3) not degrade or impair other Wild and Scenic River attributes.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

L-013.4 The water rights associated with publicly owned agriculture lands are an important ingredient in restoring minimum stream flows to the John Day River. Not only are the estimated 5 cfs important to water quantity and quality but they also improve the recreation and wildlife habitat attributes implied in the ORV's. The BLM has stated their intention of working with agencies, watershed councils and private citizens in the basin to improve stream flows. They should demonstrate their resolve by dedicating these water rights back to the river that is so badly over appropriated to consumptive uses.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

M-003.3 In light of the listing of salmon and steelhead fish as a threatened/endangered specie, I am most concerned that a single drop of John Day River water would be removed from its flow to be dispersed on our public BLM properties by government, private, or corporate entities. Irrigation is totally uncalled-for on all BLM properties in arid regions of the U.S. BLM water rights should not be drawn out for any use other than individual human consumption.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

W-001.3 All BLM owned lands currently leased for commodity production should be withdrawn from such lease agreements, the associated irrigation waters being designated for long-term protection and enhancement.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

W-023.4 We cannot support additional withdrawal of water from the John Day River for irrigation. Water quality is already a limiting factor for native fish populations and additional withdrawals will only serve to aggravate the problem. If this is not the case, the reasons should be stated clearly in the Plan. However, the Plan fails to adequately address this issue or the larger issue of water quality degradation within the designated corridors.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

Y-001.9 We suggest that since there appears to be a major focus in the plan to increase water quantity, the document should include a discussion as to the legislative intent which provided that the designation of a river as a wild and scenic river was not to affect existing valid water rights.

Response: *The plan documents and quantifies all water rights held by the BLM and describes consumptive and non-consumptive uses by segment, please see the Chapter 2 discussion in the final. See response to Y-001.10 in 3200 - Wild and Scenic Rivers.*

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103 Alternatives

H-035.2 We are supportive of Alternative B for Ag. Lands.

Response: *Opinion, no response required.*

L-013.5 I would encourage BLM to promote the cottonwood nurseries but not at the expense of so precious a resource as publicly owned instream water.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

P-004.1 We urge the BLM to adopt Alternative D for Agricultural Lands. We support the elimination of irrigation and the associated water withdrawals, with the stipulation that the retired water rights be permanently transferred instream. This action would directly benefit imperiled fish and should not be undervalued, as it currently is on page 194. We do not agree with the statement that the "additional increment of water kept instream would not be sufficient to benefit fish."(pg. 195) There are numerous efforts in the basin to restore and protect water instream. Every cubic foot returned to the river is important to these restoration efforts.

Response: *See response to B-042.14 in 101 - Agricultural Leases and Water Rights.*

S-026.3 The DEIS Violates the Federal Wild and Scenic Rivers Act. Re:Irrigation of Agricultural Fields. In spite of its commitment that 'instream flows meet interim minimum flow goals or a level sufficient to support outstandingly remarkable values and accommodate beneficial uses' in the John Day River, the DEIS authorizes the application of water rights held by the BLM in the John Day River to the leasing of agricultural fields to private individuals for irrigated crop production.

Response: *We disagree. See response to B-042.14 in 101 - Agricultural Leases and Water Rights, and B-042.20 in 3101 - Water Quantity and Quality in General.*

The BLM's preferred alternative, in fact, calls for the leasing of approximately 195 acres of lands with associated water rights in the river corridor for agricultural purposes. These actions will increase water temperatures in the John Day River and South Fork John Day River WSR segments which already violate the Oregon state water quality standard of 64 F for temperature and can often exceed 80 F during the summer months. Such conditions seriously threaten several fish species found in the water bodies affected by the DEIS which are prized for recreational and cultural pursuits including chinook salmon, summer steelhead, bull trout and Pacific lamprey.

Response: *All commodity agriculture will be phased out in 10 years. In the meantime, our theoretical maximum withdrawal is 9.3cfs, however, 4.3cfs is allotted for instream use and the irrigated fields that use the rest do not take out at the maximum rate. Consequently, the amount of the withdrawal of less 5cfs will make little difference in the river temperature and will seriously threaten salmonids, and the Pacific lamprey. See response to B-042.14 in 101 - Agricultural Leases and Water Rights. and B-042.20 in 3101- Water Quantity and Quality in General.*

Further, a statewide assessment conducted by DEQ observed that the water quality problems of the John Day River are primarily the result of 'vegetation removal along stream banks, removal of thermal cover over streams, surface erosion and changes in flow pattern and timing [from] grazing, recreation, irrigated and non-irrigated agriculture, and forestry.

Response: *See response to B-042.4 in 3003 - Affected Environment and B-042.6 in 1303 - Alternatives.*

In addition, a study led by the ODFW concludes that primarily as a result of 'irrigation' and degraded uplands and riparian systems 'loss of habitat quantity and quality and instream diversity has caused the greatest negative impacts to fish resources in the [John Day] basin.' ... ('In western riparian zones the two most common examples of successful passive ecological restoration are the rewatering of streams after years of withdrawal for agricultural or municipal purposes and the cessation of livestock grazing in riparian areas (Kauffman et al. 1997).

Response: *See response to B-042.1 in 700 - Document in General, B-042.4 in 3003 - Affected Environment, B-042.5 in 2601 - River Description, B-042.6 in 1303 - Alternatives, and B-042.14 in 101 - Agricultural Leases and Water Rights. The removal of water for municipal purposes is beyond the scope of this plan.*

In light of the fact that the river's water quality is already in substantial violation of state temperature standards to the point of lethal conditions for fish species, there is no doubt that the removal of additional insteam flows under the DEIS's irrigation decision conflicts with the unambiguous mandate in section 11 of the WSR Act to 'protect and enhance' river values and to authorize other uses of the river corridor only if such uses do not 'substantially interfere' with public use and enjoyment of the area. Federal courts support the conclusion that federal land must be managed so as to ensure that the purposes of the WSR Act are not abrogated including the protection of water quality.

Response: *We disagree. See B-042.14 in 101 - Agricultural Leases and Water Rights and B-042.18 in 3200 - Wild and Scenic Rivers.*

The attached affidavit of John Roades, Hydrologist for the Columbia River Intertribal Fish Commission in Portland, which was submitted to the IBLA in the context of an appeal to the Sutton Mountain CRMP, illustrates the impacts of on-going irrigation within the John Day Basin. In light of the fact that the proposed alternative in the DEIS is similar to the irrigation taking place in the Sutton Mountain Planning area, negative impacts to water temperatures are expected throughout the John Day basin as the result of implementation of the BLM's preferred alternative.

Response: *We disagree. The Sutton Mountain CRMP was appealed and affirmed (IBLA 96-325). See document number 3089.4P which was written in response to the Roades affidavit.*

W-026.7 I would hope that BLM water rights will be used to enhance summer and early fall river flows and related water quality. As part of the Wild and Scenic River mandates the BLM should also be looking at the purchase and conversion of water rights from willing sellers to instream water rights. I'm hoping that Congress and us taxpayers will be willing to fund the additional costs associated with the implementation of Alternative D.

Response: *See B-042.14 in 101 - Agricultural Leases and Water Rights. The opportunity of the BLM to purchase water rights and convert them to instream water rights does not exist at this time.*

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104 Environmental Consequences

B-051.10 It is most critical that irrigation should stop when minimum levels needed for fish are reached.

Response: *See B-042.14 in 101 - Agricultural Leases and Water Rights.*

J-002.7 I would like to know what impact insecticide and herbicide use by both agriculture and forestry has on the fish population?

Response: *Different herbicides have different potential affects on fish populations. Without knowing which insecticide(s) and herbicide(s) are being referred to it is impossible to give specific impacts. The herbicides the BLM is approved to use (at approved rates of application) are not expected to impact fish species and aquatic organisms. None of the approved herbicides (at approved rates of application) showed a tendency for bioaccumulation and long term persistence in the food chain (Northwest Area Noxious Weed Control Program Supplemental FEIS,1987). Additional restrictions on herbicide use around bodies of water and riparian areas are discussed in Chapter 3 under Noxious Weed Management.*

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200 APPENDIX

202 River Authorities

Y-001.12 In Appendix B entitled "River Authorities", we note that the Environmental Protection Agency's authority over the John Day River is described as: "The EPA is responsible for protecting and enhancing our environment under the laws enacted by Congress. EPA's mandate is to mount an integrated, coordinated attack on environmental pollution in cooperation with state and local governments". This statement is overly broad and does not accurately reflect the national environmental policy nor the authority granted under the Clean Water Act. We note the following policy as set forth in the National Environmental Policy Act: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man;.....". 42 USC 4321 which policy is further set forth as: "It is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 USC 4331 (a) as stated in the DEIS, the EPA statement does not accurately reflect the EPA role as set forth in NEPA.

Response: *Appendix B of the FEIS includes the specific mission statement of the EPA.*

Y-001.14 Appendix B identifies a very generalized role for the local governments, however the generalized statements understate the true role of local government in the management of the John Day River corridor. While the DEIS recognized the role of local Sheriff's departments, it overlooks that once the local governments adopt land use plans, the plans represent state law that all state agencies must act consistent with, likewise the BLM is required to develop is plans in coordination with and consistent with the local plans. During the congressional debates on the OOWSRA, Sen. Hatfield clearly recognized the role of local governments and noted that he was making special provisions for private lands in the John Day River, with the understanding that management of the private lands was left to the local governments. We suggest that the final EIS clearly examine the role of local government in more detail.

Response: *The role of local government in management of the John Day River has been examined in great detail and has great importance. Local governments feel the direct consequences of implementation of land use plans from any level of government, including federal plans. In the case of the John Day River plan, local governments are not only potentially influenced economically, and are also responsible for emergency services and influencing private lands which make up the majority of lands along the river. Each County along the John Day River was invited to be a partner in development of this plan. Ultimately, the counties were represented on the Core Team which guided development of the plan and the Resource Advisory Council which provided advice to BLM on this plan. Representatives of the counties were also invited to be represented on the planning team. The planning team leader has met with representatives of the counties during the planning process and counties will continue to plan an important role in implementation of the plan. The counties have been, and will continue, to be consulted and encouraged to participate in planning and implementation of management of the John Day River.*

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214 M - Riparian Photographs

J-002.4 The photographs in the DEIS (Vol II) dramatically illustrate the devastation caused by grazing to scenic riparian areas, and thus affect water quality and fish populations.

Response: *Permanent photograph stations were established to document riparian conditions prior to changing grazing management. The photographs in Volume 2 are a comparison of past management to proper management over time. These comparison photo's illustrate clearly that significant ecological recovery has occurred with the implementation of science based management.*

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400 PURPOSE AND ISSUES - CHAPTER 1

402 Planning Partners

C-037.1 What forms the "John Day River Coalition of Counties"?

Response: *See page 4 of the DEIS. The John Day River Coalition of Counties is made of the counties of Grant, Wheeler, Sherman, Gilliam, Wasco, and Jefferson.*

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403 Public Involvement

B-007.1 I recently heard that the draft plan has been issued, but I have received no notification despite numerous requests and several promises by BLM to include me on the mailing list for all such activity.

Response: *All requests to be placed on the mailing list for this planning effort has been promptly processed. We are unaware of people have a problem getting on the list. Please make your request by phone, email or in writing and you will be added to the list.*

M-003.1 We question as to why we the residents of Northeast Oregon have not been give the opportunity to have a public hearing of this plan.

Response: *Everyone was invited and encouraged to comment on the draft plan. No one was excluded and all had equal opportunity to comment. An additional public meeting was held in Pendleton by request of residents there.*

M-035.1 We have been on your mailing list for this project for over two years and the only correspondence we have received has been a postcard asking if we would like to remain on your mailing list and, more recently, the DEIS. We appreciate the opportunity to comment, but it seems like the agency is soliciting our comments a little late in the process (considering the fact we have been on your mailing list for so long). Was this project listed in the Schedule of Proposed Actions? Did you send out a scoping letter to interested parties? We know that the agency has conducted public meetings after the draft was completed, but apparently we missed any announcement you may have had regarding scoping meetings with the public.

Response: *This project was inactive for some time before being resumed. The DEIS contained details of public meeting dated on the cover letter.*

O-001.7 Concerned about who is representing the commercial client in the planning process?

Response: *The John Day / Snake Resource Advisory Council is a citizens group that advised BLM on this plan. Composition of this group is designed by law to represent a wide cross section of public interests, including those of commercial clients.*

T-002.2 Everyone that I have spoken with about this Management Plan has been surprised that it is available. They had not heard that a plan was being developed, and that preferred alternatives had been developed that will impact them. These include citizens who regularly use the river and citizens that provided input to the early 1990's Management Plan.

Response: *This project was announced through regular agency channels as well as announced to those requesting to be on the mailing list for this project.*

T-002.3 Because of the minimal notification provided to river users and other Oregon residents, and the flawed Executive Summary, I request that the BLM extend the Plan Comment Period for an additional 3 months beyond the March 3 deadline.

Response: *We are unable to extend the comment period due to the planning deadline imposed by the Court.*

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404 Planning Process

A-004.1 Please listen to all the people who are depending on you to make the right decision. We may not save the world today, but we can make a difference right here and right now. Please chose the alternative process that will save the ecology of the river and its inhabitants for future generations. Work with the agriculture folks and the community, especially the environmental groups that can provide you with support and additional research if necessary. Keep our world clean.

Response: *The partners of this plan have an elaborate public involvement process that provides for the public to influence the proposed decisions.*

Y-001.17 We note that the DEIS states it is developed to provide management direction for the "public and private" lands within the state designated Oregon State Scenic Waterway (DEIS p. 3). However, it is unclear as to what authority the BLM is exercising over those lands not concurrently designated as wild and scenic rivers. Further, the manner in which the state plan is incorporated into the federal plan raises issues as to judicial review processes, attorney fees on appeal, and other justicibility issues. We suggest that the jurisdictional issues relative to administrative and judicial appeal of the respective portions of the plans be resolved prior to issuing a final plan. If the plan is an integrated document then these issues must be resolved, or in the alternative that the state plan be excised from the BLM plan. This issue is further complicated by the different comment dates and adoption processes. We suggest that the two plans be separated and that a cooperative agreement be entered into by the parties rather than one integrated plan.

Response: *As stated in the DEIS, the BLM has no authority over private lands, whether or not they are in the State Scenic Waterway. The State of Oregon and Counties, through Oregon Departments of Parks and Recreation, has primary responsibility for implementation of State Scenic Waterway rules. Also, Under Statewide planning goal number 5, local governments are also expected to support both the State Scenic Waterway and federal Wild and Scenic River plan goals and objectives through local zoning, ordinances, etc.*

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405 River Segments, Designations, and Values

J-002.2 While I'm aware that the term "outstandingly remarkable values" is precisely defined in the EIS, I feel that the entire John Day River is worthy of that designation.

Response: *Opinion requiring no response.*

Y-001.4 To avoid confusion we suggest that the provisions on page 9 of the DEIS relative to "Outstandingly Remarkable and Significant Values" be deleted and in its place direct quotations from the Congressional Record be inserted. Congress specifically identified and defined outstandingly remarkable values and the management plan should closely adhere to these congressional pronouncements.

Response: *Implemented change as suggested.*

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500 CULTURAL RESOURCES

501 Cultural Resources in General

R-001.1 This region, not only the South Fork, has been used by tribal members for thousands of years. The John Day River is within the aboriginal area of the Burns Paiute Tribe. Tribal members have and still use this region for hunting, fishing, gathering and religious activities.

Response: *The text notes the use of the various segments of the planning area by the Northern Paiute, prehistorically and ethnographically. Additional comments can be inserted to acknowledge current uses of the planning area without identifying specific locations. This language, or something very similar, has been incorporated into the text in the general as well as the segment descriptions. Contacted Linda Reed by phone on this issue and incorporation of comments on 3/24/00.*

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600 DOCUMENT EDITS

B-008.17 Volume I, page 58 states hunter visitor days in 1998 were 8,000 visitor days, however, Volume II, page 24 says hunters were 18,000 visitor days. Volume I, page 58 state fisherman accounted for 31,000 visitor days for the entire river system and Vol. II, page 25 reflects 10,000 visitor days for fishing.

Response: *The correction was made in the Glossary of the FEIS. We apologize for the confusion.*

B-008.19 Throughout both Volumes confusion exists in describing areas of interest along the John Day River. These Terms are: River System, River Drainage, River Basin, River Canyon, and River Corridor. What is the difference between a river system and a river drainage? Are river drainage and river basin the same? Does the corridor always lie within the river canyon? Only one of these terms, basin, is listed and defined in Vol. II, Appendix G (Glossary). Also defined is the term "Watershed". The definition for watershed is nearly the same as basin.

Response: *The numerous terms used for the same item reflects multiple authors contributing to the document. This problem was reduced in the FEIS.*

B-008.21 It is difficult to determine human impact on the John Day River basin if the John Day River Management Plan is not in agreement within itself on what constitutes a "visitor day". Volume I, page 58 defines a visitor day as "1 person visiting for 1 day". Volume II, footnoted on the bottom of page 24 state a visitor day is "1 person for a 12 hour period". Also is Vol II in the glossary, Appendix G, a visitor day is "1 person for any portion of 1 day". What definition do we use? Is it important to make a distinction between a visitor day in the river corridor and a visitor day within the basin?

Response: *See response to B-008.19 in 600 - Document Edits.*

C-001.3 Page 55- The last paragraph of the section entitled "Utility Corridors" uses our former name, Pacific Gas Transmission Company. PG&E Gas Transmission-Northwest is the correct name and should not be abbreviated.

Response: *We have made the change.*

C-002.12 Clearly locals had very little input into this proposed plan. If so the plan would not list the Cascade Mountains as bordering the John Day to the West. The Deschutes river basin/drainage borders the John Day to the West. The book would not include Hood River and exclude Gilliam County in part. Hood River has no business even being referred to. The plan would not try to minimize the importance of irrigation to the area by comparing Columbia Basin dryland wheat with irrigated land. The plan would not refer to the White River, a tributary of the Deschutes flowing east from Mt. Hood, as a tributary of the John Day.

Response: *Local people have served on the Core Team and Planning Team for this document. In addition, a 90 day public comment period, including public meetings in Fossil and John Day, was held to allow for the public (including locals) to contribute information and corrections (such as you have done) to the draft document.*

C-002.14 Your numbers on cattle allotments are confusing. 119 in one section, 64 in another section, but 126 when they are added up.

Response: *The Draft EIS contains some typographical, factual and oversight errors with respect to descriptions in some areas. Obviously watershed boundaries and some other geographical information in the Draft is incorrect. Internal review and public review after the Draft was published have noted these errors and corrections will be reflected in the Final EIS. Specific studies with regard to resources across the basin in many areas are dated (i.e. 1986 OWRD John Day River Basin Report), but still reflect in many cases the best basin-wide information available. Many site specific areas have substantially more information available and when appropriate this information was incorporated into the Plan.*

T-001.2 Page xi - Table 1 - Allocation System: Under Type of System, Alternative D should read 'Common Pool reservation system, first come, first served.' Reservations are an integral part of this system and should be included in the summary. Under Experience of User, 'Weekend launches would be difficult to obtain' should be changed. Under a fair reservation system, all launches, including weekends, would be restricted to the numbers of spaces available for each day.

Response: *These suggestions were considered in development of the final document.*

T-001.3 Page 153 - Boating Use Allocation - Alternative D (Preferred) - Sentence 1 - Replace 'to boating groups' with 'to boaters'. As written, the words imply that permits would be issued in blocks with a single person 'owning' the permit. That practice would destroy the system.

Response: *The proposed decision in the FEIS is designed to be clear on this point.*

T-001.4 Page 167 - Table III-I - Allocation System - Principles of the System - Alternative D - "Eliminate all but 'First come, first served' from 'First come, first served, a proportion of permits available at intervals. People unable to plan far in advance have opportunity to get permit.' The rest of the statement is not based on a 'principle of the system.' Replace with 'all launches would be restricted to the numbers of spaces available for each day.

Response: *See response to T001.3 in 600 - Document Edits.*

T-001.6 Page 245 - Boating Use Levels - Alternative D - Sentence 3 - For clarity, replace "but would vary based on the order in which permit requests were received during reservation periods" with "but would vary depending on the actual reservations made by each group through the common pool".

Response: *See response to T001.3 in 600 - Document Edits.*

T-001.7 Page 261 - Impact of Allocation on Commercial Use - Alternative D - The second sentence should be changed to read "Also as in C, the annual proportion of non-commercial and commercial users would not be predetermined, but would depend on the actual reservations made by the users in each group".

Response: *See response to T001.3 in 600 - Document Edits.*

T-002.1 First, Table 1 in the Executive summary is flawed. A first read of this table would lead the reader to believe that the preferred alternative for Motorized Boating is "Segments 10 and 11 (South Fork Wild and Scenic River) Closed to Motorized Boating," since this is the text in bold on page xi in the Motorized Boating section. There is no mention on the page of the actual preferred alternative, which is on page 129.

Response: *We have noted the problem you describe and have corrected the final document.*

T-010.13 The statements made on pages 213 and 215 of the plan that imply motorized boaters are the primary users illegally excavating Cultural and Paleontological Resources is totally inappropriate. If this is true these boaters should be easy to identify and apprehend because motorized boaters are required to have identification numbers on the sides of the boats. These activities are already illegal and these statements have no place in this Plan and should be removed.

Response: *We disagree that these statements should be removed from the plan. The Plan text notes only that motorized boating use "provides the opportunity" to impact these resources. Given other circumstantial, but reasonably logical information (such as the logistical limitations of accessing), it is considered one of the ways for these resources to be impacted. Access through private land is another potentially impacting opportunity discussed in the Plan. The impacts as discussed do occur. There is no implication that motorized boaters are primarily doing all the damage.*

Y-001.2 The DEIS proposed action statement references that the river management plan is to protect and enhance the outstandingly remarkable and significant values and special attributes in the river segments designated by federal and state legislation. The statement is somewhat misleading and we suggest it be reworded as follows: "The proposed action is to develop and adopt a river management plan for those segments of the John Day River system that protects and enhances the values which caused the river segment to be included in the Wild and Scenic River system, without insofar as is consistent therewith, limiting other uses that do not substantially inerfere with public use and enjoyment of these values. Concurrent with this proposed action the State of Oregon is adopting administrative rules to protect and enhance the values which caused those segments of the John Day River to be designated as Scenic Waterways."

Response: *The changes proposed for the final document include wording from Section 10 of WSRA. This section provides guidance whether or not included in this document. The Wild and Scenic Rivers Act states the proposed action is to develop and adopt a river management plan for the John Day Wild and Scenic river consistent with the WSRA which requires BLM "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." Also, the Ninth Circuit (Owyhee river) ruling indicates the Courts will not allow federal actions which may "substantially interfere" with the protection and enhancement of the ORV in the designated river segments. We believe the offered alternative language in this comment would be misleading.*

Y-001.3 We note that the proposed action includes a reference to "significant values" and "special attributes" however neither of these terms are included in the Wild and Scenic River Act (WSRA) nor defined in the plan. We suggest that they be deleted from the proposed action statement.

Response: *Congress has listed both "Outstandingly Remarkable" and "Significant" values for the designated Wild and Scenic segments of the John Day River. Managing agencies are mandated by congress to "protect and enhance" both the Outstandingly Remarkable and Significant values listed.*

Y-001.8 We are unable to determine from the DEIS what is intended by the reference that the plan represents "coordinated management on ALL John Day River segments." This statement is not defined nor is it clear from the DEIS as to what is intended by this statement. Absent a full disclosure as to the intended action and the impacts, we are unable to provide knowledgeable comments on the full impacts of the proposed action.

Response: *See response to Y-001.1 in 700 - Document in General.*

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30.10 I support that these permits should also be limited to 1998-9 numbers and use levels. We (the public) should be able to hire a hunting guide and hunt upland, waterfowl and big game during appropriate use seasons. Total river use limits should take this use into account, as it would be at off-peak demand times.

Response: *Opinion, no response required.*

30.39 I would encourage the Bureau of Land Management to stand tall and to not relinquish its obligation to the public by letting another agency or entity propose and implement management actions that are not in the best interests of sound resource management and appropriate public use of public lands.

Response: *BLM can not relinquish its responsibility for management actions on BLM land. We also recognize the importance of cooperating with other agencies and land owners to provide a coordinated approach for management of the river.*

A-007.2 The Plan is in direct conflict with the federal Wild and Scenic rivers Act, 16 U.S.C., 1271-1287. The John Day (Tumwater Falls upstream to Service Creek) is classified as a recreational component of the Wild and Scenic Rivers System.

Response: *The segment you describe is indeed designated as recreational. We have been careful to write the plan in full compliance with the Wild and Scenic Rivers Act, as amended and recent court rulings.*

B-008.29 The DEIS reads more like a plan to manage boaters and cattle under the guise of environmental protection. Lost in the process was its primary objective, the protection and enhancement of outstandingly remarkable values. I also believe too much emphasis has been placed on boating and not enough attention on preserving the cultural and educational values of a scenic river, rich in history, natural resources, and wildlife.

Response: *The primary purpose of the plan is to do all within the partners power to protect and enhance outstandingly remarkable values of the Wild and Scenic segments. This plan is successful in accomplishing this purpose. The plan lists the outstandingly remarkable values and shows how decisions are designed to protect and enhance them.*

B-008.30 The DEIS may be seriously flawed. As a scientifically based and researched document, too much information has been omitted and incomplete data used for the alternatives selected for implementation. The plan also appears to be the same basic plan used for the Deschutes River and superimposed over the John Day River without regard to the unique differences between to two ecosystems.

Response: *The John Day River Plan and EIS used all existing and readily available data as a foundation for decisions. Existing data was adequate for making the proposed decisions presented in the FEIS.*

B-008.31 The environment and scenic values would be better served if boating was more restricted to about half of what is being proposed and we encouraged more educational tours by bus or other means. Recreation should not equate with exploitation. Visitors, the environment, and a wild and scenic river would be better served if we consider an alternative. It should be considered an "outdoor school" or laboratory and managed for personal enrichment and understanding of the world around us, both past and present, as well as and ecosystem to be conserved and treasured. A management plan like this would be a first and serve as a working model for future wild and scenic rivers.

Response: *Opinion, no response required.*

B-023.1 I have reviewed the four alternative suggested by the BLM and have come to the conclusion that alternative D offers the best long term solution to restoration of the environment adjacent to and including the John Day River. This is one piece of the larger picture to restoration of the salmon and to preserve a wilderness area for the sake of all Americans.

Response: *Unlike most EIS documents, Alternative D does not always have the same "theme" for each issue. For example, Alternative D may be the most protective for one issue but not the most protective for another.*

B-023.2 What is different today from the past is the realization that our forests are not endless and that cattle can do damage to the riparian areas that, in conjunction with other factors, have threatened the native fishes, some to the point of near extinction. There is a growing realization among the citizens of this country, who are the owners of public lands, that preserving a portion of these public lands in a natural state has significant psychological well being benefits that are as important as wood and food products. This requires that we restore a portion of our public lands to a natural state.

Response: *Opinion, no response required.*

B-042.1 The Plan offers a range of alternatives for some issues, such as grazing, but not for others. For example, only one alternative is offered for riparian and aquatic habitat restoration, for fish, wildlife, and Native American uses (p. 120), and for management of water quantity and quality (p. 122). It also offers only one alternative for weed management, forestland management, fire management, and doesn't even discuss the planting of non-indigenous forage plant species in the WSR. New alternatives should be added to the plan and analyzed in the DEIS. By presenting only one alternative (or none, e.g. the planting of non-indigenous forage species), the public is not made aware that alternative methods of management exist or of their effects on the environment compared to other alternatives. For example:

Response: *Although some alternatives have been modified in response to public comment, no new alternatives are necessary. For each of the resource issues cited in the above paragraph, please read the following discussion.*

Issues were identified in the extensive scoping processes to the 1993 Draft as well as the 1999 Draft JDR WSR EIS. An interdisciplinary team of specialists from BLM, a team made up of representatives from the five planning partners and a team of diverse interests (RAC Subgroup) developed a range of viable alternatives for each issue. Some issues are based on resources which are impacted by numerous activities and have been addressed indirectly by addressing activities such as grazing, boating use levels and agricultural fields (for example, fish, wildlife, water quantity and quality). Some issues have been dealt with in other, recent planning documents (for example, weeds and fire). For

some issues such as the planting of non-indigenous grasses, there were no viable alternatives except to continue the current management.

Fish: New alternatives are needed for improvement of fish habitat at the greatest possible speed.

Response: *See page 120, "Alternatives for managing public land vegetation... would be utilized to protect and enhance fisheries resources." The range of alternatives for agricultural lands, grazing and recreation are the primary means of addressing the fish habitat issue. The Plan relies on the cumulative impacts of science based management in a variety of activities to lead to improvement in fish habitat. In most cases, the Plan does not call for the manipulation of the river environment via structures or other specific projects in an effort to restore fish habitat. (Structures diverting water are not allowed in designated Wild and Scenic River segments). An exception to that would follow guidance identified in the Aquatic and Riparian Habitat Restoration section.*

Actions outlined in the alternatives primarily focus on management activities which indirectly affect fish habitat and therefore fish populations through management of the vegetation resource. Please refer to Chapter 3 pp. 119-120 and pp. 135-151, for a full range of alternatives associated with vegetation management. Beginning in 1992 management activities with indirect or direct affects to fish and fish habitat were addressed and implemented to maximize natural recovery. Further management screens including PACFISH and ESA consultation emphasized the priority of restoring fish habitat. All alternatives addressed in the plan are consistent with PACFISH and ESA consultation. Additional alternatives with regard to fish habitat that would pursue more direct manipulation of the fish habitat resource were considered but not pursued. These more direct anthropogenic manipulations may in the short term seem to meet fish habitat needs at a greatly accelerated rate, however; oftentimes they fail to meet intended long term goals or are done in lieu of natural recovery efforts. The alternatives considered promote the improvement of fish habitat at the greatest possible speed with the highest probability of long term sustainability.

Special status plants: A new alternative is needed in which all 'special status plants' on BLM managed lands are protected from livestock grazing. This includes the entire WSR corridor, which will allow plants to colonize new areas, not just small patches protected by fences.

Response: *Existing guidance is presented on page 135. Existing guidance mandates the protection of all special status species and their habitats from all threats, not just grazing. At the present time, none of the known special status plant populations within the river corridor are protected from grazing by fencing, and none appear to be threatened by grazing or other human uses.*

Each of the grazing and recreation alternatives involve different types and levels of use of resources along the river, including Alternative D, would remove livestock from all public lands in the river corridor, and Alternative D for boating use which would result in a reduction in the amount of impact on streamside vegetation.

Not all special status plant species need special protection from livestock grazing. Some occupy habitats which are unlikely to attract livestock, some are tolerant of livestock disturbance. Only three of the seven special status species are intolerant of livestock disturbance and occupy habitats likely to be frequented by livestock.

As explained on pages 236 and 237, various factors contribute to a species rarity and its ability or inability to colonize suitable habitat. Should public lands be protected from livestock grazing it is expected that there would only be a limited response of those special status species judged to be

intolerant to grazing. As an example, Thelypodium eucosmum is generally believed to be restricted to its relatively isolated, inaccessible habitat due to historic livestock use. In fact, and in support of this belief, the earliest collections were made along the John Day River from populations apparently extirpated. Additionally, it is common for unoccupied habitat downstream from known populations to be degraded, the result of historic livestock use. It is easy to assume, then, that Thelypodium eucosmum must have occupied much more habitat prior to livestock grazing along the river corridor. However, livestock management has changed greatly since the earliest impacts occurred, and based on recent observations, Thelypodium eucosmum does not generally seem to be colonizing downstream habitat. Exceptions have been noted, where an isolated plant or a number of plants are found well below established populations. However, for reasons unknown, these new "populations" fail to persist for more than a few years. In some cases the reason is obvious - the habitat has been so altered that it would no longer support the species. Livestock grazing, agricultural development, catastrophic flooding and other events have been causative agents in some areas. To further confuse the issue, populations are known to occur and persist in flat, low-elevation habitat which has been subjected to heavy grazing for more than a century. Should all grazing be eliminated, it is likely that some populations of Thelypodium eucosmum would expand from a seed source in the drainages above, but it is not likely that all, or even a majority of populations would respond in this manner.

Concerning Carex hystericina, little is known about pre-settlement populations, but as explained on page 237, the species could expand as a result of riparian restoration. However, this is dependent on a source of seed.

Astragalus collinus var. laurentii is only known from the river corridor as historic collections from plants now extirpated. Again, livestock grazing is believed to be the cause. As explained on page 237, improvement of upland vegetation would likely improve habitat for this species. However, it is unlikely there is a seed source nearby which would allow for recolonization of its former habitat.

Nowhere in the Plan is it proposed to protect small patches of special status species with fences. Your suggestion implies that habitat and a seed source are readily available, that the (possibly exotic or noxious weed) species currently occupying the habitat can be out-competed by the special status plant and that the only force prohibiting recovery of special status plants is disturbance by livestock. That is not an accurate representation of the situation.

> Riparian vegetation: A new alternative is required that would allow passive restoration of riparian habitat as quickly as possible.

Response: *The draft Plan does not make a distinction between 'active' and 'passive' restoration techniques, nor do any of the alternatives restrict the use of any technique that is appropriate to reach management goals. For that reason an alternative restricting management to a single technique is not needed and is in fact undesirable.*

According to Kauffman et al. (1997), passive restoration is 'the cessation of those anthropogenic activities that are causing degradation or preventing recovery'. The BLM and its partners throughout the watershed have been identifying and changing management activities which cause riparian degradation or prevents its recovery. The BLM has been successful in achieving 'passive' restoration of riparian areas. Analysis of the scientific literature and the results of its own monitoring (see page 230) have demonstrated that BLM's approach of managed grazing is yielding riparian recovery which is as rapid as any other approach.

Uplands: A new alternative is required that would protect all upland vegetation and soils from livestock grazing.

Response: *A new alternative is not needed. Alternatives A, B and C provide science based management which protects publicly owned upland vegetation and soils from degradation caused by grazing. Alternative D would eliminate grazing from all public lands and over 15,000 acres of interspersed private lands within the Wild and Scenic River corridor (see page 139, Alternative D). Eliminating grazing from all private lands in the basin is beyond the scope of the Plan as well as beyond the jurisdiction of the agencies involved in writing the plan.*

Wildlife: A new alternative is needed to reduce fencing so as to protect wildlife.

Response: *A new alternative is not needed. On public land, fence construction specifications mitigate the barriers and hazards to wildlife. The grazing alternatives address the adverse impact on wildlife movement. The planning partners strived to minimize barriers by selecting Alternative B. Alternative B reduces fences to the minimum thought possible to achieve various (riparian, recreation, scenery, etc.) management goals.*

Each alternative was designed to utilize the minimum amount of fence needed to achieve the objectives of the alternative. In most cases, grazing on private and public lands outside the Wild and Scenic River boundaries is expected to continue despite any elimination of grazing on public lands within the boundaries. Exclusion of grazing from the Wild and Scenic River Corridor would increase the fencing necessary on private lands to enable landowners to continue grazing on their own property. Furthermore, landowners could not be required to fence their own property with construction specifications that would mitigate barriers and hazards to wildlife.

Riparian restoration: The plan offers only "active" management of habitat riparian and aquatic habitat restoration, using livestock and bioengineering to add structure to the channel. A second alternative, "passive" management, in which the stream is allowed to recover naturally (Kauffman, et al. 1997, attached), is not discussed. A third alternative would be "passive" restoration with the addition of large woody debris where absolutely necessary to create pools and riffles.

Response: *Alternative D is passive management. Nowhere does the Plan propose to use livestock to add structure to the channel. As previously discussed, the draft Plan does not make a distinction between 'active' and 'passive' restoration techniques. The Plan relies heavily on the cumulative effects of science based management on a variety of activities to accomplish restoration throughout the basin, not just within the Wild and Scenic River boundaries and not just on public lands.*

Kauffman et al. (1997) state "[A]fter implementing passive restoration, a site still may remain in an ecological state that is unlike what would occur naturally.... These situations can occur when an ecosystem is sufficiently degraded such that the inherent capacity to recover has been lost. To achieve ecological restoration in such situations, active manipulations will be necessary." It is in this context that the Riparian and Aquatic Habitat alternative is presented.

Weed management: The Plan presents no alternatives to Integrated Weed Management, which is not adequately discussed in the Plan. Once again, this is "active" management, which depends heavily on use of toxic and environmentally damaging herbicides. A viable, cheaper, and more effective alternative is "passive" weed management, in which activities known to introduce weed seeds and promote weed growth, such as livestock grazing, trampling, and agricultural activities, are eliminated and public lands are given sufficient rest.

Response: *A full range of alternatives was analyzed in two recently completed Environmental Assessments (EA's) which are tiered to two regional Environmental Impact Statements (EIS's), the geographic scope of which cover the entire Prineville District. These EAs are referenced under actions common to all alternatives on page 190 of the DEIS. The two plans were appealed to IBLA and the decisions of the Prineville District were affirmed. A review of these documents has been added to Chapter 3 of the FEIS.*

The Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), took a harder look at the environmental and health risks associated with the herbicides proposed for use in the proposed action in the ROD for the Northwest Area Noxious Weed Control Program FEIS (1985) and concluded that the BLM would accept the environmental consequences associated with using herbicides to obtain their benefits in controlling and eradicating noxious weeds.

'Passive' management alone is not likely to accomplish BLM goals for weed control. Currently there are huge noxious weed expansions occurring at Devil's Tower National Monument, Grand Teton National Park, and the Selway-Bitteroot Wilderness Area. These areas and many others like them have not been grazed by livestock for 50+ years. These examples illustrate that major weed invasions and expansions can occur without the presence of livestock grazing and under circumstances which preclude active management.

Stohlgren, et al, (Ecological Monographs, 1999) conducted research in Colorado, Wyoming, S. Dakota and Minnesota in which they tested the hypothesis that species rich plant communities were less susceptible to invasion by exotic species. Their study showed that contrary to the classic paradigm these communities were particularly vulnerable to invasion and refutes the idea that livestock grazing causes weed invasions through reduced plant species richness. The major source of noxious weeds invasion is on private land in the John Day, Prairie City, Mount Vernon area. There are extensive infestations of such species as Dalmatian toadflax and Scotch thistle. A major infestation of leafy spurge exists on private land in Fox Valley. Water born seeds are carried throughout the river system and can find new infestation on riverbanks and gravel bars. The only truly effective approach to long-term weed control is to achieve a committed and cooperative effort throughout the whole river basin. We have a good beginning through cooperative agreements with several counties and three watershed councils within the WSR but much work remains for the future.

> Forestland management: There is only one alternative for forestland management, which is the continuation of current management, which includes grazing and commercial logging of forests in the John Day Watershed. Since livestock grazing is known to be a major cause of forest health problems, such as increased forest fuels and insect infestations (Belsky and Blumenthal 1997, attached), the one alternative degrades the forest ecosystem. Additional alternatives would be to remove livestock grazing and end all commercial logging within the WSR corridor or the entire watershed.

Response: *Alternative D for grazing does address removal of livestock from all public lands within the Wild and Scenic River corridor and within 1/4 mile from the river on non-designated segments. Over several years the BLM has substantially adjusted the intensity and duration of grazing on public lands and implemented science based management to restore and sustain native forest understory vegetation.*

No new alternative is needed. The assertion that there is only one alternative is incorrect. There are two (See Table III-D on page 127) however, the text (page 137-138) does not make a clear distinction between alternatives A and B. The text has been modified to correct this problem. The assertion that ending all commercial logging within the corridor was not within the alternatives is correct. In response to this comment we have modified alternative B to extend the same protection afforded the riparian buffer to the entire corridor subject to current contract obligations.

To remove livestock and end commercial logging within the entire John Day watershed is beyond the scope of this plan.

Planting of non-indigenous plants: There is no alternative to the planting of non-indigenous forage plants. In fact, there was only one mention (under Desired Conditions for Public Lands (p. 118)), which was that BLM found nonnative perennial grasses a desirable condition in the WSR. It wasn't discussed and no alternatives given. This point requires at least one other alternative (no planting of exotic species in the WSR) since non-native species such as crested wheatgrass provide poor habitat for native wildlife species and prevent reestablishment of native herbaceous species. Such plantings degrade the ORVs of the WSR.

Response: *Additional information has been added to Chapter 3 and Chapter 5 in the FEIS on the planting of both native and desirable non-native species under Vegetation Rehabilitation and Restoration. No new alternative is needed. When restoration and rehabilitation projects are implemented it is the desire of the BLM to use native species where feasible. The BLM has concluded that current management, the planting of desirable non-native grasses and forbs mixed with native species, is useful in some cases to aid in restoring the land to a functional vegetation community.*

B-042.2 The management alternatives are not clearly presented. By presenting the four management alternatives issue by issue, the Plan doesn't present a range of different overarching philosophies of land management. The BLM jumps back and forth on the alternatives it prefers, and so must the public, which is often confusing. More important is the fact that it is often not clear that there are additional alternatives that have been entirely omitted. Finally, this structure makes it nearly impossible to determine what the cumulative effect of any alternative will be, discussed further below.

Response: *While it is true that the plan is a complex and large document, the BLM disagrees with the assertion that it is not clearly written. All alternatives are designed to protect and enhance the river values and have been developed with the desired conditions as described in Chapter 3 as the vision.*

B-042.3 The Plan does not describe management activities Rather than describe the management activities that will be implemented by BLM under each alternative, the Plan tiers back to older plans, some of which were written before the John Day became a Wild and Scenic River. NEPA requires that proposed management be described. For example, for wildlife management (p.121), the plan only states that existing management is described in the Two Rivers and John Day RMPs, as well as in a variety of other supplemental coordinated RMPs , habitat management plans, environmental assessments, and the Endangered Species Act. This doesn't inform the public of actual wildlife management in the WSR. While tiering is a legitimate NEPA procedure, tiering involves tiering EISs of broad scope to those of narrower scope in order to eliminate repetitive discussions of the same issues. 40 C.F.R. 1500.4(i), 1502.20. The RMPs at issue here are far too broad to suffice as site-specific management direction in this comprehensive wild and scenic river plan.

The Plan also doesn't describe proposed weed management activities, which are tiered to earlier EAs. The Plan does not inform the public as to amount of toxic herbicides that will be used with this plan, nor the lack of weed prevention activities in that plan. It cannot be assumed that the public is knowledgeable about management actions described in these plans or has access to them. The Plan needs to describe what will be done under this new plan so that specific actions can be evaluated.

Response: *The Draft EIS does address wildlife management in Chapter 3. Greater detail will be added to the Final EIS, specifically regarding management of Bighorn Sheep. The planning documents (EA#s OR-054-3-063 and OR-053-3-062) describing management activities for weeds were recently completed and affirmed by the IBLA (94-692, 94-726, 94-727). Copies of the EAs are available on request at the Prineville District. Additional description of the actions in these EA's have been added to Chapter 3.*

C-001.2 Because PG&E Gas Transmission-Northwest's pipeline can be affected by flash flooding that occurs periodically in the canyon's tributaries, GT-NW supports efforts to increase vegetation density in both riparian and upland areas as a means to reduce the frequency/intensity of peak runoff events. Any of the alternatives except "A" appear to move in this direction, and would receive our backing.

Response: *The proposed decision is not A.*

C-002.10 All in all the 'plan' is based on faulty, old information. Local input is greatly, if not totally ignored. No notes or tapes were made of the executive meeting. It is the plan of BLM to roll over the locals. Perhaps this is a directive on high promoting bigger centralized government.

Response: *BLM used all available information including applicable research, inventories, studies and comments from individuals, groups and government entities to develop the final plan/EIS. BLM strived to balance public desires with the requirements directed in the Wild and Scenic River Act.*

C-002.11 Some of the data that the plan is based on are dated into the 80's. A 1986 water quality study was included that attacked Fossil and Condon Cities. It further explains that both towns have greatly improved their sewage treatment facilities since 1986. Also, the DEIS makes little mention of local ranchers and communities making improvements in water quality.

Response: BLM recognizes local contributions to improvements in water quality in the John Day River basin, throughout the planning document.

C-002.13 Towards the back you list Morrow and Umatilla Counties. Other than some tributaries how do they fit in?

Response: *Morrow and Umatilla counties are important counties in the John Day River basin. Their tributaries contribute to water quality and therefore other outstandingly remarkable values. In addition, the people of these counties use the river for recreation.*

C-017.1 As noted, BLM lands are the minority in this watershed. Therefore, it is much more important - vitally important - that this agency set an example of proper land and riparian management. BLM must maximize riparian protection and enhancement in the immediate future! For at least one-quarter of a century, folks who know the habitat requirements of native species have known the fact that many human actions have had detrimental effects on the survival of these species. In this watershed, anadromous fish are at a crisis point. Now we have the law on our side, so it is your obligation to immediately implement remedial actions. Please implement the grazing, mining, and motorized vehicle (including jet boats) opportunities as outlined in Alternative D.

Response: *We agree with the importance of maximizing riparian protection and enhancement on BLM lands. This is what the proposed decision will do.*

C-025.1 We are concerned by repeated agency incursions on the River's ecological integrity, including herbicide use right up to the water line poisoning aquatic invertebrates, amphibians, fish and potentially nesting birds and small mammals and uninformed humans eating the fish or gathering edible or medicinal plants; livestock grazing destroying riparian biodiversity and water quality; agricultural draw-downs and injections of nitrogen-laden fertilizers into the River; and logging upstream sending down high sediment loads.

Response: *The proposed decisions are designed to continue well established improvements in ecological integrity and diversity on BLM lands and improve ecological integrity and diversity and water quality throughout the basin by working together with private land owners who own the majority of land in the river basin.*

C-025.3 Only Alternative D would reject "business as usual" continued degradation of water quality, fish runs and riparian ecosystems by livestock grazing and mining. You must know as well as we do that the other alternatives are a sham, and offer no real protection of the River. Only Alternative D adequately addresses protection of the River from mining, livestock grazing, agricultural irrigation impacts and increased levels of boating.

Response: *We disagree. All alternatives offered in this plan (with the possible exception of the existing situation Alternative A) are designed to protect and enhance outstandingly remarkable values. The alternatives accomplish this in different ways.*

C-025.4 Alternative D fails to address the significant impacts to the River from upstream logging, herbicide use; these issues should be addressed in the FEIS, including an alternative that helps protect the River from logging and herbicide impacts.

Response: *The partners in this plan have little influence over logging which occurs primarily on US Forest Service and private lands. The effects of herbicides are primarily evaluated in previous BLM Environmental Assessment documents.*

C-025.6 We appreciate your providing an alternative to ban livestock grazing and mining from the River corridor and significantly reduce agricultural impacts and control boating levels; now we ask you not only to choose that alternative, but to add to it needed restrictions and guidelines to prevent impacts to the riparian and aquatic ecosystems of the River from herbicides use and logging.

Response: *See response to C-025.4 in 700 - Document in General.*

C-032.6 The biggest problem with this particular river is the scouring effect that takes place periodically with winter runoff and flash floods. I feel with the individual efforts taking place through watershed programs, many problems can be helped.

Response: *Observation requiring no response.*

C-038.14 There are no time lines for recovery.

Response: *The FEIS has time lines for improvement in vegetation in the proposed decision.*

C-038.15 BLM is allowing itself to be held hostage by private land owners.

Response: *Opinion requiring no response.*

C-038.17 The Plan fails to enhance and protect the ORV's of the John Day WSR

Response: *Proposed decisions in the FEIS protect and enhance the ORV's.*

D-019.3 Wild and Scenic lands need to be managed in an manner to enhance the aesthetics of the land. Activities such as mining, grazing, road building, all terrain vehicles, and motorized boating, are NOT consistent with such management.

Response: *Within the Wild and Scenic River corridor planning actions either exclude or substantially restrict these uses to protect and enhance aesthetic values.*

G-003.9 The waterways and public lands are for public use and recreation. However, after reviewing the charts in the executive summary of your plan, I feel, that your real goal is to limit or discontinue human contact to the waterways and surrounding lands, as described in the EIS, through more "Executive Orders". Rules are needed to govern the general public on public lands, but not limit or restrict access to this extreme.

Response: *The partners in this plan, with extensive public involvement have worked hard to find the minimum rules necessary to protect and enhance outstandingly remarkable values of the river.*

G-004.2 Since the proposed rules may impose regulation on private lands, the combining of these rules with the BLM document appears to open the door for federal control of private land and extending the State rules to all river segments covered by the BLM plan. Whether or not that is the intent of combining these plans, in the hands of a high priced environmentalist lawyer that is a very possible outcome. The result forbodes dire consequences for private property owners along these rivers, and goes far beyond the intent of either the U.S. Congress, the Oregon Legislature, or the voters of the State of Oregon who voted in the Scenic Rivers Act. I suggest that the process be kept clean, and that, while the various agencies should consult each other, each agency prepare its own plan independently.

Response: *Jurisdictions are well described in state and federal laws and regulations. Jurisdictions of the state and federal authorities are not affected by this plan.*

G-004.3 In a brief reading of the BLM plan, it appears that they are either usurping state authorities or that the state is abdicating its responsibility to its citizens. I have found two examples so far: 1) The BLM plans to regulate use of the river with a permit system. This is unconstitutional, is an invasion of states' rights and should be vigorously opposed by the State of Oregon. When Oregon became a state, the water became the property of the State of Oregon. On navigable rivers the beds and banks to the normal high water line also became the property

of the State of Oregon and on non-navigable rivers the bed and banks belong to the adjoining property owners. The BLM may control access and trespass on land that it holds in trust for the public, but it has very little river frontage in many areas covered by the plan. The BLM has no right or authority to regulate State of Oregon water, State of Oregon land or private land. The State of Oregon possibly has the authority to regulate trespass on the waters of the State of Oregon, but I believe it would be hotly debated, and would take direct action by the state legislature. 2) The BLM plans to close private boating facilities. The same arguments apply here that are expressed above except that they are even clearer cut. Without due process and compensation no branch of any government may interfere with private property rights.

Response: *This interpretation of state and federal law and content of the plan is incorrect. The first point of the reader; that the federal government can not impose a permit system on a federally designated Wild and Scenic River, is incorrect. This practice is well established throughout the US and is supported by federal law and voluminous case law. The second point; that the BLM plans to close private boating facilities, is also incorrect. The plan does not call for closure of private boating facilities, nor does BLM have such authority.*

H-017.1 The federal government, including the BLM, has a responsibility to take a leadership role in this regard, as it is the government who is entrusted to work toward preserving the health and vitality of public lands.

Response: *We agree.*

H-021.11 The DEIS contains few standards for management and protection of River values.

Response: *The FEIS has added standards and management objectives for protection of river values.*

J-001.1 It seems each day brings out more and more ‘rules’, taking away the Rights of the people!! We are Opposed to the John Day River Plan!!

Response: *See response to G-003.9 in 700 - Document in General.*

J-002.1 The EIS (in two volumes) is overwhelming to any but those familiar with the kind of minutiae and repetitive nature of these documents. This is not to criticize the scientific expertise of the preparers, unfortunately such documents seem by and for bureaucrats and the general public is understandably deterred from commenting.

Response: *Opinion, no response required.*

J-002.3 It seems ironic that the DEIS (Vol I, pps 42-43) is concerned with ‘Noxious weeds’ and other ‘invasions of alien plants into natural areas...crowding out native flora and fauna’ yet seems tolerant of the alien fish (rainbow and Yellowstone cutthroat trout and hatchery fish) and alien ruminants, (cattle) that are doing the same thing. Unless steps are taken to control all alien incursions, it would be ‘outstandingly remarkable’ indeed if the John Day survives another century without even more degradation.

Response: *Opinion, no response required.*

J-002.6 After review of the alternatives and maps, I believe that the only choice is Alternative D, which at least offers some protection to the Wild and Scenic segment of the river.

Response: *Opinion, no response required.*

K-021.2 The DEIS fails to lay out what it would take to make the John Day River a biologically robust river again. To have true alternatives, one should look at what restores functioning and then discuss the costs of pursuing that course of action.

Response: *The DEIS and FEIS are clear that the ultimate condition of the John Day River is primarily dependent upon cooperation of all land owners in the watershed. Most of these land owners are not bound by this plan. Therefore, ultimate successes will be dependent upon the good examples set by this plan and the voluntary cooperation and coordination of the many land owners, including private land owners.*

K-021.9 On February 23, 2000, Federal agencies (including the Department of Interior) announced a new watershed policy for Federal lands. Although there is quite a mix of federal and private lands in the area covered by the DEIS, it should take into account how this most recent policy will be implemented on the John Day. That policy discusses control of non-point sources (e.g. grazing) of water pollution, enhancing watershed restoration (the DEIS makes at best a modest beginning), development of a system for identifying significant watersheds. Having a Wild and Scenic River certainly should place the John Day in the top tier of watersheds to be protected.

Response: *The comment highlights one of many federal laws, regulations and policies that influence BLM management of the federal lands along the John Day River. The plan includes measures for continuing to improve of ecological conditions on the John Day River, consistent with the new policy.*

L-013.15 The BLM has an obligation to the public to offer up a plan that is easy to understand and that protects the ORV's for which the river was given Wild and Scenic status. This plan fails to do either. In summary, this plan continues business as usual and the public be damned.

Response: *In cooperation with it's partners, significant changes from past management activities and use levels will be implemented with the proposed decisions.*

M-003.2 Any individual or corporate commercial use of the BLM lands in the John Day River Basin that leaves any more than human footprint traces on the land, river, or the riparian zone should cease immediately. I feel the basin should have no evidence of any commercial use or abuse (private, corporate, or governmental) that is typical of cattle grazing, mining, or cultivation.

Response: *The Wild and Scenic Rivers Act requires that any use must be consistent with protection and enhancement of outstandingly remarkable values.*

O-001.4 When managing, using an ecosystem approach, people are an 'outstandingly remarkable value', a resource concern. I beg you when considering alternatives such as the untested, Common Pool Limited Entry System, consider the consequences of experimenting with people, proud, hard working people worried about losing their jobs and their dreams.

Response: *People are an important part of the river ecosystem. Impacts to people are carefully considered in preparation of the proposed decisions.*

O-002.1 It is public land and should be managed for the benefit of the most people. The public wants the river corridor to be natural, to harbor wildlife, to protect the stream for salmon, trout and steelhead. We want clean water for our kids to swim in.

Response: *We agree*

P-004.5 The federal Wild and Scenic Rivers Act requires the managing agency to protect and enhance the John Day's natural values. The draft plan's preferred alternatives with regards to agricultural management, grazing, mining and fish, as currently drafted, do not do this.

Response: *The Act requires the BLM to manage to protect and enhance outstanding remarkable values listed for BLM by congress. The proposed decisions accomplish this.*

R-011.1 Restoration of the John Day's native riparian habitat should be a top priority of this Plan. Over the long term restored habitat can sustain better fish productivity and more productive grazing than allowed under today's degraded habitat conditions.

Response: *We agree. The restoration of native riparian habitat is a top priority of this plan.*

R-013.4 We have appreciated the participation by BLM employees in our Ferry Canyon Watershed group. It is this kind of cooperation that will create "win-win" situations that benefit us all and the general public. We welcome anyone to be involved in such planning where we can accomplish a lot more positive results than through a law suit.

Response: *We agree, and thanks.*

R-017.1 We are landowners on both the middle fork and the main fork of the John Day River. We would strongly urge the alternative of continuing the existing management. We feel that the regulations that exist now have infringed on our constitutional right to own and manage land. We would not be in favor of any more regulations unless the government is willing to financially compensate us for the diminished use of our property.

Response: *BLM has no authority to impose regulations on private land. BLM is managing BLM land only through this plan, in order to protect and enhance outstandingly remarkable values as required by the US Congress.*

S-026.1 I continue to believe that my activities and interest in relation to the John Day area will be directly and adversely affected by implementation of the BLM's preferred alternative in the DEIS. The agency has ignored its duty to protect the outstanding values of the John Day area and focuses instead on commodity production.

Response: *Opinion, no response required.*

S-026.9 The DEIS lacks the ability to achieve the other goals and objectives provided in the plan itself including to: 1) Provide diverse aquatic habitat, including sufficient water quantity and adequate water quality, to sustain wild populations of native and desirable non-native fish species.

Response: *See response to B-042.19 in 1009 - Consultation.*

2) To protect and enhance the 'diversity of wildlife habitat and the resulting wildlife species diversity, which includes special status species'.

Response: *We disagree. The plan adequately addresses wildlife including special status species. See the wildlife sections in chapters 1, 2 and 3 and appendix E for a list of special status species. Also see B-042.1 in 700 - Document Edits.*

3) Create plant communities and special status plant species that provide 'aspects of habitats, visuals, and communities that support watershed function, healthy ecosystems, other river values and human uses.'

Response: *We do not create plant communities or special status plant species. However, the entire plan is directed at protecting plant communities, special status plant species, habitats, visuals, watershed function, healthy ecosystems, other river values and human uses.*

4) Preserve and protect natural landscapes. The BLM must, therefore, take all actions necessary to address the concerns listed in these comments. In addition, the agency must take the following specific actions to the extent they have not been addressed by this document. (See letter)

Response: *We disagree. The entire plan is directed at protecting and enhancing natural landscapes in addition to the previously mentioned aspects of the John Day River.*

S-028.17 Several of the issues addressed by the John Day River Plan may not be emphasizing the one 'outstanding remarkable value' that was most important in designating the John Day as a Wild and Scenic River. That 'outstanding remarkable value' was recreation. Clearly maximizing recreational values needs to be the main thrust of the plan along with maintaining other existing values.

Response: *Recreation values and opportunities have been an important component of this plan. The partners have indeed succeeded in protecting and enhancing this particular ORV. The river provides motorized and non-motorized boating, camping in primitive to developed settings, world class fishing and hunting, and the list goes on and on. We are very proud of the success the plan has achieved in protecting and enhancing recreation.*

S-043.1 The first page of Volume I of the Management Plan highlights the contribution of "Partners" whose organizations collaborated to generate the plan. This listing says volumes about the political reality of the river's future, and how the private landowners have to view the report's recommendations. The private parties who win their livelihood from farming and ranching did not win a place at the table.

Response: *The private landowners' place at the table is occupied indirectly by elected county officials. Private landowners were also represented on the John Day/Snake Resource Advisory Council who advised BLM throughout the development of the plan.*

S-043.2 The "Partners" who own the report have imposed a comprehensive agenda that will eventually transition the John Day into a sanctuary for recreation.

Response: *The Oregon Omnibus Wild and Scenic Rivers Act which designated segments of the John Day River, identified various outstanding and remarkable values one of which is recreational opportunities. As stated in Chapter 3, Proposed Action, the plan, "will strive on public lands to: manage recreation at use levels that protect and enhance river values." The plan will be implemented jointly at all levels of Government with active partnerships with any willing landowners.*

T-004.2 It is high time that the governmental agencies gave more priority to the health of our natural environment than the health of the pocketbooks of a few ranchers who are using public lands, our lands, to make a living.

Response: *Opinion, requires no response*

W-001.1 One paragraph found in Appendix K, Limits of Acceptable Change, should guide every decision relative to the Plan. "In managing the John Day River, the LAC process is designed to be the foundation for the long-term protection and enhancement of the desired future conditions for recreation that have been identified in this plan. For the most part, the desired future condition for the John Day River segments identified by this plan strives to maintain the existing character of the river canyon, to preserve the existing condition of campsites and recreation sites where found to be acceptable, and to rest or close areas where conditions are found to be unacceptable." The 'key words' are 'long-term protection and enhancement' and 'preserve the existing condition of campsites and recreation sites.'

Response: *We agree.*

Y-001.1 The Grant County Court is concerned over the references that this document is establishing a management framework for all segments of the John Day River whether or not they are designated as a Wild and Scenic River or a State Scenic River. The Grant County Court recommends that the document be revised to clearly reflect management direction in a manner that is consistent with the Legislative History accompanying the Oregon Omnibus Wild and Scenic River Act.

Response: *Wild and Scenic River legislation mandates that BLM develop the plan, but does not restrict the ability of BLM and the cooperators to engage in broader scale cooperative planning. As described in Chapter 1 of the DEIS this plan does address some issues throughout the basin. The BLM and planning partners have worked on various issues and alternatives addressed in the plan to set management direction that is consistent and compliant with the various land management laws in effect including FLPMA, ESA and WSRA. Including guidance received as the result of related legislation and judicial guidance. The BLM assumed a basin approach was required in order to review, and if necessary revise, land use allocations and management prescriptions in the undesignated tributary and intermingled John Day river segments. Our interpretation of the NEPA, FLPMA and WSRA mandates indicates we should be managing the basin to help protect the values within the designated reaches.*

For example, placing a no-surface occupancy stipulation on mineral and energy leases in the upstream areas should help protect the downstream values should mineral development occur. Providing riparian buffers in timber harvest areas upstream should assist in maintaining water quality and quantity downstream. Combining Resource Management Plan amendments with the required river plan was designed to better assess cumulative impacts and avoid a separate planning effort for the BLM lands outside the designated stream segments corridors at a later date.

Y-001.7 The DEIS is confusing with respect to the non-designated river segments, at one point it states it is making decisions for these lands while at another point it says it is not (DEIS p.3). We suggest that the plan delete any decisions relative to non-designated river segments. The congressional intent is clear that federally managed lands outside the river corridors are to be managed pursuant to the FLPMA and NFMA. If the plan is making decisions for non-designated lands then these lands and the decisions specific to these lands should be clearly stated to allow knowledgeable public review and comment.

Response: *See response to Y-001.1 The proposed decisions for non-designated are consistent with FLPMA and NFMA. The NFMA does not apply to BLM managed lands.*

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800 EXECUTIVE SUMMARY

801 Narrative

W-025.1 The last paragraph under "Key Findings" on page viii reads: "BLM administers 8%.....the river values". This paragraph, with its emphasis on what a small portion of the total watershed is managed by BLM, seems to set a tone throughout the plan that you really can't do much with BLM lands alone. The plan lacks vision.

Response: *Opinion, no response required.*

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900 FIRE MANAGEMENT

901 Fire Management in General

C-002.17 You talk about fire suppression and cooperative agreements with the various fire fighting agencies. These agencies are funded through fees accessed on property, fees BLM doesn't pay. What about PILT? How about a fair payment in lieu of taxes?

Response: *The BLM has protection agreements that are for exchange of mutual aid or exchange of protection responsibility with the Oregon Department of Forestry (ODF) and the US Forest Service. These agreements are for equal exchange of protection expenditures. For example, through a protection agreement the ODF might have protection responsibility for BLM land in one area and the BLM have responsibility for the protection for land the ODF would normally protect in another area. The BLM does not pay for this protection, it is done through protection agreements. See response to C-002-16 in 1800 - Law Enforcement/ Emergency Services.*

C-029.3 Fire is not always bad. Fire should be used as a tool and sometimes be allowed to burn where it can assist in restoring natural ecosystem function.

Response: *We agree. The Prineville District BLM has an active prescribed fire program that is designed to reintroduce fire as a natural process into the ecosystem in order to restore the ecosystem to a more healthy, better functioning state.*

R-013.3 An issue that effects us personally is our vulnerability to wildfires that originate from the river and spread to private land. The most recent example in 1994 was very costly to us first in 3 days and nights of time and equipment used fighting the fire, then lost forage for our cattle, and finally miles of burned fences, some of which we have not yet completed rebuilding. Through the efforts of BLM fire fighting crews and a lot of local volunteers our homes and buildings were spared. It is critical that those using the river understand the impact they can have on those of us who live here.

Response: *We are constantly improving our information and education programs to better inform river users of dangers such as this. We also have fire closures every year when fire danger is high.*

1000 FISH AND FISH HABITAT

1001 Fish and Fish Habitat in General

B-037.1 From the research that I have been a part of in the John Day and Grande Ronde systems, it appears that the dwindling chinook runs of the John Day may be largely limited by spawning and rearing habitat quality.

Response: *There are many factors with regard to survival of salmonids in the John Day River basin. Habitat surveys and spawning ground counts have shown that the present fish habitat is not fully utilized by existing population levels of steelhead, indicating that other constraints may be more important in determining population levels. However spawning habitat may be a key limiting factor for chinook. Refer to Chapter 3 - Alternatives for a description of proposed management actions, and refer to Chapter 5 - Impacts for a discussion of effects to fish habitat from the various management alternatives.*

B-040.1 With the federal listing of upper Columbia Chinook I think it is remiss and criminal (under the Endangered Species Act) to implement anything but the strongest measures to protect the river and its habitat.

Response: *See B-042.19 in 1009 - Fish and Fish Habitat - Consultation.*

B-049.1 Concern regarding west slope cutthroat trout and management actions - very similar to issues being dealt with in other areas with regard to fisheries.

Response: *Management guidance such as PACFISH in the John Day basin effectively direct management in areas inhabited by salmonids. Actions which encourage development and maintenance of healthy steelhead, chinook salmon and bull trout populations also effectively promote westslope cutthroat trout populations.*

K-001.6 The plan appears deficient in that it does not address with significant fishery management issues relating to salmonids and steelhead.

Response: *The plan develops management alternatives for fisheries habitat through effects from vegetation management. Management of the actual fishery is beyond the scope of this plan and beyond the jurisdiction of the BLM. Specific fishery management is conducted and organized by the Oregon Department of Fish and Wildlife.*

L-013.14 There have been recent ESA listings in the basin for Bull Trout and Steelhead. A listing is pending for Redband Trout. This plan should embrace a strategy that speeds recovery of these species and all other endangered species in the basin. A full range of alternatives should be presented, accompanied by anticipated rates of recovery. Unless the BLM and the Forest Service develop a recovery program, these species will surely go extinct within the next few decades.

Response: *All grazing alternatives are in compliance with PACFISH and ESA consultation. As a result specific monitoring protocols have been instituted within the last year. These include grazing implementation and effectiveness monitoring of allotments within the basin that are located within a*

watershed which provides habitat to an ESA listed species such as bull trout or steelhead. As a result there are adequate on-the-ground monitoring programs being implemented to promote compliance with grazing prescriptions and attainment of desired resource conditions as outlined in PACFISH.

The BLM is in compliance with the ESA. The BLM is consulting on actions addressed in the plan that affect listed species. The BLM initiated consultation and conferencing prior to actual listing of the steelhead in order to fulfill its obligation to "insure that any action authorized, funded, or carried out...is not likely to jeopardize the continued existence of any ... threatened species or result in the destruction or adverse modification of habitat of such species". Of all ongoing and proposed actions submitted for consultation none jeopardize the steelhead or result in the destruction of habitat. NMFS has declined to comment on or consult on the DEIS and will instead consult on the Final plan. Consultation with regard to the Final will likely proceed quickly and smoothly since all actions addressed in the plan that affect listed species are currently being consulted on with NMFS, even though the plan itself is not being consulted on at this point.

M-002.3 Hatchery fish taste the same as native fish, we cannot live on fish alone.

Response: *Opinion, no response required.*

T-004.1 I have fished and hiked and boated on the John Day River for years and I have been distressed for all these years over the condition of the river. It is so warm and so muddy and so over-grazed from the streambanks to the top of the hills that I have often wondered how the salmon and steelhead could survive. Now that salmon and steelhead survival has become a regional and even national priority, it seems to me that the BLM would elevate the protection of these last native runs to a level of importance higher than the protection of a relatively few grazing allotments.

Response: *Prior to federal ESA listing the Prineville BLM was addressing management issues and concerns throughout the basin in order to protect and enhance the fisheries resource. This has resulted in various management changes as described in Alternative A for Grazing and Agriculture. Continued work in this direction is reflected in Alternative B for Grazing and Agriculture (see Chapter 3). After official listing the BLM initiated formal consultation with NMFS to address all ongoing actions to determine compliance with guidance to protect and restore listed fish populations. All actions within the plan are currently in the process of consultation.*

W-023.1 We are particularly concerned about the quality and thoroughness of this management planning document due to the high value of the John Day River system in native salmonid productivity. The John Day Basin provides key stronghold habitats for a variety of salmonid species. For example, the North Fork of the John Day River (NFJD) has persevered as one of the last remaining healthy streams in the John Day Basin. It provides critical spawning and rearing habitat for the strongest remaining run of native spring chinook in the Columbia Basin, a species which exists in only 28% of its historic range, with 99% of the remaining populations classified as depressed. Because the majority of native spring chinook in the John Day Basin originate in the North Fork, its maintenance and protection is critical to prevent extinction of spring chinook. The NFJD also provides habitat for the last healthy run of summer steelhead. in the Columbia Basin, a species which is threatened or extinct in 75% of its historic range. Additionally, the North Fork also provides habitat for bull trout, a species which has the most specific habitat requirements of all the salmonids, making it an "indicator" species. Their presence in the North Fork indicates cool water temperatures, preferential stream size, adequate substrate composition, exceptional cover, and excellent hydraulic complexity. The NFJD also supports imperiled populations of redband trout.

The following is a list of some of the unique attributes of the NFJD River that have been identified in recent studies: The Interior Columbia Basin Ecosystem Management Project's Aquatics Team has identified the North Fork John Day as a "stronghold" watershed based primarily on the presence of numerous of the seven "key" salmonid species.

The NFJD has been identified as an "Aquatic Diversity Area" ("ADA") by the American Fisheries Society ("AFS"). Identification as an ADA means that the AFS found this watershed should be protected as part of a statewide "strategy for protecting indigenous aquatic fauna of Oregon." The AFS found that the NFJD should be protected at the watershed level based on five values for conservation of aquatic diversity: I . Connecting Corridor: The NFJD is a connecting corridor between the lower river and the headwaters, and Granite Creek, where critical salmonid spawning occurs. 2. Ecological Function: The NFJD is a cold water source for the lower river due to its many springs. 3. Genetic Refuge: The NFJD is a genetic refuge for redband trout, bull trout, s mon and steelhead trout. A "genetic refuge" is defined as a watershed with "a low incidence of exotic species or limited history of hatchery stockings that may be important to protect examples of native aquatic assemblages. 4. Reference Watershed: The NFJD is valuable as a reference watershed because it provides an example of an ecosystem that is mostly intact with only minor alterations. It is also a valuable reference site for habitat functions in this ecoregion. 5. Scientific Value: The NFJD has value as a monitoring area where valuable baseline or long-term data sets exist. The AFS supported watershed-level protection for the NFJD because of its belief "that protection/restoration of these minimally disturbed or sensitive areas must receive immediate priority if the state is to maintain its biological o options for the future." The AFS recommendation has been supported by the Eastside Scientific Society Panel in its 1993 report on the status of eastside ecosystems. Despite the extraordinary character of the North Fork of the John Day, the management plan manages to avoid any specific discussion of how the Plan will protect and enhances those identified values. This is only one example of what appears to be a flawed planning document.

Response: *See response to L-013.14 in 1001 - Fish and Fish Habitat in General.*

Y-001.20 In the sections relative to fish (DEIS p. 37) we suggest that maps be included to identify where the various species of fish are found in the stream sections and a discussion of the time of presence. This information would be invaluable in assisting land managers in determining the impacts of seasonal activities on the various fish species.

Response: *ODFW publishes, specifically for this use, a Timing Guide to Instream Work Guidelines for respective fish species present in the basin. Please contact ODFW to obtain a copy for your purposes.*

1004 Alternatives

11.12 Fish - We support the Preferred Alternatives.

Response: *Opinion, no response required*

C-038.22 A new alternative is needed to improve fish habitat at the greatest possible speed.

Response: *A range of alternatives for the management and improvement of fish habitat through vegetation management is addressed in detail in Chapter 3. Refer to management alternatives by action in Chapter 3.*

P-004.4 The alternatives presented for Fish (A & B) are insufficient. A new alternative is needed that would ensure restoration of fish habitat. As the basin supports numerous fish species listed under the federal Endangered Species Act, it would be prudent for the BLM to adopt and implement a plan that will further their recovery. Congress did, after all, designate fish as an "outstandingly remarkable value" of the lower mainstem John Day Wild and Scenic River. The BLM designated fish as "significant value" of the South Fork of the John Day. Moreover, the Oregon Parks and Recreation Department found that fish are "special attributes" of the John Day.

Response: *See response to L-013.14 in 1001 - Fish and Fish Habitat in General.*

1005 Environmental Consequences

A-007.10 However, studies indicate that human trampling of redds during fishing activities has a potential to cause high mortality of salmonids. One study of angler wading caused high mortality (43% - 96%) of alevins (very young salmon that remain in the gravel) with only one or two passes per day. (Roberts and White 1992). Why were restrictions on waders not considered?

Response: *The BLM is currently in the process of consultation on all ongoing actions with NMFS, recreation issues such as the one described here were determined to not impact steelhead in the John Day basin due to the absence of steelhead from most sport fishing areas, and the absence of most sport fishermen wearing waders from most steelhead spawning areas.*

W-023.2 Additional areas in which the Plan fails to provide adequate management measures are as follows. First, as mentioned above, it does not adequately protect and enhance the designated outstandingly remarkable values (ORVs) as required by law. Fish have been identified by both Congress and the BLM as being ORVs throughout most of the designated portions of the system. However, the management plan does not contain clear standards for protecting and restoring native fish populations. Quite to the contrary, the BLM suggest that existing agricultural management practices, primarily in the form of grazing, will not harm and may actually benefit fishery resources. We find this assumption to be disingenuous and contrary to existing scientific evidence already available to the BLM.

Response: *See response to L-013.14 in 1001 - Fish and Fish Habitat in General.*

1006 Habitat Restoration

C-038.7 The Plan erroneously prefers active stream restoration.

Response: *There are no direct stream restoration actions planned as a result of the EIS. As noted in Chapter 3 - Riparian and Aquatic Habitat Restoration in the Final EIS. - any direct stream restoration project will be scrutinized and collaborated with various agencies including NMFS for compliance with steelhead restoration goals. The plan relies on riparian restoration results through vegetative management and proper livestock grazing (grazing oriented to promote riparian growth and recovery, and other indirect methods).*

1007 Bass

F-002.6 Our main purpose for floating the John Day was to fly fish for bass. while we did catch a lot of bass, we were a bit disappointed in their average size. Maybe some consideration could be given to catch and/or slot limits to improve the quality of the bass fishery.

Response: *ODFW and manages Segments 1-3 for a quality bass fishery. The BLM manages bass habitat on public river miles but does not have a role in managing population numbers or size distribution.*

H-043.3 Smallmouth bass on the John Day are non-native. I hear the fish commission planted them in the John Day. How many anadromous smolt that are going downstream are eaten by these aggressive fish? - Thousands!

Response: *After years of research and discussion the ODF&W decided to stock smallmouth bass in the John Day River. In May of 1971, adult bass were planted in the John Day River, and due to the successful reproduction of the initial stocking no additional smallmouth have been planted since 1971. In 1977-78 a study was conducted on the smallmouth bass population in the river to determine predation on salmonid smolts. During this study no salmonids were identified in any of the stomach samples collected from smallmouth bass (ODFW 1999).*

1008 Steelhead

C-038.18 The plan lacks discussion and analysis of how critical habitat should be managed, how management will sustain wild populations of threatened, endangered and other native fish, how that management relates directly to the goal of survival and recovery, and how such conditions are to be quantified.

Response: *See response to L-013.14 in 1001 - Fish and Fish Habitat in General.*

H-014.2 With salmon and steelhead trout runs in crisis throughout the entire Columbia Basin, you should be looking at every possible area you can to preserve and enhance what's left of their spawning grounds.

Response: *See B-042.19 in 1009 Fish and Fish Habitat - Consultation, see also description of habitat in Chapter 2 by segment, description of alternatives for management in Chapter 3, and also discussion of fisheries impacts in Chapter 5, located under effects to Fish from each management action and corresponding alternatives.*

1009 Consultation

B-042.19 The proposed action violates the Endangered Species Act. The John Day River Basin contains species listed as threatened under the Endangered Species Act (Mid-Columbia steelhead and bull trout). The DEIS completely ignores BLM's obligation to consult on the activities authorized by the Plan to determine whether the Plan will result in jeopardy to the continued existence of the species pursuant to Section 7 of the ESA. Moreover, the plan does not address the BLM's conservation obligation pursuant to ESA Section 7(a)(1). Finally, the proposal fails to assess how, in concert with other activities in the basin, maintenance of current populations will suffice to ensure survival and recovery of the species.

Response: *We disagree that the proposed action violates the Endangered Species Act. See the discussion below.*

A. *Actions outlined in the alternatives primarily focus on management activities which indirectly affect fish habitat and therefore fish populations through management of the vegetation resource. Please refer to Chapter 3 pp. 119-120 and pp. 135-151, for a full range of alternatives associated with vegetation management. Beginning in 1992 management activities with indirect or direct affects to fish and fish habitat were addressed and implemented to maximize natural recovery. Further management screens including PACFISH and ESA consultation emphasized the priority of restoring fish habitat. All alternatives addressed in the plan are consistent with PACFISH and ESA consultation. Additional alternatives with regard to fish habitat that would pursue more direct manipulation of the fish habitat resource were considered but not pursued. These more direct anthropogenic manipulations may in the short term seem to meet fish habitat needs at a greatly accelerated rate, however; oftentimes they fail to meet intended long term goals or are done in lieu of natural recovery efforts. The alternatives considered promote the improvement of fish habitat at the greatest possible speed with the highest probability of long term sustainability.*

B. *The plan does not specifically propose any direct fish habitat or stream restoration activities in addition to the cottonwood outplanting projects conducted primarily along the South Fork of the John Day River. Management direction and mounting scientific evidence has shown that direct physical manipulation of fish habitat and stream morphology are a management tools used only after natural system recovery has been utilized, and then only to attain specific goals aimed at ecological function and recovery. The plan relies primarily on management activities with an indirect effect on fish habitat, specifically the vegetation management as outlined in Chapter 3 pp. 119-120 and pp. 135-151. An exception to this general guidance in the foreseeable future may be the use of instream structures in the mainstem John Day River in the Clarno area if and only if physical manipulation is determined to be an effective management tool to meet proper river function objectives in this area and to achieve ecological restoration that other measures can not. Any actions with regard to this area will be thoroughly addressed in a future management plan.*

C. *The mainstem of the John Day River exceeds ODEQ water quality standards with regard to bacteria for water contact recreation between Reynolds Creek and the North Fork confluence. This sections of the river contains four separate and significant population centers including one without proper sewage treatment procedures. Grazing also occurs within this subbasin. Fecal coliform are only present in warm blooded mammals. Exceedence of the ODEQ water quality standard is a concern with regard to water contact recreation in this area, unfortunately, sufficient information is not available to pinpoint the source of this pollution as either effects of cattle grazing or effects of untreated domestic effluent.*

D. *All grazing alternatives are in compliance with PACFISH and ESA consultation. As a result specific monitoring protocols have been instituted within the last year. These include grazing implementation and effectiveness monitoring of allotments within the basin that are located within a watershed which provides habitat to an ESA listed species such as bull trout or steelhead. As a result there are adequate on-the-ground monitoring programs being implemented to promote compliance with grazing prescriptions and attainment of desired resource conditions as outlined in PACFISH.*

E. The river and riparian habitats along the John Day River are showing significant progress towards restoration and proper function, see Appendix M for documentation and photo-monitoring of recovery along the mainstem river. Allotment management along the river are done in cooperation with the private land owner and oftentimes private lands. The BLM is already in compliance with NMFS in many of these areas and the management does not rate a 'Jeopardy' opinion. If grazing were eliminated on public lands in these areas private land owners may increase grazing pressure and/or grazing duration on their private lands. By working in conjunction with private landowners and incorporating management on public and private acreage within allotment and pasture boundaries the BLM is promoting recovery of listed species.

The BLM is in compliance with the ESA. The BLM is consulting on actions addressed in the plan that affect listed species. The BLM initiated consultation and conferencing prior to actual listing of the steelhead in order to fulfill its obligation to "insure that any action authorized, funded, or carried out...is not likely to jeopardize the continued existence of any ... threatened species or result in the destruction or adverse modification of habitat of such species". Of all ongoing and proposed actions submitted for consultation none jeopardize the steelhead or result in the destruction of habitat. NMFS has declined to comment on or consult on the DEIS and will instead consult on the Final plan. All actions addressed in the plan that affect listed species are currently being consulted on with NMFS, even though the plan itself is not being consulted on at this point.

W-023.3 The John Day contains listed bull trout and steelhead populations. The BLM has an affirmative obligation under sec. 7(a)(1) of the federal Endangered Species Act to contribute towards the conservation of listed species. Arguably, this proposed plan falls far short of meeting this obligation as there is relatively little discussion of how the Plan will specifically aid in recovery of listed salmonids.

Response: *See response to L-013.14 in 1001 - Fish and Fish Habitat in General.*

1099 Other

S-026.8 The DEIS conflicts with the Interim Strategy for Management of Anadromous Fish-Producing Watersheds on BLM Lands.

Response: *See response to L-013.14 in 1001 - Fish and Fish Habitat in General, and B-042.19 in 1009 Fish and Fish Habitat - Consultation.*

1100 FOREST PRODUCTS

1103 Alternatives

C-038.28 Forests should be managed by eliminating livestock grazing and reducing excess fuels by prescribed burning or hand removal of fuels.

Response: *Livestock grazing is a management tool that is used in forested as well as rangeland ecosystems. Properly managed grazing allows the health and vigor of herbaceous plants to be maintained and improved. The prescribed fire program on the Prineville District BLM is designed to reintroduce fire as a natural process in the ecosystem (and maintain the natural fire cycle in the future) in order to restore the ecosystem to a more healthy, better functioning state.*

1200 GEOLOGY/ENERGY/MINERALS

1201 Geology/Energy/Minerals in General

30.36 I support Alt. D. Mineral withdrawal should be limited to State Scenic Waterway and Federal Wild & Scenic boundaries, due to potential soil erosion, degradation of scenic and water quality.

Response: *The potential for the occurrence of locatable minerals in the John Day River corridor is low. There have been no Notice level or Plans of Operation for locatable minerals on public lands in the John Day State Scenic Waterway or Wild and Scenic corridor. Any mining on public lands in the John Day River State Scenic Waterways and Federal Wild and scenic boundaries will be required to meet the State Scenic Waterway requirements for mining as well as BLM requirements.*

C-029.13 Eliminate mining on BLM lands along the John Day River Canyon within and outside of the Wild and Scenic River Boundary regardless of perceived impact.

Response: *Please see response to 30.36 in 1201 - Geology/Energy/Minerals in General.*

K-001.3 No mining should be allowed in any portion of the managed area.

Response: *See response to 30.36 in 1201 - Geology/Energy/Minerals in General.*

W-003.2 Under mining operations, this plan does not address existing rock quarries or borrow pits within the corridor. Can we drill, shoot, and crush aggregate within this corridor if it is an existing quarry? If it's the view that's a concern, then why not keep using these sources and require them to be restored so the aesthetics blend into the surrounding terrain?

Response: *Existing rock quarries are addressed in the salable minerals sections. The existing rock quarries are in place under Free Use Permits with the Counties. BLM cannot cancel these permits without the agreement of the Counties. Under the preferred alternative, upon the expiration of the permits (they are issued for ten years), they will not be renewed. The quarries will be reclaimed as close to their original topography as possible. There are many sites outside the river corridor that are appropriate for the production of aggregate.*

1203 Alternatives

B-042.23 We prefer Alternative D, which would close BLM managed lands in Wild and Scenic River Segments to leasing and salable mineral activity.

Response: *Alternatives B and C require a No Surface Occupancy stipulation which would prevent the location of any facilities associated with leasable mineral exploration or production in the river corridor. The BLM is required to use the least restrictive stipulation that will protect other resource values. Nothing more is gained by closing the area to leasing. Saleable mineral activity that is not already permitted will not be allowed, and existing permits will not be renewed.*

D-012.2 The chapter is strongly in favor of Alternative D which would close BLM managed lands in the Wild and Scenic River and State Scenic Waterway segments to leasable and saleable mineral activity and withdraw locatable minerals from either entry under the 1872 Mining Law.

Response: *Please see response to 30.36 in 1201 - Geology/Energy/Minerals in General for a discussion of locatable mineral withdrawal. Saleable and leasable minerals are discussed in B-042.23 in 1203 - Alternatives. As for locatable minerals, there are no notices or plans of operation on public lands in the John Day River corridor. The BLM will adopt State Scenic Waterway requirements to protect other resources. By adopting State Scenic Waterway requirements, BLM will have more restrictive requirements. In the Wild and Scenic River segments, BLM requires a Plan of Operations which may also impose more constraints on mining. To protect fish, the State Department of Fish and Wildlife determines the amount of time in-stream work may take place. On the John Day River, it is six weeks out of the year.*

H-035.10 We are supportive of Alternative B for Minerals.

Response: *Thank you for you comment.*

M-003.7 All mining and its degradation of the John Day River Basin should be eliminated as in Alternative D. Fish and humans are doomed when individuals are allowed to destroy the ecosystem for personal or corporate monetary gain.

Response: *Mining in the John Day River corridor is subject to restrictions imposed by both the State of Oregon and the BLM to prevent unnecessary and undue degradation.*

P-004.3 We urge the BLM to adopt Alternative D for Minerals. Water rights for mining uses comprise approximately 12% of all water rights in the basin, second only to irrigation. Despite this, we could not find any discussion of the mining alternatives' effect on stream flows. Closing BLM lands to mining activity would result in less water being withdrawn from the river and possibly more water protected instream if existing mining rights were permanently transferred instream.

Response: *USGS water compilation reports on water availability found no reported data for water use related to mining from the John Day River. There are no effects on stream flows from mining.*

1300 GRAZING

1301 Grazing in General

30.25 If it requires no grazing for years, I would support that. Once the health of the land is restored, then short term grazing (what ever BLM feels is best) could be allowed, with no fencing, or limited fencing preferred. I believe that is still the best livestock management option.

Response: *Opinion statement requiring no response.*

30.29 For the long haul, I would support BLM buying/retiring grazing on allotments having to use the John Day River, thru increased boater pass fees, if that was necessary.

Response: *Opinion statement requiring no response.*

B-008.24 Supporting documents in Volume II for grazing are somewhat outdated and there is little mention on how cattle ranchers are striving to correct past practices. Also overlooked is the fact that cattle ranching is not a sideline business but a major industry that employs many people throughout the John Day basin.

Response: *The efforts of the land owners, tribes, county, state and federal agencies to correct past grazing problems and its positive effects on the environment is discussed in Volume I, Chapter 2, Vegetation and Grazing. Economic perspectives of the importance of livestock to the region are also presented in Chapter 2.*

B-023.3 Those ranchers, whose cattle would be denied access to the river as a source of water, do have the alternative of building stock tanks. These could be sourced from water wells or from the river. They may also have the opportunity to irrigate hay crops to offset the loss of grazing areas on BLM lands.

Response: *The planning partners appreciate the suggestions for mitigation of economic impacts to ranchers from implementation of Alternative D. These suggestions are similar to the ones incorporated in the development of the alternative.*

B-051.9 Must reduce AUM's along with season of use.

Response: *Opinion, no response required.*

C-009.2 In addition, because of the John Day's popularity as a recreational river, fecal coliform originating from livestock waste is also a very real concern. Most raft floats on the John Day are extended trips that involve washing dishes with river water, and many visitors come into direct contact with the river through boating, fishing and swimming.

Response: *See response to B-042.6 in 1303 - Alternatives and B-042.19 in 1009 - Consultation.*

C-009.4 Damage caused by livestock is difficult to justify alongside any river. But along a Wild and Scenic River, like the John Day, such damage is also illegal. The BLM, which manages the John Day's Wild and Scenic corridor, is mandated by Congress to protect and enhance the river's outstanding values; any activity that fails to either protect or enhance these values must, according the Wild and Scenic Rivers Act, be completely restricted from the river corridor.

Response: *See Chapter 5, Vegetation, Grazing Management and Riparian Resources and Grazing Consequences to Upland Vegetation. See also response to B-042.6 in 1303 - Alternatives.*

C-029.4 I favor no grazing on all BLM in the John Day River Management Area, including areas outside of the Wild and Scenic River Boundary. Special consideration to small lateral tributaries was not discussed. These areas can be over-grazed and can contribute significantly to mainstem water quality and quantity problems.

Response: *The areas outside the Wild and Scenic River boundaries are beyond the scope of this plan. The planning partners are cognizant of the importance of the tributaries to a variety of public resources. Tributaries and uplands are dealt with through direction outlined in Chapter 3.*

C-029.18 The climate and topography of this area is marginal for ranching in comparison to many areas in the U.S.

Response: *Opinion statement requiring no response.*

D-006.1 It is my position that grazing is not what our public lands are designed to do. Our lands are threatened, and too many of our beautiful rivers have already been ruined by cattle pollution.

Response: *Opinion statement requiring no response.*

D-015.1 Please could you stop the cattle from grazing on the edge of the John Day River. We need to conserve our fish populations, they bring revenue and life to the John Day Area. There's plenty of water on the river to irrigate with and to quench the thirst of the cattle, just require the cattle owner to put troughs of water out for the cattle and cheaply fence the bank to save the John Day River.

Response: *This management approach was presented in Chapter 3, Grazing Alternative C. The analysis of impacts are presented Chapter 5.*

G-003.7 Open grazing laws apply in Oregon and are changed by legislation. Taylor grazing is beneficial to public lands. It keeps down the overgrowth and greens the grounds. Animals will probably be visible from the river from time to time. The old frontier had wild horse and cattle roaming all over the west.

Response: *Opinion statement requiring no response.*

G-011.1 I'm am impressed with how much impact grazing has wrought on the riparian areas. While cows in an of themselves are not evil or bad, they have no manners when it comes to the use of riparian areas. They tend to use and reuse it over an over until every shrub is nibbled, every blade of grass is eaten or trampled, and the stream banks are broken down, bare and muddy. I have also been impressed with the lack of streamside vegetation that would shade the river.

Response: *It is important to distinguish between the types of grazing management (heavy versus light, season long versus spring, rotation versus annual...) being implemented. Non riparian-oriented grazing management (such as season long) can have the consequences that you describe. Riparian-oriented grazing management does not encourage livestock to congregate in riparian areas and allows unimpeded recovery of riparian resources. See Chapter 5, Environmental Consequences, Grazing and Riparian Resources as well as Responses to B-042.6 in 1303 - Alternatives, B-042.7 in 3002 Riparian in General and B-042.19 in 1009 - Consultation for greater detail.*

H-018.1 Alternative C is preferable to B, as it would end livestock grazing within the John Day's riparian area, thus protecting the thin ribbon of vegetation that buffers the river's banks. While this alternative would likely lead to dramatic improvements in streamside vegetation and bank stability, it could have the unfortunate effect of shifting grazing pressures onto the John Day's uplands. Because water quantity and quality tend to be far more influenced by conditions throughout an entire watershed, rather than by specific actions within an riparian area (Draft John Day River Management Plan and EIS, BLM, November 1999, p. viii), it's crucial that the BLM protect the complete wild and scenic corridor.

Response: *A watershed approach to many river values (for example, water quality and quantity, wildlife, fisheries) is supported by the planning partners and the majority of scientific literature (see Chapter 5, Grazing and Riparian Resources). However, because of the intermingled nature of public lands in the John Day watershed (62% of land in basin is in private ownership, 7% of land is in public ownership, 1% of the land is in public ownership within the Wild and Scenic River boundaries, see Key Findings and Chapter 2, Land Ownership and Withdrawals), elimination of grazing on public lands would be unlikely to achieve widespread improvement of watershed conditions. For the John Day River basin, a watershed approach means integration of land owners into partnerships with the goal of improving conditions on all lands, not segregation of lands by ownership with a goal of improving conditions on just public lands. Also, see responses to B-042.5 in 2601 - River Description and B-042.16 in 1304 - Environmental Consequences.*

H-040.1 Leave the river as is. Our ranch is 10 miles from the North Fork and 10 miles from the Middle Fork of the John Day River and we see no good reason for them to change. The government and environmentalists have too much power and money behind them. We need our freedom too!

Response: *The planning partners recognize the existence of private lands and established communities within the planning area (see Chapter 2, Overview and Chapter 5, Human Uses and Values).*

H-043.2 Much finger pointing is aimed at the cow-man and how to scale back grazing along the John Day River. There is a lot to do to get the fish back but it sure as hell won't ALL be done by the cowman. (Author gives many examples that are beyond the scope of this plan of things that are affecting fish).

Response: *See response to H-018.1 in 1301 - Grazing in General.*

K-021.3 While it is understandable that fencing off or eliminating grazing in riparian areas can be controversial, these concerns should go to the manner in which grazing is eliminated, not the benefits of doing so.

Response: *See Chapter 5, Grazing and Riparian Resources and responses to B-042.6 in 1303 - Alternatives and B-042.22 in 103 - Alternatives.*

K-021.4 Since the biological benefits are so clear, there must be another reason why riparian areas are not protected from grazing under the proposed alternative. Presumably that reason is that it would offend landowners/ranchers. I believe that these landowners would also prefer a stronger river system with lush riparian areas, but they feel their livelihood or way of life is at risk if BLM takes a stand against grazing along the John Day. By doing so little, the river continues to degrade (even if the rate of degradation is slowed), no plans are made for a transition to a grazing-free zone, and landowners lose opportunities to pursue alternatives. No one is satisfied with such a system. Ten years from now BLM will have little or nothing to show for its asserted "stewardship" efforts, the environmental community will have more data to show that current policies are inadequate, and ranchers will have fewer options. Protecting such a Wild and Scenic River from activities like grazing seems like an obvious first step. If BLM committed to work with landowners and the public so that we all could have the benefit of a healthy riverine system, then change could happen and everyone (ranchers included) could benefit.

Response: *We disagree that the riparian areas are not protected in the preferred alternative (see Chapter 5 Grazing and Riparian Resources and responses to B-042.6 in 1303 - Alternatives and B-042.22 in 103 - Alternatives.) and that 'the river continues to degrade' (see Chapter 2, Vegetation). The proposed decision takes into account. The reasons had to do with meeting the mandate of the Wild and Scenic Rivers Act to manage for resource other than riparian areas (such as water quality, scenery, recreation and wildlife), practical considerations such as costs and relative benefits, and the benefits of a cooperative, watershed approach (see response H-018.1). Alternative B proposes a variety of actions which change grazing practices to those which have been shown to be successful throughout the John Day basin.*

L-010.1 Although Alternative C calls for riparian fencing, the definition of the riparian border can be unclear and near-stream riparian fences require high maintenance because of floods. Fencing a greater distance from the river is more stable and allows for enhanced recovery of both riparian and upland wild and scenic river values.

Response: *Fence placement is described in Chapter 3, Grazing Alternative C.*

L-013.1 There is reasonable doubt that grazing is harmful to the Outstanding Remarkable Values. In recent years BLM has improved upon it's management of grazing on the John Day River, however that improvement would be greater had there been no grazing whatsoever. Recent studies conclude that total removal of livestock grazing speeds recovery verses grazing under improved management. Nowhere does the BLM indicate the anticipated rates of recovery under a grazed versus un-grazed scenario. It is the BLM's responsibility to NOT RETARD the recovery of the ORV's. The following are ways in which grazing impacts ORV's: Cows break down the streambanks causing the stream to be shallower and warmer int the summer months. Livestock remove vegetative shade from the streambanks causing the stream to warm up. Livestock remove undercut banks reducing cover for fish and other aquatic life. Livestock defecate near the river enhancing the opportunity for fecal coliform to enter the stream. This reduces water contact recreation opportunities and increases the health risks ro people washing dishes and cooking with river water. Livestock retard the recovery of cottonwoods, alders, and willows. Livestock are a vector for noxious weeds. Livestock compete for resources used by deer, elk and other grazers. Livestock degrade habitat used by fish, birds and other wildlife. Livestock defecate on and degrade campsites. Fencing campsites is unacceptable because it destroys the naturalness of the area. It is

apparent that the cumulative effect of livestock grazing on the ORV's warrants the removal/retirement of all AUM's.

Response: *The analysis presented in Chapter 5, Environmental Consequences, Grazing and Riparian Resources, found that riparian-oriented grazing did not retard the recovery of riparian areas versus no-grazing (see also response to B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, B-042.7 in 3002 - Riparian in General and G-011.1 in 1301 - Grazing in General).*

L-013.16 The grazing alternatives are confusing to lay people who do not have an intimate knowledge of the individual allotments and their condition.

Response: *The grazing alternatives are complex. The partners have spent considerable resources developing the alternatives such that management decisions can be made on an allotment by allotment basis, rather than on a river-wide or segment basis (see response to B-042.21 in 1303 - Alternatives). The partners attempted to limit the complexity of the grazing alternatives by presenting them by allotment, in terms of riparian management on a river bank mile basis, rather than by pasture, detailing both upland and riparian management on an acreage and river bank mile basis.*

L-015.1 Protection of the Wild and Scenic segment of the John Day River from grazing is imperative. The rest of the river is so unprotected that whenever the opportunity arises, more protection should be given.

Response: *We believe the entire river must be managed to protect and enhance river values (see response to H-018.1 in 1301 - Grazing in General).*

L-015.2 Please stop all grazing on federal lands. It is a waste of money and natural resources. There is enough corporate welfare already. Ranchers need to find a more ecologically sensitive profession like producing native plants for restoration projects, or maintaining deer and elk herds that provide a much healthier food source.

Response: *Opinion, no response required.*

M-003.6 All grazing on our public BLM lands should cease. In consideration of the wild steelhead and salmon that must have this ecosystem to continue to survive, the use of domestic livestock to degrade this river system is appalling.

Response: *Riparian-oriented grazing management can provide for unimpeded recovery of the river system (see Chapter 5, Grazing and Riparian Resources and responses to G-011.1 in 1301 - Grazing in General, B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, and B-042.19 in 1009 - Consultation).*

M-010.1 As a 20 year government field tech. in Burns, OR, I can honestly say I am well aware of the damage that cows do to this fragile desert ecosystem. They have changed the face of our high desert forever! Please do what's right for the people and the ecosystem.

Response: *Opinion, no response required.*

M-028.2 We believe that grazing cattle can be compatible with long range management.

Response: *Opinion, no response required.*

P-005.1 Didn't the BLM learn its lesson on the Owyhee?

Response: *We have studied these cases carefully and applied applicable judicial interpretations to the John Day Plan. See Y-001.16 in 3200 - Wild and Scenic Rivers.*

R-013.1 I believe the BLM has done a good job of changing management practices along the John Day River to improve conditions for wildlife and for the public. For example, changing grazing to winter / early spring use can be done for little cost and great benefit.

Response: *Opinion, no response required.*

S-006.11 I support excluding cattle from publicly owned camping areas.

Response: *opinion, no response required.*

S-026.2 The DEIS Violates the Federal Wild and Scenic Rivers Act. a) Livestock Grazing. In 1988, Congress designated the John Day River as a federally protected Wild and Scenic River by the Act of ... In spite of this designation, the public lands of the Wild and Scenic John Day River continue to experience extensive degradation as a result of livestock grazing. For example, most of the river segments and many of the tributaries have been identified by the DEQ as 'water quality limited,'relative to salmonid fishes spawning and rearing. This includes sections 6, 7 & 8 which have 'the best chemical, physical and biological water quality in the John Day Basin.

Response: *We disagree. There is no evidence of continued extensive degradation as a result of livestock grazing. The water limited status applied by ODEQ to sections of the John Day River is the result of many natural and man fostered disturbances that have occurred on both private and public lands. The BLM with Oregon Department of Agriculture will cooperate with the ODEQ as ODEQ develops a TMDL and companion Water Quality Management Plan for the John Day Basin. Together these documents will assess the affect of various non-point source pollution sources in the John Day Basin, the contribution of various land management activities to the pollutant loads, and a strategy for restoring water quality in the portion of the watershed that could be affected by BLM management activities. See also responses to B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives and B-042.19 in 1009 - Consultation.*

This condition is primarily the result of high water temperatures and sediment. ... Other non-point source pollutants affecting the river area include: 'turbidity, low dissolved oxygen, erosion, toxic effluents, nutrients and low flow concerns. DEQ finds that the John Day River and streams within the planning area are 'seriously' impacted by nonpoint source pollution, which is primarily the result of 'vegetation removal along stream banks, removal of thermal cover over streams, surface erosion and changes in flow pattern and timing [from] grazing, recreation, irrigated and non-irrigated agriculture, and forestry.' ...

Response: *To address these concerns for the entire John Day River Basin is beyond the scope of this plan. Within the WSR corridor however, these concerns are addressed as follows:*

The BLM manages only 395.5 acres of agricultural land within the basin. This has only a tiny affect on the total sediment load of the John Day River. As previously stated, water use on these lands is less than 5 cfs and is entirely stopped on August 15th. This small amount of agriculture and irrigation is not enough to significantly change the flow patterns or the timing of flows. Furthermore commercial agriculture will be phased out over a 10 year period according to the preferred alternative (C).

In regards to forestry, existing management within Segments 7 and 10, the only segments in which commercial quantities of timber are available, is focused on protecting riparian areas for the benefit of water quality, soil stabilization, scenic values, fish and wildlife enhancement. In response to public comments the BLM has extended the protection afforded the riparian buffer to include the entire corridor in the preferred alternative (B). According to that alternative there would be no commercial cutting of timber within the WSR corridor, subject to the life of current contracts. There would be no cutting at all except to protect forests from wildfire or disease. See also responses to B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives and B-042.14 in 101 - Agricultural Leases and Water Rights in General.

In light of the fact that the river is currently significantly impacted from livestock grazing to the point of lethal conditions for fish species, there is no doubt that the additional grazing called for under the DEIS, see page 138, will violate the unambiguous mandate in section 10 of the WSRA that '[e]ach component part 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...'... Federal agencies may allow other uses of the river corridor only to the extent that they 'do not substantially interfere with public use and enjoyment of these values.' ... Further, the WSRA requires that the plan developed by the agency in compliance with the Act 'shall address resource protection, development of land and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this chapter.' ...

Response: *We disagree. We do not call for additional grazing in the preferred alternative (B). See TableIII-I. See also responses to B-042.18 in 3200 - Wild and Scenic Rivers and B-042.19 in 1009 - Consultation.*

In general, however, unauthorized impacts will continue if the BLM's plan is implemented since the agency prescribes continued domestic grazing throughout the majority of the planning area without allowing sufficient recovery of ecological systems. Moreover, the preferred alternative fails to provide any measures, which would effectively mitigate these impacts. (footnote: For example: (1) Rather than eliminating grazing from the river area, livestock use will be limited in riparian pastures to not more than 60 days during the December 15 to May 1 period and often to March 1 to May 1 period.

Response: *See response to B-042.4 in 3003 - Affected Environment and B-042.6 in 1303 - Alternatives.*

In addition, the agency proposes to include the construction of 11 miles of fence and to create individual pastures for 'riparian-oriented grazing management.' ... These actions, according, to the BLM, will allow it to improve riparian condition through such things as season of use and grazing intensity. Aside from the absurd conclusion that controlled grazing will somehow result in better improvement of riparian conditions than

complete rest, the BLM has yet to illustrate that it has the funding, resources or scientific basis necessary to effectively 'protect and enhance' desert riparian areas and river values in the John Day are by increasing fencing and intensive grazing management practices [sic].

Response: *We did not conclude that "controlled grazing will somehow result in better improvement....than complete rest". Few differences exist in rates of recovery between areas rested and areas grazed with riparian oriented systems (see Chapter 5, Grazing and Riparian Resources). See also response to B-042.21 in 1303 - Alternatives.*

Further, numerous studies illustrate that livestock grazing in any form, including the cool season grazing proposed by BLM for the John Day River, damages riparian growth and no management prescription will result in more effective improvements to riparian areas than total exclusion from livestock. See A.J. Belsky, et al. ...1999; J. Belsky, Comments of ONDA to JDR DEIS.

Response: *We have reviewed the cited documents and have come to a different conclusion. Several of the articles cited in Belsky et al. 1999 are the same articles reviewed by the planning partners while examining the 'rates of recovery' issue. See chapter 5, Grazing and Riparian Resources and responses to B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

(2) In many cases, the BLM disregards its obligation to protect public lands by stating that these lands 'would be difficult to manage efficiently' and therefore 'recommends' that they be exchanged for other lands in the river corridor. This, however, effectively eliminates any protection of such lands since there is no certainty that the lands will be exchanged and the agency has provided no management prescription for those that are not.

Response: *Small, isolated tracts of public land scattered within large private pastures have been difficult for federal agencies to manage without cooperation of private land owners. There are approximately 197.8 public land river bank miles along the designated portions of the John Day river, 2.6 (less than 2%) river bank miles are left in non-riparian oriented grazing practices in the Preferred Alternative. The planning partners disagree that 'in many cases' accurately characterizes the situation. Pending completion of land exchanges, subject public lands will be managed through special stipulations in the land use authorization with periodic compliance checks to ensure protection and enhancement of ORV's.*

(3) As a gauge to measure the health of riparian areas, the BLM consistently relies on the 'proper functioning condition' standard. Rather than providing for the outright maintenance of desirable riparian attributes, however, 'proper functioning condition' (PFC) refers to the availability of the proper components which are necessary to produce such attributes, and therefore may occur anywhere from early to late-seral stages. As a result, the DEIS would authorize the BLM to resume impacts to riparian areas in which vegetative cover, wildlife habitat, biodiversity, improved water quality and other desirable attributes have not been fully achieved.

Response: *There is also little evidence that seral stages directly correlate to vegetative cover, wildlife habitat, species diversity, water quality or other desirable attributes. For example, species diversity can decline when disturbance decreases due to loss of less competitive, disturbance dependent plant species (Green and Kauffman, 1995). Wildlife habitat values are more closely correlated to habitat structure than to species composition (Smith, 1989). See Chapter 2, Vegetation, Ecological Condition and Trend. PFC is an important tool and directly relates to riparian health by examining not just the vegetative, but also the hydrologic and erosion/deposition aspects of riparian health as well. Riparian health is related to several outstandingly remarkable values, including scenery, wildlife, and fisheries. See responses to B-042.3 in 700 - Document in General, B-042.6 in 1303 - Alternatives and B-042.21 in 1303 - Alternatives.*

One of the best examples of the damage that even limited livestock grazing will do to the John Day River area is the fact that the 'river system supports one of the few remaining wild runs of spring chinook salmon... and summer steelhead...in the Columbia Basin.' ... Yet the ...ODFW determines that 1) poor quality juvenile rearing habitat and few adult holding areas for spring chinook and 2) juvenile rearing areas for summer steelhead exist throughout the basin.

Response: *The comment offers no evidence that the problems described are a result of the management of public lands or exist within the Wild and Scenic River boundaries. See responses to H-018.1 in 1301 - Grazing in General and B-042.19 in 1009 - Consultation.*

The BLM's continuing desire to ignore the mandate of the ... Act is directly contrary to existing federal case law on Wild and Scenic Rivers and the John Day River itself. '[I]f grazing proves to be detrimental to soil, vegetation, wildlife, or other values, or is inconsistent with the 'wild' designation, then clearly the BLM has the right-indeed, the duty- not only to restrict it, but to eliminate it entirely.' ... In fact, the Oregon Federal District Court recognizes that grazing practices have already adversely impacted the river values on the John Day River ... The issues regarding the John Day DEIS are similar to Oregon Natural Desert Association v. Green, ... in which the BLM prepared a comprehensive management plan which allowed grazing to continue on land along the wild and scenic Donner and Blitzen Rivers. ' Based on a recommendation to eliminate grazing by five agency hired scientists who conducted a survey of sensitive plants and unique natural areas in the river area, the court concluded that 'the BLM's decision to allow grazing was not 'founded on a reasoned evaluation of the relevant factors.'

Response: *We disagree that any part of the WSRA was 'ignored'. The portion of the John Day Wild and Scenic River that is designated 'wild' is the upper North Fork John Day River and is addressed by "North Fork of the John Day River Wild and Scenic River Management Plan" and as such is beyond the scope of this plan. All river segments addressed in this plan are designated 'recreational'. The reference to the Oregon Federal District Court was taken out of context. The Opinion states "... , the BLM appears to have changed course and now has adapted more ecological grazing practices. Since an injunction speaks only to future actions, it is the BLM's current practices extrapolated into the future, rather than its abandoned past practices, that influence this court's determination (NWF V. Cosgriffe 21.F Supp. 2d 1211, D. Or. 1998, pg. 19). As a result the court declined to place an injunction on livestock grazing by Order dated Aug. 6, 1998.*

S-026.4 While it provides some analysis of the benefits and harms of continued livestock grazing, the DEIS ignores the principle of multiple use which 'requires that the values in question be informedly and rationally taken into balance, ... to determine whether the proposed activity is in the public interest. In fact, the administrative law judge in NWF, reached this conclusion in a case which closely parallels the John Day River situation. In that case, the appellants challenged the BLM's decision to issue a grazing permit for an allotment, located in the San Juan Resource Area of southeastern Utah. ... As in this case, domestic grazing had significantly degraded and may have continued to significantly degrade the riparian 'canyons' located within the allotment in question. As a result, the judge determined that under the multiple use directive, the BLM's analysis of continued grazing was inadequate since it lacked 'the detailed information necessary' for determining whether or not the allotment should be grazed including: (1) How important are the canyons to the livestock operation of the [permittee]? (2) Is grazing preventing the aggradation of the stream channels and the refilling of the arroyos in the canyons? (3) Are cattle knocking over the walls of ancient Anasazi ruins and trampling archeological artifacts in the canyons? (5) Is grazing in the canyons degrading their scenic and recreational values and causing a consequent loss of income and jobs to the local community? (6) Is the value of the scenic, recreational, ecological, and archeological resources in the canyons far greater than the value of the livestock forage there?

Response: *Questions are answered in the order presented: 1) BLM allotments provide lessees a critical grazing period to fulfill their yearlong operation requirements. If BLM grazing is lost , lessees would have to shift to unregulated private lands. 2) Where BLM has established channel cross-section*

studies on riparian oriented management systems, aggradation is occurring (Meyers Canyon cross section studies file, 1995 - 98). 3) Refer to Chapter 2, Cultural Resources. 5) Through the implementation of science-based management, scenic and recreational values are being protected and enhanced through the recovery of plant communities on the riparian areas and uplands (refer to response to B-042.4 in 3003 - Affected Environment). Regarding income and jobs, BLM records show a steady annual recreational use increase along the John Day river with current livestock management and use levels. Conflicts between recreationist and grazing are being mitigated by restricting grazing during heavy recreation use periods and fence exclusions on popular dispersed recreation camp sites. 6) BLM recognizes that commodity uses must be managed in a manner that protects and enhances ORV's.

Similarly, the DEIS makes no references to the significance of grazing degraded riparian and other areas to the livestock operations of applicable permittees and completely fails to discuss livestock impacts to archeological artifacts and the scenic and recreational values of the John Day resulting in a loss of income and jobs to the local economy. In addition, the DEIS does not study whether the value of the scenic, recreational ecological and archeological resources in the planning area are far greater than the value of the livestock forage. Indeed, a detailed analysis of the impacts of continued livestock use is all the more critical in this case because of the unique recreational and aesthetic purposes for which the John Day Wild and Scenic River was designated and the BLM's conclusion that livestock grazing 'represents a vary marginal economic contribution to the region.

Response: *See responses above.*

S-026.5 By failing to reduce stocking rates and to make a reasoned and informed decision in setting rates, the DEIS violates the WSRA and FLPMA. In spite of the Wild and Scenic designation of the John Day River, the BLM proposes no reduction of current stocking rates to protect river values. Nor does the agency provide any basis for the stocking rates proposed in individual riparian and other river area allotments. Similarly, the Two Rivers RMP/FEIS does not evaluate any of the specific impacts to resources or natural values of the John Day River area in establishing available AUMs. Such actions violate the BLM's duty to 'protect and enhance' river values under the WSRA. In addition, the bases for stocking rate decisions on BLM lands must include: soil erosion, reduced water infiltration and increased runoff due to soil compaction and loss of vegetative cover, trampling and erosion of streambanks, degradation of stream channels, and urine, and degradation of wildlife habitat.' The failure of the BLM to consider these factors in its decision in establishing AUMs, therefore, ignores the principles of multiple use and FLPMA's mandate to protect the full spectrum of environmental, ecological, cultural, and recreational values.

Response: *The authorized use levels were determined following range surveys completed between 1967 and 1974. These surveys were contested at the time because they removed up to 76% of the authorized use on an allotment (see Chapter 2, Grazing, Background). The analysis of the RMPs were completed prior to the designation of the river as Wild and Scenic, however, these RMPs were formally evaluated in 1998 and found to provide valid guidance for land use and resource allocations and directions.*

S-042.1 I urge that all livestock grazing be eliminated on the John Day River to protect and enhance the entire river area, to restore water quality, for recovery of fish habitat, to restore watersheds, to stop weed invasions, to preserve all of the area's wilderness lands and waters, and to enhance riparian and upland vegetation. The entire John Day River certainly has National Monument potential.

Response: *Personal opinion not requiring a response.*

S-043.3 This political force sends at least one very clear message: In the future, there will be overwhelming pressure on BLM and ranchers to remove domestic grazing animals from the entire zone covered by the plan.

Response: *Personal opinion not requiring a response.*

T-004.3 I really feel that the lands in question need to be managed for the greater good, which means that they need to be retired from grazing, for a quarter mile on each side of the stream.

Response: *Personal opinion not requiring a response.*

T-010.12 The most profound improvement that can be made on the river and that will reduce many of the impacts and concerns presented is to get vegetation reestablished along the riparian zone of the river. If grazing is reduced along the river as recommended by the plan and the riparian zone grows up as shown in several of the pictures in Appendix M of the Plan, the effect of all forms of recreational use on wildlife will be significantly reduced.

Response: *Personal observation, response not required.*

W-023.5 We cannot support continued livestock grazing within the corridor. The negative impacts of livestock presence within riparian areas is well documented. The BLM has taken no affirmative steps to remediate this problem within the planning area. Substantial modification of present proposed management practices is necessary to ensure restoration of the habitat functions upon which native fish within the John Day system depend. Finally, we support the use of passive restoration measures within the riparian corridor rather than the Plan's present reliance upon active measures. Scientific support for this approach is well established.

Response: *The planning partners would like to point out that the scientific support for the points raised in the comment were unsubstantiated by citations and therefore cannot be reviewed and evaluated. The negative impacts of livestock presence that has been documented most frequently are the effects of heavy, season long use and not the effects of riparian-oriented grazing (see Chapter 5 Grazing and Riparian Resources, and response to G-011.1 in 1301 - Grazing in General). We have taken affirmative steps to correct past, non riparian-oriented grazing problems (see Chapter 2, Grazing) and fthe proposed decision includes management needed to ensure restoration. The planning partners would like to draw attention to additional measures in Final EIS version of Grazing Alternative B including the standards and added exclusion and rest (see Chapter 3 Alternatives, Grazing and Monitoring, Grazing).*

W-029.1 How can a small number of cows in Eastern Oregon of which only a few are exposed to the rivers and yet less than that actually relieve themselves in the river can cause more damage to the rivers and fish runs than Portland's six million gallons of raw sewage and toxic waste each year and the destruction of the Willamette River riparian?

Response: *Rhetorical question requiring no response.*

1302 Affected Environment

S-004.2 On the Clarno to Cottonwood stretch the impact of grazing seemed minimal and did not intrude on my wilderness experience, in fact we rarely saw cattle and their droppings, and when we did it reminded us of that history of the region.

Response: *Personal observation requiring no response.*

1303 Alternatives

11.16 We support the Preferred Alternatives for grazing.

Response: *Personal opinion requiring no response.*

30.27 There is a proposal to build approximately 147 miles of fence on public land (plus 141 on private; Vol 1 page 202). Who pays and maintains these fences? Is this cost effective?

Response: *Alternative D is only one of four grazing alternatives presented in the plan. The question of who pays for and maintains fences in any alternative is a concern separate from whether the fences should be built and is not addressed in the plan. See Chapter 5, Human Uses and Values for an analysis on economic impacts of each alternative.*

A-006.1 Alternative C is better than B but not as good as D.

Response: *Personal opinion requiring no response.*

A-008.1 I understand that Alternative D would reduce the Animal Unit Months in the John Day Basin by a mere one percent. This seems like an insignificant price to pay for protecting and restoring this precious river.

Response: *Personal opinion requiring no response.*

A-012.1 The restoration efforts that the landowners, BLM, ODFW, Tribes, Counties and others have implemented have made a beneficial difference in the overall health of the John Day River. These efforts have overflowed into the tributaries as well as with the different watershed groups such as Ferry Canyon, working toward improving the conditions in the John Day Basin. The Preferred Alternative B is best for all stakeholders involved. It keeps the positive progress with regards to watershed restoration moving forward and will not alienate the stakeholders. Alternatives C and D are too extreme, and we believe will lead to dissolution of the partnering and cooperation that has been built.

Response: *The resource condition information presented here is supported by monitoring data and anecdotal evidence throughout the basin. In a watershed approach to riparian and water quality management, choices of partnering and cooperation versus confrontation and alienation have impacts far broader than the piece of ground in question. This aspect of land use alternatives was not captured in the Draft EIS and has been added to the Final EIS, see Cumulative Impacts portion of Chapter 5 .See responses B-003.4 in 1303 and S-043.4 in 1400.*

B-003.1 It appears Alternative A would basically be the same as Alternative B as we have already adjusted our season of use as well as the number of AUM's.

Response: *As described in Chapter 2, Grazing, efforts to improve conditions within the John Day basin have led to numerous changes. These recent changes are most frequently reflected in Alternative B, but often are similar to Alternative C and D as well (see Table III-E).*

B-003.2 Alternative B would be our preferred alternative. We have already made seasonal use changes and this alternative would have very little impact on our private land that has not already taken place.

Response: *Opinion, no response required.*

B-003.3 Alternative C would not work. 1.5 miles of river would have to be fenced. Also, the only water available for a significant portion of our allotment as well as 160 acres of private land (all located in Indian Cove) is from the John Day River.

Response: *To mitigate these impacts, Alternative C includes provisions for water developments, pipelines and pumps to allow grazing to continue outside the excluded areas (see Chapter 5, Impacts on Human Uses and Values). In order to estimate costs, an average of 1 water development per mile of fence constructed was assumed to be necessary.*

B-003.4 If Alternative D were to be implemented, not only would we be restricted from using a BLM allotment that has been utilized by our family for over 60 years, we would also be unable to use 160 acres of private land which is surrounded by BLM land. While we have been able to adjust our cattle operation to a shorter seasonal use in early spring, if further reductions take place the impact on our other private land will be significant. It is questionable that we would be able to continue our cattle operation.

Response: *One assumption used during analysis of Alternative D was that, in most cases, grazing would continue on private and public lands outside the Wild and Scenic River boundaries despite the elimination of grazing on public lands within the boundaries. To the extent that this assumption is incorrect, the costs associated with fencing and water developments have been over-estimated. Also, to the extent that this assumption is incorrect, the value of public land forage and costs associated with fence removal and lost productivity of public and private lands outside the WSR boundaries have been under-estimated (see response to S-043.4 in 1400 - Human Uses and Values).*

B-005.1 I support Alternative D because cows do too much damage to riparian areas, water quality and potential spawning grounds. On top of all that, they really don't fit in with the idea of a Wild and Scenic River.

Response: *See response to G-011.1 in 1301 - Grazing in General..*

B-042.6 The Preferred Alternative fails to cancel livestock grazing, a major factor degrading the WSR, both in the corridor and in other BLM-managed uplands.The Plan emphasizes recent improvements in grazing management in riparian allotments in the corridor, while downplaying the continued problems with this management. Recent changes from warm-season to cool-season grazing may be an improvement, but since we were given no data to support these claims, we aren't able to evaluate them.

Response: *We are gratified to learn that ONDA agrees with BLM that cool-season grazing can bring about improvement in the condition of riparian vegetation. Results of upland and riparian monitoring are presented study by study in Appendix L. Photographic examples of improvements are presented in Appendix M. Summaries of the Willow Study are presented by allotment in Appendix L and in Chapter 2, Vegetation, Grazing and River Segment Descriptions and in Chapter 5, Grazing Management and Riparian Resources.*

Cool season grazing is not always a panacea (see below).

Response: *We agree with this statement. As expressed in Chapter 5, Grazing Management and Riparian Resources, operator involvement is a key element in riparian management. "Management, not the system, is the key.... Implementation of an 'appropriate' strategy without constant attention is bound to fail, whether the strategy is exclusion, total rest, or maximized use."*

Even if some recovery due to changes in grazing management are taking place (for which we have no evidence), from "first principles" of ecology and biology, we know that recovery is not occurring as quickly or as thoroughly than if livestock were completely removed. Even if riparian plant growth is improving and more willows are surviving, grazing continues to reduce water quality, destabilize stream banks, degrade fish and wildlife habitat, and reduce water quantity. All analyses of livestock grazing in the arid West (summarized in Belsky, et al. 1999, attached) find that livestock impact the environment in numerous ways, all of them damaging. No scientific studies have shown that livestock grazing, including light grazing or cool-season grazing, benefits stream or riparian ecosystems. It is scientifically inevitable that large, heavy, non-native herbivores that congregate in streams, compact and disturb the soil, defecate in and near streams, and preferentially graze and browse native species while avoiding non-native weeds, cannot fail to have negative impacts on native vegetation and riparian ecosystems.

Response: *The BLM has reviewed the scientific literature regarding grazing and riparian areas, and presented the results of the review in Chapter 5, Grazing Management and Riparian Resources. The BLM has reviewed the monitoring data that it has collected on the John Day River and presented that information as well. The points made in the Plan are that scientific studies and monitoring data show not only that proper grazing and properly functioning riparian ecosystems are compatible throughout the arid West, but that proper grazing is not likely to retard recovery of degraded riparian ecosystems on the John Day Wild and Scenic Rivers.*

The Deschutes National Forest has selected an alternative for its Draft Wild and Scenic River Plan that would eliminate the ability to graze because it has recognized that "livestock grazing introduces the potential for riparian habitats to have impaired habitat functioning for wildlife through overgrazing of herbaceous, riparian shrub, and deciduous tree plant communities (such as aspen), streambank trampling, and soil compaction." Big Marsh Creek and Little Deschutes River Wild and Scenic Rivers Draft Environmental Assessment at p. 25. In addition the Deschutes National Forest found further that grazing in riparian zones causes concerns about streambank trampling/failure and subsequent sedimentation. ID. at 29.

Response: The BLM is in agreement with the Deschutes National Forest that "livestock grazing introduces the potential...." However, the BLM would also like to point out that the potential for harm does not have to be realized if the animals are correctly managed. Ehrhardt and Hansen (1997) demonstrate that riparian grazing can be incorporated into each of the traditional grazing systems - except season-long - as long as the condition of the riparian zone itself remains of primary concern.

In the case of the grazing on the Little Deschutes, the Deschutes National Forest found that "[m]ost of the usable forage is within the riparian zones, so that if grazing were to occur along the Little Deschutes there would be concerns about streambank trampling/failure and subsequent sedimentation." However, in spite of 'most of the usable forage' being located in the riparian zone and grazing 'throughout the summer months', the Resource Assessment (pg 4) of the Little Deschutes WSR found that 'cattle do cause some streambank displacement, but sedimentation of the spawning habitat does not seem to be occurring.' The allotments on the Big Marsh and Little Deschutes WSRs had not been grazed for at least 3 years. The closing of the allotments was a response to limited range planning and development budgets and the availability of a willing permittee. The condition of the resources and the need to protect and enhance ORVs was not the motivation (Sandy Hurlocker, personal communication).

> The John Day WSR Plan states that grazing problems along the WSR have been reversed by converting livestock management from year-round grazing to cool-season (e.g. winter and spring grazing). Because year-round grazing is by far the most damaging grazing system, it is not surprising that riparian areas are now improving. The only direction for the riparian communities to go was up. (What is surprising is that BLM allowed this highly damaging form of grazing to occur at all! Who was in charge?) But this doesn't mean that cool-season grazing is beneficial to the riparian and stream ecosystems. Or that it enhances and protects the outstandingly remarkable values of the river. It only means that rivers are able to recover somewhat under less severe grazing treatments.

Response: *There seems to be considerable disagreement regarding what is meant by 'beneficial' and 'protect and enhance'. The BLM uses resource conditions as its yardstick of whether its actions were beneficial and whether associated river values were being protected and enhanced.*

BLM, in cooperation with its numerous partners throughout the watershed, has taken actions on the John Day WSR from which improvements in resources have resulted, as the ONDA states. Many of these improvements have occurred on private lands that are intermingled with public lands along the river. In many cases, these improvements would not have occurred if BLM had not worked cooperatively with permittees owning these lands. If BLM had chosen the approach that the ONDA advocates, and excluded livestock from all public lands along the river, the result would likely have been more hot-season grazing on private riparian lands, and more fences visible from the river. Given this reality, allowing cool-season grazing on some public lands along the river is, in fact, more "beneficial" than complete exclusion of grazing.

The BLM has found that, on the John Day River, the change from non riparian oriented grazing management to riparian oriented grazing management has met and will continue to meet the mandate of the Act. The BLM also recognizes that other types of management may be appropriate under certain situations

The broader, philosophical question of whether recovery can occur as quickly and thoroughly with riparian oriented grazing as with no grazing was analyzed in Chapter 5, Grazing Management and Riparian Resources. The bottom line is that the environment (for example, the bedload, the flow regime, the existing vegetation and potential seed sources, the droughts, the floods, the ice flows, the wildfires) has a significant impact on the rate of recovery of all disturbed river systems. The impact of riparian oriented grazing systems over no grazing has not been demonstrated by the experimental evidence to have a consistent, detectable impact on the rate of recovery. What is consistent is that areas which receive no grazing and areas which receive riparian oriented grazing respond in the same way, manner or 'direction'. This has been demonstrated to be the case on the John Day River with illustrations presented in Appendix M and various other monitoring studies throughout the river system.

A few of the reasons that winter and spring grazing, which the Plan says will not harm riparian ecosystems, are nevertheless damaging are as follows:

Cool season grazing reduces the biomass and height of herbaceous vegetation growing along stream banks and in the river. Since these grazed grasses and sedges cannot regrow in the winter and early spring, there is less standing dead plant material along the river bank and in the streams and rivers to impede overland and stream flow and filter sediments out of the floodwaters that follow spring snowmelt. As a result, the energy of floods is not abated by the vegetation, streambanks are not protected, and river channels do not rebuild.

Response: *The John Day River flows vary widely throughout the year (see Chapter 2, River System Description). The majority of the growing season for plants in the riparian area occurs when river flows (at McDonald Ferry) are between 100 - 400 cfs. The majority of the cool season grazing would occur when livestock do not tend to linger in riparian areas because of cool air drainage in the canyons, higher relative palatability of upland vegetation and inundated riparian vegetation. Additional standards have been added to the Preferred Alternative in order to verify that adequate cover remains for streambank protection, see Chapter 3, Monitoring, Grazing.*

In winter and early spring, the soil may be frozen, but often, it is not. Moist, unfrozen soils are especially susceptible to the action of livestock hooves. When soils are not frozen, pressure from cattle hooves compacts soils, breaks down stream banks, dislodges plants, and disturbs the soil, thus increasing soil erosion and the input of sediments into streams. These actions contribute to stream pollution, causing the streams to be listed on the ODEQ 303(d) list. Not only does cool-season grazing add sediments and reduce water quality, but by breaking down stream banks, it widens streams. Water in these wider stream channels is shallower and warmer in the summer, the main cause of streams being listed as water-quality limited in eastern Oregon.

Response: *All soils are susceptible to the action of livestock hooves. The level of susceptibility depends on several factors, including soil texture, presence of rocks, as well as soil moisture content, whether the soils are frozen and other factors. The vast majority of the soils of the John Day Wild and Scenic River riparian areas are 'riverwash'. These soils consist of 'sand, well rounded gravel, stones and boulders generally derived from basalt' (USDA, 1977). The hoof action is no more likely to compact these soils than would wrist action compact marbles in a jar.*

Due to the legacy of human activities in the John Day basin, the river is no longer in balance with its sediment load. In 1964, a flood 35% larger than any previously recorded and carrying large blocks of ice gouged large chunks of river bank, removing vegetation, widening the river channel and creating huge gravel bars and mid channel islands.

Now, floodwaters that follow spring snowmelt regularly move large amounts of sediment, gravels and cobbles that can bury, pulverize and uproot vegetation. Bedload depositions continue to add to or exchange gravels and cobbles on side or mid-channel bars. In some areas of the river, depositions are distributed more evenly, raising the river bed and causing the water to add pressure to the banks of abandoned terraces. Until the river flows, the river channel and the sediment load reach an equilibrium, more widening should be expected.

When an equilibrium has been reached, the channel should generally consolidate becoming narrower, deeper, and with fewer mid-channel bars. Banks will have an opportunity to become stable and vegetate as the flood plane re-establishes and become vegetated. In areas that are confined by bedrock and canyon walls, little change may occur. In areas where the flood plane is broadest, woody vegetation may flourish. In these broad areas sinuosity might increase. However, these are just the possibilities. We cannot know for sure what the river will look like upon recovery, nor can we predict how long that recovery will take to occur.

Finally, BLM notes that the John Day River is not listed under § 303(d) of the Clean Water Act as water-quality limited for sediment; it is listed for temperature based on measurements taken during low flows in the summer.

> The standing litter that cattle graze during the cool season may be dead, but it is still valuable to the plants. Basically, standing dead litter increases plants' ability to survive winter conditions. Dead leaves and stems that remain on the plant throughout the winter serve to insulate living buds and growing shoots from freezing temperatures. They also act as mulch on the soil surface, preventing the soils from freezing. For damaged riparian and upland vegetation to regain its vigor at a rapid rate, the standing dead litter needs to be retained during the winter to protect the living tissue.

Response: *The ability of plants to survive freezing temperatures is species specific. Generally, plants which cannot survive freezing temperatures do not grow where freezing temperatures occur. Fire, also, removes standing dead litter. Yet plants have evolved in the John Day river basin with fire and with freezing temperatures. Permanent plot monitoring studies show that with proper grazing management, grasses grazed by cattle along the John Day River survive freezing temperatures. The BLM is not aware of any evidence supporting the claim that native grass species of the John Day River cannot survive freezing temperatures.*

> Riparian shrubs, such as willow, cottonwood, and red-osier dogwood, sprout from their roots in the spring. These sprouts are tender and palatable to livestock, which browse them heavily. This limits the recovery of riparian shrubs, which are critical for holding streambanks in place, protecting streams from floods, shading and cooling streamwater, and providing habitat for birds and wildlife.

Response: *Livestock do not congregate on stream banks in the late winter-early spring grazing season as they would with season long grazing. Livestock tend to disperse in the uplands where the slopes are warmer and where, during those seasons, vegetation is of a higher relative palatability than the vegetation in the riparian areas. Additional standards have been added to the Preferred Alternative in order to verify that livestock use would not exceed the ability of the shrubs to survive and reproduce (see Chapter 3, Grazing Alternative B and Monitoring, Grazing).*

> Most of the studies that state that cool season grazing is not damaging refer primarily to only one component of the ecosystem – the herbaceous layer. Other components of the ecosystem, such as burrowing animals, neotropical birds, soils, and shrubs, are damaged by grazing during this period.

Response: *We have done a thorough literature review on the subject of rates of riparian area recovery with no grazing versus riparian oriented grazing. There was no indication that any aspect of riparian areas consistently recovered any quicker with no grazing than with riparian oriented grazing. The authors looked at a wide variety of variables including soils, vegetation, wildlife and fish (see Chapter 5).*

> Livestock grazing is most damaging to actively growing native bunchgrasses, such as bluebunch wheatgrass, in the spring. The Plan does not describe how it will prevent early season grazing of these sensitive, upland grasses.

Response: *The Plan describes the impacts of various grazing systems on native bunchgrasses throughout the year in Chapter 5, Grazing Consequences for Upland Vegetation. The sensitivity of plants to defoliation varies with phenological stage, severity of defoliation and frequency of defoliation. Prior to internode elongation, grasses are not sensitive to defoliation. Since annual species, like cheatgrass, mature earlier than native bunchgrasses, and since annual species are often preferentially grazed during this period, grazing prior to native bunchgrass elongation can contribute to competitive advantage over exotics.*

In the lower river, internode elongation of bluebunch wheatgrass begins around the first of May. During internode elongation, or 'critical growing season', the phenological development of most native bunchgrasses can be delayed by defoliation. However, complete recovery of the plant vigor can occur within one year if the plant receives rest during the following critical growing season. Under the preferred alternative, the majority of the allotments would receive the majority of the grazing pressure prior to May 1, before the start of the normal 'critical growing season'. In areas where early summer grazing does occur, rest treatments included in the grazing system to allow plants to restore vigor before the next grazing period.

> Grazing and trampling at any time of the year disturb soils and add fecal matter to the stream. Cattle fecal matter accumulates on the riverbanks during the winter, washing into the river during spring floods. Fecal coliform and enterococci bacteria remain viable during the winter, and can cause disease as the water warms up. This degradation of water quality is inevitable whenever cattle have access to streams and riparian areas, even in the winter.

Response: *We disagree. While livestock have access to riparian areas in the winter, it is rare that much time is spent there since riparian areas tend to be cold and wet and the preferred forage is located on hillsides. It is during the hot, dry seasons that livestock are likely to select riparian areas inordinately over other portions of the ecosystem.*

Several studies have documented the link between cattle grazing and fecal coliform levels. On improved smooth bromegrass pasture in Nebraska, the fecal coliform from runoff increased by 5 to 10 times the amount exhibited in ungrazed areas (Doran and Linn, 1979). A study of a Colorado drainage with granitic soils, found that fecal coliform increased with moderate grazing by 1.6 times the normal levels (Gary et al. 1983). This study did not provide significant evidence of major long-term, cumulative impairment of water quality resulting from past seasonal use and moderate stocking rates in the area. It also found that bacterial counts were generally lower during the early spring period. A study in Idaho showed a direct relationship between the presence of cattle on summer range with moderate to heavy utilization (Stephenson and Street 1978). Although Stephenson and Street's study intended to include an analysis on the effects of early spring grazing, logistical problems moved the grazing time frame later into the warm season. A study of 13 watersheds near John Day determined that concentrations of fecal coliform were "nearly six times greater than when cattle were absent" (Tiedemann et al. 1987). This study also found that levels of fecal coliform in stream flow "appear to be more closely related to watershed characteristics that determine where livestock are likely to concentrate than to stocking rates." These studies tended to make the general assertion that cattle grazing increases fecal coliform levels. The most dramatic increases in fecal coliform concentrations occurred during the seasons when the cattle were inclined to concentrate in riparian areas. This would indicate that the dramatic increases in fecal coliform concentrations can be attributed to livestock distribution near the stream, rather than overland flow off the entire grazed watershed.

Storms and runoff events can significantly increase fecal coliform counts in streams (Bohn and Buckhouse). The movement of fecal coliform from depositional sites to adjacent surface waters is dependent on a number of factors. Fine-textured soils are better filteres than coarse-textured soils (Butler et al. 1954). A study by Gerba et al. (1975) found that 92% to 97% of E. coli bacteria filter out in the top four-tenths of an inch of soil. The remaining bacteria filters out in the next 1.6 inches. Snow melt has little effect on fecal coliform bacteria levels. (Stephenson and Street, 1978). Fecal coliform can survive in cattle manure for at least 18 weeks (Buckhouse and Gifford, 1976). The same study found very few fecal coliforms appearing in runoff water more than 3.3 feet from the deposition site on dry, chained and seeded, pinyon-juniper range. Buckhouse further stated that if the fecal matter is

deposited six feet or more from the normal high-water mark, the chance of this material getting into a stream is quite limited (Personal communication with Dr. John Buckhouse, Oregon State Univ., 4-10-00).

A study using filter strips of Kentucky Bluegrass sod were successful at filtering 95% fecal coliform from cattle manure deposited as close as 0.61m (2ft) from the filter. Fecal coliform counts can remain elevated in the adjacent stream for up to three months after cattle have been removed from grazing in a pasture (Stephenson and Street 1978, Sherer et al. 1988). The effect of filter strips in decreasing bacteria contributions to streams depends on variables such as soil type and floodplain slope, and merits further study.

It has been suggested by Stephenson and Rychert that elevated bacterial counts are most commonly the result of resuspension of the stream bottom sediments and organic matter. Several studies have shown that coliform bacteria survive and proliferate in stream sediments (Stephenson and Rychert1992, Sherer et al. 1992, Hendricks and Morrison 1967). Animal/vehicle traffic or increased stream runoff can disturb the stream sediments, resuspending coliform bacteria. One study by Sherer et al. found that bacterial concentrations declined to background levels three minutes after a stream bed disturbance. Sediment allows fecal coliform to survive for months in natural aquatic environments compared to a few days in overlaying water (Sherer et al. 1992). E. coli bacteria remain viable in water for about 40 days, but if the manure is deposited on land, it can survive for two years (Personal communication with Dr. John Buckhouse, Oregon State Univ., 4-10-00). Bacterial survival in sediments can be influenced by a number of factors. High levels of organic matter and finer soil particles can increase coliform survival rates by binding nutrients to the stream bed (Hendricks 1967). Warmer or more stable water temperatures in bottom sediments can prolong bacteria survival compared to the overlaying water. Although salmonellae survival rate in bottom sediments is similar to fecal coliform, the survival rates of other pathogens in bottom sediments is less known..

Fecal coliform was used by ODEQ until 1996, as an indicator of the presence of fecal matter. A new type of coliform, E. Coli, will be used for subsequent 303(d) listings. Prior to 1996, the EPA level for a stream to be listed as "water quality limited" based on fecal coliform was 400 organisms per 100 ml. Based on ODEQ data collected since 1981 at five sites in the John Day River system, water samples taken during this period exceeded the 400/100ml threshold for water quality limited designation in the following pattern. On the main stem above Dayville the threshold was exceeded 18 times; the South Fork exceeded on 4 occasions; the North Fork did not exceed this threshold in any of the samples taken; the threshold was exceeded 3 times at Service Creek on the main stem (in 6/81, 5/82, 6/98), and the Cottonwood station exceeded on 4 occasions (in 1/87, 6/93, 8/93, 8/97). These data seem to indicate that grazing livestock are not creating a fecal coliform problem in the river. In fact, they indicate that the fecal coliform load decreases within the major segments that are managed by the BLM.

> According to BLM riparian expert, Wayne Elmore and OSU riparian expert, Boone Kauffman, "Dormant woody riparian species can be negatively affected by [winter] browsing or trampling in areas where winter temperatures are moderate or livestock movements are restricted (Elmore and Kauffman, 1994, attached)."

Response: *The statement was taken out of context. The paragraph continues "However, dramatic recovery rates have been observed where light use occurs because of cold drainage patterns and livestock avoidance of the riparian zone or availability of alternative livestock water systems away from streams... A full understanding of expected livestock use patterns is necessary using this strategy or land use objectives may not be achieved." Platts (1990) explains that the probability of heavy use*

on brushy species is correlated with snow depth and availability to forage. Again, the BLM is not asserting that one type of grazing is a panacea for grazing throughout the western United States. The BLM is asserting that riparian oriented grazing, of which cool season grazing is just one tool, has and would continue to lead to recovery of John Day riparian areas as quickly and as completely as no grazing.

> The advantages of cool season grazing are often touted because it is often less harmful than year-round or warm season grazing, when cattle are more likely to spend most of their time in the cooler environment of the stream. But the differences are quantitative, not qualitative. All types of grazing are damaging to streams. This has been supported by William Platts, one of the top fisheries experts in the West who reported that total exclusion and corridor fencing were superior to seasonal riparian preference or winter grazing (reported in Elmore and Kauffman 1994; Figure 7). Other types of grazing were even more damaging to riparian zones and streams.

Response: *This information has been taken out of context. William Platts published this same table in at least two other documents (Platts, 1990 and Platts, 1991). What Platts says is "Specialists have progressed slowly in evaluating grazing strategies with respect to fishery needs, and our understanding today is rudimentary.... This section summarizes my interpretation of the ability of some current grazing strategies to meet fisheries needs (Table 11.2). This interpretation is based on information in the literature and, to a great extent, on my personal experience." His call for further research includes questions like "which of the existing grazing systems are most compatible with the fisheries resource?", "is one grazing strategy best suited for riparian areas?", and "is livestock grazing less damaging at some times of the year than at others?" He clearly did not intend for his article to be the final word in grazing riparian areas.*

Platts, W. 1990. Managing Fisheries and Wildlife on Rangelands Grazed by Livestock, A Guidance and Reference Document for Biologists. Nevada Department of Wildlife.

Platts, W. 1991. Livestock Grazing. In Meehan, W.R. (editor). Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats. Am. Fish. Soc. Spec. Publ. 19, Bethesda, MD.

> Finally, the plan does not provide for sufficient on-the-ground monitoring to guarantee strict compliance with spring grazing. Without such monitoring, spring grazing will not even result in incremental improvement.

Response: *The BLM is in agreement with the ONDA's assertion that there is more to grazing management than authorizing a season of use. The presence of BLM personnel and partners in the plan would increase and 'river rangers' who monitor recreation use have been searching for trespass livestock for several years. As the public's use of the river for recreation increases, the BLM's presence would also increase, leading to even more monitoring. Additional monitoring measures have been added to the Preferred Alternative, see Chapter 3, Grazing Alternative B and Monitoring, Grazing.*

B-042.8 Other federal agencies and private land management groups have also concluded that it is necessary to remove all livestock from the John Day River and tributaries. In 1999 Bonneville Power Administration granted approximately $4 million dollars to the Confederated Tribes of the Warm Spring to buy the Pine Creek Ranch, a ranch both on the main stem of the John Day River and on Pine Creek, a tributary of the John Day All parties agreed that the cattle had to be removed from the ranch year-round to allow the river and associated riparian and upland communities to recover for wildlife and fish habitat. River. The Tribes chose passive restoration techniques "that will focus on the cessation of activities that are causing degradation or preventing recovery of the watershed. This will be done throughout the watershed, not just within the riparian corridor" (Proposal to the Bonneville Power Administration, 1999, attached).

Earlier, in 1987, the Governor's Watershed Enhancement Board (GWEB) had provided funds for the Wheeler County Soil and Water Conservation District $87,000 to carry out a restoration project along Pine Creek. In this project, grazing management was improved. An additional $140,000 was provided in 1990 to continue watershed restoration. The stream channel and wildlife habitat improved as a result of the restoration efforts. However, the proposal goes on to state that "Despite these notable improvements, cattle grazing continued to be a problem on Pine Creek". In one case $30,000 was wasted as cattle decimated a recovering one-mile segment of the river.

As a result, the Confederated Tribes of the Warm Spring decided that all livestock must be removed from the ranch for recovery to take place as quickly as possible. In addition, they decided to only use plantings of native species, not introduced forage species that outcompete native species and reduce biodiversity.
It seems strange for one federal agency (i.e., BPA) to supply large amounts of money to remove cattle from a damaged river while another federal agency (e.g., BLM), which could do the same on the same river at no cost, continues to permit the management activities that caused the damage in the first place. This is particularly surprising since endangered species such as steelhead are continuing to decline along the river.

Response: *We are confident that the Confederated Tribes of the Warm Springs (CTWS) will be successful in making dramatic and rapid recovery on much of the Pine Creek Ranch. The CTWS decided that the ranch "would" be rested for a period of time, not that cattle "must or had to" be removed to facilitate recovery of fish and wildlife habitat. Grazing might be allowed again on the ranch if it can be managed to benefit fish and wildlife habitat. The BLM does not dispute that the period of rest from livestock grazing is likely to achieve many of the objectives stated in the proposal. The BLM does dispute that the elimination of livestock from BLM land in the W&SR corridor is necessary and that it could be accomplished at "no cost.".*

The one instance where 'cattle decimated a recovering one-mile segment of the river', we can assume that the area being referred to is Pine Creek and not "the river". The BLM made contact with several people that were involved in this project and there were problems with cattle at times. The one mile segment being referred to is between mile post 32 and 33 on State Highway 218. This section was planted with willows in the early stages of the project and had significant setbacks during the early stages mainly due to improper management. This stretch of Pine Creek then, with a another new owner, had dramatic recovery on willows with managed spring grazing over the next five to six years. The ranch then changed hands again and some of the recovery was again set back because of improper grazing practices in addition to a fairly significant flood in 1997, which also wiped out several other improvements along Pine Creek. The damage to this stretch was caused by mismanagement due to a combination of excessive cattle numbers, duration of use and /or wrong season of use, and a flood, not just because cattle were allowed to graze the area (Personal communication with Tim Unterwegner; ODFW, Patty Bowers; ODFW, Joseph Jones; OMSI Field Director, Terry Luther; Confederated Tribes of Warm Springs).

As stated in the proposal, the Pine Creek Ranch essentially encompasses the entire Pine Creek watershed. The Confederated Tribes of the Warm Springs should enjoy considerable control over the conditions of the tributary and uplands. The weed control program, however, was alluded to only vaguely. Personal contact was made with personnel in charge of the ranch from the CTWS and active restoration techniques are planned for weed control which include biological control, herbicides, hand pulling and any other means they deem necessary to get control of the weed problem on the ranch.

In addition, The Nature Conservatory manages two properties, the Oxbow Ranch and the Dunston Preserve, on the Middle Fork of the John Day. Although The Nature Conservatory allows livestock grazing on many of their properties, they found it important to remove cattle from their John Day reserves to allow full recovery. Once again, it is strange that organizations that do not philosophically oppose livestock grazing have found it

necessary to stop all grazing on the John Day while BLM, which has responsibility to administer the Wild and Scenic River Act, chooses not to do so.

Response: *See the response to the previous comment. The planning partners agree that specific conditions may warrant different action.*

B-042.10 The Plan contains few objective, numerical standards for management of the Wild and Scenic River.NEPA requires that resource management plans inform the public and decision makers how public resources will be managed in the future. Descriptions of these activities are called standards. These standards allow the public to determine whether the proposed management activities are effective, equitable, legal and non-destructive.

Unbelievably, there are no numerical, objective standards for the management of the John Day WSR, riparian zones, wildlife, uplands and other resources in the DEIS. The authors of the Plan state that standards and guidelines presented in the Standards for Rangeland Health and Guidelines for Grazing Management provide the basis for all livestock grazing management on BLM-administered lands (p. 52). However, these Guidelines contain no numerical, descriptive standards to guide management of the WSR. The Guidelines are clearly inadequate as standards for a Wild and Scenic River.

The Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands in Oregon and Washington (Appendix J, Volume 2) provides no objective, numerical standards. This document was prepared by Oregon and Washington Resource Advisory Councils (RACs), but it contains no clear standards or management directions to guide BLM personnel on land and resource management. BLM retains its responsibility of carrying out statutory responsibilities such as NEPA and the Taylor Grazing Act. Major problems with this section are as follows:

Most of the document reads like a summary of an introductory range science text book and describes the goals (not the standards) of every rangeland management plan that has ever been written. For example, the text states that "standards that address the physical components of rangeland ecosystems [must] focus on the roles and interactions of geology and landform, soil, climate, and water as they govern watershed function and soil stability". Someone should have explained the definition of 'standard' to the RACs! A few typical so-called standards follow:

Standard 1: Watershed Function - Uplands: this standard states that upland soils [must] exhibit infiltration and permeability rates, moisture storage and stability that are appropriate to soil, climate, and landform. This is a nice objective, but it is not a standard. Calling this a standard is especially perfidious since none of these variables is known for any of the soils, climates, and landforms in eastern Oregon. It is a good way to avoid managing the land since managers will never be able to determine appropriate rates and characteristics under all edaphic and climatic conditions. A true standard would have to give an infiltration rate in mm/sec (SD) for all major soil types on all major landforms. Better yet, it would look at vegetative cover, water quality and quantity, and soil erosion to see if the soil is properly functioning. It will take BLM years to establish appropriate infiltration and permeability rates, moisture storage, and stability for every vegetation and edaphic type. If the BLM has any intention of carrying this standard out, they need to inform us how they intend to do so.

Standard 2: Watershed Function - Riparian/Wetland Areas: this states that riparian/wetland areas must be in properly functioning condition appropriate to soil, climate, and landform. As above, this is not a standard. It is an objective. In addition, it is meaningless since we do not know what is the properly functioning condition appropriate to every combination of soils, climate, and landforms in the planning area. If the authors of the DEIS already know, than they are remiss in not presenting the information.

Standard 3: Ecological Processes: this states that healthy, productive, and diverse plant and animal populations and communities appropriate to soil, climate, and landform are supported by ecological processes of nutrient cycling, energy flow, and the hydrologic cycle. This is also not a standard. It is nice that the RAC members got an high school level introduction to range science, but they were supposed to be designing standards, not parroting ecological truisms. Someone should be sued for wasting the time of the RAC members and the federal and state officials who were paid to be there.

The RAC established "potential indicators" for each standard, but they are not true indicators. They are general characteristics of the habitat. Amount and distribution of plant litter and plant cover, soil organic matter, and thickness of the "A" horizon are characteristics of all plant communities and soils. They are not indicators of anything. Similarly, water temperature, dissolved oxygen, and turbidity are characteristics of all water bodies. A nose is a characteristic of a human. A red nose is an indicator of ill health.

The Standards for Rangeland Health, etc., established by the RACs were also rendered meaningless by the insistence that all parts of the landscape be managed with site heterogeneity in mind. Soils, plant communities, and streams differ with soils, climates and landforms. The edaphic and biotic communities are so diverse that nearly every square meter of the planning area differs from every other square meter. If each meter, or acre, has to be managed differently, as suggested by the RACs, tens or hundreds of thousands of management directives must be determined. This will never happen. The DEIS effectively prevents any meaningful management since the proper functioning conditions for each combination of soil, climate, vegetation, and landform will never be known.

Even the guidelines for livestock grazing management in the Standards for Rangeland Health are diffuse and only restatements of the objectives. Stating that management should not increase and spread noxious weeds is not giving a directive that managers can follow; neither is it telling managers to maintain or restore plant communities to promote photosynthesis throughout the potential growing season.

Response: *The Standards for Rangeland Health are not a panacea, however they do provide relevant guidelines which promote proper resource management when used in conjunction with sound grazing practices, scientific analysis and resource information.*

The FEIS has been modified and contains additional standards for grazing management (see Chapter 3, Grazing Alternative B and Monitoring, Grazing).

B-042.15 There are no time lines for recovery. With only vague goals, such as improving water quality and protecting and enhancing riparian upland vegetation, to inform them, there is no way to for the public to be assured that BLM will ever reach these goals. Neither is there a project timeline for recovery. Without standards or recovery deadlines, BLM management could theoretically stretch recovery out for 50, 100, 200 years. In fact, by continuing to remove water from the river for agriculture and continuing livestock grazing, activities that are known to impede recovery, BLM is guaranteeing that recovery will take an unnecessarily long time.

Response: *There is no research on the John Day River or any similar riverine ecosystem that would enable the BLM to predict how long recovery of degraded portions of the WSR would take. The timing of riparian recovery is as dependent on random events (such as climate and associated variables such as fire, wind, drought, floods) and their interaction with dynamic processes (such as vegetation succession, sediment transport and channel shape) in an environment of complex topography and land uses as it is on management (Benda et al., 1999). All portions of the river are not expected to recover at the same rate or at the same time. Neither is any particular segment of the river expected to develop linearly, with no apparent setbacks or disturbances. "Dynamic landscape processes... often destroy preexisting habitats. New, and perhaps more extensive and rejuvenated riparian and aquatic habitats may evolve after large fluxes of materials in channels and valley floors... This seemingly incongruous duality of landscape processes is an inherent property of ecosystems" (Benda et al., 1999).*

The place of land managers in river system recovery is to provide the opportunity for the ecosystem to take advantage of random events. Monitoring which shows that the ecosystem is moving in a desired direction (for example, recovery of riparian vegetation) is evidence that management is providing that opportunity. Predictions of when recovery will be complete for the entire river would imply a vast knowledge of the river system and an ability to accurately predict the weather.

B-042.21 We prefer Alternative D, which allows no livestock grazing inside the Wild and Scenic River Boundary. Grazing should also be reduced or eliminated on BLM lands throughout the John Day River watershed. While we prefer alternative D for some resource management, the BLM has included certain proposals in alternative D, such as an inflated number of miles of fence, that sabotage the alternative and make it less likely that it will be selected in the final decision.

Response: *In order to devise Alternative D, several assumptions had to be made: 1) BLM would pursue opportunities to acquire approximately 15,000 acres of private land from willing land owners within the Wild and Scenic boundaries (Chapter 3, Land Ownership, Classifications, and Use Authorizations, Alternative D); 2) Where BLM is unable to acquire private land, BLM would work cooperatively with private land owners in implementing the alternative, e.g., access, fencing on private lands, and fence maintenance; and 3) Grazing would continue on private and public lands outside the Wild and Scenic River boundaries despite the elimination of grazing on public lands within the boundaries.*

Representatives from the Confederated Tribes of the Warm Springs Reservation and Oregon Department of Fish and Wildlife assisted BLM specialists in determining how grazing could be restricted. Proposed locations of fences were plotted on large scale (1:24,000) maps taking into account numerous constraints and opportunities such as existing fences, natural barriers, land ownership patterns, the Wild and Scenic River boundaries and Wilderness Study Area boundaries. These maps are available for public review at the Prineville District office.

B-042.22 Grazing retards the rate of recovery of streams and riparian ecosystems. Although changes in grazing management, as already implemented by BLM along the John Day WSR, can increase the cover of herbaceous vegetation and may improve regrowth of some woody species, it is important to remember that livestock grazing of any kind retards the rate of stream and riparian recovery. Many studies show that streams require 2-15 years of complete rest from livestock grazing to even begin to recover (Belsky et al. 1999). Riparian expert Professor Robert Ohmart of the University of Arizona questions whether weakened and degraded riparian communities throughout the arid West can "hang onto their thread of existence for another 30 to 50 years" while waiting for the stream to slowly improve (Ohmart 1996).

Response: *The BLM does not accept that any studies show that streams or rivers require 2-15 years of complete rest to even begin to recover. As stated on page 230, "In a recent review of over 1500 articles regarding riparian areas, Larsen and others (1998) noted that the literature contained 'a great deal of personal opinion and commentary interspersed with little scientifically valid experimentation' and that 'many of the opinion papers and nonexperimental reports were cited by others as science.' Much of the research that has been done on livestock-riparian area relationships has focused on documenting the damage that livestock grazing can do. To that end, some experiments examined the effects of grazing relative to no grazing, while not even describing some fundamentals of livestock management, such as grazing intensity or season of use. While that research is valuable for establishing that grazing can have negative effects, it has limited applicability for establishing the consequences of one grazing strategy over another. There may be differences between the responses of riparian areas to various riparian-oriented grazing strategies. However, as yet, the ability of scientific methods to detect those differences has been confounded by the complexity of the interactions between the watershed, the riparian soils and vegetation, the stream channel and the grazing animal. When differences are detected, the results are often contradicting...."*

Whereas many streams can recover rapidly once livestock are removed, with continued grazing, including "improved" grazing, recovery is slowed down considerably. What is encouraging is that many riparian ecosystems, unlike more arid upland ecosystems, have the capability to recover rapidly (Belsky et al. 1999). If

plants are protected from loss of their photosynthetic and reproductive organs by grazers and disturbance to the soil surface is reduced, damaged plants are able to quickly recover and reproduce because water and nutrients are available in riparian zones. This is true of both warm and cool season grazing, although warm season grazing is often more damaging to ecosystems than cool season grazing.

There are many examples of riparian recovery along the John Day that occurred when cattle were permanently removed from the River. A land owner on the Middle Fork of the John Day told us that streambanks on his land showed significant recovery in only three years following removal of livestock. He reported a dramatic recovery of herbaceous vegetation and riparian shrubs, including willow and dogwood. In an area that had been rested for 20 years, he reported willows 20 feet tall and dogwood 6-8 ft tall. This is significant because these trees are important food sources for a wide range of wildlife, as well as provide shade for the river. In addition, shrubs are a resource missing from most of the rivers in the region. The landowner said that adjacent Forest Service lands with "improved" grazing management were not recovering at the same rate. BLM needs to report these comparisons.

Response: *The BLM appreciates and will consider all anecdotal evidence, opinion, and experimental data that is presented. However, the BLM bases its decisions on the best available science and will provide for greater consideration of the results of properly replicated scientific experiments published in refereed journals.*

Although BLM states that it will continue to implement the interim strategy for management of anadromous fish-producing watersheds (PACFISH), the preferred alternative fails to meet PACFISH's mandate to modify or eliminate grazing practices that retard or prevent attainment of riparian management objectives, nor does it meet the mandate to maintain or restore healthy functioning watersheds, riparian areas, and associated fish habitats.

Response: *The BLM is in disagreement with the ONDA over these assertions.*

B-051.7 There should be no cows in the riparian zone on the river in winter. There could be a few exceptions only with carefully crafted criteria.

Response: *Portions of the river are excluded from grazing in all alternatives. Of the four grazing alternatives, alternative C excludes the greatest number of river bank miles. However, a large portion of the river is private land over which the planning partners have limited authority.*

B-051.8 When making decisions on grazing on or near the river, grazing should not be allowed unless specific grazing amounts, locations and practices are proven to be harmless to river values.

Response: *We agree. See alternative descriptions in Chapter 3 and environmental consequences in Chapter 5.*

C-006.1 Alternative B won't adequately safeguard the John Day River from the impacts of livestock grazing. Grazing does not "protect and enhance" the river's natural values, as is required by the federal Wild and Scenic Rivers Act, and therefore it must be eliminated. Continued livestock grazing, even the modified practices encompassed by Alternative B, will retard recovery of the John Day's wild fish habitat.

Response: *See response to B-042.6 in 1303 - Alternatives.*

C-006.2 I urge you to adopt Alternative D to guide future management of livestock grazing along the John Day. By removing livestock from the full wild and scenic corridor, Alternative D will provide the strongest protection of the John Day's outstanding natural values, and will lead to the fastest recovery of the river's riparian areas and uplands.

Response: *See Chapter 5, Grazing and Riparian Resources and Grazing and Upland Vegetation.*

C-032.1 My preference is Alternative A for Grazing. This allows an ongoing effort to go forth between each individual location rather than a blanket policy for the whole river. Progress probably seems too slow for majority views. As a farmer-rancher my eye sees quite a bit of change taking place.

Response: *Quite a few changes have taken place. The changes to the ranch operations within the Wild and Scenic River boundaries as well as the changes in resource conditions are summarized in Chapter 2. The preferred alternative will continue to encourage ongoing effort and partnership between agencies and land owners, but standards for science based grazing within the Wild and Scenic River would have to be high in order to demonstrate its ability to protect and enhance river values. These new standards are described in the Final EIS, Chapter 3, Monitoring.*

C-032.2 In Alternative B, I see where Owl Rock has been sited as a conflict with cattle versus campsite use. I doubt if there has been a beef cow set foot on that location for 10-15 years. The only impact I see is used toilet paper, campsite rings, and compaction of the soil from tents and foot-traffic.

Response: *Limits of Acceptable Change analysis at the Owl Rock (River Mile 59.4) campsites have confirmed that grazing impacts are not obvious and that the recreation impacts are substantial. That site has been chosen for exclusion from grazing because of its unusual popularity with campers.*

C-038.6 The Preferred Alternative fails to cancel livestock grazing, a major factor degrading the WSR, both in the Corridor and in other BLM-managed uplands.

Response: *See response to B-042.6 in 1303 - Alternatives.*

C-038.8 Other Federal agencies and private conservation groups are removing cattle from the John Day River and it's tributaries.

Response: *See response to B-042.6 and B-042.8 in 1303 - Alternatives.*

C-038.11 The DEIS contains few standards for management and protection of River values.

Response: *See response to B-042.10 in 1303 - Alternatives.*

C-040.1 We support Alternative D which calls for no livestock grazing inside the Wild and Scenic River boundary and restoring all agricultural lands on BLM land to natural riparian habitat.

Response: *Personal opinion requiring no response.*

D-012.1 Strongly in favor of increased aquatic and riparian habitat restoration and a grazing policy which is consistent with these goals. Alternative D, which will eliminate grazing on public lands in the Wild and Scenic River boundary and within 1/4 mile of the river in undesignated segments, should be the long term goal. In the short term Alternative C which would eliminate grazing in riparian areas with only a very small loss of AUM's appears to be an excellent start.

Response: *Personal opinion requiring no response.*

D-019.1 Only Alternative D is able to protect and restore the river in the shortest amount of time. And time is becoming critical for our fisheries. By halting livestock grazing within the Wild and Scenic corridor, riparian areas will recover much more quickly than in Alternative B.

Response: *Personal opinion requiring no response.*

F-006.5 BLM's Alternative C is somewhat better than Alternative B, but still not good enough. While this approach would improve streamside vegetation and soil stability on the banks, it would very likely shift grazing impacts to the already over-grazed uplands. This approach ignores the fact that appreciable improvements in both water quality and quantity require a watershed-level of protection. It is crucial that the wider Wild and Scenic corridor be protected.

Response: *A watershed approach to many river values (for example, water quality and quantity, wildlife, fisheries) is supported by the planning partners and the majority of scientific literature (see Chapter 5, Grazing and Riparian Resources). However, because of the intermingled nature of public lands in the John Day watershed (62% of land in basin is in private ownership, 7% of land is in public ownership, 1% of the land is in public ownership within the Wild and Scenic River boundaries, see Key Findings and Chapter 2, Land Ownership and Withdrawals), elimination of grazing on public lands would be unlikely to achieve widespread improvement of watershed conditions. For the John Day River basin, a watershed approach means integration of land owners into partnerships with the goal of improving conditions on all lands, not segregation of lands by ownership with a goal of improving conditions on just public lands.*

G-008.1 Alternative C is a step in the right direction, but more adequate fencing and much more upland acreage needs to be rested from livestock grazing to safeguard riparian recovery.

Response: *See response to B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

G-011.3 I prefer and support either Alternative C or D. Both alternatives would protect the riparian area and streamside vegetation. This is of paramount importance. It would be OK to provide off-stream watering facilities for livestock and wildlife, but it is of the utmost importance that the riparian areas be protected from grazing.

Response: *See response to B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

G-011.4 I suggest the remaining grazing allotments be reduced in direct proportion to the amount of forage that will be protected within the riparian zone. That way, the uplands will not be over-grazed. Also, if this alternative is selected, the upland grazing should continue to be monitored to ensure that overgrazing is not occurring and soil erosion is not impacting the watershed.

Response: *The possibility that excluding grazing from riparian areas would encourage overgrazing of uplands was addressed in Chapter 5 Grazing and Upland Vegetation. New monitoring standards have been incorporated into the Final EIS (see Chapter 3, Monitoring).*

G-011.5 Alternative D appears to be the best alternative for protection of the river ecosystem. If this alternative is selected, I would not favor an arbitrary boundary of 1/4 mile for a buffer zone. Instead, I would prefer that the buffer zone be established along natural topographic break lines, preferably along the top of steep slopes. It would be a shame to set up a buffer zone and then have wildlife and cattle trails above the fences on steep slopes where erosion can occur.

Response: *In many areas Alternative D does use the natural topographic barriers. However, the entire river corridor does not contain such barriers, nor do all the barriers occur on public land. Alternative D was designed to meet a complex set of objectives. Among the objectives were a minimum amount of fence and minimum impact to private lands needed to implement a 'no grazing' alternative while assuming that, in most cases, elimination of grazing within the WSR boundaries would not preclude grazing from outside the WSR boundaries. The impacts of the alternative are described in Chapters 3 and 5. It is not a perfect alternative. It would be difficult and expensive to implement, it is likely to alienate the local population, and its benefits to natural resources relative to the grazing alternative B (which would not be as expensive or divisive) is questionable (see response to H-018.1 in 1301 - Grazing in General). That's why it was not selected as the preferred.*

G-016.1 Alternative B seems to be moving in the right direction. By assisting ranchers and landowners in better management practices, both the river and users will benefit.

Response: *Personal opinion requiring no response.*

G-016.4 With high water years, the fences of Alternatives C and D for grazing would turn into refuse themselves, creating a hazard to both recreationalists and wildlife. Not to mention the cost of rebuilding miles of fence lines.

Response: *Fences constructed on public lands would be placed so as to avoid problems with high water, where possible. Fence placement on private lands would be based on individual decisions.*

H-021.8 Other Federal agencies and private conservation groups are removing cattle from the John Day River and it's tributaries.

Response: *See response to B-042.8 in 1303 - Alternatives.*

H-032.2 Might not a ranchers love of the river be translated into some more positive economic return for ranchers' efforts to accommodate recreationalists, in exchange for loss of grazing opportunities? Can losses in AUMs by ranchers be partially compensated for with user fees or permits of recreationalists? It is a scenic river, can't property owners benefit from a higher use then livestock?

Response: *The proposal is unclear. Certainly some land owners have begun to charge access fees for their private property, but currently there is no mechanism for transferring receipts from government permits to individuals.*

H-035.1 We are supportive of Alternative B for Grazing. Who will pay for the required fencing? If the more severe grazing alternatives are selected, then the BLM needs to come up with a funding program to pay for the required fencing; it should not be dumped on the private land owners.

Response: *Whether the costs of construction and maintenance of fence and water developments was the responsibility of the federal government was not explored in the Draft EIS.*

H-042.3 I strongly support Alternative D, restrict cattle to outside the Scenic River boundary. I believe this would improve water quality, fish habitat, and certainly scenic attraction of the river.

Response: *Personal opinion not requiring a response.*

H-043.1 A fence on both sides of the river is an iron curtain for every boater, hunter, and fisherman to see. A consideration like this by any bureaucratic person makes people in the private sector wonder what we are paying for. Here we are trying to save the beautiful river from every human mark and some jerk wants to fence both sides of the river off - for miles.

Response: *The development of grazing alternative C was the result of the efforts of the planning partners and the Resource Advisory Council's John Day WSR Subgroup. The impacts are described in Chapters 3 and 5.*

J-008.1 I feel that alternatives C and D are both acceptable, because they will allow the degraded fisheries to be rebuilt. Alternative D is better, however, because tributary streams will get more riparian protection than in Alternative C.

Response: *See response to B-042.19 in 1009 - Consultation, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

K-008.1 Alternative C is only a small step in the right direction, because it's not clear where the fences actually have to go up, since what "riparian border" actually means at a given site can be arguable. In addition, fences at the riparian border are liable to be washed out during spring runoff, and then you're right back without them. In addition, a fence virtually adjoining a stream does not make a healthy stream ecology.

Response: *Care is taken to build fences where they will not be washed out. Fences would rarely be adjoining the stream. See response to B-042.21 in 1303 - Alternatives.*

K-021.1 I am disappointed at the timid approach in the DEIS. Yes some changes are included in the preferred Alternative B, but these are insignificant. That grazing continues along almost all of the John Day is significant evidence that land management is lacking: grazing destroys riparian habitat, a fact that is quite understated in the DEIS.

Response: *We strongly disagree. See response to B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

K-021.5 Table 2 suggests that fencing will cordon off wildlife and potentially kill them. What kind of fencing was considered? Barbed wire is outdated for new fencing; use of electric tape with a battery or solar panel is cheaper and safer. Fencing can be accomplished and mortality not affected. Wildlife can pass under/over the tape without injury. This alternative should have been discussed.

Response: *Existing technology and the remoteness of the river canyon make electric fencing a difficult option at present. Every effort is made to build fences that allow room for wildlife to pass over or under without difficulty. While there is a small risk of wildlife becoming entangled in a barbed wire fence, any fence that would endure weather, wildlife and livestock would necessarily be sturdy enough to pose the same risks. Barbed wire is not out of date. It would be far more expensive to maintain miles of solar electrical fence than to build sturdy wire fences without electrical tape. See response to B-042.21 in 1303 - Alternatives and B-042.1 in 700 - Document in General.*

K-021.10 Alternative B is inadequate and probably not worth all the considerable trouble it took to create the document. It is a defense of the status quo with cosmetic changes. Alternative C is the minimally acceptable because it is one of two alternatives that makes a noticeable difference in the John Day riverine system. Alternative D provides the best protection, and affects only about 1% of the AUM's in the John Day Basin. Alternative B does not pass the legal muster that BLM has met its obligations to "protect and enhance" the John Day River's outstanding values.

Response: *The planning partners agree that the fences proposed in Alternative C would indeed be noticeable. The desirability of such a change is questionable. See responses to B-042.6 in 1303 - Alternatives and B-042.18 in 3200 - riparian in General.*

K-022.1 Alternative B of the DEIS gets our vote.

Response: *No response necessary.*

L-015.3 Alternative D does not go far enough to protect the resource but it would be a good start.

Response: *No response necessary.*

M-014.1 My family is a current BLM grazing permittee on the Lower John Day. The changes of Option B are currently being made on our permits, and are working out well. We look forward to a continuation of those changes. We also look forward to doing a better job of adapting to those changes.

Response: *No response necessary.*

M-014.2 As I look at Option D, I wonder about the costs and rewards. BLM land is intermingled with ours. Therefore this option does not remove cows from river areas, just BLM owned river areas. Other than a visual scene that shows fewer cows in some places and more in others, what do we really get from Option D?

Response: *See response to H-018.1 in 1301 - Grazing in General.*

M-028.1 The Gilliam County Cattlemen's Association would like to express our support for Alternative B. It is our organizations concern that the John Day River Management Plan, should use land management practices that include grazing.

Response: *No response necessary.*

P-001.2 In looking over the Alternatives, D is good for grazing.

Response: *No response necessary.*

P-004.2 We urge the BLM to adopt Alternative D for Grazing. Wild fish such as steelhead, chinook salmon, and bull trout, require cold, clear water in which to spawn and survive. Continued livestock grazing, even the modified practices encompassed by Alternative B will not lead to the recovery of the John Day's wild fish habitat. Grazing does not "protect and enhance" the river's natural values as is required by the federal Wild and Scenic Rivers Act, and therefore it must be eliminated.

Response: *See responses to B-042.6 in 1303 - Alternatives and B-042.19 in 1009 - Consultation.*

P-006.1 Get real BLM - cattle are "out" and fish are "in" in the John Day Wild and Scenic Corridor. Alternative D as in DOG! is the only acceptable alternative.

Response: *No response necessary.*

P-020.1 The plan takes into consideration the need to protect riparian areas by grazing those areas in winter or early spring. Alternative B is something that should have been done 10 years ago and the cost should not be prohibitive to the permitee.

Response: *No response necessary.*

R-006.2 Continued livestock grazing, even the modified practices encompassed by Alternative B, will retard recovery of the John Day's wild fish habitat.

Response: *See responses to B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, and B-042.19 in 1009 - Consultation.*

R-011.2 Grazing Alternative C (which impacts only 27 AUM out of 3115 on all segments) would seem to be required by the BLM's Riparian - Wetland Initiative and the Proposed National Marine Fisheries Service 4d Rule guidance for 'properly functioning conditions' of riparian habitat. Over the past 150 years there has been severe degradation and reduction of the native hardwood riparian vegetation along the John Day River. The Prineville District's 1995 EA on Northern Hardwoods Supplementation states: 'Large stands of northern cottonwood are a critical component of the John Day River riparian ecosystem. In the John Day Basin, many riparian hardwood populations have been severely repressed or virtually eliminated by poor livestock management, agricultural practices, stream channelization, and other human and natural causes.' The BLM national riparian goal was to restore and maintain at least 75% of public lands riparian areas to Properly Functioning Condition by 1997. The draft 4d Rule states under Population and Habitat Concepts that 'Properly functioning habitat conditions are conditions that sustain the watershed's natural habitat-affecting process (bedload transport, riparian community succession, precipitation runoff patterns, channel migration, etc.). over the full range of environmental variation, and that support salmonid productivity at a viable population level.'Plan fails to address the national BLM goal for 75% PFC within this basin or the NMFS guidance for PFC that would sustain riparian community succession. The draft Plan reveals that of all river segment riparian vegetation conditions rated, the entire mainstream John Day is 'Funtional at Risk' and that only one segment of the South Fork is maintained at Properly Functioning Conditions. Fencing the John Day's riparian zones to exclude grazing (Alternative C or D) is the quickest and most certain alternative to restore and maintain these areas. There may be other viable ways of rapid improvement of riparian conditions, such as riparian fencing and timed exclusion for a period of years. The Plan did not provide this option. The Preferred Alternative provides no estimated time frame to achieve PFC for riparian restoration under 'riparian oriented grazing'. The Plan should provide a comparative timetable of meeting a PFC for riparian community succession on each segment under each Alternative and may need to combine proposed alternatives to find the most effective one.

Response: *We disagree that the BLM Riparian-Wetlands initiative requires alternative C. The initiative is guidance which we follow however, it establishes goals including restoration and maintenance, and protection of riparian areas. These goals have been addressed in the DEIS. The NMFS 4d rule applies to private land not Federal agencies. The agencies must go through NMFS section 7 consultation.*

We agree that past management has caused the decline of cottonwoods and other woody riparian species within the basin. One management practice that will continue is the growing and out planting of native black cottonwoods (see chapter 5, Riparian and Aquatic Habitat Restoration in the FEIS). See response B-042.6 in 1303 - Alternatives for more discussion.

The BLM national (as opposed to an Oregon goal or a John Day basin) riparian goal was to restore and maintain at least 75% of public lands riparian areas to Properly Functioning Condition by 1997. Timing of riparian recovery is addressed in response B-042.15 in 1303 - Alternatives.

We disagree that fencing the riparian areas is necessarily a more successful technique for restoring riparian habitat than proper grazing management. See B-042.6 in 1303 - Alternatives. for more discussion.

R-019.1 Alternative D would manageable and affordable using small inexpensive solar water pumps to provide fresh clean water to livestock while keeping them out of the river. Water can be distributed in many pasture locations leading to more even grazing and more healthy animals while protecting the habitat of our native fish populations. I would be happy to help with a solar water pumping demonstration project, or to help you look at the cost of wells and pumps. The systems are portable so one pump and one set of panels can be used to fill water troughs in many pastures, and by using gravity feed (our pumps can lift up to 600 feet) even more grazing land could be evenly used.

Response: *Solar water pumps are definitely a possibility in some cases. However, this level of detail is not discussed in the Plan.*

S-005.3 We strongly support Alternative A for our operation as it maintains maximum ability to manage the public land grass resource in our BLM grazing allotment. Any reduction would carry severe financial consequences for the ranch.

Response: *No response necessary.*

S-015.1 Attempting to exclude cattle merely from the riparian zone (Plan C) is not sufficient. I have seen countless examples throughout Eastern Oregon where cattle break through streamside fences; if the cattle can smell and see the water, they will not be stopped. The fences must be located well away from the riverbank, at the edge of the wild and scenic corridor, as recommended in Plan D.

Response: *Riparian fences proposed in alternative C would not be adjoining public land riparian areas except in rare instances (see Chapter 3, Grazing Alternative C)*

S-031.2 Alternative D is the only alternative which meets the mandate of the Wild and Scenic Rivers Act to restrict any activity (here, livestock grazing) which does not "protect or enhance" the river's "outstanding values".

Response: *See responses to B-042.6 in 1303 - Alternatives, B-042.7 in 3002 - Riparian in General and B-042.18 in 3200 - Wild and Scenic Rivers.*

S-031.3 The livestock grazing reduction, while protecting 65,845 acres, represents only a one percent reduction in AUMs offered by BLM within the John Day Basin. Alternative B protects zero public lands from grazing, and Alternative C protects only 1,259 acres. The concomitant low reduction in AUMs for Alternative D means that this land is not optimal grazing land. The economic benefits of restricting grazing are far greater than the economic loss to the public, to whom these lands belong.

Response: *The planning partners disagree with the premise that protection is synonymous with exclusion. See response B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives and B-042.7 in 3200 - Wild and Scenic Rivers.*

S-031.4 Alternative D requires 147 miles of fencing, whereas Alternative B (the preferred alternative) requires only 12 miles of fencing. Fencing in the John Day area has been shown to facilitate and accelerate the restoration of riparian areas.

Response: *See B-042.6 and B-042.21 in 1303 - Alternatives, and B-042.22 in 103 - Alternatives.*

S-031.5 Alternative D excludes 196 river miles from livestock grazing; Alternative B excludes only 66. The poor water quality, insufficient quantity, degraded riparian areas, and threatened fish stocks extend throughout the John Day, requiring the entire length of the river to be protected.

Response: *Exclusion has not been shown to be any more effective in protecting riparian areas than riparian oriented grazing (see Chapter 5, Grazing Management and Riparian Resources, responses B-042.6 and B-042.22 in 1303 - Alternatives).*

S-031.6 Alternative D is the only alternative which provides any short-term hope of restoring the spawning and other habitat required by these species.

Response: *Personal opinion, no response required.*

S-035.1 The North Fork John Day Watershed Council wishes to endorse Grazing Alternative B for the segments under our service area (segments 6, 7, & 8). The council feels Alternative B provides the most balanced approach to successfully meeting our objectives. Riparian vegetation has increased along these segments during the past decade. Significant willow recruitment is evident along the Kimberly-Monument reach and also the stream reach between Monument and Highway 395 (Camas Creek). It is the position of the council that Grazing Alternative B allows for continued riparian recovery and adaptive management of sensitive areas. Alternative B provides flexibility for local allotment holders to move between public and private lands and vary seasons of use. Riparian grazing and associated impacts have been significantly reduced in recent years through the cooperative efforts of allotment holders and BLM.

Response: *No response necessary.*

S-035.2 It is a concern of the council that the exclusion of grazing on BLM lands under Alternative C or D may increase potential for degradation of sensitive riparian and upland areas under private ownership. The additional fencing installed under Alternatives C and D would also adversely affect wildlife by restricting movement and increasing mortality from entanglement. Council recommendations and actions are based on a watershed scale, and we are concerned with the total impact of grazing within the North Fork Sub-basin. Grazing Alternatives C and D would restrict flexibility in grazing management for landowners and potentially hamper cooperative restoration efforts along both the mainstem of the North Fork as well as significant tributaries.

Response: *See response to H-018.1 in 1301 - Grazing in General.*

U-003.1 To allow grazing in the Wild and Scenic segments does not allow recovery to occur, but in fact actually adds to the degradation of the water quality and more miles of river bank. This is a blatant disregard of the intent and letter of the Wild and Scenic designation. I support Alternative D in the management plan for the John Day River's Wild and Scenic corridors.

Response: *Personal opinion, no response necessary.*

V-007.1 For the few migrating fish whom make it home it would be beneficial to welcome then home in the cleanest environment aquatically that we, you and I can provide. I urge a welcome home sign for our spawning fish 'Alternative D Welcomes You Home'.

Response: *Personal opinion, no response necessary.*

W-019.1 Fences will only hamper natural residents migration and be too costly to serve any good. Also, visitors have been known to cut through fences rather than drive around to a gate.

Response: *Analysis of the costs of fence construction and maintenance are presented in Chapter 5, Human Uses and Values.*

W-019.3 If forced into a corner, I would reluctantly support Alternative plan B, at best. But why not try to fight the loss of our rights with good, sound scientific evidence? I hesitate to have any of my rights taken away by a select group, most of whom eat something that grew up on the range.

Response: *See response to B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives and , B-042.7 in 3002 - Riparian in General.*

W-026.5 Incredibly, the BLM has selected Alternative B as the preferred alternative to protect our river's Outstanding Values. Showing a complete absence of any foresight, integrity and courage, the BLM has shamefully chosen an alternative that makes virtually no reduction in grazing impacts. The declining salmonid populations will have long disappeared before any benefits from minimal grazing reduction allow the habitat to make even the slightest recovery. I would be willing to bet that BLM fishery biologists were not supportive of Alternative B. It would have been interesting to hear BLM's rationale that decided it is OK for the public river users to sleep amongst the cow pies and swim and bathe in a river where cows can urinate and defecate at will but it is mandated that river users must carefully deposit their "man pies" in a bucket and carry them out of the basin. How ludicrous can you get? Alternative B does not even represent good multiple use management much less protect threatened salmonid populations and follow the mandates of the Wild and Scenic Rivers Act. It would seem that continuation of grazing and any substantial water withdrawals during low flow periods would both constitute a "taking" under the 4d rules of the Threatened and Endangered Species Act. It appears that BLM has caved in once again to the grazing industry and the politicians that support degradation of our public resources.

Response: *Descriptions of improving conditions in riparian resources and actions taken by planning partners are presented in Chapter 2, Vegetation and Grazing and Chapter 5, Grazing Management and Riparian Resources. Also, the 4d rules apply to private land owners (see B-042.19 in 1009 - Consultation).*

W-026.6 Please reconsider your recommendation and do the right thing for the long term health of the river, its Outstanding Values and public that enjoys these uses. Alternative D is the best Alternative. It provides for partial grazing elimination within the 1/4 mile Wild and Scenic corridor on 57 BLM grazing allotments. This represents less than 1% of the total grazing potential within the basin. It is the only alternative that provides for predictable, rapid improvement in the riparian zone and adjacent uplands. It is the alternative that provides the best opportunity to save the salmonid fish resources and protect the river's other Outstanding Values.

Response: *Personal opinion, no response necessary.*

1304 Environmental Consequences

20.1 Preferred Alternative B won't adequately safeguard the John Day River from the impacts of livestock grazing. Grazing does not "protect and enhance" the river's natural values, as is required by the federal Wild and Scenic Rivers Act, and therefore it must be eliminated. (Rationale as Outlined in ONDA mail-out) The second longest free-flowing river in the lower 48 state, the John Day is home to Oregon's largest and most diverse wild fish populations which is severely degraded as a result of livestock grazing and irrigation withdrawals the BLM's 'preferred alternative' would do little to change the status quo, leaving cattle to graze alongside - as well as defecate and urinate in - one of Oregon's most cherished and popular boating rivers. However, 90% of the river corridor is grazed by domestic cattle. Grazing on these streamside allotments contributes significantly to problems with water which is severely degraded as a result of livestock grazing and irrigation withdrawals the BLM's 'preferred alternative' would do little to change the status quo, leaving cattle to graze alongside - as well as defecate and urinate in - one of Oregon's most cherished and popular boating rivers. However, 90% of the river corridor is grazed by domestic cattle. Grazing on these streamside allotments contributes significantly to problems with water quality, bank stability, and wildlife habitat. Severe erosion and dramatic changes in water temperature and flow, a direct result of grazing in the watershed, have reduced native fish populations to small fractions of their former abundance. Yet despite the well-documented connection between livestock grazing and the demise of the John Day's wilderness, wildlife, and recreational values, the BLM has done almost nothing to improve this river's chances of recovery. WATER QUALITY: According to Oregon's Department of Environmental Quality, the John Day and many of its tributaries fail to meet state water quality standards, mainly due to excessive summer-time water temperatures; these temperatures surpass the legal limit of 68 degrees because shade-giving plant life along the river's edge has been removed by grazing livestock...WEEDS: Meanwhile, in the John Day Basin's uplands, livestock facilitate the rapid spread of invasive weeds. Weed invasions comprise the single greatest threat to native grasslands and their recovery, and in the John Day Basin, many tenacious non-native species have already gained a toe-hold and are spreading fast. If current rates of weed invasions persist — a likely scenario with continued grazing — we could lose hundreds of thousands of acres of native plant life. FECAL COLIFORM: Because of the John Day's popularity as a recreational river, fecal coliform (bacteria originating from livestock waste) is also a very real concern. Most raft floats on the John Day are extended trips that involve washing dishes with river water, and many visitors come into direct contact with the river through boating, angling, and swimming. Continued grazing here could lead to serious public health problems. Damage caused by livestock is difficult to justify alongside any river. But along a Wild and Scenic River, like the John Day, such damage is also illegal. The BLM, which manages the John Day's Wild and Scenic corridor, is mandated by Congress to protect and enhance the river's outstanding values; any activity that fails to either protect or enhance these values must, according the Wild and Scenic Rivers Act, be completely restricted from the river corridor. While the BLM has modified some grazing practices along the John Day, and portions of the river are showing signs of slow improvement, the agency would be hard-pressed to show that livestock truly "protect and enhance" the river's natural values. Despite the overwhelming evidence linking livestock grazing to water pollution and fish habitat damage — and despite the legal mandate to 'protect and enhance' the river's natural values — the BLM has indicated that it plans to continue allowing livestock grazing alongside the John Day. The BLM's preferred alternative for livestock grazing is Alternative B, which would maintain existing management while applying improved 'riparian oriented' management to an additional 9.1 miles of the river corridor. Sadly this approach will do little to improve fish and wildlife habitat or water quality in the near term; progress in these areas will be slow at best, making landscape-level ecological damage increasingly difficult to repair.

Response: *See responses to B-042.18 in 3200 - Wild and Scenic Rivers, B-042.19 in 1009 - Consultation, B-042.20 in 3101 - Water Quantity and Quality in General, B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, B-042.11 in 1304 - Environmental Consequences, S-026.2 in 1301 - Grazing in General.*

21.1 Wild fish such as steelhead, chinook salmon, and bull trout, require cold, clear waters in which to spawn and survive. Continued livestock grazing, even the modified practices encompassed by Alternative B, will retard recovery of the John Day's wild fish habitat.

(Rationale as Outlined in ONDA mail-out) With 500 miles of un-dammed waters, the John Day is the second-longest free-flowing river in the continental United States. Much of the Lower John Day flows through proposed wilderness areas, while the upper river provides critical habitat for the largest and most diverse native fish populations in Oregon. Among the species that call this river home are summer steelhead, spring chinook, redband trout, bull trout, and west slope cutthroat trout. (Steelhead, chinook salmon, and bull trout are all listed as threatened under the federal Endangered Species Act, while Westslope cutthroat trout have been petitioned for listing as threatened.) High water temperatures, coupled with sedimentation and eroded streambanks, make life difficult and in some cases, impossible, for salmon, steelhead, and trout — all of which depend upon cold, clear streams for their spawning habitat.

Response: *See response B-042.19 in 1009 - Consultation.*

22.1 Urge you to adopt Alternative D to guide you in the future management of livestock grazing along the John Day. By removing livestock from the full wild and scenic corridor, Alternative D will provide the strongest protection of the John Day's outstanding natural values, and will lead to the fastest recovery of the river's riparian areas and uplands.
(Rationale as Outlined in ONDA mail-out) Alternative D, which would end livestock grazing within the John Day's Wild and Scenic corridor, provides the best protection for this remarkable river and its fish and wildlife populations. Not only would Alternative D safeguard the John Day's riparian areas and allow them to recover far more rapidly than under current grazing management, it would also offer a badly-needed rest to the 1/4 mile of land on either side of the river. Removing livestock from the full corridor will lead to the fastest and most effective recovery of the John Day River. While such a management option would mean retiring about 2,700 animal unit months, the forage attached to these AUM's on BLM land accounts for only 1% of the total forage consumed by livestock in the John Day Basin. Further, livestock operators who may experience of loss of grazing privileges within the wild and scenic corridor could be compensated financially for these retired AUM's.

Response: *See responses B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

B-004.1 Alternative C would end livestock grazing within the John Day's riparian area, it merely shifts grazing pressures to the watersheds uplands. Although protecting the thin ribbon of vegetation that buffers the river's banks would likely lead to dramatic improvements in streamside vegetation and bank stability, this is not enough to protect the recreational and ecological values of the John Day watershed. Because water quantity and quality are influenced by conditions throughout an entire watershed, rather than by specific actions within a riparian area its crucial that the BLM protect the complete wild and scenic corridor.

Response: *See response H-018.1 in 1301 - Grazing in General.*

B-008.25 If all of the preferred alternatives concerning grazing were implemented, what would the financial, economic, and employment impact be on each county within the John Day River basin? I could not find an impact statement on this question.

Response: *Economics impacts are described in Chapter 5, Human Uses and Values. The impact would be small.*

B-019.1 Adopt alternative D. Not only is this the most cost effective method of actually restoring the health of the river, it is the route to improved economic health of the area. With the improved health of the river will come the added benefit of eco-based tourism to these public lands. As has happened over and over in other regions, after an initial period of adjustment, the long term economic vitality of the region will be enhanced.

Response: *Personal opinion, no response necessary.*

B-042.9 Cumulative impacts must be discussed. 40 CFR 1508.25(a). Cumulative 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 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. Nowhere in the DEIS does the BLM assess the cumulative effects of wnter and spring grazing or of agricultural development along the river on public and private lands. Rather, the authors merely set out optimistic expectations of the new management, but gives no data. NEPA does not allow the agency to defer or avoid taking the requisite hard look now, before the decision is made. The fact that the preferred alternative allows maintenance of current grazing levels in riparian zones and uplands without any analysis of the cumulative effects of that decision is also representative of the shell game the BLM continues to play with regard to where it makes its grazing management decisions. Thus, the BLM cannot avoid its obligation to evaluate the cumulative effects of grazing in this DEIS.
The congressional intent of NEPA and CEQ regulations mandate consideration of all of these actions to provide a full and fair analysis of the proposed action. The draft EIS must address reasonably foreseeable significant impacts, even if information about them is unavailable. The draft EIS fails to appropriately evaluate reasonably foreseeable significant adverse effects. If the BLM's failure to address a subject comes from a lack of available information on the subject, NEPA requires the BLM to state such information is unavailable. 40 CFR 1502.22. Furthermore, if the BLM cannot obtain relevant information, it must at least include a summary of existing credible scientific evidence and the agency's evaluation of foreseeable impact based on theoretical approaches. 40 CFR 1502.22 (b).

Response: *The environmental consequences discussion examines the impacts of each alternative on river and social values. The analysis notes unequivocally that until recent years management of both private and public lands has led to the reduction of vegetation cover, changed the composition of vegetation, and the consequences of those changes on upland, riparian, and aquatic values. As required by CEQ regulations the environmental consequences analysis considers the consequences of management of lands outside the control of the managing agency. The conclusion of that analysis is that selection of any of the alternative for managing the designated Wild and Scenic River and BLM lands within 1/4 mile of the river would have no measurable impact on instream conditions. The environmental consequences analysis also follows CEQ direction in noting the reasonably foreseeable future actions over which the BLM has no control that will impact river values. The role of Watershed Councils and the Oregon Department of Agriculture is examined and the fact that private lands constitute 62% of the John Day Basin is noted. This is the reason that cooperative management is the primary element of the proposed decision for water quantity and quality.*

B-042.11 Grazing is significant cause of weed invasions in the John Day WSR. Non-indigenous weeds are a major threat to the health and sustainability of riparian and upland communities in the planning area; nevertheless, there is no description in the Plan of the extent of weed infestations, how fast they are now spreading, or the major causes of their spread. The rapid spread of exotic weeds in northwestern rangelands has been identified in the scientific literature as being due to (1) transportation of weed seeds into new regions and then throughout the landscape, (2) loss of vigorous native species that would otherwise out-compete the weeds, (3) disturbance of the soil surface, creating a seed bed for weeds, (4) loss of the microbiotic crust, which prevents establishment of weed seeds, and (5) loss of soil mycorrhizae, which are essential for growth and vigor of native species. There is an extensive scientific literature that has found that cattle and sheep are the major causes of (a) weed seed introductions into rangelands, (b) loss of native plant vigor, and © disturbances to the soil, microbiotic crust and mycorrhizae in many areas throughout the arid West (see attached paper by Joy Belsky and Jonathan L. Gelbard, which has been submitted Ecological Applications for publication). Where off-highway vehicle (OHV) use and off-trail hiking are extensive, they are also major causes of weed introductions and disturbance to the soils, microbiotic crust, and mycorrhizea. These factors must be discussed in the DEIS.

In wetter areas, such as in riparian zones, on northfacing slopes, at higher elevations, and in areas with rainfall averaging over 12-15 inches, removal of livestock and other anthropogenic disturbances will allow recovery of native plant communities without the use of toxic herbicides, ground disturbing activities, or fire. Examples are given in Belsky and Gelbard (in review). For example, Green and Kauffman (1995) found that in eastern Oregon, the frequency of the alien grass Bromus hordeaceus declined in wet meadows that had been protected from grazing for 15 years, but increased 2-48% where grazing continued. In addition, the frequency of the introduced grass timothy declined from 33% to 3% where protected from livestock and the frequency of tall buttercup declined from 55% to 12%.

Viable alternatives to use of toxic chemicals on wild and scenic rivers must be considered.

Response: *Green and Kauffman (1995) studied the effects of late summer grazing compared to exclusion. This is very different from the late winter-early spring grazing management along the John Day WSR. Research done by Green & Kaufman (1995) is cited as evidence that eliminating grazing would reduce noxious weeds in the WSR. The species mentioned by Green and Kaufman are indeed introduced species, however they are not deep rooted, long lived perennials. Most of the noxious weed species we are concerned about are aggressive competitors and do not disappear over time due to competition from native species. Further, not one significant difference in the proportion of exotics was detectable between the grazed and non-grazed populations, in 8 different plant communities, even though the non-grazed controls were rested for 10 years (Table 1).*

Late winter-early spring grazing places livestock in the WSR (near the river and on the uplands) at a time when noxious weeds are not grazed by livestock therefore no fecal transport of weed seeds occurs. If livestock were to ingest noxious weed plant parts no fecal transport would occur because seed is not being produced at the time of grazing. Since the previous year's seed production has fallen to the ground and overwintered, these seeds are not available to be catch on grazing animals' coats and be transported by grazing livestock in this way. At the present time we have no evidence that livestock are transporting noxious weed seed from private land to the public land. If this is determined to be a problem in the future, there are practices available to effectively deal with the issue such as a holding area for any cattle that need to rid themselves of weed seed before entering public land.

Late winter-early spring grazing promotes dispersion of livestock which reduces or eliminates heavy grazing use and trampling. Soils found within the uplands of the John Day River Corridor are generally finer textures, containing more silt or clay. These soils are less subject to disturbance than sandy soils. When soils are damp, as they generally are at this time of year, microbiotic crusts and mycorrhizea are also damp, pliable and less subject to damage than when the crusts are dry and brittle. Currently there is little monitoring of microbiotic crusts and no scientific studies within the John Day Basin, however in response to this and other comments, monitoring of microbiotic crusts is now included in the monitoring section of Chapter 3.

Currently there are huge noxious weed expansions occurring at Devil's Tower National Monument, Grand Teton National Park, and the Selway-Bitteroot Wilderness Area. These areas and many others like them have not been grazed by livestock for 50+ years. These examples illustrate that major weed invasions and expansions can occur without the presence of livestock grazing.

Stohlgren, et al, (1999) conducted research in Colorado, Wyoming, S. Dakota and Minnesota in which they tested the hypothesis that species rich plant communities were less susceptible to invasion by exotic species. Their study showed that contrary to the classic paradigm these communities were particularly vulnerable to invasion and refutes the idea that livestock grazing causes weed invasions through reduced plant species richness.

Stohlgren, Schell, and Vanden Heuvel (1999) studied plant diversity in and adjacent to long-term grazing exclosures. They hypothesized "that grazed sites would have a higher ... exotic species richness compared to ungrazed areas, due to disturbance (i.e. the intermediate-disturbance hypothesis) and conventional wisdom that grazing may accelerate weed invasion". The study revealed that "differences in vegetation ... between grazed and ungrazed sites were minimal in most cases". The research led to some generalizations:

** Grazing probably has little effect on native species richness at landscape scales.*
** Grazing probably has little effect on the accelerated spread of most exotic plant species at landscape scales.*
** Few plant species show consistent directional responses to grazing or the cessation of grazing.*

Stolhgren, et al (1998) concluded that periodic flooding in riparian zones, drought in upland sites, and other disturbances likely contribute more to patterns of plant diversity than do differences in grazing pressure.
Lowry, (1996) found that only seeds with hard, thick seed coats were consistently passed through the digestive tracts of animals in a viable condition. This information, in combination with the fact that the late winter-early spring grazing treatment places livestock in the area at a time when weed seed is not being produced. This information discounts the concern that "grazing is a significant cause of weed invasions in the John Day WSR".

Stohlgren, T. J.,Brinkley, D., Chong, G. W., Kalkhan, M. A., Schell, L. D., Bull, K. A., Otsuki, O., Newman, G., Bashkin, M. and Son, Y. 1999. Exotic Plant Species Invade Hot Spots of Native Plant Diversity. Ecological Monographs, 69(1), 1999:25-46.

Stohlgren, T. J., Bull, K. A., Otsuki, Y., Villa, C. A., and Lee, M. 1998. Riparian Zones as Havens for Exotic Plant Species in the Central Grasslands. Plant Ecology 138:113-125, 1998

Stohlgren, T.J., Schell, L. D., and Vanden Heuvel, B. 1999. How Grazing and Soil Quality Affect Native and Exotic Plant Diversity in Rocky Mountain Grasslands, Ecological Applications, 9(1), 1999: 45-64.

Lowry, Amaya A., 1996, Influence of Ruminant Digestive Processes on Germination of Ingested Seeds, Master of Science Thesis, Oregon State University.

B-042.16 The Plan implies that BLM is being held hostage by private land owners. The plan implies that if the BLM does a better job of managing public land by removing cattle from the river, that there would be a net loss of resources because the private land owners would do a worse job. For example, they say that the land owners will overstock their lands if they lose BLM allotments, that fence lines will be degraded by livestock, and that more cattle would occupy riparian pastures. This argument is dangerous since federal agencies can always use

similar reasons to avoid their responsibilities of improving management of public lands. Not only is this argument pure speculation, but it implies that private land owners are poor stewards of the land. If they are such poor stewards as to allow overgrazing, than why is BLM leasing sensitive public lands to them?

There is no economic analysis presented that demonstrates that if grazing is further reduced or eliminated on public land, grazing and its impacts will increase on private land. Elimination of grazing on BLM land may in fact cause less grazing on private land if this highly marginal economic activity were deprived of the benefit of low-cost public land grazing.

If the river and riparian habitats along the John Day River do not begin to show significant progress soon, this argument (that private landowners will increase grazing pressure on their lands) will be moot, because the endangered fish species will be in a jeopardy situation with NMFS. Through the ESA, NMFS can require these same landowners to reduce stocking rates and streamside grazing. It is in the best interest of the ranchers and farmers along the river to use every possible river mile for rapid recovery.

The BLM cannot operate under threat of being help hostage to actions that someone else might take.

Response: *The grazing management proposed under Alternative B includes riparian oriented management, riparian exclusion and corridor exclusion. The mix, which varies by allotment provides the same benefit for the river resources as exclusion at lower cost and with greater economic benefits. BLM does not consider itself as "held hostage" by landowners along the river, but BLM must acknowledge that individual landowners can be expected to act according to what they believe to be in their own interests. As long as these landowners remain BLM permittees, BLM has an opportunity to engage those landowners in cooperative efforts to improve conditions on all lands along the river, both public and private. It requires no "economic analysis" to conclude that, if BLM were to simply terminate grazing permits, a few permittees who are heavily dependent on public lands would likely go out of business, while others who have substantial land of their own would continue to graze livestock as best they could, given their new constraints. In some cases, depending on the individual landowner's circumstances and predilections, grazing under these new constraints might be consistent with protecting the river, while it is likely that in other instances, grazing would be managed in ways that are more damaging to the river. Within the designated boundary of the WSR, approximately 35% of the area is privately owned land. Tables II-I, J, K, & L in Chapter 2 have additional information on ownership along the John Day River. The importance of cooperative relationships and working agreements with private landowners cannot be overstated. Protecting and enhancing the river values can best be accomplished by implementing appropriate management along as many miles and on as many acres within the river corridor as possible.*

B-051.6 Does not agree with the draft plan that so much fencing would be required for implementation of the riparian alternative.

Response: *See response B-042.21 in 1303 - Alternatives, for clarification on how fence lines are planned and implemented.*

C-009.1 Despite this protection and the river's importance to the health of the ecosystem, it is severely degraded as a result of livestock grazing and irrigation withdrawals. Ninety percent of the river corridor is grazed by domestic cattle. Grazing on these streamside allotments contributes significantly to problems with water quality, bank stability, and wildlife habitat. Severe erosion and dramatic changes in water temperature and flow, a direct result of grazing in the watershed, have reduced native fish populations to small fractions of their former abundance.

Response: *See responses B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives, and B-042.22 in 103 - Alternatives.*

C-029.16 Scenery would continue to be greatly impacted if grazing continues. Changes in vegetation would be evident from most viewpoints if grazing is stopped. Currently it is easy to see the difference between chronically over-grazed pastures and rested areas. The contrast is evident along the fences from great distances on both riparian and upland habitat.

Response: *Impacts from grazing varies according to the grazing system and grazing intensity, see response to G-011.1 in 1301 - Grazing in General.*

C-038.9 Grazing retards the rate of recovery of streams and riparian ecosystems.

Response: *See response B-042.22 in 1303 - Alternatives.*

C-038.16 The economics of livestock grazing in the region were not disclosed.

Response: *See response B-042.17 in 1400 - Human Uses and Values and Chapter 2, Human Uses and Values, Agriculture and Grazing.*

C-040.2 We are also concerned that cool-season grazing may have an adverse effect on birds that are dependent on riparian habitat for nesting and forage in the spring. We ask that you review cool-season grazing on those species.

Response: *See Chapter 5, Upland Wildlife Habitat, Upland Wildlife Species, and Grazing.*

D-006.2 The US Environmental Protection Agency wrote in 1993, as quoted by the Oregon Natural Desert Association: The cattle on the John Day River impact salmon in the following ways: "Livestock trample and over-graze riparian vegetation; degrade water quality; destabilize stream banks; increase sedimentation, erosion and runoff; compact soils; increase flooding; reduce shade; and increase water temperature." This is from EPA's Managing Change: Livestock Grazing in Western Riparian Areas.

Response: *We agree that cattle can impact the John Day River in these ways and perhaps on some private lands that still occurs, however, our management within the Wild and Scenic River corridor has turned this situation around on Public Lands. See response B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, B-042.19 in 1009 - Consultation, and B-042.20 in 3101 - Water Quantity and Quality in General.*

D-007.1 If your proposed policy is to continue favoring the ranching industry at the expense of other resources we can appreciate your preference no matter how skewed it might be. This attitude is hauntingly similar to the U.S. Forest Service's position during and after RARE II and as you well know, led to a number of court battles, court orders and wilderness legislation which ultimately stripped the U.S.F.S. of significant ability to mange its own resources. Surely the BLM recognizes its vulnerability in this regard.

Response: *Opinion statement requiring no response.*

F-006.4 For many, many years livestock grazing has severely impacted the ecological integrity of the John Day River in negative ways. "Livestock trample and over-graze riparian vegetation; degrade water quality; destabilize stream banks; increase sedimentation, erosion, and runoff; compact soils; increase flooding; reduce shade; and increase water temperatures." (U.S. Environmental Protection Agency, Managing Change: Livestock Grazing on Western Riparian Areas, 1993). We would add that livestock grazing (in both riparian corridors and upland areas) also facilitates the rapid spread of invasive noxious weeds that displace native plants and grasses. The cumulative effect of this publicly subsidized grazing policy adds up to unacceptable levels of wildlife habitat degradation and loss, and comes at a tremendous, and also unacceptable, expense to U.S. taxpayers.

Response: *It is true that overgrazing by domestic livestock had a significant effect on native plant communities; however, the entire Great Basin has not been over-grazed and where grazing has been light to moderate, it is sometimes impossible to separate the livestock effects on plant succession from other environmental influences (Miller et al. 1994). In addition, grazing practices have improved in the John Day Basin from 1988 to 1999, refer to the DEIS, Appendix L. The planning partners feel that in most cases, riparian oriented grazing and riparian improvements can occur, DEIS, Chapters III and V.*

Managing Change, Livestock Grazing on Western Riparian Areas (1993) presents numerous examples of significantly improved riparian conditions where grazing management was changed to riparian oriented systems. This publication is an excellent example of how riparian conditions can be improved when proper livestock management is used. The strategies presented in Managing Change (1993), pages 16 to 27, as the most riparian friendly, are the same ones used in the preferred alternative for the DEIS - early spring, winter, rotation, rest-rotation and exclusion. In addition, Managing Change (1993), page 16, recommends "putting riparian areas in separate pastures to obtain tight control over the season, duration and intensity of livestock use" which is a major part of the foundation for the management changes proposed in the DEIS.

Regarding the concern that livestock grazing facilitates the rapid spread of noxious weeds, see response 1304, B-042.11. Concerning the "...unacceptable, expense to U.S. taxpayers...", see response 1301, S-026.4. Also, with respect to "...unacceptable levels of wildlife habitat degradation...", see the DEIS, Chapter 5, Environmental Consequences, Impacts of the Alternatives on Issues Resolved by Continuing Existing Management.

G-009.1 Cattle ranchers should have to provide their own grazing and not get a 'free ride' on taxpayers backs any longer.

Response: *Opinion statement requiring no response.*

G-012.1 I oppose allowing grazing near the John Day River because the waste from the cows goes into the river, and the vegetation near the river gets trampled. These factors cause the river to become unsuitable habitat for salmon and other fish since water will be warmer and dirtier. Even if the cows' waste enriches the soil, plant won't get a chance to grow since cows will be trampling them.

Response: *See response B-042.6 in 1303 - Alternatives.*

G-014.1 Alternative D would also help the cattle industry suffering from the over supply of cattle from very marginal grazing lands.

Response: *Opinion statement requiring no response.*

G-024.1 Alternative C is not adequate because the riparian areas are linked in many ways with the surrounding upland areas.

Response: *See the DEIS, Chapter 5, Environmental Consequences, Impacts on Issues Resolved by Alternatives and response B–042.6 in 1303 - Alternatives.*

H-007.1 At a time when private landowners are being called upon to make significant changes in their land management in order to cooperate with the Oregon Plan, federal agencies should be setting an example of responsible management, not holding onto the past. It is obvious that strong protections are required under both the Endangered Species Act and the Clean Water Act, so to choose an alternative which continues to violate these laws only sets your agency up for more years of law suits and a waste of taxpayer dollars.

Response: *See responses B-042.19 in 1009 - Consultation, B-042.20 in 3101 - Water Quantity and Quality in General and refer to the DEIS, Chapter III, Issues Resolved by Continuing Existing Management with Additional Actions, Water Quantity and Quality, and Appendix L.*

H-014.1 Alternative C is not much better than B, it's just a fallback position.

Response: *Opinion statement requiring no response.*

H-016.1 Grazing in the corridor will certainly further jeopardize the survival of listed fish in the basin.

Response: *The statement is too ne1bulous to construct a well defined response. See FEIS, Chapters III and V and response B-042.19 in 1009 - Consultation.*

H-021.9 Grazing retards the rate of recovery of streams and riparian ecosystems.

Response: *See responses B-042.15 and B-042.6 in 1303 - Alternatives, B-042.4 in 3003 - Affected Environment, B-042.7 in 3002 - Riparian in General; also refer to Chapter 5 Environmental Consequences, Impacts on Issues Resolved by Alternatives, Grazing Management and Riparian resources.*

H-032.1 I have rafted the John Day River recreationally, and as part of my research for the US EPA. Based on my personal and professional experiences, I prefer Alternative D for grazing. "From fish assemblage, water quality, and physical habitat structure perspectives, the John Day River is impaired." "The level of cow manure is so high in the water, that there is a strong manure odor in the canyon reach at low (September) flows that detracts from swimming and kayaking. From a fish assemblage perspective there is a serious problem. The assemblages in the lower sites are dominated by tolerant or alien species, the incidence of external anomalies is high, and no sensitive species are present in the summer—unlike similar canyon rivers like the Deschutes and Grand Ronde in the same ecoregion. It may be that the lower river was always warmer than those neighboring basins, but with one of the most healthy runs of salmon remaining remaining in the Columbia basin, it is imperative that steps be taken to improve the physical and chemical habitat of the John Day River. One of the key ways of doing this is to eliminate grazing from the Wild and Scenic Corridor, thereby allowing trees to grow, springs to become reestablished, and water to be less contaminated with manure.

Response: *The commentator should note when comparing the John Day, Deschutes and Grand Ronde, that the John Day has no water impoundments where the Deschutes has Pelton Dam which forms Lake Billy Chinook and contributes to cool water temperatures downstream. Also, the Grand Ronde has problems with irrigation dams which cause extreme low flows in at least one section during the summer. The Grand Ronde is listed on the Oregon Department of Environmental Quality's 303(d) list as a waterbody not meeting water quality standards set forth by the federal Clean Water Act based on temperature and sedimentation (Oregon DEQ, 1998). Also, the Snake River Chinook in the Grande Ronde are listed under ESA. Portions of the Upper Grande Ronde are water quality limited based on a variety factors including temperature, sedimentation, pH and bacteria. In addition, the Lower Deschutes River is also listed as a waterbody limited stream on the 303(d)s list based on temperature and on portions for dissolved oxygen and pH (Oregon DEQ, 1998). It appears problems exists with other rivers besides the John Day.*

We recognize that non-riparian oriented grazing has caused damage for years along the John Day River, but the riparian oriented grazing being instituted is improving the river, refer to the DEIS, Appendix L, Allotment Summaries. The grazing systems proposed under the preferred alternative, in the DEIS Table III-E, would further improve riparian zones. These systems are described in Chapter 5, Impacts on Issues Resolved by Alternatives, Grazing Management and Riparian Resources. In addition, the US EPA presents examples of riparian improvements that can be obtained with the same grazing management actions proposed in the DEIS (Managing Change, Livestock Grazing on Western Riparian Areas, 1993). For additional explanation and citations see the responses to B-042.4 in 3003 - Affected Environment, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.

J-006.1 The EIS appears light on quantifying the impacts of grazing on water quality. Has the BLM performed studies that can provide proof to NMFS and the State of Oregon that BLM grazing practices in the John Day drainage are not adding to the degradation of water quality in the Wild and Scenic Corridor? While at least some of the grazing management reforms in the corridor are commendable, the federal agencies charged with restoring anadromous fish runs should not accept the BLM position that the BLM will 'continue to apply varying management practices that emphasize riparian oriented management'.

Response: *The BLM has yearly consultation with NMFS regarding management actions, including grazing, which may effect the Middle Columbia River Steelhead (listed as "threatened" in the John Day Basin). This consultation process concerns effects to water quality. The BLM is collecting yearly water temperature data which is provided to Oregon DEQ, upon their request, for updating the State's 303d list. Also, see responses B-042.20 in 3101 - Water Quantity and Quality in General, B-042.22 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General regarding riparian oriented grazing.*

K-012.1 Keeping logging and cattle grazing back just 100' on each side will allow tremendous riparian recovery in just a few years and even lower the maximum summer water temperatures.

Response: *Concerning logging, Alternative A in the DEIS called for a 100 to 300 foot buffer on perennial and ephemeral streams (Chapter 3, Vegetation Management Alternative, Forestlands). In response to public comments, the BLM has extended the protection afforded the riparian buffer to include the entire corridor in the preferred alternative. There would be no commercial cutting of timber within the WSR corridor, subject to the life of current contracts and needed protection from wildfire or disease. Regarding livestock grazing, see responses to B-042.22 and B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General.*

K-021.6 Anadromous fish will not return to grazed stretches of stream. These stretches are too disturbed, the cattle's elimination process foul and heat the water, and there is not surrounding vegetation to build up along the river banks. The Columbia River Inter-Tribal Fish Commission in 1994 made similar assertions in a technical report and they are relevant to the John Day. Postponing return of conditions that support anadromous species increases the risk of extinction.

Response: *The reference to "grazed stretches of stream" is not well defined since there can be such a wide variation in livestock "herd impacts" on a stream. It is assumed that in the worst case, anadromous fish will not occupy a badly degraded stream where livestock may remain season long, year after year. However, where riparian oriented grazing occurs there is not a problem with anadromous fish spawning and rearing (field observations by Prineville District personnel; Ballard, 1999).*

The Columbia River Inter-Tribal Fish Commission in 1995 recommended as one of the range management habitat enhancement actions for the John Day Subbasin to "restrict or remove livestock in substandard areas" (CRITFC, 1995). The DEIS is in agreement with the Inter-Tribal Fish Commission because areas showing downward trend are recommended for a management change, see Appendix L.

We feel the preferred alternatives for grazing proposed in the DEIS, and the FEIS, will significantly improve riparian conditions on public land. However, the complete restoration of the river system may be a longtime coming since the BLM controls only about 10% of the river miles in the basin. Also, refer to response B-042.5 in 2601 - River Description.

K-021.7 The DEIS fails to discuss adequately the link between grazing and the spread of non-native noxious weeds. Indirect references are made, but this is unsatisfactory. Indirect references are made, but this is unsatisfactory. The DEIS failed to adequately consider the impacts of grazing on the spread of noxious weeds. Elsewhere, BLM and other land managers have identified non-native weeds as a significant and growing problem, but this problem is unrecognized in the DEIS.

Response: *See response B-042.11 in 1304 - Environmental Consequences and B-042.1 in 700 - Document in General.*

K-021.8 For species dependent on riverine habitat, more grazing is more habitat degradation. The DEIS makes it sound as though there are no additional changes from continued grazing, which is not accurate. Among other indicators, look at time for the riparian area to recover or whether recovery remains possible. The effects on microbiological organisms can be devastating. The DEIS fails to adequately account for the continued degradation grazing causes, including cumulative impacts.

Response: *Management of public lands along the river has been changing over the last ten years to riparian oriented grazing systems, although, additional changes are needed which are proposed in the DEIS, Chapter 3, Table III-E and Appendix L. We disagree that continued degradation from grazing is occurring because the improvements are documented in DEIS, Appendix L. Also, see responses B-042.22 in 103 - Alternatives and B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General. The cumulative impacts were not easily discernable in the DEIS, but in the FEIS they will be clearly presented. Also, see response B-042.9 in 1304 - Environmental Consequences.*

L-013.2 Fencing campsites to control livestock is unacceptable because it destroys the naturalness of the area.

Response: *Fencing will be located well outside the perimeter of camping areas to minimize "fence" impacts on campers.*

L-013.17 If there is an economic consideration to continue grazing, then the economics of those alternatives should be discussed. In any event, grazing is not an ORV and it has a detrimental effect on those values we seek to protect.

Response: Economic considerations are covered in Chapter 2, Overview, Human Uses and Values and Chapter 5, Impacts on Issues Resolved by Alternatives, Impacts on Human Uses and Values. In addition, the planning partners feel that in many cases riparian oriented grazing is compatible with ORVs, see responses B-042.22 in 103 - Alternatives, B-042.6 and B-042.15 in 1303 - Alternatives, B-042.7 in 3002 - Riparian in General.

L-017.1 Select Alternative D because grazing along the John Day River causes great harm to the local economy and ecosystem. In both the short term and long term, salmon and tourism are much more beneficial to the local economy and environment than cows and cow pies. Cows, which are exotic animals, damage soil, destroy plant communities and riparian ecosystems, introduce noxious weeds, pollute the water, and destroy wildlife habitat.

Response: *We disagree that grazing causes great harm to local economies. The John Day River is located in counties which have rural economies, see the Chapter 2, Overview, Human Uses and Values,*

and Chapter 5, Impacts on Issues Resolved by Alternatives, Impacts on Human Uses and Values. In addition, the planning partners feel that riparian oriented grazing systems will maintain ecosystems which are in good condition and allow recovery on those in poor condition, see responses B-042.11 in 1304 - Environmental Consequences, B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General.

M-014.3 Both options C and D carry costs. The taxpayer, one way or another is going to bear many of those costs.

Response: *See Chapter 5, Impacts on Issues Resolved by Alternatives, Impacts on Human Uses and Values.*

M-036.1 While it is imperative to safeguard the riparian area with a buffer zone, the entire condition of the watershed (including upland areas of the corridor) needs direct protection as well. Alternative D does that the best.

Response: *We feel the needed riparian recovery and protection can be obtained without a "buffer zone", see responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General. The uplands will be protected by the required implementation of the Rangeland Standards and Guides, see the DEIS Appendix J. We feel that grazing Alternative B will obtain the recovery needed with reasonable economic costs and benefits to the counties, see Chapter 5, Impacts of the Alternatives on Issues Resolved by Continuing Existing Management, Vegetation, and Impacts on Human Uses and Values.*

N-003.1 Reasons in support of Alternative D: Society is placing an ever-increasing economic value on protecting and enhancing the Basin's natural habitats and the species reliant on them. These increases in values are occurring at the same time that the value i.e., profitability of cattle production is diminishing. and Further degradation would trigger costly challenges to BLM's management and be even more difficult to reverse than the degradation that already has occurred. Economic prudence points toward acting now to prevent these costs.

Responses: *We feel grazing occupies an important economic niche in the local economies, see the Chapter 5, Impacts on Issues Resolved by Alternatives, Impacts on Human Uses and Values. Also, the planning partners feel that resource conditions are improving and will continue to improve while allowing some level of grazing, see responses B-042.15 and B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, and B-042.7 in 3002 - Riparian in General.*

N-011.1 Reasons to adopt Alternative D - I believe the BLM has the responsibility to do the utmost to insure all the people of Oregon that everything possible is being done to protect our wilderness area rivers.

Responses: *We feel the preferred alternatives in the DEIS present a balanced, reasonable and implementable approach to maintaining and, were needed, improving resource conditions along the John Day River. The BLM is required to preserve or improve the wilderness characteristics of all the Wilderness Study Areas (WSAs) under it's management based on H-8550-1, Interim Management Policy and Guidelines for Lands Under Wilderness Review.*

P-009.1 Dr. Robert Benke of Colorado State University, a well-known fishery biologist, has argued for many years that one of the greatest threats to cold-water stream fisheries in the West is cattle grazing.

Response: *We agree that overgrazing by domestic livestock, particularly season-long grazing, had a significant effect on native plant communities; however, numerous studies and examples have demonstrated that riparian oriented grazing can show significant improvements, see the Chapter 5, Appendix L and responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General.*

P-017.1 Fish especially the threatened salmon and steelhead have full rights to survival and proper protection of their water quality. You must protect the waters of the John Day by preventing cattle urine and fecal matter from contaminating the rivers. Additionally you must stop all erosion as a result of cattle in the area from entering the rivers. The cattle must not be allowed to enter the Riparian areas of the rivers in the area that historically supported fish and especially salmon and steelhead. You must not allow non fish bearing rivers from being contaminated with silt or cattle discharges from entering non fish bearing stream and eventually feeding the John Day River.

Response: *We are striving towards improved water quality within the confines of their authority and influence, see the DEIS, Chapter 3, Desired Condition for Public Lands, Water Quantity and Quality. In addition, fecal coliform should not be a problem under the riparian oriented grazing management practices proposed, see response 1303, B-042.6. Concerning silt and other undesirable discharges entering the river from outside the wild and scenic corridor, the BLM is required to implement the Rangeland Standards and Guides on all public lands by 2009, see the DEIS, Appendix J. Regarding grazing of riparian areas, the planning partners feel that with recent riparian oriented grazing methods, in many cases grazing can continue and improvements obtained, see responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General.*

P-026.1 I am a sport fisherman since the early thirties and use to fish the John Day often in the summer and fall months. In the middle decades of the last century, salmon, steelhead and two species of trout were quite common. After World War II, the water started to degrade, mainly from increased temperatures and too much water being withdrawn for irrigation. The salmon and the steelhead steadily decreased in numbers as well as the trout. The salmon, steelhead and trout will return to the lower section if you restrict all grazing as suggested under 'Alternative D'. The water temperatures will start to drop as the stream banks start to grow grass and brush overhanging the water. This will help almost immediately. Stopping riparian grazing is extremely important as long as so much water is being withdrawn for irrigation.

Response: *We feel that the return of salmonids may not be dramatic if grazing Alternative D is implemented due to other factors occurring along the Columbia River, see Chapter 2 for material on salmonid declines in the Columbia River Watershed and Chapter 3 for water quantity and quality. Regarding riparian grazing, see responses B-042.15 and B-042.6 in 1303 - Alternatives, B-042.22 in 103 - Alternatives, and B-042.7 in 3002 - Riparian in General.*

P-032.1 Scientific studies have shown that suspension of grazing along the river corridor has the greatest promise of any restoration measure for attaining rapid improvement in habitat conditions and salmon survival.

Response: *See responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and 3002, B-042.7.*

R-005.1 It would seem to be a no-brainer to recognize that the primary problem for the fish in the river is the cattle on the banks. They pack the ground, break down the edges, eat the riparian vegetation, foul the water and, perhaps worst of all, they spread the invasive seeds of the destruction of their own habitat. Weed seeds, we would call them. Cattle need to be reined in.

Response: *Regarding riparian grazing see responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General, and concerning invasive weeds see B-042.11 in 1304 - Environmental Consequences and B-042.13 in 2103 - Alternatives.*

R-006.1 Currently, 90% of the river corridor is grazed by domestic cattle. Grazing on these stream-side allotments contributes significantly to problems with water quality, bank stability ,and wildlife habitat. Severe erosion and dramatic changes in water temperature and flow, a direct result of grazing in the watershed, have reduced native fish populations to small fractions of their former abundance. Bathtub-like water temperatures upwards of 75 degrees and instream de-watering (due to irrigation withdrawals) led the late grazing reform advocate Denzel Ferguson to observe, "The only way a steelhead can make it down the Middle Fork of the John Day is on a motorcycle at midnight.

Response: *Concerning the effects of riparian oriented grazing see Chapter 5 and responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General. Also, pertaining to the decline of salmonids, refer to Chapter 2.*

R-006.3 Because of the John Day's popularity as a recreational river, fecal coliform, originating from livestock waste, is also a very real concern. Most raft floats on the John Day are extended trips that involve washing dishes with river water, and many visitors come into direct contact with the river through boating, angling, and swimming. Continued grazing here could lead to serious public health problems.

Response: *See response B-042.6 in 1303 - Alternatives.*

R-015.1 Alternative C does not go near far enough to protect this river from the nitrogen overload and other systematic effects from cattle grazing.

Response: *Opinion statement requiring no response.*

R-020.1 The John Day is a sadly befouled river and the BLM's long legacy of illegal and unsound management of its lands has done nothing to ameliorate this damage. Instead the BLM has acted as a hand-maiden to the forces of river damage. In particular the BLM has promoted environmentally unsound grazing in the watershed.

Response: *Opinion statement requiring no response.*

R-020.2 The BLM has consistently shown that it cannot implement grazing in a benign manner. However, available scientific information and abundant field evidence indicate that grazing is incompatible with the recovery of water quality, aquatic resources, and fish populations.

Response: *See responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and, B-042.7 in 3002 - Riparian in General.*

R-020.3 Your analyses of the effects of the various alternatives are shoddy and in conflict with the best available scientific information. The analyses should be thoroughly revamped to reflect reality.

Response: *We strongly disagree. The best available scientific information indicates otherwise, see Chapter 5 and responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and B-042.7 in 3002 - Riparian in General.*

S-013.1 Alternative C is a step in the right direction, but more adequate fencing and much more upland acreage needs to be rested from livestock grazing to safeguard riparian recovery.

Response: *See responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives, and, B-042.7 in 3002 - Riparian in General.*

S-016.1 I understand that the ranchers want an economical way to water and feed their cattle. But they are externalizing the costs of their doing business onto the fish, the tourist economy, and the environment. The BLM's policy of grazing on public lands is what makes it possible for the ranchers to stay in business. The time is past due for the public sector to stop subsidizing the private sector in the beef industry. Let the price of beef reflect the true cost of beef. If that means ranchers say goodbye to a way of life, then that is the way the economy goes.

Response: *See Chapter 2, Resource Values and Chapter 5, Impacts on Human Uses and Values.*

S-031.1 Livestock grazing, which occurs on 90% of the banks of the John Day river, is detrimental because it: 1) Introduces invasive weeds, and facilitates dispersal. 2) Reduces forage available to wildlife. 3) Causes water pollution (from cattle feces and urine). 4) Elevates stream temperatures. 5) Causes stream bank erosion and sedimentation. 6) Causes stream de-watering due to de-channelization. 7) Creates health hazards for recreational river users.

Response: *See responses B-042.11 in 1304 - Environmental Consequences, B-042.13 in 2103 - Alternatives, B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General. Also, see Chapter 5, Impacts on Issues Resolved by Alternatives, Vegetation.*

S-040.1 Birds and other wildlife and plant life will continue to be imperiled by the impacts of cattle's presence. I have witnessed the significant decline throughout eastern Oregon of birds such as the Yellow-breasted Chat that need think healthy riparian habitat to nest and roost.

Response: *Opinion statement requiring no response.*

W-010.2 Alternative C call for riparian fencing, the definition of the riparian border can be unclear and near-stream riparian fences require high maintenance because of floods. Fencing a greater distance from the river is more stable and allows for enhanced recovery of both riparian and upland wild and scenic values.

Response: *Opinion statement requiring no response.*

W-011.1 The detrimental impact to salmon habitat and water quality by grazing is so well documented at this point it borders on the legendary. Such thoroughly peer reviewed scientific works as the Independent Scientific Group's Return to the River, the Governor of Washington's Extinction is not an Option Salmon Recovery Plan, and the scientific summaries to the draft Interior Columbia Basin Management Plan all describe the deleterious effects of grazing on fisheries habitat and recreational values. Simply put, cows kill salmon when allowed near the river.

Response: *We fully agree that non-riparian oriented grazing systems, such as season-long grazing, can have a disastrous effect on riparian conditions, water quality and fish habitat; however, there is much scientific information and documented studies that demonstrate the positive outcome of riparian oriented grazing systems, see Chapter5 and responses to B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

W-026.1 Wherever grazing is permitted be it on private, BLM or USFS lands; the riparian area, the stream and the fish resource are degraded. Although BLM and USFS are reported to be multiple use land managers, it seems that grazing is allowed to adversely impact the other uses. Range and riparian vegetation studies identify a high percentage of grazed public lands to be in a degraded condition. Granted, much of the serious damage occurred many years ago which explains why "cowboys and land managers" can plead that the watershed is in the same condition today that it was years ago. Relatively little has been done on private or public lands to reverse the degraded condition despite an obvious need to do so. It appears that on public lands the range managers are too close to the cattle industry and don't have the willpower and/or manpower to initiate and maintain proper management. The minimal grazing fees paid by grazers may be one reason that restoration and monitoring is underfunded. Additional funding by congress could have provided funds for such activities but it is my feeling the grazing program should be self supporting.

Response: *We agree that historic grazing practices have lead to poor conditions on public lands, but instituting riparian oriented management has shown improved conditions based on vegetation monitoring studies, see Appendix L and Appendix M. The implementation of riparian oriented grazing systems is proposed to continue, see Table III-E. Also, the planning partners feel they are on solid scientific ground when presenting the preferred grazing alternative, see analysis in Chapter 5 and responses B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General. Even though the DEIS effects only two percent of the land in the basin and ten percent of the river miles, there are efforts to improve private lands in the basin, see Chapter 3, Issues Resolved by Continuing Existing Management with Additional Actions. The last portion of the comment consists of opinion statements requiring no response.*

W-026.2 Riparian areas recovery response to elimination of grazing is amazing. Although it may take many years for a complete recovery, the initial response is rapid. Camp Creek and Bear Creek (Crooked River watershed) and the lower Deschutes River are examples of recovering riparian areas. Contrast the Deschutes River with the mainstem John Day R. where grazing continues. BLM is to be commended for their participation is these recovery projects. Once restored, a watershed may not only be a productive fish and wildlife area but may provide increased livestock forage also. At that point a carefully monitored adaptive management plan could

represent true multiple use. It is obvious there is potential for solutions to recovery of over-grazed areas. However, BLM has been unsuccessful in implementing and monitoring limited grazing systems or other forms of adaptive management. It does not appear that grazers are going to voluntarily adopt grazing protocols that would permit riparian zone restoration on public or private lands (apologies to those few ranchers that are progressive enough to do this on their own). Given the history of BLM grazing management it appears that the only realistic solution to riparian area protection/restoration is a total removal of grazing from these sensitive areas.

Response: *We feel that riparian oriented grazing practices which improve conditions are being implemented, see Chapter 3, Table III-E and Appendix L. Also, see responses B-042.11 in 1304 - Environmental Consequences, B-042.22 in 103 - Alternatives, B-042.6 in 1303 - Alternatives and B-042.7 in 3002 - Riparian in General.*

1305 Specific Allotment Comments

H-003.1 I have a BLM allotment on the North Fork John Day River. I think alternative B could work well for some of our allotments but probably not all of them. In the past few years I have been doing as the BLM has asked and have removed my cattle from the allotment by no later than June 30. By getting the cattle off that early in the year it is still in the growing season and the grass regrows and re-seeds. My allotment has improved and looks good using this practice.

Response: *Opinion statement requiring no response.*

1400 HUMAN USES AND VALUES

B-008.26 People seeking recreation on the John Day River, especially boaters, would benefit by the DEIS, but at the expense of those who live along the river and contribute the most to the local economy. Volume I, page 31 "Approximately 3% of the dollars spent on camping reaches the destination county while 97% is spent in the county of origin". Elsewhere in the document figures are given indicating recreation has helped the local economy. Based on available data, recreational tourism, over the last five years, has not created a single full time job and has not improved Wheeler County's population or growth rate. A person seeking full time employment is far more likely to be employed by a cattle rancher than a business depending on tourism.

Response: *The reference to "3% of dollars spent on camping reaches the destination county" has been removed. The information was not site specific to the John Day River or the many types of recreational activities occurring in the area.*

B-029.1 I am convinced that any economic hardship to ranchers is slight and temporary; that stream protection results in regional increase in productivity.

Response: *Opinion, no response required.*

B-042.17 The economics of livestock grazing along the John Day WSR are not disclosed.The contribution of livestock grazing to the annual income of residents of the area is not disclosed. The Plan stated the net sales of livestock in the affected counties, but this number has little meaning. According to Enterprise Budgets prepared by Oregon State University (Table 1, Figure 1, see North Central Plateau, attached), very few ranchers make a profit in the North Central Plateau. Most (approximately 90-93% of livestock operations (Figure 1)) are losing money. It is this net income that is important, not gross sales. The Plan needs to generate bona fide economic analyses based on audited financial statements from the permittees on the economic contribution of grazing in the WSR.

Response: *The document discusses the amount of forage provided by BLM lands within the corridor, and it's contribution relative to the total forage needed to support total livestock inventory and sales within the eight-county region. Thus the effects are relatively small given the scope of the analytical region selected. Effects would appear greater if a smaller analytical region had been selected, such as livestock inventory and sales of permittees within the corridor. Analysis at this scale was not possible because information on the business operations of individual the permittees is proprietary.*

C-002.7 Any plan that does not benefit the economic growth of Wheeler County involving the river will be carefully and minutely scrutinized by County Government. A total restriction or severe limitation of river usage would be detrimental to the economy of the County and would directly and adversely affect most of the businesses in the County in all three communities.

Response: *The BLM recognizes that alternatives considered and decisions made will affect in some manner the economics of various counties within the planning document scope. Recreation opportunities are one of the Oustandingly Remarkable Values that the BLM is charged with protecting and enhancing. Please refer to Chapter 5 for a complete discussion of these affects with regard to each issue and alternative considered in the Draft Plan.*

C-002.8 An intergovernmental cooperative agreement with the County and BLM allowing the County to police and charge for river usage would create at least one full time position and as many as four part time positions.

Response: *The potential exists for BLM and Counties to pursue cooperative agreements similar to the one suggested by the writer. No agreement is currently in place. Thus it is not included in the discussion of impacts. See response to C-002.16 in 1800 - Law Enforcement and Emergency Services*

F-019.3 Preserving the natural heritage of our federal lands, besides being a good idea just to preserve their beauty and wildlife habitat, also makes good economic sense. It would increase their value and return far more to the federal treasury and the Oregon economy than our current short-sighted policies. The old policies subsidized cheap steak and cheap ranch houses in the post-war era.

Response: *Opinion statement.*

G-016.3 I understand that economics play a large part of any decision making process. Is there a study out there of the financial impact of high recreational use as it compares to managed grazing? Recreational costs would have to include fire suppression, clean-up of riverbanks and camps, policing efforts, rescue efforts, and continual fencing costs to keep cows "out of sight".

Response: *The BLM is unaware of any study specifically addressing the reader's question.*

P-006.2 Fish must receive full attention and help - They do a lot for our Oregon economy.

Response: *Opinion, no response required.*

S-004.1 While I'd like to see some improvements such as offered in 'Alternative B,' I believe that there appears to be sound management of the basin from a camper's perspective and that no drastic changes are called for. I like the incremental approach of 'Alternative B,' and that traditional uses of the basin will continue for the people who live and work near the River. Alternative B addresses improvement of the basin without severely impacting the people of the region: a good balance of preserving wild areas and people who I hope will always live and work in the region. An approach that more of Oregon could benefit from.

Response: *Opinion, no response required.*

S-026.6 By failing to adequately discuss economic impacts, the DEIS violates NEPA. NEPA mandates that federal agencies consider environmental values along with 'economic and technical considerations' in decision making. Therefore, the negative environmental impact of development must be balanced on the scales along with the purported economic benefits of development. The DEIS, however, lacks any discussions of the specific environmental costs and economic benefits of the selected alternative. This is contrary to the directive that federal agencies conduct a 'finely tuned and 'systematic' balancing analysis' of environmental costs and economic and technical considerations in decision making. Moreover, the DEIS makes no attempt to quantify the benefits of preserving environmental values. This must include a discussion of whether continued livestock grazing, new range improvements, irrigation and other commodity uses in the planning area under the preferred alternative, will degrade its scenic and recreational values, resulting in a loss of recreation and tourism related income and jobs to local communities. 'Recreation costs are susceptible of economic quantification under the

relatively new science of 'environmental economics.' As such, they must be included in' NEPA analysis. In a situation which is similar to this case, the plaintiffs in Bergland, challenged a Forest Service land use plan regarding the management of 62 million acres of roadless areas on national forest lands. The District Court found that the Forest Service's cost/benefit analysis failed to satisfy the NEPA mandate, in part, because 'the economic values of wilderness were not considered' and it offered 'no intrinsic values to balance against the heavily quantified economic factors discussed ...' As a result, the BLM's failure to discuss recreational costs of implementing its preferred alternative in this case, denies the public 'access to complete information as to the weighing of costs and benefits performed by the Secretary in reaching his decision and the integrity of the decision making process as a whole is threatened. This is especially true in this case since the economic benefits of the commodity use actions of the proposed alternative are negligible in comparison to the potential environmental impacts. For example, in relation to continued livestock grazing, the BLM itself concludes 'AUMs attached to BLM lands within the John Day River corridor comprise approximately 1% of the total forage consumed by livestock. This represents a vary marginal economic contribution to the region.'

Response: *The John Day River Management Plan specifically discusses the effects of livestock grazing, range improvements, and irrigation on both scenic quality and various recreational uses. Scenic quality and recreational uses are not 'valued' using economic tools, instead resource specific measures are used. These effects have been included with economic factors, technical considerations, implementation costs, and other factors and resource effects in the development of the preferred alternative. The preferred alternative represents a 'balance' between numerous factors, uses, and values that has been determined to be most appropriate by the BLM decision maker.*

S-043.4 However, a compelling fact is that we could not successfully make commercial use of our private pastures without our animals trespassing into BLM holdings. Our properties come together where the canyon geography is so rugged and the fencing required so large, that the investment is economically impossible. We conclude that the strategic consequences of the Management Plan are to eventually put us out of the cattle business on our own land. This "derivative"impact is very real to us, since we are talking about rendering economically useless upwards of eighteen thousand acres.

Response: *The acres of both public and private lands that would be enclosed by riparian and corridor fencing is clearly displayed within the document. The economic effects section identifies the possibility that enclosed private lands would become economically unfeasible for use by livestock because of trespass potential and fencing costs.*

There are four alternatives presented in the Draft EIS. Three of the alternative would have impacts to most grazing operations, but would rely on modifications of most operations rather than elimination of public land grazing. In Alternatives A, B, and C, grazing would continue on the majority of public lands, but in systems that prioritize the protection and enhancement of the values for which the river was designated.

On the Seale allotment (#2619), almost all the public land is located within the Lower John Day or the Thirtymile Wilderness Study Areas (WSAs). For the no grazing alternative (Alternative D), fencing within WSAs was kept to a minimum in order to maintain the primitive nature of the WSAs. Alternative D for the Seale allotment (see page 181 of the Draft EIS, volume 2) would require construction of approximately 8.3 miles of fence and an estimated 8 water developments in order to implement. The fences would exclude 11,916 acres (545 AUMs) of the 13,676 public land acres (733 AUMs) in the allotment. The fence would also exclude 2430 acres of the 25,303 private land acres associated with the allotment.

Using the cost assumptions presented on page 269 of the Draft, the estimated cost to implement the fencing and water developments of Alternative D would be between $90,700 and $119,300. Whether the costs of construction and maintenance would be the responsibility of the land owner or the US government has not been explored in the Draft EIS. Under Alternative D, the federal government would pursue, on a willing seller basis, sale, exchange or conservation easements of the private lands that would be fenced in with public lands closed to grazing (see page 140 and 272). If the government did acquire the private lands excluded from grazing and constructed the necessary fence, would 18,000 acres still be affected?

One assumption used during analysis of Alternative D was that, in most cases, grazing would continue on private and public lands outside the Wild and Scenic River boundaries despite the elimination of grazing on public lands within the boundaries. To the extent that this assumption is incorrect, the costs associated with fencing and water developments have been over-estimated. Also, to the extent that this assumption is incorrect, the value of public land forage and costs associated with fence removal and lost productivity of public and private lands outside the WSR boundaries have been under-estimated.

S-043.5 These "Derivative" impacts on all private property owners should be surveyed and the economic consequences included in the record.

Response: As discussed within the EIS, private business decisions will be the primary determinate of economic consequences to the livestock industry. Therefore economic effects are discussed generally. Allotment specific actions in Appendix L should provide adequate information to individual permittees to evaluate, anticipate, and respond to any changes that impact their business.

The BLM is not in possession of information which would allow it to distinguish between those livestock operations which would be completely decimated by the grazing Alternative D and those operations which could continue largely unaffected. The assumptions that would have to be made would yield impact estimates that are similar in magnitude, though different in nature, as the consequences described in the Draft EIS.

T-012.1 What about the people?

Response: *The BLM believes that the concerns of local, regional and national businesses, individuals and groups have been addresses by the EIS.*

W-022.1 The ranchers should be compensated. What ever it takes, we must do it. Agribusiness and farmers have received large subsidies in the past for allowing fields to go fallow as an incentive to prevent over production. Why can't these farm businesses along the John Day now receive similar payments for saving the fish runs and this national treasure.

Response: *The proposal to financially compensate ranchers for elimination or reduction of public land grazing is outside the legal authority of the BLM and beyond the scope of this EIS.*

1500 IMPLEMENTATION

K-003.1 When are the options that are settled upon to be implemented?

Response: *Implementation of the final plan decisions will occur over many years depending upon the decision and funding levels. Implementation should begin, however, in the spring of 2001.*

R-013.2 My main concern is will the funding be adequate to deal with increasing pressure from the public and if changes are mandated will the public be willing to fund those changes, such as fencing?

Response: Factors considered in arriving at final decisions include expectation of reasonable funding levels, based upon past funding levels.

1600 INFORMATION AND EDUCATION

1603 Alternatives

H-027.2 Boat rental permittees can help educate the users of the river by providing BLM supplied information and all the required equipment needed to float the river.

Response: *Boat rental permittees are currently providing this information to the public.*

H-035.12 We desire general public users to be trained in leave no trace skills.

Response: *Your preference has been noted and taken into consideration.*

1603 Alternatives

F-002.3 Suggest marking public/private property boundaries with red and green, 12" disks as a way to alleviate illegal trespass issues.

Response: *The proposed decision would use signs to mark the public access routes to the Oregon Trail interpretive site, by foot from the west river bank and by vehicle from the east and west banks. Where trespass is a problem, the BLM would install ownership identification markers between BLM, state, and private lands to clearly identify land ownership and reduce trespass potential.*

1700 LAND OWNERSHIP, CLASSIFICATIONS, AND USE AUTHORIZATIONS

1701 Land Ownership, Classifications, and Use Authorizations in General

30.32 I support BLM continuing to acquire lands along the John Day and tributaries. I also support BLM pursuing co-op agreements/easements that allow public use of private lands in key primary/secondary camp areas along the river. I would support a fee in a boater pass for these efforts.

Response: *Opinion statement requiring no response.*

C-002.18 You are pulling the finest recreational lands and housing sites out of the Wheeler County inventory. Where is the compensation to Wheeler County? Where is the compensation to Wheeler County?

Response: *Nothing in this plan is pulling any recreational lands and housing sites out of the Wheeler County inventory. The State of Oregon rulemaking can influence the way structures look within one quarter mile of a State Scenic Waterway. But even this situation does pull sites from Wheeler County inventory.*

C-029.14 Acquire as much private land along the John Day River Canyon as possible.

Response: *Opinion statement requiring no response.*

Response: *Opinion statement requiring no response.*

D-012.3 The chapter favors the acquisition of land from willing sellers with the goal of protecting and enhancing river values and to facilitate administration by the BLM.

Response: *This is the intent of the planning partners. Historically it has been difficult for the BLM to effectively manage isolated or highly intermingled ownership patterns. Large blocked areas of public land can be managed more efficiently, are more easily used by the public and are less bothersome to private land owners because the BLM is not dictating management of their lands.*

M-032.2 Some BLM pieces would be in rough country like steep cliffs and nothing cattle could graze or climb. I would not want to give any private land for useless land to graze on.

Response: *The planning partners would not require any private land owner to sell or trade property.*

S-005.4 Mildred would not be a willing seller of river front property in any alternatives of the proposal. River bottom land is the highest value land in the ranch operation.

Response: *The planning partners would not require any private land owner to sell or trade property.*

W-025.3 While BLM lands do, in fact, represent a small portion of total ownership in the total watershed, this is not necessarily the case in viable subunits, particularly those that fall within the designated corridors under the Wild and Scenic Rivers Act. Excluding the small portion of designated corridor which makes up only a small portion of Segment 11, public lands account for 195 (53%) of the 365 river bank miles in designated corridors (compiled from Table III). This is a case of the cup being more than half full, rather than nearly half empty.

Response: *Opinion statement requiring no response.*

W-025.4 Segment 2 is by far the most scenic portion of the John Day, provides spawning habitat for the small run of fall chinook, has extensive archaeological values, and has some of the last remnants of near climax bluebunch wheatgrass and Idaho fescue communities remaining in the Columbia Plateau. Not only are 79% of the river bank miles of the entire segment in public ownership, but the nearly 50 miles of the John Day from about river mile 46 to about river mile 93 are more than 90% publicly owned. At least these 50 miles are a segment where the BLM should actively pursue acquisition of the few land-locked parcels of private land within the canyon and close the entire area of "blocked up" ownership to grazing, including the many miles of tributary streams that are in public ownership such as in Little Ferry Canyon, Jacknife Canyon, and Pine Hollow Canyon Virtually all of the grazing permittees in this 50 mile segment receive their primary income from wheat farming rather than their livestock operations, so economic impacts would be minimal.

Response: *Please see Chapter 3, Land Ownership, Classifications, and Use Authorizations.*

W-025.5 Segment 10 is shown as about 49% public river bank miles, but this figure under represents the amount of non-private ownership adjoining and in the tributaries of the designated corridor in this segment. If one combined BLM, National Forest, and State of Oregon lands as "public", then public ownership appears to approach 90% in this area. That makes this another area where BLM should pursue acquisition of the inholdings and, in cooperation with the Forest Service and Oregon Department of Fish and Wildlife, seek to curtail grazing and any irrigation that is not conducted solely for the benefit of wildlife. To the extent that any of the State of Oregon lands are "school" lands, BLM should seek legislation to reimburse the State for any revenues that would be lost due to such closures.

Response: *The planning partner's decision on acquiring lands would be made on a case-by-case basis. See the DEIS Chapter 3 and responses W-025.4 in 1701 - Land Ownership, Clssification and Use Authorizations, B-042.14 in 101 - Agricultural Leases and Water Rights in General, B-042.4 in 3003 - Affected Environment and B-042.6 in 1303 - Alternatives.*

W-025.6 Segment 3 and the portion of segment 2 above about river mile 93 offers a somewhat different set of opportunities. While curtailing grazing on public lands in this segment would certainly be desirable, grazing is second to irrigation as an activity adversely impacting these 60 or so miles of the John Day. With the exception of the area immediately around Twickenham, however, the irrigated lands are relatively small in total acreage and many are of marginal quality. Here, the BLM should pursue an active course of acquisition and easements for the purpose of restoring the natural flood plain and native vegetation, and converting the water rights to instream flows. Segment I has similar opportunities.

Response: *See response W-025.5 in 1701 - Land Ownership, Classifications, and Use Authorizations in General.*

1703 Alternatives

11.11 Landownership, Classifications and use Authorizations - We support the Preferred Alternative with the following exception: Under Potential Acquisition Acreage reference is made to 4,036 acres. Where exactly are these areas, and what, if anything, is going to be disposed of in exchange for these acres?

Response: *For specifics on which acres are proposed for acquisition, see Chapter 3, Land Ownership, Classifications, and Use Authorizations, Common to All Action Alternatives, page x, and Table III-H, Lands Possibly Suited for Acquisition, page x. These lands are identified for acquisition through purchase, exchange, or acquisition of easement. No land exchange is identified at this time, however these lands will be put on the exchange list when a land exchange opportunity arises, to be exchanged for public lands of equal value outside the Wild and Scenic River Corridor. Acquisitions would be limited to parcels with willing sellers and may occur only after site specific analysis tiered to this EIS.*

H-035.11 We are supportive of Alternative B for Land Ownership, Classifications & Use Authorizations. We desire closing several campsites along the river that are on our private property, unless easements can be obtained by BLM for the public use of this area.

Response: *The planning partners are interested in obtaining easements for campgrounds. See the FEIS, Chapter 3.*

1800 LAW ENFORCEMENT/EMERGENCY SERVICES

1801 Law Enforcement/Emergency Services in General

B-008.11 Most of the preferred alternatives identified in the management plan for the John Day River recognize the need for additional law enforcement. Volume I, page 122 suggests: "continue existing management and increase agency cooperation. Page 126, Vol. I, states the BLM would improve coordination with state and local agencies by organizing a work group and discuss various topics and conduct possible joint training exercises etc. While these efforts would help, they are nothing more than cosmetic BAND-AID approaches for a much larger situation. Added training and interagency cooperation/support will not solve the problems of response times and the need for additional officers on duty to respond to complaints. One possible solution to this issue would be for the BLM to contract with local County Sheriffs for added part time support utilizing reserve Deputy Sheriff Officers.

Response: *See C-002.1 in 1801 - Law Enforcement and Emergency Services*

B-008.14 Public safety issues were not well identified in Volumes I and II with respect to dispersed camping. Resources for fighting fires were not included and could be a major issue since these resources are extremely limited, especially during fire season. Ambulance support or times and distances to medical facilities have not been identified. Air-life rescue efforts to rafters along the river may be hampered are made impossible because of winds.

Response: *The BLM agrees that current law enforcement coverage along the river needs to be improved. In the Preferred Alternative for Law Enforcement and Emergency Services, (see Chapter 3, page 126) the BLM would coordinate county, state and federal law enforcement agencies together to set common goals and to share available resources in working together towards these goals. We understand your concerns about fire protection and search and rescue needs. BLM's commitment in the plan to improve coordination with state and local agencies will offer a better forum to address these issues and alternative solutions.*

C-002.1 It is clear that no matter which alternative chosen, local law enforcement receives no assistance to deal with the issues that a major tourist and recreational draw the river has caused and will caused and will cause in the foreseeable future. It is also that usage has increased dramatically over the past three years. There are several problems which were referenced: Litter and harassment of wildlife; gun related incidents on the river, vandalism, theft, and litter; 50% of the park users do not pay. Also, the numbers in the document may be off by at least half.

Response: *BLM acknowledges that recreation use statistics currently available probably underestimate the amount of use occurring within the John Day Basin, especially for non-BLM lands. Additional inventory and monitoring efforts such as Limits of Acceptable Change (LAC) (see Appendix K) will better assess actual use and provide a means to direct recreation management efforts. The BLM agrees that current law enforcement coverage along the river needs to be improved. In the Preferred Alternative for Law Enforcement and Emergency Services, (see Chapter 3, page 126) the BLM would coordinate county, state and federal law enforcement agencies together to set common goals and to share available resources in working together towards these goals. The BLM has not made a commitment of monetary resources in the management plan. While each coordinating agencies' ability to contribute funding would vary, non-monetary contributions such as training,*

equipment, patrol time, etc. would further LE and SAR goals. Your suggestions regarding additional funding, stipends to the County from BLM, river use fees and payment in lieu of taxes were considered but determined to be outside the scope of this management plan at this time. BLM's commitment in the plan to improve coordination with state and local agencies will offer a better forum to address these issues and alternative solutions.

C-002.2 All the plans except for total ban of use of the river will continue to tax SAR beyond capabilities. By implementing a fee program, and BLM stipend to the counties, funds would be available to offset the cost of sending our volunteers to the "white water" rescue training, steep and inaccessible terrain, etc. Proper Boats and equipment could be procured and a set of diving equipment obtained for our certified diver.

Response: *See response to C-002.1 in 1801 - Law Enforcement and Emergency Services.*

C-002.3 There is no means to contact emergency personnel between Spray and the Columbia River except private phone or the phone at Service Creek. An emergency service phone should be located at each major access point (Service Creek, Twickenham, Clarno, Cottonwood). The suggestion of a pay phone at Clarno is one well received.

Response: *The BLM recognizes the significant deficiencies in communication channels in the river corridor; radio, cell and satellite communications are difficult and sometimes impossible along the river. Land lines in areas of user concentration (put-ins and take-out points) would be a vast improvement in communication in this area.*

C-002.4 A problem with eliminating vehicle access to the river is the inability of SAR personnel to respond without a helicopter. (Burnt Ranch access) A second problem that comes to mind is the conflict with the ADA on government property. Access could be improved so that the roads don't "erode" into the river, then restricted by a gate or such that emergency personnel could respond.

Response: *Road access in the river corridor is limited, including access for emergency purposes. Your suggestion of road improvements with restricted access was considered but determined to be outside the scope of this management plan and could better be addressed on a site specific basis through cooperation and coordination of law enforcement agencies, as outlined in Chapter 3 p. 126. Access for the disabled is provided at developed recreation sites wherever practical from a design and financial standpoint.*

C-002.5 If the BLM monies for enforcement of the river were transferred to the County, and fees permitted, this should be doable. I would additionally greatly reduce the impact on private land and wildlife in the river area, help employment, and provide for a positive economic impact.

Response: *See response to C-002.1 in 1801 - Law Enforcement and Emergency Services.*

C-002.6 Proposals: 1) A part time Wheeler county Parks employee can police the issuance of permits provided fees are charged that would offset the costs. These same employees could haul garbage from the put-in/take out sites... 2) An OSP cadet could police a "check-point" at various locations on the river to monitor fish-take and other activity. 3) A small offset (stipend) from BLM, much less that the cost of two jet helicopters dumping water on a fire or a BLM enforcement officer, would cover any costs not covered by the fees. This could be funneled through the County's Park program and cover such things as gas, dump fees and housing.

Response: *See response to C-002.1 in 1801 - Law Enforcement and Emergency Services.*

C-002.16 Due to the danger of Clarno falls once access is obtained at Butte Creek, how do you propose to police it?

Response: *BLM will cooperate with other local law enforcement to provide law enforcement on public lands. See response to C-002.1 in 1801 - Law Enforcement and Emergency Services.*

H-035.13 We desire increased law enforcement presence on the river in order to address poaching, trespassing and permit compliance issues.

Response: *Your preference has been noted and taken into consideration.*

N-001.1 About more law enforcement to control trespass, vandalism, etc. we are afraid you want more law enforcement for people control. We wish to point out that Thomas Jefferson framed the Peoples Law into the Constitution of the USA. Peoples Law means the majority of the power is held by local people, then communities and states with the federal government holding the least power. Thus it seems to us that BLM and USFS law enforcement has little or no legal or constitutional authority. Get the federal govt. out of this. Let ranchers charge for access or give it away or keep people off their private property.

1900 MAPS

A-001.1 Plate 1 Segments 1 and 2 map is not accurate. Specifically it shows that grazing allotment extends outside of section 28 2N 19E. I own the SE1/4 of Section 21 2N 19E and Section 27 2N 19E and the grazing rights thereon. Also, the map does not include a Pacific Power transmission line which crosses the river in section 27 2N 19E. The map does not show two private access roads in this area, one on the west side of the river and one on the east side of the river. It also does not show access to Tumwater Falls. Therefore, this map has serious errors and should be used only for the most general reference only and certainly not to guide any future guidelines or regulations.

Response: *Scattered minor errors occurred throughout the DEIS maps. As a result of public comments and the planning team's review, we have made needed corrections on all the maps; however, it is still possible some small errors may have gone undetected.*

C-001.4 The map (Plate 1, Segments 1 and 2) shows the location of only one of our two pipelines located in the study area. In most areas, these two pipelines occupy a single right-of-way, but in the John Day River area the two lines diverge. We have marked up and attached a copy of the map with the location of the second line, for your use in the final plan.

Response: *See response A-001.1 in 1900 - Maps.*

C-004.1 If the Mainstem above Dayville is not designated as a Scenic Waterway, why is there a 1/4 mile buffer zone drawn on the map along the river? Remove it.

Response: *The boundary line described is removed in the FEIS.*

C-004.2 In Plate 3, Segment 5... Private (deeded) lands do not have a place being listed or highlighted with the public lands. The areas on Grub Creek have three private owners, not two as shown.

Response: *BLM land is shaded yellow and private land depicted in white. Stippling is used over both ownerships and the allotment number added to indicate the entire extent of the grazing allotment. Allotments in the John Day Basin are classified as "Section 15" allotments based on the Taylor Grazing Act, which means they will have some amount of private land within the allotment boundary. Historically, in order for a land owner to lease adjacent BLM land for grazing, he needed to designate a portion of the private land as "base property or preference lands." The intent was to demonstrate that the land owner's livestock could efficiently use private and public land as a grazing unit.*

C-004.3 There are numerous ranches listed in the legend as grazing allotments when in actuality they are private. Leaving these with that designation on the map will give some members of the public the idea they have a right to access them.

Response: *The legend for the FEIS maps will be updated to clarify the difference between public and private lands. When private land is included within the boundaries of a grazing allotment, this does not give the public any right to access the private land. Also, see response C-004.2 in 1900 - Maps.*

H-001.1 Letter contains 6 comments regarding the portrayal of NPS lands on GIS generated maps.

Response: *The maps for the FEIS will have the National Park Service land removed from grazing allotments, also, the boundaries and stippling will be corrected.*

M-032.1 Down at the Rayburn Place (Maurer Allotment) you put a red star indicating we farmed a small piece of BLM at the entrance of the Duncan field, where you have the red star as farmland is only a bunch of rocks. No place anyone could plow. The 320 acres of public land at Rayburn, Wasco Co. side, is intermingled with our private land. This perhaps would make up a small piece of acreage.

Response: *The map for the FEIS will have the red star moved upriver to it's correct position.*

W-002.1 The EIS says the 1/4 mile buffer zone is only for the Wild and Scenic River. For the government to do this they must RESTRICT the rights of all the land owners within the buffer zone. Once that is somewhat jammed down the throats of the land owners then the government will take over the land in the buffer zone. When a portion of wealth is transferred from the person who owns it without compensation, whether by force or fraud, to anyone who does not own it, then that property is VIOLATED.

Response: *The BLM does not restrict private land owners within a quarter-mile of the river. The FEIS in Chapter 3, Land Ownership, Classification and Use Authorizations, will further clarify this point. Also, see responses S-005.4 in 1700 - Land Ownership, Classification and Use Authorization, W-025.5 in 1701 - Land Ownership, Classification and Use Authorization.*

2000 NATIVE AMERICAN USES

2001 Native American Uses in General

30.38 I agree that this plan does not affect these uses. I think Native Americans should be restricted like anyone else, regarding river access, motorized use restrictions, etc.

Response: *The members of tribes with ceded land rights/privileges are not like "everyone else". They have special consideration under these treaties (see Chapter 1, Issues To Be Resolved, and Chapter 2, River History Overview). For example, tribal members have legal access to identified "usual and accustomed fishing location" regardless of land ownership.*

C-019.1 Part of the John Day is in my ceded areas which I and my fellow tribal members reserve treaty rights. You as a federal agency have trust responsibility to protect our tribal treaty resources which rely on a healthy ecosystem. Our fisheries resources are in sad shape due to many factors including overgrazing and everyone should be doing their part to protect or bring the system back into balance for salmon and other aquatic and riparian areas. We need BLM to honor our treaty of 1855 by protecting the river and its flood plain for benefit of our children and yours for future generations.

Response: *Throughout this planning process, active consultation has occurred with the various tribes with interest in this area, including the CTUIR through the CTWSRO. The BLM and CTUIR maintain a Memorandum of Understanding (MOU) which outlines protocols for communicating and considering tribal interests and concerns. The BLM will continue to communicate with all federally recognized tribes on issues regarding treaty rights and privileges.*

2002 Treaty Rights

Y-001.13 We suggest that in order to avoid confusion about the treaty and trust responsibilities, that all of the treaties be summarized and a general statement of the general trust policy be set forth in the appendix.

Response: *Treaty and treaty responsibilities have been adequately described in Chapter 1, Issues To Be Resolved; Chapter 2, River History Overview; and in Chapter 3, Native American Uses.*

Y-001.18 The DEIS notes that the various tribes have treaty rights to access "usual and accustomed fishing stations". Since this is a term of art, we suggest that the specific sites be identified in the plan and provisions included as to what activities are allowed at these sites. Since some of the original sites were taken by the federal government for various projects and replacements established, the history of the sites should also be set forth.

Response: *Cultural resources, including locational information about "usual and accustomed fishing stations", is typically proprietary information exempt from FOIA. We have identified two of the more well-known locations (identified by the tribes) on the river in the text. Additional information is maintained by the individual tribes that have interest in the area and is not readily shared. Linda Walker of the Corp of Eng. in Portland (503) 808-4508/808-3715, may have information on the latter issue. If additional information is needed on these subjects, they should be directed towards the solicitors office.*

2100 NOXIOUS WEEDS

2101 Noxious Weeds in General

A-001.2 The BLM admits on page 12 that existing practices are not curbing the increase of noxious weeds on the John Day and they propose to do nothing to improve the condition.

Response: *See C-038.12 in 2101 - Noxious Weeds in General.*

C-009.3 In the Pacific Northwest, we are seeing a dramatic spread of invasive plant species. In the John Day Basin's uplands, livestock facilitate the rapid spread of these weeds.

Response: *See B-042.11 in 1304 - Environmental Consequences*

C-025.5 We are especially concerned about chemical contamination of the River's water, fish, amphibians and aquatic invertebrates from noxious weed spraying near the River and agricultural runoff bearing herbicide contamination.

Response: *See B-042.12 in 2104 - Environmental Consequences*

C-029.2 I favor management to control exotic plants (weeds).

Response: *Thanks for your comment, so do we.*

C-038.12 Weed infestations and management are under emphasized in the Plan.

Response: *A full range of alternatives for weed control was analyzed in two recently completed Environmental Assessments (EA's) (OR-054-3-063 and OR-053-3-062) which are tiered to two regional Environmental Impact Statements (EIS's) (Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991) and its respective ROD and The Northwest Area Noxious Weed Control Program FEIS (1985) and its respective ROD), the geographic scope of which cover the entire Prineville District. These EAs are referenced under actions common to all alternatives on page 190 of the DEIS.*

The Prineville District, BLM employs a complete Integrated Weed Management Program, whereas we act on noxious weed problems as aggressively as anyone can within the law, and only using the tools which make the most sense for each occasion.

J-012.1 We are losing more and more species. If it isn't cattle overgrazing it's herbicides.

Response: *Opinion*

L-006.3 If campsites increase, will this not only increase potential for noxious weed spread and necessitate increased expenditures for weed control, including increased use of herbicides? I doubt your District has the resources to address the serious problem of noxious weeds without herbicides. How will the BLM control weeds in and around heavily-used campsites?

Response: *See C-038.12 in 2101 - Noxious Weeds in General*

M-002.1 Knapweed will not go away if its not taken care of so the vegetation is wonderful who will take care of the weeds.

Response: *See C-038.12 in 2101 - Noxious Weeds in General*

M-035.6 Noxious weeds are a problem along the river. Does the plan consider aggressive (herbicides) methods to control expanding populations? The BLM needs to accelerate the eradication of weeds before it gets worse.

Response: *See C-038.12 in 2101 - Noxious Weeds in General*

R-016.5 As recreational use and weed problems both increase, due to unlimited commercial guides, "What resources will BLM use to address the serious problem of noxious weeds without herbicides? How will the BLM control weeds in and around heavily-used campsites? Unlimited guides will lead to an "increase in herbicide use in riparian areas, and... the herbicide will need to be transported by boat, increasing the potential of hazardous spills. All of this at a time when John Day River steelhead are being listed as threatened and salmon stock are in alarming decline.

Response: *See C-038.12 in 2101 - Noxious Weeds in General and B-042.12 in 2104 - Environmental Consequences*

2103 Alternatives

A-001.3 I propose that a very aggressive program be designed until the ecosystem is well on the way to recovery. This program should involve treating all weeds on the State's "A" and "B" noxious weed lists with herbicides, as that is what is expected of the private sector. This will necessitate special access to portions of the river by vehicles of some kind to treat these weeds. This access could be specified for a special need only. This is a very real problem that is acknowledged by the BLM and needs to be addressed.

Response: *See C-038.12 in 2101 - Noxious Weeds in General*

B-042.13 Proposed management does not comply with the New White House executive Order on Invasive Species. The new White House Executive Order on Invasive Species (Feb. 3, 1999) states that a Federal agency cannot carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to the guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species, … (Section 2, (3).) Federal agencies must also (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and

environmental sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; etc. (Section 2, (2)).

The one weed management alternative in the Plan is not in compliance with this new act. By maintaining livestock grazing over nearly the entire planning area, BLM is promoting the introduction of weeds; disturbances to soils, microbiotic crust, and mycorrhizae; and preventing the recovery of the soils and native plants necessary to halt weed spread.

This point again is based on livestock grazing being a major cause of noxious weed invasions and expansions. We have already demonstrated that such a commonly accepted paradigm is not supported by recent research findings.

Response: *Contrary to the above assertions, the management prescriptions and activities for dealing with noxious weeds are expressly in compliance with the Executive Order. There is in place a prevention program; we are continually inventorying and rapidly responding to control populations of noxious weeds using a variety of methods including manual, chemical, biological and cultural. We are constantly monitoring weed infestations and where appropriate, are providing for restoration of native species.*

As documented in response to comment # B-042.11 in 1304 - Environmental Consequences the probability that current grazing management prescriptions are introducing weeds into the WSR is low. It has been generally documented that most sources of introduction are located on private land on the river in it upper basin or on its major tributaries and that seed is being transported into the WSR by the river itself. Our current management prescriptions are in actuality providing for vegetative improvement and plant community stability.

C-038.27 Weeds - non-indigenous species should be managed by eliminating the main cause weed invasions in the John Day River Basin, which is livestock grazing. Many of the weeds will start declining in density and frequency once livestock are removed. If in 10 years, some areas are still dominated by non-indigenous species, a new EIS should be prepared to evaluate different weed eradication strategies.

Response: *See B-042.11 in 1304 - Environmental Consequences*

2104 Environmental Consequences

B-008.4 Amphibians and reptiles have recently experienced a decline in populations worldwide. One known cause for their decline are the toxins used to control non-native fish species, exotic weeds, and insects. The current practice of spraying for noxious weeds along the river's shore line may be one reason for the decline of reptiles and amphibians along the John Day River.

Response: *See B-042.12 in 2104 - Environmental Consequences*

B-008.8 Noxious weed control may be a factor for many bird species. Thistles, for an example, provide an excellent food source for a wide variety of insect species including the Monarch Butterfly. Mourning Dove, quail, finches, and sparrows depend on these plants heavily. Thistle also provides excellent ground cover during the winter and concealment from predators. Some areas where thistle grows should be "managed" as habitat but not allowed to spread into unwanted areas that would affect agriculture.

Response: *The BLM, to the best of our ability, only treats thistles designated as noxious weeds. There are many native thistles which we do not treat. See C-038.12 in 2101 - Noxious Weeds in General*

B-042.12 BLM's favored herbicides are damaging to humans, plants, wildlife, and the River. We wish to call to your attention recent new information. Although the herbicides that will be used to eradicate weeds in the John Day WSR Corridor were not identified, we suspect that the following herbicides will be used because they were approved for use in the John Day WSR in the 1996 EA (OR-054-3-063). We wish to call to your attention recent new information about herbicides identified for use in the John Day WSR. It is important because these herbicides will negatively impact the ORVs of recreation, wildlife habitat, and water quality.

According to Bane (G. Bane. 1991. 2,4-D. Journal of Pesticide Reform, Fall, 1991, pages 21-28), in humans, 2,4-D exposure may cause nausea, vomiting, diarrhea, headache, temporary loss of vision, weakness, and difficulty forming thoughts. It also causes liver and kidney alterations in mammals, and adversely affects enzyme production in human livers. Depression, lethargy and coma have been documented in exposed animals and humans. In humans, occupational exposure to 2,4-D damaged and killed sperm in male farmers; abnormalities were still apparent one year following exposure. 2,4-D has shown mutagenic effects on human lymphocyte cells, and commercial formulations of 2,4-D cause chromosomal damage to human lymphocytes. In addition, there are numerous studies that connect 2,4-D with cancer, both in laboratory animals and in humans. For example, farm herbicide use of 2,4-D was associated with cases of non-Hodgkin's lymphoma. And dogs living in houses with lawns that are treated with 2,4-D have a risk of developing lymphoma that is up to twice as great as dogs without 2,4-D exposure.

Of great relevance to this DEIS are the studies showing that government forest and soil conservation service workers have an increased risk of non-Hodgkin's lymphoma and colon cancer. The risk is greatest in workers with the most frequent field work or the greatest potential for pesticide exposure. There is evidence that toxic substances are also present in 2,4-D as contaminants and "inerts". Dioxins, which causes cancer, birth defects, reproductive defects, and liver damage, have been found as contaminants in 2,4-D. TCX, which is formed during the manufacture of 2,4-D and cannot be removed, causes severe, persistent acne. Other contaminants are also commonly found in commercial forms of 2,4-D. The summary of the article by Bane states that "2,4-D is both acutely and chronically toxic. In humans, it is a neurotoxin, a carcinogen, and adversely affects reproduction. In laboratory animals, it causes organ damage, birth defects, and fetal death."

When applied in nature, 2,4-D affects the behavior of fish, growth of chicks, and brood development in honey bees. Aerially applied 2,4-D can drift up to fifty miles; it contaminates ground and surface water; and it has been linked to an increased frequency of disease in corn and pine trees. It is contaminated with several toxic compounds, including dioxins and 2,4-dichlorophenol. Widespread applications of 2,4-D for over 40 years have provided the opportunity to document significant health and environmental damage caused by 2,4-D's use. For example, the evidence for many of 2,4-D's acute symptoms, its link with myotonia (a neurotoxic effect), its adverse effects on sperm, its association with increased cancer risks, and the problems caused by 2,4-D drift, are all based on studies of field exposures. Despite its long history of use, many of 2,4-D's adverse effects (including neurotoxicity, carcinogenicity, and mutagenicity) have only recently been documented. Regulatory agencies and 2,4-D users need to face the overwhelming evidence of 2,4-D's harm (Bane, 1991)."

Glyphosate. In two articles by Cox (Cox, C. 1995. Glyphosate Parts 1 and 2, Journal of Pesticide Reform, Fall 1995, p. 14-20, Winter 1995, p. 14-20), glyphosate was found to be acutely toxic to animals, including humans. In the summary Cox states that acute glyphosate exposure in humans causes eye and skin irritation, headaches, and nausea. Chronic effects on laboratory animals include effects on the pituitary gland and the kidney. Under proper conditions, glyphosate can form N-nitroso-glyphosate, a compound associated with a variety of chronic health effects. In animal studies, feeding of glyphosate for three months caused reduced weight gain, diarrhea,

and salivary gland lesions. Lifetime feeding of glyphosate caused excess growth and death of liver cells, cataracts and lens degeneration, and increases in the frequency of thyroid, pancreas, and liver tumors. It also causes reduced sperm counts, lengthened estrous cycles, and increases in fetal loss together with a decrease in birth weights of offspring.

Glyphosate is moderately persistent in soil, sometimes persisting over a year, and it has significant impacts on non-target organisms. Although not expected for an herbicide, glyphosate exposure damages or reduces the population of many animals, including beneficial insects, fishes, birds, and earthworms. In some cases glyphosate is directly toxic; for example concentrations as low at 10 ppb can kill fish, and 1/20 of typical application rates caused delayed development in earthworms. In other cases (small mammals and birds, for example), glyphosate reduces populations by damaging the vegetation that provides food and shelter for the animals.

Equally important, glyphosate reduces the activity of nitrogen-fixing bacteria in the soil. These bacteria transform nitrogen, an essential plant nutrient, into a form that plants can use. Glyphosate reduces the growth of mycorrhizal fungi, beneficial fungi that help plants absorb water and nutrients. Glyphosate also increases the susceptibility of plants to diseases, including Rhizoctonia root rot, take-all disease, and anthracnose.

Finally, Glyphosate is known to drift away from the site of its application. Maximum drift distance of 400-800 meters have been measured.

c. Picloram. According to a memo written by Dr. M. O'Brien of Northwest Coalition for Alternatives to Pesticides (NCAP) (January 5, 1987), picloram is environmentally damaging because it is broadly phytotoxic, killing a large number of non-target plant species; it is persistent in the soil; and it leaches through soil to groundwater and into streams. It can have a half life of more than 4 years in arid regions and has been repeatedly found as a contaminant in groundwater and wells. Picloram has been found to reduce lake trout fry survival at the lowest concentration tested, and to cause a significant increase of small-intestinal adenocarcinoma (tumors) among sheep grazing on New Zealand pastures sprayed with herbicides including picloram. The prevailing rates of small intestinal adenocarcinoma among humans in New Zealand are among the highest in the world.

Picloram has not been thoroughly tested, but genetic toxicologist R. Shearer writes, "The fifteen picloram victims I know have had symptoms for at least two years following exposure to picloram used in combination with either 2,4-D or Krenite. All suffer from pain and swelling in joints, weakness and rapid fatigue, and sensitivity to re-exposure to non-physiological chemicals. Residual symptoms include chronic headaches, vision problems, deterioration of memory and concentration, and tingling hands and feet. These symptoms are not detectable in standard animal tests. " Dr. O'Brien concludes "one cannot help but question the wisdom of registering, selling, and spraying an herbicide known to persist in the environment, volatilize, leach into groundwater, damage nontarget plants, contain carcinogenic contaminants, lack any acceptable chronic-effects testing, affect humans adversely, and display synergism with other herbicides and carcinogenicity.
Dicamba. In humans, exposure to dicamba is associated with the inhibition of the nervous system acetylcholinesterase and increased frequency of the cancer, non-Hodgkin's lymphoma. In lab animals, exposure to dicamba has caused decreases in body weight, liver damage, increased frequency of fetal loss, and severe, sometimes irreversible, eye damage. It has also has caused genetic damage in human blood cells, bacteria, and barley. Dicamba can be contaminated with cancer-causing nitrosamines and a dioxin, which has been shown to cause birth defects and several cancers in laboratory animals

Dicamba is a prime candidate for leaching through the soil to groundwater. It is highly soluble in water and does not remain bound to soil or organic matter in soil.. Dicamba has contaminated rivers, ponds and groundwater. In the US, dicamba-contaminated groundwater has been found in 17 states. It volatilizes easily and has been known to drift several miles following applications at high temperatures. Dicamba can inhibit some of the organisms important in soil nutrient cycling and thus impair soil fertility. It's use has also been associated with some plant diseases (Cox, C. 1994. Dicamba Herbicide Fact Sheet. Journal of Pesticide Reform, Spring, 14:30-35).

BLM is obligated to consider this new information about the toxic pesticides it intends to use in the WSR corridor and consider whether their use will protect and enhance ORVs of the John Day River.

Response: *While we agree that there are risks inherent in the use of herbicides, we do not agree that their use in a controlled, competent manner and according to the protocols and policies of the EAs and EISs listed below pose a serious risk to the ORVs of recreation, wildlife habitat, and water quality on the John Day WSR.*

We have not found any new health or environmental risks for the four herbicides (2,4-D, Dicamba, Glyphosate, and Picloram) that have not been exhaustively documented and studied by the EPA and other regulatory agencies. Comprehensive analysis of these risks are documented in EA # OR-053-3-062 pp. 17-32, EA # OR-054-3-063 pp. 23-40, Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991) chapter 3 and appendix E, Northwest Area Noxious Weed Control Program Supplemental FEIS (1987) pp. 1-24 and appendix N, and Northwest Area Noxious Weed Control Program FEIS (1985) chapter 3 and appendix N.

This analysis and Finding of No Significant Impact (FONSI) for EA # OR-053-3-062 and it's tiered documents (Vegetative Treatment on BLM Lands in Thirteen Western States FEIS (1991), Northwest Area Noxious Weed Control Program Supplemental FEIS (1987), and Northwest Area Noxious Weed Control Program FEIS (1985)) has been affirmed in IBLA 94-692, 94-726, 94-727, decided July 7, 1997

In accordance with the directions on the herbicide label and the mitigations in the previously mentioned EA's, use of herbicides in an Integrated Weed Management (IWM) program would produce no adverse impacts to ORVs on the John Day River. The objectives to protect and enhance the ORVs of recreation, wildlife habitat, and water quality would be met as follows:

> *The reduction of noxious weeds that are likely to develop into monocultures would increase native vegetation vigor and density.*
>
> *Increasing native vegetation vigor and density would protect and enhance wildlife habitat by increasing food and cover.*
>
> *Increasing native vegetation vigor and density would protect and enhance water quality through better capture, storage, and safe release of water by healthy native vegetation and soils, and by decreasing overland flow, sediment transport into the John Day River would also be reduced.*
>
> *The reduction of noxious weeds covering and surrounding campsites and trails would improve the recreation experience by providing for a natural landscape and clear campsites and trails without scratchey, spiney, or poisonous plants to contend with.*

L-006.4 An anticipated increase in herbicide use in riparian areas, at a time when our steelhead and salmon stocks are in alarming decline, should be considered in your decision.

Response: *See B-042.12 in 2104 - Environmental Consequences*

2200 OTHER TOPICS

B-051.5 Supports the 'no gun' rule along the river.

Response: *Opinion, requires no response.*

H-022.1 Having boated the John Day River and been acquainted with the people responsible for managing the John Day watershed, I'm confident that the BLM is capably managing all the resources in that locality. The people who constitute the Oregon Natural Desert Association are not identified in the enclosed copy of "river notes", but it appears that they may be more interested in raising money than improving natural resource management. Keep up the good work!

Response: *Opinion, requires no response (thanks).*

M-034.1 I object to so much of the land within the state of Oregon being controlled by the federal government. I believe that the local people in Oregon are intelligent enough to address large issues and need not be guided by policy set back east.

Response: *Opinion, requires no response.*

2300 PALEONTOLOGY

K-001.4 River segments 3 and 4 do contain outstanding paleontological values. See for example the classic text, Oregon Geology, by Baldwin.

Response: *The text of the Plan acknowledges the fact that there are important paleontological resources occurring in these segments. The fact that they are not considered ORVs in these segments does not affect our management approach toward them. Baldwin's comments are duly noted, thought recent informal work conducted by the NPS and BLM has identified additional resources in these segments.*

2400 PUBLIC ACCESS

2401 Public Access in General

10.5 Has the BLM made certain the roads that are in a run down state and proposed for obliteration are not public roads identified as R. S. 2477 roads, which are historic access, wagon roads dating back to settlement of the area? The cultural past of a community is usually extremely more important to local residents than to government employees who frequently transfer from place to place. Our history is being destroyed by our government.

Response: *There are no such roads proposed to be obliterated in this plan.*

C-002.15 You go on at length about the Butte Creek access point, but fail to supply how you are gaining access though Stanley's. You are going to grade the put-in point, how about the road to the put-in point?

Response: *Vehicle access to the river via the private Butte Creek Road is no longer available from the landowner. The alternatives in the FEIS for Public Access and Developed Recreation reflect this change. Public land near the mouth of Butte Creek is accessible by boat and will remain open for dispersed use, but BLM plans no future development in this area.*

C-029.11 Improve public access to existing access points. Close and abolish primitive roads in the more remote sections of the canyon. Remove roads as private lands are purchased and converted to wildlands. Provide access at the start and end of major float sections. Access is needed at Tumwater Falls, Rock Creek, Cottonwood Bridge, Butte Creek, Clarno, Burnt Ranch, Priest Hole, Twickenham, Service Creek, Wooden Bridge, Spray, and Kimberly. Some access areas need to be purchased to be secured as public access points. Each access area needs suitable development to allow increased use while reducing human impacts.

Response: *Most primitive roads in remote sections are on private lands. Access is already provided to all points listed except Butte Creek (see C-002.15 in 2400 - Public Access) and Tumwater Falls (see 11.7 in 2553 - Developed Recreation - Alternatives).*

C-030.10 Often times I only use the river for one day. It would seem that from the stand point of reducing actual adverse impacts along the river the one activity you need to focus more closely on is camping. From this stand point you should be looking to maximize the forms of access that don't require an overnight stay along the river. It would seem that in many areas you should not be worried about the form of access, if people just want to boat the river, let them.

Response: *We are trying to provide a variety of recreation options throughout the river system. Segments 3, 4, 10, and 11 provide day use access opportunities.*

C-032.4 I feel any additional access points would create more potential disturbance of this isolated area. (Segment 2)

Response: *Opinion, no response required.*

E-009.7 Why is segment 1 not listed? Public access to the John Day River near or above Tumwater Falls should be included under Public Access. Many pieces of public land are located between McDonald Crossing and Tumwater Falls that are not accessible to the public except by motorized boat. BLM and other agencies should make this a priority to gain access to this portion of the river.

Response: *See 11.7 in 2553 - Developed Recreation -Alternatives.*

H-042.4 River access. Segment 2 (Clarno to Cottonwood) has a special, character. It is still largely primitive and undeveloped, only an occasional ranch and country road visible from the river. It is remarkably scenic and natural, yet offering an extensive trip (some 70 miles) which a whitewater novice like myself can undertake safely. And it is pretty accessible to large numbers of Oregonians. Protecting its present character should be a high priority goal. It is not a"replaceable resource"! Thus as use problems develop, the solution should be to limit use, rather than put in "improvements" to accommodate increasing use. A case in point is the private boat landing at Butte Creek. This should be either phased out, or its use carefully monitored and regulated, perhaps by imposing a quota. Above all, please do not revive that idea of an earlier plan, to provide public access at Clarno Rapids. A terrible idea.

Response: *We are trying to provide a variety of recreation options throughout the system. Segment 2 is semi-primitive in nature. See Chapter 3, Segment 2, Preferred Alternative for heading: Boating Use Levels, Dispersed Camping, Developed Facilities, and Public Access.*

M-003.9 This is public land and the FREE rein use by the adjacent private landowner to prevent the public use of these lands should cease.

Response: *Opinion, no response needed.*

T-010.3 My interpretation of the 'recreational' classification would indicate that the Plans recommendations should center on providing and enhancing as much access as possible to the river, and on the river. Access to many portions of the river in these Segments (1, 2 & 3)is severely limited and eliminating or restricting a form of access should not be an acceptable option.

Response: *W&S River plans involve a balancing of uses and values. While we agree that unlimited motorized boat access would benefit some users, it must be balanced with other types of recreational experiences and the potential for damage to other ORVs. Limitations on motorized boats have been adopted on the Lower Deschutes and Rogue W&S Rivers in order to provide seasonal protection to other resources or to enhance other forms of recreational experiences on the same river reaches.*

The selection of the proposed decision for each segment was done with a more holistic approach in mind. Segments 1, 2 and 3 were analyzed collectively instead of individually for managing motorized boating that would provide a variety of recreational experiences while protecting and enhancing ORV's.

In Segment 1 there is currently no opportunity for the public to access the river below Rock Creek by anything other than a motorized boat. Alternative A was chosen for this Segment to allow the current level of motorized boat access to continue with no further restrictions.

Segment 2 is the most primitive segment along the John Day River and a large portion of it also occurs within the John Day River Wildlife Refuge. Alternative D was chosen for this segment to provide an opportunity for a more primitive recreational experience for float boaters and manage motorized boating use in a manner that would provide full protection to both nesting and wintering waterfowl.

In Segment 3 Alternative E was chosen to minimize conflicts between motorized and non-motorized users. Segments 1 and 3 would be managed to minimize recreation conflicts while still allowing 212 days of motorized boating use each year. Both Segments would be open to motorized boating use from October 1 to April 30.

2403 Alternatives

11.8 We supported the Preferred Alternatives with the following exception: we support eliminating motorized access to existing Burnt Ranch site only if access is replaced by an alternative site approximately one mile down river.

Response: *The Preferred Alternative for Public Access, Segment 3, proposes to close the existing Burnt Ranch site to vehicle access to protect the area from erosion currently caused by vehicles. A parking area and foot path would allow walk-in access to the site. Vehicle access to the river would be provided approximately one mile downstream of the existing site, in an area that is not prone to erosion which can better handle the effects of recreation use. The new site would remain undeveloped.*

E-009.6 Is Butte Creek Road accessible to the John Day River launch ramp? I heard it was no longer open to the public. If this is so, why is the proposal to grade the primitive launch ramp at Butte Creek listed under Alternative B?

Response: *See C-002.15 in 2400 - Public Access.*

H-035.8 We are supportive of Alternative B for Developed Facilities. We desire better access at Burnt Ranch for launching boats, as this is used by locals. Closing this would cause local users to travel greater distances to find boat launches, swimming & fishing holes. Closing access at one area only increases impacts at others, and promotes attempts at illegal access at other places, thus increasing conflicts with private land owners.

Response: *See Chapter 3, Segment 3, Preferred Alternative, Public Access. Access being provided 1 mile downstream with no developments.*

J-006.2 Re-establish access at Twickenham! And take interim measures to improve access at Priest Hole.

Response: *See Chapter 3, Segment 3, Preferred Alternative, Public Access.*

J-006.3 The Butte Creek Launch could be improved to some extent, but either way the BLM should seek to establish public access. This will benefit recreational users of the Wild and Scenic corridor and could benefit law enforcement/emergency response agencies.

Response: *See C-002.15 in 2400 - Public Access, Law Enforcement C-002.4 in 1801 - Law Enforcement and Emergency Services.*

M-003.5 I also feel there should be an effort made to secure a public access just above Tumwater Falls to take out boats (motorized and non-motorized) that wish to access all the BLM properties of segment 1.

Response: *See 11.7 in 2553 - Developed Recreation -Alternatives.*

S-001.2 Work on gaining public access to public land now trapped by private road gates. Specifically, downstream, east side of river from Clarno.

Response: *Opinion, no response required.*

S-006.13 Public Access: I support Alternative B.

Response: *Opinion, no response required.*

S-028.22 An alternative is needed if Burnt Ranch is closed.

Response: *See 11.8 in 2403 - Alternatives.*

S-028.23 The signing and clarification of parking and takeout areas at McDonald Crossing needs to be addressed as soon as possible.

Response: *See Chapter 3, Segment 1, Public Access Preferred Alternative.*

S-028.24 Any possibility of public takeout access at Tumwater Falls needs to be pursued. This would be the most significant public access improvement possible on the river.

Response: *See 11.7 in 2553 - Developed Recreation -Alternatives.*

S-028.25 With Butte Creek closing, public access to below Clarno Rapids needs to be looked at.

Response: *See C-002.15 in 2400 - Public Access*

2500 RECREATION

2501 General Comments or Common to All Alternatives

11.3 Recreation is an area where there was considerable disagreement with the Preferred Alternative

***Response**: See W-005.3 in 2510 - Boating Use Levels*

30.4 I would be willing to pay a user fee for accessing the river when I want to float and for acquiring more public lands contiguous to BLM lands on the John Day River and its major tributaries.

***Response:** The BLM does not address specific issues regarding use fees in general planning documents such as this river plan. The John Day River is an approved Recreation Fee Demonstration Project Site and the BLM intends to begin charging launch fees in the future to help cover the cost of cleaning campsites, maintaining facilities , and on-the-ground improvements. All fees collected under the Fee Demonstration Project are returned to the area where they were collected.*

30.17 I reluctantly support existing regulations regarding open fires. Perhaps it could be correlated with the season's fire danger status, and not an arbitrary decision to ban all fires, all the time. I hope fires continue to be allowed and any regulations regarding fire pans are based upon common sense, and current conditions.

***Response:** Fire restrictions prohibiting the use of wood and charcoal fires are put in effect on the John Day River whenever moisture, weather, and vegetative conditions indicate a serious risk of wildfire. A "fire closure" typically begins in mid to late June and continues until fall rains begin. When there is no fire closure in place, fires are permitted in a metal fire pan, provided all ash is carried out of the river canyon. The use of a fire pan ensures that the campfire is small, reducing the threat of wildfire and the irresponsible limbing of trees in and near campsites. The proper use of a firepan allows the user to enjoy a campfire while ensuring that no trace of the fire remains. It prevents large unsightly fire rings which accumulate trash and glass that should have been packed out by the user. Our experience has shown that a party that arrives at a clean campsite, tends to leave the campsite in a clean condition when they depart. This is why the BLM requires the use of fire pans and why staff and volunteers spend hours cleaning up trash and obliterating fire rings at boat-in campsites on both public and private lands.*

30.18 We have used the Twickenham and Burnt Ranch access points repeatedly. Even though Burnt Ranch access is steep and rocky, it was perfect. I would strongly encourage you to preserve both access points. Is there a compelling reason this access is being eliminated, or have I not read the summary properly?

***Response:** The BLM is currently working to develop a public launch facility in the Twickenham area to replace the existing launch, which is located on private property. For information on boat launching in the Twickenham area, please see the FEIS at Chapter 2, Segment 3 and Public Access at Chapter 3 and Chapter 5. For information on Burnt Ranch access, please see response 11.8 in 2403 - Alternatives.*

30.19 BLM should work with the State and increase the Clarno put-in and establish more river access for put in, take out, at the Clarno site. I would strongly support a take-out down-river from Cottonwood Bridge.

Response: *For information on proposed improvements to the Clarno Recreation Site please see the FEIS, Chapter 3 Developed Recreation. For information on Cottonwood Bridge, please see response 11.7 in 2553 - Developed Recreation -Alternatives.*

30.20 BLM should complete acquiring Service Creek from ODOT. I would encourage this to be a higher priority. I am not comfortable relying on the good graces of an outside agency for continued access.

Response: *The BLM agrees with your suggestion. Please see Chapter 3, Table III-H.*

30.31 BLM has an opportunity in this plan through developing and implementing OHV regulations to limit motorized public, commercial and private landowner use of public lands only to designated routes. I have seen motorized vehicle tracks on public lands down-river from Twickenham that I know has no public access. Please use this plan to limit people who are the only ones to have access to certain public lands to designated routes when authorized by BLM.

Response: *The BLM has existing restrictions on OHV use in certain areas along the John Day River, specifically in the Clarno, McDonald Crossing, and Spring Basin areas, as identified in the Two Rivers RMP (1986). The BLM is currently evaluating the use of OHV's on public lands in general and will be addressing the type of concern you expressed.*

30.33 I support an interagency river patrol. I don't support each agency having their own "river rangers", repeatedly checking floaters.

Response: *The BLM is attempting to coordinate educational efforts, river patrols, and law enforcement among Federal, State and local agencies, so that we can improve coverage and avoid duplication. See C-002.16 in 1800 - Law Enforcement and Emergancy Services.*

B-002.1 I am only interested in how the new plan affects recreational use along and on the river itself, including fishing regulation changes. I hate rude awakenings on arrival at the launch site. Heidi sent a brief response with some explanation about recreation issues/alternatives.

Response: *Other than possible boating limits on daily launches in the future, boating use limits in the future, public access to the river will remain primarily unchanged. For impacts on boating use see Boating Use Levels in Chapter 3 and 5 of the FEIS. The plan itself does not affect fishing regulations. For accurate fishing regulations, consult the current Oregon Sate fishing regulations guide developed each year by ODFW .*

B-008.18 It is difficult to determine the actual human impact on an ecosystem when there appears to be conflicting data on actual visitors using the river system. The "100,000 visitor days" referenced in the BLM study may fall short of actual visitor day figures. The plan describes recreational activities (visitor days) on public lands but

no figures for visitor activities on private or state owned lands. Many boaters, fisherman and hunters use the John Day River corridor from private lands and the number of visitor days from this source are not included in the document. The actual number of visitors on or near the John Day River system may be difficult to determine without more in-depth study. The visitor day figures may actually be closer to 400,000 or more (see letter for example) when all recreational activities are included within the John Day basin to include activities on lands not inventoried or outside BLM study boundaries. In terms of visitors, what is the carrying capacity of the John Day River basin?

Response: *Determining a carrying capacity for all public and private lands within the entire John Day Basin is outside the scope of this plan. Also, please see response C-002.16 in 1800 - Law Enforcement and Emergency Servvices.*

B-008.20 Some argue they are only concerned with visitor impact within the "River Corridor". Others would debate this narrow view and suggest visitors can and do impact the entire river system by activities outside the areas of BLM interest. Chemicals, human waste, petroleum products and garbage will cause water quality and habitat damage. The area of critical environmental concern should be any water source within the John Day River basin.

Response: *The BLM agrees that actions occurring outside public land boundaries may have the potential to affect ORVs, however BLM's authority is limited to management of BLM lands and related waters.*

B-008.22 It is customary to use the definition identified in the glossary. As defined, a visitor day should not be confined to recreational uses of the John Day River. A visitor day should include anyone, regardless of intent or purpose, who travels to or through the river basin. This very broad view may be necessary in order to determine the true human cumulative impact upon the river system as a whole. Cumulative impacts can result from individually minor, but collectively significant actions occurring over time.

Response: *See B-008.20 in 2510 - Boating Use Levels.*

B-008.23 Commercial traffic is not considered as a "visitor" in the river plan. Several commercial accidents have occurred along the John Day River resulting in impacts to the river system (see letter). Why were these events omitted in the DEIS? Do these events qualify as "visitor days"? Should a visitor day be limited to recreational uses of the river? What is the true cumulative impact of human activity within the John Day River basin.

Response: *Chapter 2 of the FEIS ,Water Quality, acknowledges that there was a chemical spill as a result of a truck accident in 1990, and that water quality is influenced by a combination of many factors. See B-008.20 in 2510 - Boating Use Levels*

C-002.9 I do not believe "dispersal" camping is either realistic nor environmentally sound. Fenced unimproved camping areas set back from the river in areas where ground access can be obtained for service to the toilets and garbage containers would limit the environmental damage and serve all alternatives except D.

Response: *Opinion; no response required.*

C-029.6 Long term plans need to be developed that include monitoring and adds restrictions in a step wise manner when the number of recreation users reaches various thresholds. Develop thresholds of restrictions for different sections of the river for different types of recreational experiences (high, medium, and low density). For example, one reach should be managed for a more pristine, lower density recreational experience while another reach could be managed for higher density recreation use. Areas without roads or with only a few primitive roads should be managed for lower density use while the reach from Kimberly to Service Creek would have much higher levels of recreation use before restrictions came into play. For example, if the peak use is during September and October recreation could be restricted during those months. During the rest of the year, restrictions would not be warranted until recreation use increased. River reaches managed for low density recreation should be developed based on available suitable campsites (in terms of launches/day and people/ day). Manage campsite conditions and impose additional restrictions if use is so intense that the campsites are being severely impacted.

Response: *The BLM agrees that the John Day River system as a whole should be managed for a variety of recreation experiences, managing for certain recreation experiences in specific river segments, consistent with the Desired Condition for public lands (see Recreation opportunities in Chapter 3). The BLM recognizes that Segment 2 provides a unique semi-primitive experience that should be preserved. Other segments offer a more rural experience, while the recreation experience on some segments is influenced by the sights and sounds of paved highways. Limits of Acceptable Change (LAC) monitoring will help identify areas where restrictions are necessary to protect the desired recreation experience as well as the physical condition of resources. Restrictions, such as boating use limits, will be implemented only within the segments and the seasons where determined necessary by the LAC process. See Appendix K for more details about the LAC process.*

G-003.3 Funds should be directed towards physical improvements of the fishing and recreation areas on the river such as road upgrades, new roads to access the river and campsites, more river front toilets, picnic tables, boat ramps, parking areas, beaches for swimming and rafters, as well as new public facilities as more people use these public areas. Not more funds for more rangers to set up scheduling, launches, excessive permits, audits, counting heads on the waterway areas and policing the camper and hikers for violating the vegetation.

Response: *Under the guidance provided by the Wild and Scenic Rivers Act, Recreation Opportunity (itself an ORV) can only be allowed to continue if it is managed so as not to degrade the other ORVs for which the river was designated. Protecting these ORVs requires that the BLM monitor visitor use and implement regulations and restrictions if necessary. Available funds are used to maintain and upgrade facilities, as well as for public education, campsite cleanup and river patrols.*

G-003.5 Rafting and boating use levels, and motorized boating should only be restricted when water levels are too low.

Response: *While river flows, weather conditions and lack of solitude on weekends may trigger boaters to shift use patterns, this "self regulation" does not ensure that the resulting use levels will protect ORVs or prevent boaters from being forced to camp on private lands. In 1998, "self regulation" would not have been successful in regulating use within interim target levels identified in Alternative C, as peak use day records show that the number of boating parties frequently exceeded the number of available public land campsites in a given section of river, forcing boaters to camp on private lands, a practice which the BLM cannot advocate.*

G-016.2 I am concerned that the focus seems to be on grazing practices and not so much on the recreational user. In the document it is stated that 18,000 boaters used the river in 1998. Granted, some recreationalist are very aware of being low-impact on the environment, but I've also seen the waste left behind or thrown into the river, fought fires from left-behind campers and seen the erosion / degradation from bikes and vehicles at river banks. Do cows degrade riparian areas? Of course, when not managed properly. Do people degrade rivers and riparian areas? You bet, and more so than any grazing cow. Feces, toilet paper, cans, trash, untended campfires are just some of the effects of uncontrolled recreational use.

Response: *See P-020.2 in 2501 - General Comments or Common to All Alternatives*

G-016.5 Lets look at charging recreationalists user fees to help offset the costs of their use. I realize ranchers don't pay a lot (relative to the BLM budget - not their own budget) but they do pay user fees. Why not have equal treatment for recreationalists?

Response: *See 30.4 in 2501 - General Comments or Common to All Alternatives*

H-034.1 The opportunity exists to greatly expand the available recreational river area by taking the simple expedient of fencing off the riparian zone.

Response: *Riparian fencing would not expand the available recreational river area, but rather restrict recreational access to a narrow strip of land bordering the river. Many people feel that camping, boating, or otherwise recreating within the close proximity of fencing would detract from the experience they are seeking. Scenery and Wilderness values must also be considered when considering the location of fencing.*

H-035.3 We are supportive of Alternative A for Recreation.

Response: *This is a statement of opinion, no response was prepared.*

J-002.5 Recreation is a vital attribute of the river, provided that it does no damage to the resource by affecting air or water quality, does not disturb wildlife, or otherwise diminish the quiet enjoyment of others. Activities such as hunting and fishing (if regulated properly,) non-motorized boating, rafting, hiking, photography, swimming, and sight-seeing are compatible. Camping and any kind of off-road vehicles should be restricted to well-monitored areas to prevent damage, erosion, littering and noise pollution.

Response: *See P-020.2 in 2501 - General Comments or Common to All Alternatives*

L-013.6 The John Day River offers the BLM the opportunity to manage for recreational values not found on other rivers in the region. Because of it's remote location and limited access points the JDR offers the possibility of an experience known for its solitude and natural environs. It should be managed with those qualities in mind.

Response: *See C-029.6 in 2501 - General Comments or Common to All Alternatives*

M-014.5 We live on this river every day and have done so for years. We are taking the time and the money to repair the damages we have caused in the past to the river. Now, who is going to take the time and expense to repair damages caused by people who show up for four days to see the river? We welcome people from other areas to come to the John Day River. We ask that they leave it in better condition than when they came. To them, the John Day River is a Wilderness experience. To us, the John Day River is our home.

Response: *See P-020.2 in 2501 - General Comments or Common to All Alternatives*

M-032.3 Asking rafters or boaters to carry and use commodes is useless. They will only dump them into the river. They sure leave a lot of toilet tissue and dirt along the river banks. Toilets should be put in rest areas or established campsites.

Response: *Requiring that boaters carry a portable toilet to carry out human waste is a decision that was made in response to a serious problem with human feces in river campsites, and one that does not require a planning document. The BLM maintains toilets at many developed sites which are vehicle-accessible, and plans to install a toilet at Priest Hole, however users who visit undeveloped sections of the river are required to practice no impact camping techniques, including packing out trash, human waste, and campfire ash.*

M-035.2 Initiating regulations, such as fire pans and waste removal, before scoping and the DEIS seemed premature.

Response: *See 2501-M-035.2 and 30.17 in 901 - Fire Management in General*

M-035.4 The use of the river is regulated naturally by seasonal flows and runoff. The period of higher use, typically April into June, is short-lived. A permit system and limiting use on the river is unnecessary at this time. Except for holiday weekends, such as Memorial Day, the use on the river is moderate and the majority of the users have a fairly good land ethic. It is readily apparent that there is a much greater effect on the Wild and Scenic character of this river from cattle grazing on your allotments than from the recreationists. It seems the agency is emphasizing the need to have tighter control on recreationists, without addressing public land uses that have a much higher potential to affect wild and scenic character, water quality, aesthetic values, and native plants. As canoeists, we need to have flexibility in terms of the timing of our trips. Each trip, it is necessary for us to call the National Weather Service to monitor the river level for the week prior to a planned trip. On numerous occasions, it has been as late as Thursday prior to a planned trip where the final decision to go or not to go has been made. If the agency regulates use on the river through reservations and permits, it will discriminate against canoeists, and make it extremely difficult to plan a trip. Human nature will force canoeists to push the safety envelope and go anyway because it is the weekend of their reservation. Commercial outfitters typically are running rafts, pontoon boats, or kayaks which have more flexibility to float at higher river levels. Because it is their business, they will aggressively try to schedule more trips and push the small users off the river. We encourage you to avoid a reservation system and allow local users to have the latitude to plan a trip spontaneously, when the river is at safe levels. A reservation system will likely have the opposite effect that you desire. Larger parties will become the norm and you will see more intensive use of the river.

Response: *Under the guidance provided by the Wild and Scenic Rivers Act, Recreation Opportunity (itself an ORV), livestock grazing, or any other use may only be allowed if it is managed so as not to degrade the ORVs for which the river was designated. The planning partners agree that historically livestock grazing had a significant effect along the river and some residual damage will remain for years to come; however, restrictions on grazing have greatly increased over the last fifteen years. A comparison of the John Day River Plan DEIS, Alternative A for grazing, and the preferred grazing*

alternative in the DEIS, Two Rivers Resource Management Plan (date 1985), clearly shows increasing constraints on grazing have been implemented. In addition, with the listing of the Middle Columbia River Steelhead as a threatened species in the John Day Basin and the application of the Standards for Rangeland Health and Guidelines for Livestock Grazing, Alternative B of the FEIS will be the most restrictive management to date while still allowing some grazing to occur. One of the requirements in the FEIS will be to monitor both grazed and ungrazed locations to demonstrate that the river environment is improving. We understand your concern that limiting launches may result in increased party size. The Limits of Acceptable Change (LAC) process will consider appropriate party size based on physical resource conditions, social preferences and desired future condition of each river segment. See W-005.3 in 2510 - Boating Use Levels, 30.1 in 2501 - General Comments or Common to All Alternatives, T001.9 in 2501 - General Comments or Common to All Alternatives, 30.16 in 2502 - LAC. For more on LAC see Appendix K and section 2502 of this document.

M-035.7 We would like the agency to avoid providing facilities (toilets and campgrounds) along the river unless you can guarantee that they be maintained. Please do not post signs in dispersed camp sites. We support the proposal to close the road down to Burnt Ranch Rapids.

Response: *The BLM is making an effort to provide the public with clean and well maintained facilities. We acknowledge that public facilities located in remote locations may not receive immediate attention to unexpected needs which are often caused by acts of careless vandalism. We try to keep signs in dispersed campsites to a minimum. Leave No Trace signs are being used as an educational tool, for which we believe the benefits currently outweigh the intrusion. When minimum impact camping becomes commonplace on the John Day River, the BLM may consider either scaling back or removing the existing signs.*

P-001.3 Prefer Alternative C for boating.

Response: *This is a statement of opinion which does not require a response.*

P-020.2 We are replacing one type of damage with another, cows with people. Four or five hundred cows are a lot easier to control than twenty or thirty thousand people. The John Day River has been assessed to have Outstandingly remarkable values in eight of ten areas graded, and that is after over 100 years of cattle slogging up and down the river. Will we be able 100 years from today, to say the same thing? Service Creek to Cottonwood is not that long a stretch of river. How are we, and the river, going to handle all those people?

Response: *We agree that recreation use, if not managed wisely, has the potential to degrade ORVs. Please see Chapter 3 and 5, Proposed Decisions for Recreation, for management actions designed to protect and enhance ORVs.*

P-020.3 It is time to look at charging for the experience of floating or boating the river. Those funds collected will be used to maintain the essential things necessary for those wishing to have a wilderness experience. i.e. Parking lots, boat ramps, overnight areas, porta potties, and river rangers.

Response: *See 30.4 in 2501 - General Comments or Common to All Alternatives*

S-001.3 Do not regulate float trips and other recreation below Service Creek.

Response: *See G-003.5 in 2501 - General Comments or Common to All Alternatives*

S-035.3 The North Fork John Day Watershed Council endorses the preferred alternatives regarding Recreational management, but recognizes the importance of monitoring recreational uses and associated impacts. Past impacts from grazing and agricultural uses have been closely scrutinized, while recreation impacts are viewed as inevitable because of increasing population and visitor days to the area. Recreational usage is increasing along segments 6, 7, and 8, and the councils concerned that impacts from this increase are carefully monitored and considered in future management decisions.

Response: *Segment 8 is covered in the North Fork of the John Day Wild and Scenic River Management Plan produced by the Umatilla and Wallowa-Whitman National Forests in June 1993. The monitoring proposed in the current WSR Plan concentrates on the designated portions of the river administered by the BLM, segments 1, 2, 3, 10 and 11. In the event that land exchanges dramatically increase the amount of public lands along the river in segments 6 and 7, the amount of monitoring that the BLM does on those segments is likely to increase.*

S-043.6 If BLM is to provide the public the rewards of opening the river to recreation, one of the costs the public should be asked to bear is the cost of the fencing solution.

Response: *Fencing is generally paid for by the BLM which is primarily funded by the public through Federal taxes.*

T-001.9 For Recreation and Allocation, I believe the ultimate goals are 1) Protect the river environment, and 2) Allocate river use fairly to the true owners of the river, the public.

Response: *An allocation system that is fair to all users is precisely what the BLM is striving for. See the Proposed Decision for Boating Use Allocation, Chapters 3 and 5. Also see P-020.2 in 2501 - General Comments or Common to All Alternatives.*

W-019.2 Why not force other users to pay for the right to use these lands? Recreationists outnumber cattle by the thousands. It doesn't take a scientist to realize that these human visitors cause more destruction and leave no benefits, and they are not even paying for their right to access.

Response: *See 30.4 in 2501 - General Comments or Common to All Alternatives*

2502 Levels of Acceptable Change

11.3 We agreed with the agencies' proposal to Continue existing LAC monitoring to inform future decision making.

Response: *Opinion, no response required.*

30.16 Determining impacts of designated campsites due to recreation use will never be accurate or valid if livestock also use the same campsite. I hope this process also considers livestock impacts and campsite evaluations take into account livestock use at shared campsites.

Response: *The intensive LAC campsite monitoring which is currently underway records the visible impacts of livestock. Some campsite impacts, such as entrenched trails or highlined trees, can be caused by livestock, human use, or a combination of both. However, in most cases human impacts and livestock impacts are readily discernable.*

G-001.1 The plan proposes monitoring under the limits of acceptable change (LAC) for future decision making. As proposed, this is a mechanism for postponing management decisions that should appropriately be part of the plan. The LAC process lacks standards, thresholds and measurements for unacceptable conditions. To say that a LAC evaluation and decision will be made, and to not define the standards is inappropriate. It is understood that future information may change an existing plan, however, deferring to the future is not a management plan, unless the standards are a part of the plan. The main problem is that future studies, if indeed they do occur, lack standards in the plan. The LAC desired conditions are not a part of the draft plan. Rather than defer to a future LAC process for determining boating use levels, a capacity study is suggested. In either case the standards or criteria should be defined. Otherwise there is risk of arbitrary management decisions that cannot be supported.

Response: *A Limits of Acceptable Change (LAC) process will be used to determine an appropriate user capacity based on resource conditions, social preferences, and maintaining the desired future condition of each river segment. The BLM determined that 3 years of (LAC) monitoring data would be needed to before decisions regarding appropriate indicators, standards, and management actions could made. It would have been our preference make these decisions in this planning document. Unfortunately, we did not have the necessary monitoring data available, and our planning schedule did not allow the flexibility to wait for data collection. We are now in our second season of intensive monitoring (2000). After 3 years of data collection, the BLM will analyze the data collected and set indicators, standards and management actions with public involvement. The public will be notified when the process begins, and interested persons will be encouraged to participate. For more information on the LAC process, please see Appendix K.*

L-013.3 Grazing effects the Limits of Acceptable Change (monitoring). Grazing should be eliminated before use levels are placed on recreational boaters.

Response: *See 30.16 in 2502 - LAC*

L-013.7 Use levels should be managed according to LAC and to provide the opportunity for solitude. Other boaters should be out of view most of the time and campsites should not be crowded.

Response: *The LAC process will be used to set a user capacity based on resource conditions, social preferences, and maintaining the desired future condition of each river segment. For more information on the LAC process, please see Appendix K.*

S-006.15 Limits of Acceptable Change: I support this concept.

Response: *Opinion, no response required.*

2510 Boating Use Levels - General

30.1 I would encourage flexibility and restrictions that would enable one being able to float on the John Day when time permits.

Response: *Boating use would only be limited on peak use days, when actual use levels were found to above desired levels. One of BLM's goals in designing a system for allocating boating use is to provide as much flexibility as possible for the user.*

30.2 Limiting use levels to 1998-9 levels seems reasonable, and encouraging mid-week and non-typical use seasons makes a lot of sense to me. I don't recommend establishing any launch limits unless there is an accurate count of existing launches at each put in/take out by river segment, for each month.

Response: *Improvements are continuously being made in the methods used for collecting boat launch data, resulting in increased accuracy.*

30.3 No limits should be put in place when the river is below 1000 CFS because use levels are generally low.

Response: *You are correct in pointing out that use levels will likely fluctuate from one year to the next based on water flow, and that a peak use date one year, may be too low to float the next year. Your suggestion will be considered when designing the details of an allocation system.*

A-005.2 Before you consider any permit system, try non-permit measures such as those that stopped the permit process on the Deschutes. Ask boaters to limit trips, especially during peak use. Put your rangers out in the field and don't let anyone launch without fire pans, toilets, or spare paddles/oars, etc. Make people get a voluntary non-permit. a week in advance of the trip. What about permits required on alternate weeks or only in May and June?

Response: *Boating use would only be limited on peak use days, when actual use levels were found to above desired levels. See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

C-018.2 Non-permit measures should be utilized to shift use from peak days to non-peak days and mitigate use impacts, such as those used successfully on the Deschutes. River flow, weather conditions and boater tolerance will serve to self regulate use. As we have seen on the Deschutes only a certain number of boaters will choose weekends when use levels become unacceptable for their need for solitude.

Response: *See W-005.3 in 2510 - Boating Use Levels*

C-025.2 We are also concerned about the impacts of mining and future loss of recreational peace and isolation with unrestricted increases in boating.

Response: *See 30.36 in 1201 - Geology/Energy/Minerals in General and L-013.7 in 2502 - LAC*

C-030.2 The River Plan does not provide logical justification for the existing restriction or this increased reduction in boating recreation. As shown, this river has a 'recreational' designation under the federal Wild and Scenic Rivers Act and it would seem that the significant elimination of a historical form of recreation and access is not consistent with the intent of the river designation.

Response: *Boating use levels are not currently restricted. See G-003.3 in 2501 - General Comments or Common to All Alternatives*

C-032.3 There may be too many boaters using the area. I don't know the magic number of users, but an upper hand should be kept on the issue.

Response: *See L-013.7 in 2502 - LAC*

E-009.1 All launches and number of people allowed on the river on a day should be based upon prior boating records. Records should justify recommendations. Until justification is established I recommend "No Restrictions" and continued monitoring to inform future decisions.

Response: *Decisions proposed in Chapter 3 for Boating Use Levels, considered extensive boater registration data as well as observations made by BLM river staff. Also see Chapter 2, Tables II-V, II-W, and II-Y and Appendix K.*

F-002.7 If and when a permit system is needed on the John Day, please take the opportunity to see how the permit system has been implemented on the Smith River in Montana. Encouraging floaters to begin and end their floats on week days as opposed to weekends will result in a more pleasurable, less crowded adventure for floaters, but I do not know what incentive you can use to accomplish this task.

Response: *Your suggestion will be considered in designing the details of an allocation system.*

K-002.1 I don't really see a necessity for enforcing a cap on the number of people who can launch each day both private and commercial at this time but monitoring would definitely be in order. If a cap regulation becomes necessary I believe the peak times should be regulated first.

Response: *See W-005.3 and A-005.2 in 2510 - Boating Use Levels.*

L-013.10 Use level restrictions should only be imposed if they can be enforced.

Response: *See 30.33 in 2501 - General Comments or Common to All Alternatives*

M-001.2 Current use levels on the John Day do not warrant a limited entry system. River flow and weather conditions self-regulate use on the John Day. I acknowledge that, on holiday weekends, there is a notable increase in use on the John Day. When looking at the overall limited seasonal use of the John Day River, this increased holiday use does not indicate a need for restrictions. Those seeking holiday recreation are expecting to see people. An increase in use during the holidays is consistent with increased use of all state and national recreation areas, and should not be restricted. Likewise, those seeking more solitude on the John Day plan their visits accordingly, and understand that, like everywhere else the holidays tend to attract more visitors. Non-permit measures should be utilized to shift use from peak days to non-peak days.

Response: *See W-005.3 in 2510 - Boating Use Levels*

M-014.4 I am concerned about the number of boaters I hear projected for the river in upcoming years. Damage is already occurring to private lands. Who is going to control these individuals? Who is going to pay for damages to private lands? Are they going to cause more damage to the river in the future than my cows ever did? I think exact limits on river traffic should be placed right now.

Response: *See G-003.3 in 2501 - General Comments or Common to All Alternatives and L-013.7 in 2502 - LAC*

O-001.5 In general, I oppose regulated use levels on the John Day. River flow, weather conditions and boater tolerance will serve to self-regulate use. Limiting use to 70% of designated campsites or 24 daily launches is drastically unreasonable. Additionally non-permit measures should be utilized to shift use from peak days to non-peak days and mitigate use impacts.

Response: *See W-005.3 in 2510 - Boating Use Levels*

S-006.2 I support moving people out of peak launch periods. You can do this more easily with businesses like mine. It is more difficult with private boaters. I support your efforts to ask people to voluntarily move their start times away from peak weekends as a means of adjusting use levels.

Response: *See W-005.3 in 2510 - Boating Use Levels*

S-006.3 You should make it no more difficult for businesses to comply, than private boaters, with whatever restrictions on boating use levels you decide to experiment with.

Response: *See T-001.9 in 2501 - General Comments or Common to All Alternatives*

S-028.18 There is no need for interim launch targets or # of people targets as launches and people will be monitored while LAC continues. The overall average of current environmental conditions should equal the existing situation, which satisfies Wild and Scenic River objectives.

Response: *The purpose of interim launch targets is to begin voluntarily modifying use trends in the direction of the anticipated boating use levels that will be set based on the LAC process. This gives the public a head start at making voluntary adjustments which may delay the need for a limited entry permit system. Also see W-005.3 in 2510 - Boating Use Levels*

W-001.4 Clearly, the only way to achieve the stated LAC goals of 'long-term protection and enhancement' and 'preserve the existing condition of campsites and recreation sites', is to manage access as proposed in Alternative C for Boating Use Levels.

Response: *Opinion, no response required.*

W-001.5 There are several non-permit measures that can be used to achieve, at least on an interim basis, the management goals. However, there are two stated non-permit measures that should not be used: equipment restrictions, meaning the number of boats per party, and use fees. While reading the Draft, I could not locate any physical reason to limit the number of boats per party. Without any compelling physical limitation such as lack of physical room, there is not any rational reason to even consider this as an appropriate non-permit measure to manage use levels. Use fees should never be used to manage use levels. Appropriate use fees to help pay certain management costs that are legitimately and prudently incurred is a different subject, but to just impose fees to limit access to the publicly owned resource is totally inappropriate.

Response: *The BLM will consider your opposition to the use of disproportionate fees for the purpose modifying use trends in future decisions. Please see 30.4 in 2501 - General Comments or Common to All Alternatives and W-005.3 in 2510 - Boating Use Levels.*

W-001.6 A non-permit measure that was not suggested would be to limit the number of commercial launches on peak use days. This would result in less peak day use and would be supported by the majority of the boating public. I would think that most commercial outfitters would prefer this to any limited entry system.

Response: *The BLM has considered your suggestion to cap commercial launches on peak use days during the interim management period and has added this non-permit measure to the options which may be implemented. Since commercial use only makes up approximately 20% of total boating use, and most commercial trips already occur during non peak use days, this non-permit measure may result in limited success. However, successfully maintaining boating use levels within desired levels will likely require a combination of non-permit measures.*

W-005.3 Non-permit measures should be utilized to shift use from peak days to non-peak days and mitigate use impacts, such as those used successfully on the Deschutes. River flow, weather conditions and boater tolerance will serve to self regulate use. As we have seen on the Deschutes only a certain number of boaters will choose weekends when use levels become unacceptable for their need for solitude.

Response: *As described on page 151 of the DEIS under Common to All Action Alternatives for Boating Use Levels, a variety of non-permit measures, including some methods used on the Deschutes*

River, would be used to encourage boaters to voluntarily shift use to off-peak periods, in an attempt to maintain boating use levels at or below the interim daily launch targets identified in Alternative C. Once the BLM completes the Limits of Acceptable Change process, and establishes an appropriate carrying capacity in areas where visitor use has the potential to adversely impact significant resource values and/or the quality of visitor experiences, non-permit measures would once again be used in an attempt to maintain these use levels. While river flow, weather conditions and lack of solitude on weekends may trigger boaters to shift use patterns, this "self regulation" does not ensure that the resulting use levels will protect ORVs or prevent boaters from being forced to camp on private lands. In 1998, "self regulation" would not have been successful in regulating use within interim target levels identified in Alternative C, as peak use day records show that the number of boating parties frequently exceeded the number of available public land campsites in a given section of river, forcing boaters to camp on private lands, a practice which we cannot advocate.

2514 Boating Use Levels - Alternatives

11.3 We supported Alternative A, which involved no restrictions on number of launches, and encouraging launches during off-peak periods. This is a non-permit measure which has proven to be very effective on the Deschutes River in reducing peak use, and transferring use to non-peak periods. Interim Number of Launches per Day. We disagreed with the Preferred Alternative C and felt that the restrictions being proposed were not justified and difficult to administer and enforce.

Response: *See W-005.3 in 2510 - Boating Use Levels*

B-051.4 Supports the preferred alternative position as appears in the draft plan for use limits.

Response: *Opinion, no response required.*

W-008.1 I believe that providing a recreational experience with less competition for campsites is a worthy goal. However, I am opposed to the restriction of Boating Use Levels at this time, as outlined in the Preferred Alternative. I support an alternative which would allow the BLM to employ a variety of non-permit measures to protect and enhance river values, and I support 'the BLM's policy to begin with the least restrictive management prescriptions that would accomplish the objective and move towards more restrictive measures as needed.' (DEIS, Vol. 1, pg 151). The institution of use level limits (if any) should be preceded by further study, and preceded by the implementation of non-permit measures designed to reach target use levels.

Response: *See W-005.3 in 2510 - Boating Use Levels*

2520 Boating Use Allocation - General

G-001.2 The John Day River is a boatable navigable river. By law a toll, import, or fee cannot be charged for the use of this public highway. It would be inappropriate and illegal to control use numbers by assessing "use fees" for boating the river.

Response: *See 30.4 in 2501 - General Comments or Common to All Alternatives and W-001.5 in 2510 - Boating Use Levels*

L-009.5 If some sort of permit system must be imposed on the John Day River, I would like to see it applied to the private boater sector first. If that doesn't fix the problem after a reasonable time then extend it to the commercial boater. That might not seem fair, but considering the number of accidents I've seen involving rubber duckies over the last 25 years, I'd require a guide in every boat that went down the river if I could. Failing that, some sort of split allocation system with transferability of permits would be the most fair. It would provide incentives to insure high quality services to the public. If you don't do a good job, you lose your investment in the business, the bigger the investment—the stronger the motivation to do it right.

Response: *BLM is seeking an Allocation system that is fair to all users. See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

L-013.11 Under no allocation system should guides or recreational users be favored over one another.

Response: *See T-001.9 in 2501 - General Comments or Common to All Alternatives*

M-001.3 An accurate method of calculating and tracking recreational use should be developed before considering extreme measures, such as a "Common Pool" system.

Response: *See 30.2 in 2510 - Boating Use Levels*

M-001.7 The concept of the "Common Pool-Freedom of Choice" system is inconsistent with objective #5 - Foster a high quality of outfitted services. A large percentage of the public relies on outfitted services. The quality of these services would be greatly compromised under the "Common Pool" system. This system would adversely affect an outfitter's ability to provide outdoor experiences when and where the public wants them. In addition, because of the lack of predictability in the "Common Pool" system, outfitters will lose confidence in their ability to remain in business.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

M-001.9 The concept of the "Common Pool-Freedom of Choice" system is inconsistent with objective #6 - Minimize the cost of access to the river by the public. Since this system differs in concept from others in use around the U.S., the cost associated with designing and implementing this complicated system would be extraordinarily high. Who will absorb these costs?

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

S-028.19 Since no allocation system is needed at the present time, no system type should be chosen. As a member of the Deschutes working group dealing with a possible common pool system on that river, I know the common pool at this time is only a concept with many difficulties to address. Implementation costs are still prohibitive. The working group has found that the common pool needs many complex adjustments to have any chance of working for the outfitter public and other use groups. A few years from now, if a common pool was found to work fairly on the Deschutes, and if all user groups agreed, some similar system could be used, if needed, on the John Day.

Response: *As a result of public comments and internal review, the BLM has revised the Preferred Alternative for Boating Use Allocation to allow the common pool system designed for the Deschutes River to be fully implemented and closely evaluated by managers and users prior to implementation on the John Day River. If the common pool system, as implemented on the Deschutes River, cannot be made to work successfully, the BLM will reconsider an allocation method for the John Day River, using the historical split method in the interim.*

T-001.5 A time plan for issuing reservations is not an integral part of a first come, first served reservation system and should not be locked into the management plan. The actual design of the river use allocation system for the John Day will determine the time frame for reservations, how they will be obtained and whether or not unfair speculation and trading of permits will be allowed. Because this system has not yet been designed, the management plan should avoid premature reference to specific details that are rightfully part of the implement phase. This language should be eliminated from Page 153 - Boating Use Allocation - Alternative D (Preferred) - Sentence 2, Page 245 - Impacts of Allocation on Allocation - Alternative D, and Page 274 - Impacts of Allocation on Recreation Opportunities and Experience - Alternative D.

Response: *Specific details of a reservation system will be designed if and when the Limits of Acceptable Change process determines that a limited entry permit system is necessary to protect resource conditions, social experience, and to meet the desired future condition of a river segment. The Proposed Decision for Boating Use Allocation in the FEIS specifies that reservations would be available at several intervals prior to the launch date, and that at least a portion of the available launches for a given date would be available for reservation at least one year in advance. The planning partners agreed that these were necessary components of a reservation system in order to allow maximum flexibility for users. Specific reservation time intervals have not been determined.*

2523 Boating Use Allocation - Alternatives

30.7 I do not feel there is public or commercial support of the Common Pool Method. I hope that the managers will learn from the Deschutes and not make the same mistake on the John Day. If allocation has to occur, I would support the use of historic use data with the emphasis on non-commercial, non-motorized use. We all feel (family members who have floated together) that jet boat or any motorized craft on the river would have enormous negative impacts on our trip experiences.

Response: *See S-028.19 in 2523 - Boating Use Allocation and T-010.6 in 2530 Motorized Boating - General*

A-005.4 Please, this time listen to the public and heed their needs. You don't have to cringe before the Tribes this time. No Common Pool. No Permit system yet. Try the carrot, not the stick.

Response: *See S-028.19 in 2523 - Boating Use Allocation and W-005.3 in 2510 - Boating Use Levels.*

H-035.4 We are supportive of Alternative A for Allocation System.

Response: *This is a statement of opinion, no response was prepared.*

H-046.1 I wish to vote a strong "NO" for the Common Pool, which is the Preferred Alternative

Response: *Opinion; no response required and no votes are being taken.*

K-002.4 How would commercial launches (starts) be divided among the 34 permittees if a split allocation system were selected? The system used to allocate commercial use on the Rogue River is a possible solution.

Response: *See S-028.19 in 2523 - Boating Use Allocation. If a historical split allocation system is implemented, a system of distributing commercial launches between permittees would be developed cooperatively between the authorized permittees and the BLM. The system currently used on the Rogue River as well as systems in use on other rivers would be considered.*

K-020.2 One solution to the 'common pool' alternative is to have a common pool for the private boaters, not the guides, since the ratio is 20% guides and 80% private boaters.

Response: *See S-028.19 in 2523 - Boating Use Allocation and L-009.5 in 2523 - Boating Use Allocation.*

W-005.2 The following points are how the Common Pool will adversely affect the Guide Business

1) Cost will rise for the Guide due to communication between Guide, Client & BLM.
2) There would be difficulty in obtaining dates for clients. Outfitters need the flexibility to operate as the clientele is locked into certain dates or need to make last minute changes. River levels fluctuate, sometimes causing dates to be changed."
3) Maintaining a staff without knowing available start dates is financially not feasible.
4) There would be a higher rate of false application under the Common Pool system. It encourages a flooding of start dates form river users that apply for more start dates then are needed."
5) Outfitters would not be able to budget for the season due to uncertain client base. This puts a crimp on replacing equipment as needed due to unsure financial status.

Response: *See response to B-001.1 in 2523 - Boating Use Allocation - Alternatives*

2525 Boating Use Allocation - Environmental Consequences

11.4 Prefer alternative A. We disagreed with Preferred Alternative D, Common Pool. This system has not been successfully implemented on any other river in the country. The planning process relating to the Common Pool system has been inadequate, and does not take into consideration the needs of the outfitted public. We believe that weekend restrictions on the John Day are unjustified, and under the Common Pool system, would be impossible to administer.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives and W-005.3 in 2510 - Boating Use Levels*

12.3 'Freedom of Choice' is a misnomer for a management strategy that would destroy opportunities for quality recreation experiences for the outfitted public on regulated rivers. Implementation of a Common Pool may also complicate the process through which self-guided users gain access to recreation opportunities on public lands. Agencies set aside a portion of use on most rivers to the outfitted public. With each permit an allocation of use is provided to the outfitter. This system allows the outfitter to market a known quantity of use, to budget for equipment, and to have trained staff on hand to provide services for that potential level of use. Of the more than 1,000 streams available to private users on federal lands, fees are collected and their use is restricted on only about 25. On these 25 federally managed rivers, all users, self-guided users and outfitted users, are restricted and permitted. Where all use is regulated, a portion is allocated to self-guided users and a portion is allocated to the outfitted public and assigned to commercial outfitters. As proposed, the Common Pool system would seek to place all launches or user days on regulated rivers into a common pool, which could be accessed by private users or potential customers of outfitters. Some private users think that this system will increase their chances of getting permits on tightly regulated rivers because no use will be set aside or allocated specifically for the outfitted public. An increase for self-guided users will diminish opportunities to the outfitted public and eliminate opportunities for many families to visit federal lands. It will also create a destructive environment between outfitters and private boaters, one which would split the boating community into two deleterious camps. Further, if all use is put into a common pool, an outfitter will have no idea how much capacity is available for their operation on any given day. As with rivers where flows are unreliable, the uncertainties caused by fluctuations in an outfitter's daily capacity will create havoc and destroy their business. Most outfitters will lose capacity during peak periods. This reduced availability and uncertainties about daily capacity will result in the following problems:

- inability to retain a staff of trained guides since trip schedules and a company's daily capacity will be uncertain from one day to the next; uncertainty about the amount of equipment and supplies to keep on hand; inability to budget or to project revenues for the season;

-diminished ability to obtain financing; more transient, part-time outfitting businesses with minimal staff and equipment;

- poorer quality, risky service to families and visitors because of the transient, part-time nature of outfitters.

Also, the method by which the user would access the reservation system has not been covered in the plan. Freedom of Choice is No Choice for the Outfitted Public and if implemented it will destroy an industry that has provided quality service to the vacationing public on federal lands for more than three decades. I reiterate, the specifics of the Common Pool system have not been adequately evaluated. Planning and preparation has been insufficient to promote this system as the preferred alternative. Furthermore, this system is different in concept from any limited entry system currently in use. It has not been tested and its effectiveness has not been proven.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

12.4 Under Common Pool to make a reservation for a trip, an outfitter's potential customer must obtain a permit from the agency then contact the outfitter for a reservation. An alternative system might allow the individual to contact the outfitter who then submits names to the agency. Under the latter alternative, an outfitter could not close the sale until he or she had obtained the permit on the customer's behalf and then inform the customer of the launch date. A three-step process for making a reservation will result for the outfitted public. The DEIS does not specify how permits would be obtained.

Response: *In the Proposed Decision for Boating Use Allocation in the FEIS, a launch reservation would be obtained by either the customer or the permittee. It is anticipated that in most cases the permittee would make a reservation in the name of his or her customer. See B-001.1 in 2523 - Boating Use Allocation - Alternatives.*

30.6 I support Alternative B Historical Proportions. The Common Pool method seems to increase both commercial use and motorized use.

Response: *Opinion, no response required.*

A-005.3 The Common Pool is the wrong system because:

1) The outfitted Public is the real loser. They are paying for a trip because they don't know how to get permits, or don't have time to deal with complicated permit lotteries. They will surrender their rights to enjoy a John Day trip.

2) Safety and quality of professional trips will suffer. Anyone calling themselves an outfitter with no training or experience (just a license that can be bought, not earned) could become an outfitter on the John Day (or on the Deschutes under the Common Pool system).

3) Outfitters are bonafide small businesses providing a public service. As small companies, they would be seriously impacted economically by a Common Pool system. They would no longer be able to guarantee customers, launch dates Their businesses would depend on luck.

4) Most Permit systems depend on the luck of the applicant. This is unfair to unlucky people.

5) It does not allow an outfitter to transfer his/her permit upon sale of the business, This is unfair and wrong; people have been in business for many years have suddenly lost the value of their permit. The permit itself is not a property, of course, but represents, for most years of experience, hard work and honest effort to give the public a quality experience Long-time outfitters should have seniority, at least.

Response: *An allocation system that is fair to all users is precisely what the BLM is striving for. See the Proposed Decision for Boating Use Allocation, Chapters 3 and 5. See B-001.1 in 2523 - Boating Use Allocation - Alternatives, C-034.1 in 2523 - Boating Use Allocation, 11.9 in 2563 - Commercial Services - Alternatives.*

B-001.1 I oppose the "Common Pool" alternative for the John Day River. It is my firm belief, and an overwhelming concern of our membership, that a Common Pool management system would degrade both the access and quality of experience for recreational use of the John Day River and other resource areas. In a Common Pool environment, an outfitter would have no idea how much capacity is available for their operation on any given day. These uncertainties will create havoc in their business. The ability to train and have available quality guides, the capacity to budget the purchase of quality equipment, and the ability to obtain financing to improve

their business will all be compromised. More transient, part-time outfitting businesses with minimal staff and equipment, and poorer quality, risky service to families and visitors will result. Much of the back-country will then be off-limits to those Americans who need the services of qualified outfitters and support for public lands will decline. Outfitters with a long-term view of their businesses provide safer, superior experiences to the outdoor recreation public. (See attachment for a complete description of the consequences of Freedom of Choice management).

Response: *The DEIS analyzes the impacts of a common pool allocation system on commercial guides and outfitters on page 261, and acknowledges that a permittee's inability to offer trips on known peak use dates would complicate scheduling for both permittee and customer. As a result of public comments, the planning partners considered the permittees' need to predict business levels in advance, to the extent possible, in order to budget for staff, equipment, and financing needs. As a result, we have further defined the preferred alternative to ensure that under a staggered reservation system, a portion of the available launches could be reserved more than one year in advance of the launch date. Customers preferring to launch on peak use dates would be encouraged by permittees to book trips early, to increase the chances of obtaining their preferred launch date. Regardless of the allocation system used, launching opportunities on non peak-use dates would remain available without an advance permit, offering permittees the flexibility, on these dates, to book trips or make changes at the last minute. It is true that there would be costs associated with implementing any permit system, and equal fees would apply to all boaters who choose to launch on days when advance permits are required. In the case of the permittee, these costs would typically be passed on to the customer. It is anticipated that requiring that fees be paid upon reservation, accepting no more than one reservation per person, and requiring that at least one person named on the reservation be present on the trip, would tend to minimize false applications.*

While the common pool system would require adjustments in the way a permittee and a customer plan and book trips, it would provide more room for future commercial growth than a historical split allocation system, which would lock in future commercial launches on peak use days at approximately 20% of total available launches. With 33 permittees, the number of peak use day launches available to each permittee would be minimal, and there would be little or no room for growth on peak use days. With a common pool system, a permittee would be limited only by their ability to contact the BLM to make a reservation before available dates were exhausted, and commercial use on peak use days could increase above 20% in future years.

As a result of public comments, and internal review, the BLM has revised the Preferred Alternative for Boating Use Allocation to allow the common pool system designed for the Deschutes River to be fully implemented and closely evaluated by managers and users prior to implementation on the John Day River. If the common pool system, as implemented on the Deschutes River, cannot be made to work successfully, the BLM will reconsider an allocation method for the John Day River, using the historical split method in the interim.

B-001.2 Traditional split allocation management forces outfitters into a stable, accountable relationship with their managing agencies. Outfitter's permits can be withdrawn for poor stewardship of their resource, or poor quality of service. This performance-based permit has served to enhance resource conditions and public experiences on federally-managed waterways. Long-term, accountable agency/outfitter relationships enable long- term, cooperative efforts toward resource conservation and appropriate user experiences.

Response: *As the comment correctly points out, the BLM administers special use permits under a performance-based permit policy, as described in BLM Manual H-8372-1. If a permittee's*

performance is found to be unacceptable, the authorized officer reserves the discretionary authority to impose specific penalties upon the permittee as appropriate to the circumstances, including, but not limited to: permit privilege denial, probation, suspension, or revocation, in whole or part, and without compensation. The policy is not influenced by whether or not use is allocated, nor by what allocation method is adopted.

C-018.1 This letter is to address a strong NO for the common pool. As an Outfitter, I prefer the Split Allocation for its manageability for both clients and permittees with room for growth. This Split Allocation is the only way to plan for and know our client base for the business year. This will not set up a false scrambling for start dates in an untested plan. In their supplemental management plan for the middle Fork of the Salmon River in Idaho, the Forest Service included 'Common Pool' as one alternative permit system would decimate quality services for outfitted visitors. The following points are how the 'Common Pool' will adversely affect the Guide Business.

- Cost will rise for the Guide due to communication between Guide, Client & BLM. Fee for permit will run $9 per person or group. Add extra phone calls, letters, & fees that the 'permit' will require.

- Difficulty in obtaining dates for clients. Outfitters need the flexibility to operate as the clientele is locked into certain dates or are needing last minute changes due to work schedules. River levels fluctuate, sometimes causing dates to be changed.

- Maintaining a staff without knowing available starts dates is financially not feasible. 4. There would be a higher rate of false applications under the Common Pool system. It encourages a flooding of start dates from river users that apply for more start dates then are needed.

- Not able to budget for the season due to uncertain client base. Puts a crimp on replacing equipment as needed do to unsure financial status.

What Guide/Outfitters provide to the public:

- Boater and outdoor recreation skills for the non-outfitted public wanting an out door experience.

- Outfitters provided safety, experience, equipment, fun and adventure.

- Outfitters teach by example their clients ways to protect the environment while enjoying it.

- Provide individuals and families opportunities to team new skills related to their outdoor vacation.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

C-029.7 I favor the lottery system for the reaches managed for low-density recreation. High-density recreation areas could be managed on a first come first served basis. (See letter for examples of low and high density management areas).

Response: *It is BLM's goal to provide the opportunity for a variety of recreation experiences in different river segments. Boating use on some segments would not be limited at all (Segments 4 and 6, for instance, where a paved highway borders the river channel). Boating use on other segments may be limited if and when determined to be necessary by the Limits of Acceptable Change (LAC) process, which would consider resource conditions, social preferences and desired future condition for a given river segment. A similar allocation method will likely be used wherever a limited entry permit system is necessary, for consistency and ease of implementation. However, other methods of allocating use may be considered in the future. See S-028.19 in 2523 - Boating Use Allocation.*

C-033.1 It appears from the draft plan that an allocation system is being considered to control boater numbers from Service Creek down to Cottonwood Bridge. Based on my long experience with the river and the nature of the recreational activities I pursue, I am very much opposed to controlling launches through the use of an annual common pool lottery system. In the 25 years that I have used the John Day River I have seen a large increase in the numbers of people engaged in the same activities that I enjoy. But even on boat trips during which I have seen the most people (trips in late May and early June) I have not felt crowded or had my river experience diminished in any way. I have always found adequate campsites and they have usually been the ones around which I have planned my trips. I realize that river use will increase but by slightly altering my use patterns on the river I am confident that I can continue to have quality river trips without the use of a lottery system. Due to its nature, the John Day River is a flashy system, subject to flows ranging from low to very high in very short periods of time. A lottery system limits a canoeist's flexibility to schedule trips for optimum conditions and could either limit their use of the river or subject them to extreme danger. Because of the temperature extremes and flow conditions, the optimum time for floating the John Day is May and June. Unfortunately, this is the time for the most dramatic fluctuations in flows. The goal of the chosen alternative in the draft plan under boating use levels is to limit the numbers of people launching daily on the river to 384. I seriously doubt that numbers are currently that high even on peak use days such as Memorial Day weekend. I do believe, however, that allocating launches through a lottery system would only serve to increase the numbers of people boating on the John Day. First of all, such a system would direct more attention on the river, drawing applications from people who would otherwise not be interested in the river. Secondly, group sizes would increase. I know, from experience on other permit only rivers, that the permit holders often invite the maximum number of people to share the experience. This would not impact campsite availability but would have great impact on other aspects of the river's resources and capabilities. For the above reasons I find the proposed allocation system to be less than desirable and urge you to select an alternative with no lottery system.

Response: *See W-005.3 in 2510 - Boating Use Levels. We understand your concern that limiting launches may result in increased party size. The Limits of Acceptable Change (LAC) process will consider appropriate party size based on physical resource conditions, social preferences and desired future condition of each river segment. For more on LAC see Appendix K and G-001.1 in 2502 - LAC.*

D-008.1 The common pool will destroy fishing business! Flexibility to follow fish runs and water conditions is what a fishing guide does for his clients! I need flexibility of start times to provide a good service!

Response: *See 30.1 in 2501 - General Comments or Common to All Alternatives*

D-008.2 Due to the John Day River common pool proposal, The Prineville BLM Office is making me ask the question, 'Should I sell the business and buy a permit on a different river with given rights, or rebuild my guide service on non-permitted rivers?' Our rivers are a National Resource and concessions and permits are normally designed to allow a business to succeed.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

D-008.3 People or groups wanting a common pool need to do it at the national level so it would apply to all! Businesses operating on Federal lands need to be treated consistently across the U.S.

Response: *The BLM administers special use permits according to BLM National Policy, as described in BLM Manual H-8372-1. This manual provides the Field Manager with guidance and parameters for making decisions related to commercial permit administration, including limiting and allocating use. While general guidance and parameters for these decisions are determined at the national level, specific decision-making authority is delegated to the field level.*

E-013.1 I have managed to stay in this business by being very frugal, doing an exemplary job with clients to assure their return year after year, and being very flexible in regards to launch dates; we can accommodate anybody! I strongly oppose the Common Pool. These are some problems and issues that come to mind:

1. If implemented, I suspect that your already stretched and under funded river budget would have a real struggle to implement and administer the Common Pool plan; dealing with thousands of trip applicants, over applying by large parties to get launch dates, dealing with cancellation when there is no water, re-issuing these canceled launches to people who want them, policing launch site for compliance, increase use of illegal launch sites on private lands, are just a few of the worms in this can. I can think of a number of more important and pressing river management issues that are not being addressed as it is.

2. The additional expenses needed to implement this plan would be passed on in part to river operators. I can't afford any more fees!

3. We need the flexibility to change clients launch date as river levels fluctuate and as clients plans change.

4. Cost of doing business will rise as a result of extra communication and administration that will be needed simply to get clients on the river.

5.Increased difficulties in getting launch date in a already tight window of opportunities.

6. Maintaining a professional guide staff will be a challenge. These guys and gals have a very small window to make their summer money and if we have large gaps in the season, this makes my operation financially less feasible as an option for good guides.

Outfitters provide a service to the public that has a broad range of advantages that are well documented . One of the advantages that are not so well known is the economic impact that my small business has on the city of Fossil. Our clients money has basically rebuilt the Fossil Motel from an eyesore to a darn nice facility. Our clients spend thousands in the local stores and restaurants and bars. Little Creek spends five to ten thousand dollars in the community each season in food and fuel alone. We have a significant impact on the local economy. This could all change. Our John Day river trips are in direct competition with other river trips all over the west, prices must be in line, access to the river by our clients has to be flexible and easy. The Common Pool will change all of this and will have a profound financial and administrative impact on all groups concerned.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives. Boating use is currently limited on many other western rivers, and with increasing populations, it is likely that similar use restrictions will be implemented on more rivers in the future. The affects of various allocation systems on access to the river for guided and non-guided users is discussed under human uses and values in Chapter 5. The affects on opportunities for expansion by guide business is also discussed.*

G-002.2 Common Pool Permit System: This misleading, untested form of permit administration gives a distinct advantage to organized frequent users with the 'telephone tree' redial practices that insure at least one of the group a statistical advantage for obtaining the favored dates. Once the permit is established, then all the other users just tag on with the lucky applicant. The appearance is that 'everyone gets a turn'. Whereas, in reality, the group members get lots of 'turns' by sticking together. Occasional and most commercial operations have a disadvantage for popular dates under this system. Quite frankly, the system has been proposed by raft clubs that try to portray commercial operation in a natural resource as something evil. It might put outfitters out of business. A system similar to ODFW's game permit system should be considered. (see lette

Response: *An allocation system that is fair to all users is precisely what the BLM is striving for. See B-001.1 in 2523 - Boating Use Allocation - Alternatives.*

H-027.1 The 'common pool' is not something that we support, as it would create problems in reservations and cancellations. In turn, this would make our rental business basically unable to accommodate any stop-in customers, such as tourists traveling through the John Day River basin.

Response: *For the most part, commercial customers on the John Day River book overnight trips well in advance. Customers may book day trips on the day of the trip, or just a few days before, but day use will not be limited under the proposed decision unless Limits of Acceptable Change monitoring indicates limits are necessary to protect recreational experience. If this is the case, day use would likely be limited only in certain areas where the desired future condition includes the opportunity for a more primitive recreational experience and solitude.*

H-046.2 As an Outfitter and Guide, I prefer the Split Allocation for its manageability for both clients and permittees with room for growth. This Split Allocation is the only way to plan for and know our client base for the business year.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

H-046.3 Opposition to the Common Pool: The cost will rise for the Guide due to communication between Guide, Client & BLM. Fee for permit will run $9 per person or group. Add extra phone calls, letters, & fees that the "Permit" will require.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

H-046.4 Opposition to Common Pool: Difficulty in obtaining dates for clients. Outfitters need the flexibility to operate as the clientele is locked into certain dates or are needing last minute changes due to work schedules, emergences, etc. River levels fluctuate, sometimes causing dates to be changed.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

H-046.5 Opposition to Common Pool: Maintaining a staff without knowing available start dates is financially not feasible.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

H-046.6 Opposition to Common Pool: There would be a higher rate of false applications under the "Common Pool" system. It encourages a flooding of start dates from river users that apply for more start dates than are needed.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

H-046.7 Opposition to Common Pool: Not able to budget for the upcoming season due to uncertain client base puts a strain on replacing equipment as needed do to unsure financial status.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

K-002.2 Opposition to Common Pool: It will make it almost impossible to carry on my commercial activities on the John Day River. My clients are willing to pay for competent guides, state of the art equipment, convenient safe lodging and a safe trip that meets government regulations. Many of the trips are planned well in advance of the launch date but some are reserved on short notice. There just isn't any flexibility for operating a business with so many unknowns to deal with.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives and 30.1 in 2501 - General Comments or Common to All Alternatives.*

K-002.3 Opposition to Common Pool: Current use does not warrant restrictions at this time. There needs to be more tracking of commercial and noncommercial use before any type of restrictions are implemented. If restrictions are implemented they should be a Split Allocation method.

Response: *See W-005.3 in 2510 - Boating Use Levels and 30.2 in 2510 - Boating Use Levels. Additional boating use data will be collected during the interim management period. This use data will be considered along with LAC monitoring data and other factors, in setting appropriate use levels for the river. For more information on LAC, see Appendix K.*

K-020.1 I vote for a 'no' for the 'common pool'. The rising costs of insurance the federal government keeps putting on us guides, and my being a weekend guide (Fri.-Sun.); I need all the flexibility possible.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives and 30.1 in 2501 - General Comments or Common to All Alternatives*

L-009.1 The 'Freedom of Choice' permit system would be the death blow for my business. This system was deliberately designed to put commercial boaters out of business! If you must impose such a system on the outfitted public, please hold off long enough for me to sell out my business. Then you can stick it to the next sucker.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

L-009.2 There is a somewhat similar system in effect for common pool starts on the Rouge River, and from a commercial point of view, IT DOES NOT WORK. I also have some scheduled launch dates on the Rogue under their 'split allocation' permit system. I can tell customers in November what date I have next September. No drawing, no hassles — just regular booking.

Response: *The difference in the number of daily launches allocated to commercial use on the Rouge River versus the John Day, under a historical split system, should be noted. A commercial allocation of 20% of available launches would amount to only 2 launches per segment per day, resulting in very few launches per permittee regardless of the method used for distribution. If the choice were between no launches or the opportunity to compete for a reserable launch, the reservable launch offers a higher rate of success. See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

L-009.3 The freedom of choice system has been attempted full scale on no other river in the world. It is untried and highly experimental. If you must experiment with people's lives, the least you can do is restrict your experiment to those who will suffer least from it. That being the non-commercial boater and BLM employees acting as 'outfitters' to demonstrate the feasibility of the system. It might even be possible to build a computer model that would show how this system might work. Talk to the folks at Oregon State University about it and please include me in the process.

Response: *See S-028.19 in 2523 - Boating Use Allocation*

L-009.4 I call the Freedom of Choice system the Double Maybe system—Maybe I'll be able to get through the phone line, and Maybe there will still be space available. This is no way to run a business. The freedom of choice system would eliminate most bookings simply by stretching out the time needed to go though the double Maybe system to the point where these potential guests decide to do something else. Customers want a guaranteed launch date. Unless you can guarantee clients the date they want, you won't have any clients, and then you won't have a business.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

M-001.1 I am a guide on the Deschutes River and I am writing to voice my opposition to the "Common Pool - Freedom of Choice" limited entry system being promoted as the Preferred Alternative for the John Day River. This plan, should it be implemented, would prove disastrous for the outfitting industry as well as the outfitted public. A large percentage of the public relies on professional outfitters to assist with their outdoor recreation. Making outfitted services difficult to obtain is unfair to the public seeking those services.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

M-001.4 The mechanics of the "Common Pool - Freedom of Choice" system have not been adequately evaluated. Planning and preparation has been insufficient to promote this system as the Preferred Alternative. Furthermore, this system is different in concept from any limited entry system currently in use. It has not been tested and its effectiveness has not been proven.

Response: *See S-028.19 in 2523 - Boating Use Allocation*

M-001.5 It is evident that the concept of the "Common Pool - Freedom of Choice" system is inconsistent with many of the objectives outlined on page 152 of the Draft Plan and EIS. On page 152 it states that "If an allocation system is needed, the allocation method selected would consist of features designed, to the extent possible, to consider the following factors and criteria: #2 - Be designed to minimize disruption to guided and outfitted services, #5 - Foster a high quality of outfitted services, #6 - Minimize the cost of access to the river by the public, and #7 - Provide an efficient system (minimize no-shows and make unused trips available to others).

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

M-001.6 The concept of the "Common Pool-Freedom of Choice" system is inconsistent with objective #2 — Be designed to minimize disruption to guided and outfitted services. The recommended "Common Pool" system would prove disastrous to the Outfitting Industry. Because the system lacks the traditional "split allocation", outfitters would be unable to market their services effectively. How does one market a service they may not, under the lottery system, be able to provide? The "Common Pool" system would make it difficult for outfitters to plan, invest in equipment, and hire and retain qualified staff. Professional outfitters should have the confidence that they will be able to provide outfitted services for the long term. This confidence is shattered by a "Common Pool" system.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

M-001.10 The concept of the Common Pool-Freedom of Choice system is inconsistent with objective #7 - Provide an efficient system (minimize no-shows and make unused trips available to others). How do you propose to do this?

Response: *Specific details of a reservation system will be designed if and when the Limits of Acceptable Change process determines that a limited entry permit system is necessary. We understand minimizing no-shows and efficiently re-allocating canceled or unused trips is a challenge. The BLM intends to begin charging launch fees in the future to help cover the cost of cleaning campsites, maintaining facilities , and on-the-ground improvements (See 2500-30.4 in 2501 - General Comments or Common to All Alternatives). As the Proposed Decision for Boating Use Allocation describes, the applicable use fee would be due in advance as a deposit to hold a reservation. If the person canceled by a certain date, they would be eligible for a refund, otherwise they would forfeit their "deposit"*

(similar to the standard process used to hold lodging reservations). Any canceled trips/permits would again be available for reservation. Launches available at the last minute would likelybe distributed via one or more of the following methods: telephone, internet, or BLM staff at the launch points. The BLM may also consider denying future reservation privileges to a person who did not show or cancel a reserved launch. See the Proposed Decision for Boating Use Allocation in Chapter 3 of the FEIS.

O-001.6 The common pool system would not work for commercial outfitters because it would not allow them to plan ahead. It is very important for a business owner to have their launch dates set in advance so they can book trips on those dates. I feet that a historical slit allocation, even though it may only allocate 20% of the total use to commercial use, would better serve the commercial guides and their customers.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

S-002.1 As the President of the Oregon Guides & Packers Association (OGPA), I am writing this letter on behalf of the registered recreation service providers in the state of Oregon. It is my firm belief that a Common Pool management system would degrade both the access and quality of experience for recreational use of the John Day River and other resource areas. In a Common Pool environment, an outfitter would have no idea how much capacity is available for their operation on any given day. These uncertainties will create havoc in their business. The ability to train and have available quality guides, the capacity to budget the purchase of quality equipment, and the ability to obtain financing to improve their business will all be comprised. More transient, part-time outfitting businesses with minimal staff and equipment, and poorer quality, risky service to families and visitors will result. Long-term, stable outfitting businesses provide safer, superior experiences to the outdoor recreation public. Therefore, our members adamantly oppose the proposed Common Pool preferred alternative that has been chosen in the management plan for the John Day River.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives*

S-006.6 The Common Pool alternative is a poor choice for businesses like mine. Without firm start dates and firm allocation numbers, what does a business have to advertise? nothing at all. Without firm start dates and allocation numbers I would be out of business in a year. The only way to stay in business under Common Pool allocation rules is if one large company buys a majority of the other 32 permits to ensure it gets a chance at drawing Common Pool start dates. The common pool should be eliminated as an option, because it is anti-small business. It blatantly targets small businesses like mine for elimination.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives. All businesses, whether large or small, would have the same opportunity to acquire launch reservations. There would not be a "draw" for start dates. See the Proposed Decision for Boating Use Allocation in Chapter 3 of the FEIS.*

T-001.8 Page 261 - Impact of Allocation on Commercial Use - Alternative D - This paragraph should end after the second sentence. The remainder of the paragraph is very complicated and contains comments whose truths depend on the mechanics of the system. Specific 'how it would work' statements can only be made after the actual allocation system is designed.

Response: *Specific details of a reservation system will be designed if and when the Limits of Acceptable Change process determines that a limited entry permit system is necessary to protect resource conditions, social experience, and to meet the desired future condition of a river segment.*

The Proposed Decision for Boating Use Allocation in the FEIS contains certain components of a reservation system that the planning partners agreed were necessary, in order to allow maximum flexibility for users.

T-001.10 Some descriptions of the Common Pool Reservation System and its expected consequences are confusing and contradictory. To be certain that the final allocation plan is fair and acceptable, it is important that the following elements are included:

1) River use permits will be issued on a first come, first served basis to specific, identified individuals for specific dates.

2) One person, private boater or commercial guide, may apply for a group of users, but the spaces are reserved in the names of the individuals in the party, and they may be used only by those people.

3) Each river user, whether boating in a group or individually, commercially or non-commercially, has a right to his, and only his space on the river for the days stated on his reservation.

4) No river user will be allowed more than one reservation at a time.

5) All canceled reservations will be returned to the Pool to be re-issued.

6) No river use permits will be issued to unnamed people. Allowing such 'ghost' reservations would be a self-issuing split allocation. That practice leads to speculation and selling of river space which is public property and not for sale. It is quite likely that most limited access days will always have spaces available for small parties of late-comers because no "ghost" reservations are being held for speculation. Staggered dates for making reservations should not be necessary and will only complicate the system and increase the administrative cost.

Response: *Opinion, no response required.*

T-001.11 Setting up split allocation for river use is the basis for most of the unfairness of management plans on all limited access rivers.

Response: *Opinion, no response required.*

W-001.7 It is time that all members of the public be afforded an equal opportunity for access to our public rivers. Allocating launches using a common pool reservation system is the only way to achieve this. This type of reservation system is currently used world wide for every other type of recreation activity except access to our public rivers. The general public knows how to use a reservation system as do the commercial outfitters - this will just be different than what the outfitters are used to, but it will offer an equal opportunity for access to all members of the public.

Response: *Opinion, no response required.*

W-005.1 I prefer the Split Allocation for its manageability for both clients and permittees with room for growth. This Split Allocation is the only way to plan for and know our client base for the business year. This will not set up a false scrambling for start dates in an untested plan.

Response: *See response to B-001.1 in 2523 - Boating Use Allocation - Alternatives*

W-008.2 I am opposed to adoption of the 'Common Pool' allocation system. This management strategy would severely hamper my ability - and the ability of all outfitters and guides - to provide quality recreation experiences to the public. If all use is put into a common pool an outfitter will have no idea how much capacity is available for their operation on any given day. This uncertainly is likely to result in a variety of problems, including an inability to retain a staff of trained guides since trip schedules and a company's daily capacity will be uncertain from one day to the next, an uncertainty about the amount of equipment and supplies to keep on hand, and ultimately the creation of a more transient, part-time outfitting business community with minimal staff and equipment.

Response: *See response to B-001.1 in 2523 - Boating Use Allocation - Alternatives*

W-008.3 Most people do not have the skills, time or equipment to outfit their own trips on America's regulated whitewater rivers. For this reason, agencies have set aside a portion of use on most rivers to the outfitted public. This 'Split Allocation' system is the best way to manage use. Best because it allows the outfitter to plan on a known quantity of use, to budget for equipment, and to have trained staff on hand to provide services for that potential level of use. And best because the public as a result is provided with access to public waters in a safe and environmentally sound fashion.

Response: *See response to B-001.1 in 2523 - Boating Use Allocation - Alternatives*

2530 Motorized Boating - General

30.23 While this plan focuses on casual floating restrictions, it doesn't go nearly far enough in restricting jet boat use. We need year-round restrictions on jet boat use, not just the few days that's listed in the plan.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

A-007.1 I do not support any restrictions on motorboat use, beyond restrictions already in place. I do not believe that any such restrictions proposed in the Plan can be supported in the event of an appeal.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

A-007.3 The Plan suggests a range of limits on motorboat use, which, in the case of Alternative D, rises to a year round motorboat ban. Although the Plan attempts to characterize motorboat use as one that substantially interferes with public use and enjoyment of the river's values, that is clearly not the case.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

A-007.4 A number of floaters want to appropriate this public resource for their exclusive use. However, this does not mean that motor-boaters are substantially interfering with public use and enjoyment of the river. The John Day (Tumwater Falls upstream to Service Creek) is a recreational river under the WSRA. Floaters can hear the noises of cars on adjacent sections of roads. They can also hear the noise of the infrequent motorboat. This is to be expected on a recreational river, hence the designation "recreational". (references attached)

Response: *See T-010.6 in 2530 Motorized Boating - General.*

A-007.9 The authors of the Plan demonstrate their bias against motorboats by inaccurately concluding that motorboats impact fish, while failing to address whether or not non-motorized kayaks or drift boats impact spawning fish. Why? Why doesn't the Plan seek to curb use of non-motorized kayaks or drift boats during critical fish seasons, since the Satterwaithe study indicated those craft may impact fish?

Response: *Recreation use with regard to boating of any kind has certain impacts to migratory and spawning anadromous fish species. As discussed in Satterwaithe 1995, all boat traffic will disrupt or startle anadromous fish and alter their behavioral pattern during migrating and spawning. However, these alterations of behavior have not been shown to affect survival. In addition motorized boats add two important factors that further impact anadromous fish: 1) pollution from gasoline motors; and 2) direct disruption of spawning gravels via jet or propeller action. Small amounts of gasoline present in water can prove fatal to fish. Jackivicz and Kuzminski (1973b) during a review of the available information regarding motorized boating effects on the aquatic environment concluded that while pollution from outboard motors can produce a toxic effect to the environment in sufficient concentrations and may effect reproduction of fish, although under conditions of normal use the available data does not indicate that negative impacts would occur. Sutherland 1975, and Horton 1994, in two independent studies found that in certain conditions jet boat movement over redds can move gravels and cause mortality of salmonid embryos within the redd. While there are several factors of impacts with regard to motorized boats on fish the primary concern is movement of gravel caused by jet or propeller action over the redd, effects that don't occur with float boats.*

B-006.1 For the past 18 years I have enjoyed fishing from the Rock Creek road access. In that time access has become more and more restricted. According to our maps and research there are several miles of public land on one or both banks between Rock Creek and Tumwater Falls. Access by boat seems the most logical means, but requires a motor to get back out since there is no possible take out point down river. Please do not take this final route of access from the few fishermen who use and love this segment of the river.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

B-007.2 It is interesting that over the past 12 years, the body of scientific evidence continues to build that motorized boat use does not have the huge negative impacts that the BLM continues to try to hold forth as reasons to reduce or eliminate motorized boats from the John Day river. My research indicates that your early draft plans were clearly off base and not defensible, and I would expect your newer plans to reflect this in more opportunities for motorized boat use, not less like you were previously proposing. Attached are letters from Jan 10 '94, May 25, '89, Apr 17, '89, Jun 15, '88 and Jun 7 '88 supporting motorized boating on the John Day River.

Response: *See T-010.6 in 2530 Motorized Boating - General, and 2535, A-007.5.*

B-017.1 We the undersigned hereby express our OPPOSITION to the existing unjustified motorized boat closure on the John Day River, and to any further restrictions on this river in the absence of compelling justification, or until such time that the total river usage increases to the point that restrictions are necessary to protect its resources, and then fairly applied to all users. (See also the attached letter explaining petition to petition organizers).

Response: *See T-010.6 in 2530 Motorized Boating - General.*

B-051.1 Supports ODF&W position in their letter of 2/8/00

Response: *Support noted, no response needed.*

C-029.8 Some sections should remain open for motorized boating unless it is clear that the motors are impacting fish and/or wildlife. The canyon reach from Priest Hole downstream to Cottonwood Bridge should be a non-motorized area. The non-motorized area should exclude all motorized equipment such as ATV's, motorized boats, generators and other motorized vehicles and equipment (except on public access roads and launch areas and developed camp areas).

Response: *See T-010.6 in 2530 Motorized Boating - General. Wilderness Study Areas (WSAs) are closed to all motorized and mechanized use. Forty-six river miles within Segment 2 flow through designated WSAs, however current restrictions allow the use of motorized boats in this area from October 2 to April 30. The Proposed Decision for Motorized Boating in Segment 2 would close the river to motorized boating year-round, making the restrictions consistent with WSA management objectives, which include the opportunity for solitude and primitive unconfined recreation. Outside of WSAs there are certain areas in which Off Highway Vehicle (OHV) use is currently restricted (See 30.33 in 2501 - General Comments or Common to All Alternatives). We are not aware of the use of generators at campsites other than those which are accessible by vehicle. We are aware that chainsaws are occasionally used to cut and/or limb standing trees in campsites for use as firewood, and plan to take aggressive action to stop this activity*

C-030.1 I don't believe this motorized closure was put into place to protect the nesting waterfowl as presented in various documents, it was an effort by the land owners to keep the public out of the river canyon.

Response: *Both waterfowl and land owner's concerns we considered in the current closure.*

C-030.8 Over the years I have not seen a significant increase in motorized boat use, what I have seen is a tremendous increase in floaters since the late 80's and early 90's.

Response: *There has been an bigger increase in float boaters in relation to motorized boating use in the noted time frame. This does not change the need to write the management plan to incorporate a variety of recreational experiences. See response to T-010.6 in 2530 Motorized Boating - General.*

C-030.12 I do not understand how the plan considers it appropriate to state that a motorized boat launch is just one boat, but a float launch is two or three boats. This is not appropriate or fair. If you want to define a launch by the number of people in the craft or party then do this and apply it consistently to all types of craft.

Response: *The Preferred Alternative for Motorized Boating which appeared in the DEIS has been revised. The Proposed Decision would not place restrictions on the number of motorized launches, but rather on the seasons and segments of use.*

C-030.13 Limiting motor boat launches to one or two a day is very unfair while still allowing enough floater launches to fill 70% of the camp sites, or up to 384 people per day. Due to the water flow characteristics of this river myself and my friends use small boats that can only hold two or three people and still perform adequately on the river. Because of this, when I fish with my friends we all bring our own boats, these launch restrictions would eliminate the ability for us to fish together.

Response: *See C-030.12 in 2520 - Boating Use Allocation - General*

C-032.5 I would prefer no motor boats on the river at anytime of the year.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

D-001.4 As long as there is no public take-out point below Rock Creek there should be no further restrictions on motorized use in Segment 1. Otherwise, the BLM would be promoting the private use of public lands since most public users use motor boats to access Segment 1.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

E-009.2 Segments 1 and 2 should be closed to motorized boating from May 1 to October 1 because there is not enough water in the river to protect wildlife and to eliminate any conflicts with private landowners. Segments 1 and 2 should be open to all motorized boaters after October 1 because private landowners control access to the lower John Day River and the only way to access public lands in these segments is by boat. Normally after October 1 there is enough flow in the river to allow motorized boats to access the lower river.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

G-017.3 Even if it is agreed that powerboat access has too much negative impact, reasonable alternative access should be available before powerboat access is eliminated during prime time. Additionally, if necessary use could be reduced during this prime period via restricting access during certain days of the week, requiring permits and restricting the number, or restricting the size and/or horsepower of boats.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

J-006.4 The EIS doesn't mention the state's closure on the river to personal watercraft. Why isn't this a consideration in the Management Plan?

Response: *The use of personal watercraft is prohibited year-round upstream of Tumwater Falls by Oregon Administrative Rule 250-021-0030. The planning partners do not propose to alter this existing restriction. This intention to continue the existing restriction on the use of personal watercraft will be added to Motorized Boating, Common to All Alternatives, in Chapter 3 of the FEIS. It was omitted by error.*

M-033.1 I feel that the lower portion of the John Day River should have no motorized boats because other game reserves have already set a precedence for no motorized vehicles. Lets be consistent.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

M-035.8 We believe that motorized use should be banned on the river.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

P-019.1 I recommend that this planning team evaluate jet boat use on the Deschutes and consider adopting management actions that fit the John Day and NOT import management actions from the Deschutes that detract from a quiet river experience.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

P-022.1 The John Day river should be preserved in its natural state for responsible enjoyment of those who wish to see nature at its fullest. I am by no means against motorized sports and recreation as long as they remain in the areas set aside specifically for their use.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

P-024.1 One of the main reasons we raft on this river is that it enables us to raft without competing with motorized boats. I feel that if you allow motorized boats on at the same time as rafters that it would spoil it for the fisherman, rafters and even boaters. The two groups would not mix well. I don't know of any other river where jet boats are kept off the water. I hope you will continue to protect the John Day River from motorized boats.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

R-016.11 Please ban all motorized boat use above Clarno and limit use below Clarno.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

S-003.1 Please keep motorized boats off the river above the Tumwater Falls to the headwaters. Some places need to be free of as much noise and disturbance as possible.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

S-028.20 Existing motorboat regulations and fluctuating river levels provide adequate protection to all outstanding remarkable values.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-002.4 Apparently the BLM would like to turn the river into a rafting river by excluding motorized boats for 7 months of the year, and severely restricting their use in 2 other months. The months of exclusion include the primary months for smallmouth bass and steelhead fishing. The plan states that "The most popular activities on the mainstem John Day River are boating and fishing for smallmouth bass and steelhead." The exclusion of one user group to the benefit of another for 7 months of the year is completely unjustified.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-002.5 This exclusion of one user group (motorized boaters) is contrary to the laws under which the BLM is obligated to operate. The most comprehensive of these laws is the Federal Land Policy and Management Act of 1976 (FLPMA). All policies, procedures, and management actions taken by the BLM must be consistent with FLPMA and the other laws that govern the use of the public lands. The FLPMA states "...that it is the policy of the United States Government that ... management be on the basis of multiple use and sustained yield ... and that will provide for outdoor recreation and human occupancy and use.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-002.6 The BLM appears to base some its motorized boat decisions on the mistaken assumption that the river should be managed as a wilderness area. The main John Day up to Service Creek is designated as a "Recreational River" under the federal Wild and Scenic Rivers (WSR) Act of 1968. Recreational rivers are "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." The management direction of the Act is "...to protect and enhance the values which caused it to be included in said system without, insofar as consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values."

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-002.7 The BLM motorized boat elimination is contrary to the intent of the federal recreational classification. It is hard to imagine that a recreational use of the river that comprises 0.3% of the total boating use is "substantially interfering with public use" and must be eliminated.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-00 2.8 Re: DEIS, p. 47, Recreation. "When these determinations were made, power boats used the river." If the river is known for its "quality of opportunities", then that opportunity includes power boating. The determination of the ORV's was not made assuming that power boats would one day be eliminated. The quality of opportunities such as boating includes all traditional boating uses. The BLM has apparently just recently determined that what the Federal Government and State of Oregon really meant was that the John Day will have quality boating opportunities once it is managed specifically for rafters to the exclusion of other traditional and legitimate uses.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-002.11 The only real issue is that some rafters don't like jet boats. These rafters believe that their use of the river is the "chosen one" and that they should be spared from having to interact with other legitimate river users. The BLM has bought into this idea as well. They also ignorantly believe that 50 motorized boating use days cause more damage than 15,872 non-motorized use days (1999 preliminary use data).

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-010.4 This Plan provided very little new information which would provide support for the existing motorized boat closure on Segments 1 and 2 of the river, let alone its extension and application to Segment 3 of the river. It also did not provide justification for its recommendation to limit motorized boat launches to 1 per day in March, and 2 per day in April and yet allow float launches up to 70% of the available camp sites, or 384 people per day.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-010.5 It is not fair that the Plan states on page 241 that it assumes a motorized launch is just one boat and that non-motorized launches are two or three vessels. Due to the flow characteristics of the river, people use small motorized boats because they are better suited for use on the river and for several people to fish together they usually use several boats at a time. Launches and associated limits need to be consistently applied to both vessel categories.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-010.6 The Plan has not taken a comprehensive look at the river and recommended logical restrictions that would fairly apply to both motorized and non-motorized use. Had they done so the recommendation would have also include a recommended modification of the existing unjustified motorized boat closure on Segments 1 and 2 of the river from May 1 to October 1.

Response: *W&S River plans involve a balancing of uses and values. While we agree that unlimited motorized boat access would benefit some users, it must be balanced with other types of recreational experiences and the potential for damage to other ORVs. Limitations on motorized boats have been adopted on the Lower Deschutes and Rogue W&S Rivers in order to provide seasonal protection to other resources or to enhance other forms of recreational experiences on the same river reaches.*

The selection of the proposed decision for each segment was done with a holistic approach in mind. Segments 1, 2 and 3 were analyzed collectively instead of individually for managing motorized boating that would provide a variety of recreational experiences while protecting and enhancing ORV's. In adjusting the areas and seasons of current restrictions, consideration was given to protecting and

enhancing the ORVs of fish, wildlife and recreation, promoting consistency with future wilderness designations and the needs of the John Day Wildlife Refuge, limiting potential user conflicts, and meeting the desired future condition of each river segment.

In Segment 1 there is currently very limited opportunity for the public to access the river below Rock Creek by anything other than a motorized boat. Alternative A was chosen for this Segment to allow the current level of motorized boat access to continue with no further restrictions.
Segment 2 is the most primitive segment along the John Day River and a large portion of it also occurs within the John Day River Wildlife Refuge. Alternative D was chosen for this segment to provide an opportunity for a more primitive recreational experience for float boaters and manage motorized boating use in a manner that would provide full protection to both nesting and wintering waterfowl.

In Segment 3 Alternative E was chosen to minimize conflicts between motorized and non-motorized users. Segments 1 and 3 would be managed to minimize recreation conflicts while still allowing 212 days of motorized boating use each year. Both Segments would be open to motorized boating use from October 1 to April 30.

When viewed as a whole, the proposed decision meets the Desired Future Condition for the Recreation Opportunity ORV by providing an opportunity for a variety of on-river recreation experiences within the John Day River system, including motorized an non-motorized boating on specific segments. The opportunity for a motorized recreation experience would be available seasonally in Segments 1 and 3, and year-round in Segment 4. The opportunity for a non-motorized experience would be available seasonally in Segments 1 and 3, and year-round in Segment 2.

T-010.9 It is obvious from the information presented in the plan that an underlying bias against motorized boat use of the river is present in the Prineville Office of the Bureau of Land Management (highlighted by the letter presented in attachment 4). My involvement in the plan has also identified that this bias exists within the Oregon Department of Fish and Wildlife (see the letter presented in Attachment 3).

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-010.10 Presently there is only one good reason to restrict motorized boats on a section of one Segment of the river. This is the Social reason and I agree that there should be a place and period where people can float and not see or hear motorized boats. For this reason I would accept the closure of the 'primitive' section identified on page 55 of the Plan between Butte Creek and Cottonwood Bridge, during the primary rafting period from Memorial Day weekend through to the Fourth of July weekend.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

W-001.8 Limit motorized use on Segment 1 to the current levels and to close all of the other segments to motorized boating. This would enhance the protections for a wide range of river values including recreation experiences for by far the majority of the public, wilderness values and fish and wildlife values. It would provide the opportunity for visitors to WSAs to experience natural primitive conditions without interruption by motors and would be consistent with the purpose of the John Day River Wildlife Refuge. Dealing with upstream winds is part of the John Day River primitive conditions and visitors need to be aware of this possibility and plan accordingly or choose a different activity. This would also offer the best solution to the observation on page 18: "Local land owners feel that increased access via motor boats is associated with increased vandalism." Now,

when usage is very low, is the time to remember the 'key words' of 'long-term protection and enhancement' and 'preserve the existing condition of campsites and recreation sites' and to take the appropriate management actions to close the John Day River to motorized use in all segments except the present use level in Segment 1.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

2533 Motorized Boating - Alternatives

11.5 We agreed that the flows and weather on the John Day River self-regulate the use of motorized boats. We agreed that use should be restricted on segments 1 and 2 from May 1 to October 1. Additional restrictions are not necessary.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

30.22 The alternatives in the plan are weighted too heavily in favor of jet boat use and in my opinion would result in increases in jet boat use in segments that have very little or no use. The very narrowness of the river does not lend itself to any realistic standard of safety when boats and rafts jointly use the waterway. Worst case for me would be; A.) limiting use to existing 1998-9 use levels; both commercial and private, B.) limit the jet boat use to down-river from Cottonwood Bridge. C.) restrict them to alternate weeks.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

B-051.3 Urge closing of segment 3 from 3/1 to 10/1

Response: *See T-010.6 in 2530 Motorized Boating - General.*

C-030.11 As defined in the Plan on page 55 there is one truly remote section of the lower river "between Butte Creek and Cottonwood Bridge" that would be appropriate to restrict motorized boats on during the primary floater use period which I believe is Memorial Day weekend through the Fourth of July weekend. This would be an area that the floaters could use the river and not experience the motorized boats. If this section does get turned into wilderness then I would agree motorized boats need to be eliminated completely within the wilderness boundary.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

H-009.1 Page 197 of the plan includes the statement: Since motorized boating occurs at low levels and seldom when use has the greatest potential for impacts, eliminating motorized boating is not likely to affect fish or fish populations." Nevertheless, the 'preferred alternative' is to further reduce motorized boating. It hardly seems justifiable to further restrict motorized boating which keeps the public from accessing public property, especially when motorized boating is the only way to get to public property.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

H-035.5 We are supportive of Alternative B for Motorized Boating.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

H-042.2 I applaud your preferred plan, closure on Segments 1, 2 and 3 except for a winter and spring time period. But I would urge advancing the end of closure from the proposed May 1 to April 1.

Response: See T-010.6 in 2530 Motorized Boating - General.

K-001.1 I support a preferred alternative of no motorized boating on the John Day.

Response: See T-010.6 in 2530 Motorized Boating - General.

M-003.4 I favor to keep the current motorized boating regulations in place for the foreseeable future. I feel that the Oregon State Marine Board, Oregon Department of Fish and Wildlife, and Oregon State Police should monitor the use of motorized boating on Segment 1 and 2 of the John Day River, and in the event of overuse/abuse, a plan should be in place to restrict the use of motorized boats in those segments of the river.

Response: *Five agency partners have participated in this plan and proposed decisions. See T-010.6 in 2530 Motorized Boating - General.*

T-002.12 I request that the BLM remove the new power boating restrictions from the Management Plan.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-002.13 The BLM should modify the existing motorized boat closure on sections 1 and 2 of the river. The current restrictions are far greater than necessary to adequately protect nesting waterfowl on the refuge and protect the lower river salmon run. Restrictions in sections 1 and 2 should provide for these protections while simultaneously supporting the recreational opportunity available in sections 1 and 2.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

2535 Motorized Boating - Environmental Consequences

30.21 Jet boat use on the John Day, especially in the sections from Service Creek down to Cottonwood Bridge is not compatible with quiet, solitude floating that takes us away from the motorized world we live in. I think jet boat use on this river disrupts non-motorized floaters river experience, creates an unfair advantage for obtaining campsites (esp. if designated sites occur), can be a safety hazard due to blind comers and limited routes though rocky river stretches, and allows lawbreakers to quickly exit public lands (cultural theft; hunt/fish trespass on private lands, etc.).

Response: *See T-010.6 in 2530 Motorized Boating - General.*

A-007.5 The Plan states that nesting waterfowl need to be protected from motorboat noise (page 153). It concludes that a host of wildlife such as beavers and mule deer would be disturbed by motorboat use. However, the Plan does not cite any evidence to support this conclusion. If the authors of the Plan really cared about whether or not motorboats impacted wildlife, they would not have far to look for evidence. They could easily study other rivers that have significant motorboat use. For example, the Rogue River in southern Oregon. (references attached)

Response: *There are several studies on the impacts to wildlife cited in Chapter 5 under the "Impacts of Recreational Activity to Wildlife" section. This chapter is designed to give the reader an overview of the impacts of recreational activity to wildlife The reader is referred to two bibliographies relating to this subject, many of which discuss impacts by motorized boating use, that were used in the impact analysis process: 1) Dahlgren, R.B. and C.E. Korschgen. 1992. Human Disturbances of Waterfowl: An Annotated Bibliography. U.S. Dept. of the Interior; Fish and Wildlife Service. Resource Publication 188. This publication contains annotations for 211 articles on the human disturbances of waterfowl. 2) York, D. 1994. Recreational-Boating Disturbances of Natural Communities and Wildlife: An Annotated Bibliography. U.S. Dept. of Commerce. National Biological Survey. Biological Report 22. This publication contains 111 annotations on a wide array of boating disturbances. Copies of both of these publications may be obtained from the Publications Unit, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mail Stop 130, Webb Building, Washington, DC 20240 (call 703-358-1711), or may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161 (call 1-800-553-6847).*

It is recognized that there are also studies that show impacts to some wildlife species by motorized boats are little to non-existent. This was considered in the selection of the Preferred Alternative. See also response to T-010.6 in 2530 Motorized Boating - General.

To the best of our knowledge no studies on wildlife disturbance by recreational activity have occurred on John Day River.

A-007.6 The Plan fails to recognize that there are other rivers with high motorboat use that also support high wildlife numbers. This oversight demonstrates a significant flaw in the Plan.

Response: *See A-007.5 in 2535 - Motorized Boating - Environmental Consequences.*

A-007.7 The Plan does, however, reference a 1990 study conducted by Belanger and Bedard (page 205). This study references "disturbances" to snow geese, but does not describe the type of disturbance. Was the disturbance caused by motorboats, or by some other source? The Plan does, however, conclude that "consequences to Canada geese would be similar to those found in the study ..." But the Plan does not justify that conclusion. Why would the consequences be similar? Do Canada geese behave similarly to snow geese? Maybe they do, but there is no factual basis for this conclusion. Even if motorboats would disturb Canada geese, how is this disturbance significant? The Belanger and Bedard study does not support the Plan's conclusion that motorboats would scare wildlife.

Response: *See A-007.5 - Motorized Boating - Environmental Consequences.*

A-007.8 The Plan also concludes that motorboats are a hazard to fish (page 196) This conclusion is not supported by evidence. In fact, studies conducted have shown minimal impacts, though behavioral responses are observed when vessels pass directly overhead (especially non-motorized kayaks or drift boats) (Satterwaithe 1995, Satterwaithe 1998).

Response: *See A-007.9 in 2516 - Boating Use Levels - Environmental Consequences*

A-007.11 The Plan concludes that motorboats cause bank erosion (page 211). There is no evidentiary support for this conclusion in the Plan. In fact, studies conducted by Oregon State University have concluded that any erosion caused by a boat wake is minimal in comparison to normal seasonal flooding. (references attached)

Response: *There is no doubt that normal seasonal flooding can cause more erosion than that of motorized boating. We do not disagree with that statement. The impacts of motorized boating on water quality and quantity in Chapter 5 that the author is referring to are designed to note the possible impacts of that activity. The magnitude of which erosion occurs depends on a number of factors that are described in that section. The fact that motorized boating may cause some erosion warrants its inclusion in the environmental consequences chapter.*

B-008.9 The effects of motorized watercraft are a major concern on semi-aquatic mammals including beaver, muskrat, river otter, and mink. The impacts of motorized watercraft include shoreline erosion from boat wakes, pollution from engines, stirring up toxins from the river bottom, increased turbidity, and damage to shoreline vegetation. Wakes may also erode den entrances and muskrat canals, swamp river otter marking sites, and compromise the structural integrity of bank dens, beaver lodges, beaver caches, muskrat houses, and muskrat feeding platforms. Motorized boats also increase the risk of fuel spills into the waterway. The concentrations of polycyclic aromatic hydrocarbons, a two stroke engine contaminant, have been found to be dangerous to aquatic organisms and become very toxic when exposed to sunlight.

Response: *See A-007.9 in 2516 - Boating Use Levels - Environmental Consequences and A-007.5 - Motorized Boating - Environmental Consequences.*

B-051.2 Motorized boating in the winter is generally ok because low flows and cold weather keep the number of motorized boats very low. The river should be closed to motorized boating in summer.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

C-030.3 I take specific exception to the statements on pages 213 and 215 of the Plan that implies motorized boaters are the only ones who are apt to illegally excavate any sites, these statements are inappropriate and inflammatory.

Response: *See T-010.13 in 600 - Document Edits*

C-030.4 I believe that it could be more correctly assumed that motorized boaters using the river would be able to identify and notify authorities of observed illegal activities more expeditiously than other users, thus resulting in higher odds the culprits are identified and caught. It would appear these statements were put in the plan to place an adverse light on motorized boaters.

Response: *See T-010.13 in 600 - Document Edits*

C-030.5 The plan states that the motorized boats contaminate the river and that the contamination is "lethal to fish". This information is not consistent with other studies done for the Marine Board and done by other agencies on rivers and lakes. The studies I'm familiar with indicate that the oil and gas discharged into the water does not have a significant adverse effect on the fish. I would strongly suggest you more closely review the other available reports, like the J.C. Draggoo and Associates report done for the Marine Board titled, River Use Conflicts in Oregon, A Study of Jet Boat Use on Oregon Rivers and Streams. It appears that the plan only presented information that supported the additional motorized restriction.

Response: *See A-007.9 in 2516 - Boating Use Levels - Environmental Consequences and A-007.5 - Motorized Boating - Environmental Consequences, T-010.8 in 2535 - Motorized Boating - Environmental Consequences.*

C-030.6 The Plan also presents information that the wave action from motor boats causes erosion of the river banks. This claim does not have allot of significance when applied to the John Day River. For the most part the bank of this river is very rocky and the minor wave action from these boats does not cause any significant washing of soil. Further improvement of the grazing practices along the river should allow more vegetation to grow along the banks and could lead to the total elimination of any available soil being washed by the waves and significantly reduce the amount of soil being washed during the high water flows experienced during the spring runoff When you compare any wave action caused by motorized boats with the extreme river flow fluctuations this river experiences and the normal flowing wave action of the river during the spring runoff you must agree that the boat waves are not significant.

Response: *See A-007.11 in 2535 - Motorized Boating - Environmental Consequences*

C-030.7 The plan presents information on the adverse effects motorized boats have on the wildlife. All forms of recreation have and impact on the wildlife. Waterfowl will be disturbed by floaters and campers also, with the most profound impact on wildlife being hunting.

Response: *See A-007.5 - Motorized Boating - Environmental Consequences*

D-001.1 I would like to register a strong objection to the "recommended alternative" that the current motorized boating closure for Segment 1 be extended to include October and November. This change would further restrict public access to public property. From McDonald Crossing to Tumwater Falls is 10 miles. Seven of the 10 miles have public agency (BLM, State, BIA, other Federal) ownership of at least one of the banks, and in most cases both. Motorized boating is the only legal and reasonable access for the public to the public property in this section. There are no public roads or trails. Floating down is not a reasonable option due to no access on the lower end, short of portaging around Tumwater Falls and then rowing 9 miles to the boat ramp at the Interstate I-84 junction.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

D-001.2 Extending the existing motorized boat closure through the months of October and November would severely limit public access during the two best steelhead fishing months. It would allow private property owners to charge a premium for their relative exclusive access to public property during this prime period. This would create a situation where private property owners would financially benefit from a public closure and could certainly draw criticism. I strongly believe the public ought to be able to access public property for reasonable recreation activities.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

D-001.3 The negative impact of allowing motorized boats on Segment 1 during October and November is minimal, and certainly would not warrant total closure. Currently there are very few boats on the river. River conditions only allow small, very shallow drafting and maneuverable boats. Please continue to allow at least some access to this public property during this two-month period. At least allow access via motorized boats to continue until reasonable alternative access is available.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

G-002.4 The tone of the input about motors on the John Day appears to come from those who have a limited outlook about their value. Pages 210-211 focus on the negative aspects of motors. The perception is that motors have no good attributes. Pages 246-247 attempt to minimize the amount of historical use and fail to acknowledge small motor use for downstream purposes. The intent appears to lead us to the conclusion that since there wasn't much use, it should be kept minimal. Your survey statistics may overlook the down river low power motor traffic because it isn't as noticeable. Consequently your ALLOCATION PARAMETERS need to be re-visited because your statistics aren't conclusive. Low-powered down stream motor assistance has been overlooked, downplayed as a viable option, and unrealized as a factor in reducing campsite impacts. Positive impacts of motorized boating with small electric or four stroke motors include: no impacts from wave action, little or no petroleum products pollution, no multi-directional traffic, little or no noise, fewer campsites needed per trip (ability to buck the wind noted), greater willingness to carry out waste etc. since boat weight isn't as much of an issue. To be consistent, if you use campsite racing as a reason to outlaw small motors, you should also outlaw the baggage boat that splits off from the rest of the party, kayakers and canoeists.

Response: *The planning partners considered allowing the use of electric motors year-round in Segment 3, however, they were not convinced of a need to treat electric motors differently than motors in general.*

G-017.1 I would like to register my objection to further restricting motorized boating in Segment 1. Small jet drive boats provide the only reasonable public access for fishing on public owned river frontage which is extensive in this section. Closing the river to motorized boats in October and November would keep the public from fishing for steelhead for the majority of the run on one of the best stretches of the river.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

G-017.2 Closing the lower stretch (McDonald Crossing to Tumwater Falls) to power boats would allow a few adjacent private property owners to almost exclusively control access to large parcels of publicly owned property and to miles of publicly owned river frontage. Totally excluding public access should be the very last alternative considered to achieve management objectives.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

I-002.1 The Northwest Steelheaders wish to file an objection to the "recommended alternative" that the current motorized boat closure for Segment 1 be extended to include October and November. Seven of the ten miles of Segment 1 are publicly owned on at least one bank, between McDonald Crossing and Tumwater Falls. More people are injured portaging and lining barriers than any other whitewater activity. After portage of the falls, you still face nine miles of slack water rowing. The BLM doesn't have current reliable information on boating use downstream or upstream from Cottonwood Bridge. The general public is not aware that there is a take out at McDonald Crossing. This is the main reason for the low use of Segment 1. Fisherman walk downstream approximately three miles from McDonald Crossing to fish for steelhead. If the use of powerboats is further restricted in Segment 1, this will leave about seven miles of prime fishing water inaccessible. River conditions are similar in Segment 2, with the exception that there is a downstream take out at Cottonwood. ODFW states that in Segments 1, 2, and 3, the river is a corridor for anadromous fish, not a spawning ground. One exception is some spawning for fall chinook in Segment 1. There is normally adequate flow to protect this spawning from motorized boats. Low water is a natural barrier and knowledgeable and prudent boaters probably would not run the river at levels that would affect spawning. In all three segments, farm fields are common. Many of these fields are irrigated with fossil fueled pumps. These pumps and other farm machinery create noise similar to motorized boats. This is not a pristine environment. On the Rogue River, jet boats are used for many miles. Their use has not had a major impact on the environment. Refer to a report by J.C. Draggoo and Associates, January 1987.

Response: *See T-010.6 in 2530 Motorized Boating - General. and A-007.9 in 2516 - Boating Use Levels - Environmental Consequences.*

J-006.5 The current seasonal closure of segments 1 & 2 to motorized boating should be extended to include segment 3 (in addition to segments 10 and 11). The concern is water quality and the safety of the huge proportion of non-motorized boaters.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

P-023.1 I think Jet Boats would scare the fish and ruin the fishing for the rafters.

Response: *See T-010.6 in 2530 Motorized Boating - General. and A-007.9 in 2516 - Boating Use Levels - Environmental Consequences.*

T-002.9 There are statements in the plan about the many ways in which power boats are destroying the John Day River. It is said that power boats kill fish, erode banks, disturb shoreline cultural sites, impair fish spawning, disturb nesting wildlife, and detract from "the opportunity to experience solitude" for rafters. It is inferred in the plan that motorized boaters are the cause of vandalism, trespassing, and destruction of cultural sites. Amazing! All of this damage and destruction using only 0.3% of the recreational boating opportunity.

Response: *See T-010.6 in 2530 Motorized Boating - General, A-007.5 - Motorized Boating - Environmental Consequences, A-007.9 in 2516 - Boating Use Levels - Environmental Consequences, and A-007.11 in 2535 - Motorized Boating - Environmental Consequences, T-010.13 in 600 - Document Edits.*

T-002.10 I am not sure which bank is destroyed by my boat, but I am confident that winter flood flows of 6000+ cfs modify the bank and river bed thousands of times more than my boat running during a 1200 cfs flow. It would also appear to be impossible for my boat wake to disturb shoreline cultural sites, since these sites would not have survived the high winter/spring flows.

Response: *See A-007.11 in 2535 - Motorized Boating - Environmental Consequences, T-010.13 in 600 - Document Edits.*

T-003.1 I am strongly opposed to eliminating motorized boats from the lower river during October and November. This would turn the management of this publicly owned portion of the John Day back to the private landowner.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-010.1 Over the years I have presented significant information to the BLM that supports the fact that these boats are not the awful machines everyone seems to want them made out to be. The Plan chose not to reference the J. C. Draggoo and Associates report done for the Oregon State Marine Board that concluded the environmental and other resource concerns with the boats are insignificant and that the root of the problems are social between the various other river users.

Response: *See T-010.8 in 2535 - Motorized Boating - Environmental Consequences.*

T-010.2 The Plan did not point out that motorized boats should be considered a valuable form of access to the river that has very limited access to allow people to experience the outstanding and remarkable values for which the river was given a 'recreational' classification under the Wild and Scenic Rivers Act.

Response: *See T-010.6 in 2530 Motorized Boating - General.*

T-010.7 It also appears the developers of the plan only incorporated information that would support motorized boat restrictions. An example would be the references to a report (Jackivicz & Kuzminski, 1973a) on pages 196 and 211 of the plan stating the potential of motorized boats causing adverse environmental impacts and stating that "1 ppm (part per million) concentration" of "fuel and oil" being "lethal to fish". This is the type of information that has floated around for years which many other reports have found to not be true or insignificant.

Response: *The BLM has considered and reference materials which effectively assess all aspects of the motorized boating issue. Each alternative has advantages and disadvantages, proponents and*

opposition. Objectively assessing each issue to arrive at acceptable and effective alternatives is the goal and objective of the planning process. See Also A-007.9 in 2516 - Boating Use Levels - Environmental Consequences.

T-010.8 A good report completed for the Oregon State Marine Board in January of 1987 titled 'River Use Conflicts in Oregon, A Study of Jet Boat Use on Oregon's Rivers and Streams' which has been presented several times to BLM personnel was not referenced in the plan. I specifically gave a copy of this report to the BLM river plan Ad-Hoc committee during a September 1989 meeting at the BLM Office in Prineville and included another copy in my January 10, 1994 response to the previous river plan.

Response: *The BLM has reviewed the J.C. Draggoo et al. paper and will reference that document in the Final EIS. It was reviewed prior to completion of the Draft EIS, its absence from the References section of the document was an oversight and will be corrected in the Final EIS.*

T-010.11 I do not believe that any information presented on the misapplied biological concern warrant any further motorized closures of the river. I have seen the ODFW's response to the Plan, it is interesting that they provided only one paragraph on grazing but almost 2 pages on the motorized boats. The refuge portion of the river has been open for hunting from September 1 until October 31 for ages and the river has been open to motorized boats from October 1 through May 1 and they did not present any information that documents that the past use has degraded the quality of the refuge for the waterfowl.

Response: *See T-010.6 in 2530 Motorized Boating - General. and A-007.5 - Motorized Boating - Environmental Consequences.*

T-010:13 I feel that the statements made on pages 213 and 215 of the plan that imply motorized boaters are the primary users illegally excavation Cultural and Paleontological Resources is totally inappropriate. If this is true these boaters should be easy to identify and apprehend because motorized boaters are required to have identification numbers on the sides of the boats. These activities are already illegal and these statements have no place in this Plan and should be removed.

Response: *Despite these concerns, the specific comments are not inappropriate. The Plan text notes only that motorized boating use "provides the opportunity" to impact these resources. Given other circumstantial, but reasonably logical information (such as the logistical limitations of accessing), it is considered one of the way for these resources to be impacted. Access through private land is another potentially impacting opportunity discussed in the Plan. The impacts as discussed do occur. There is no implication that motorized boaters are primarily doing all the damage. The rationale that boater registration numbers will allow us to easily recognize the perpetrators is erroneous. You have to catch the perpetrators in the act, regardless of whether or not they have a number on their boat. That is like saying that vehicles all have license numbers so that vandals who use cars to access sites should be easy to spot and catch.*

2540 Dispersed Recreation - General

30.11 I support Leave No Trace on public lands, especially in river corridors where public use can be very confining due to public land patterns and rocky environments that limit suitable camp sites.

Response: *Opinion statement requiring no response.*

30.12 I have learned that there are primary campsite locations down-river from each river put in that the non-motorized and motorized public and commercial/educational users compete for. When these primary use sites are taken, or perceived to be taken, these users will use secondary campsites, which are either upriver or down-river from the primary campsites. If a user puts on the river late and believes other floaters have the primary (best) campsites, they will find a campsite in the secondary use zone. I feel it is vital to maintain access to these secondary sites.

Response: *"Secondary" campsites will remain open for public use. Many dispersed sites are currently accessible only by boat, and no new road access to these sites is planned.*

30.13 If designated campsites occur, their location and number should take this need into account, especially in primary and secondary camping areas. When new sites are created, its due to a lack of sites in a primary use area. Use levels do play a part in campsite availability, but these use zones already exist on the John Day.

Response: *The proposed decision would not require campers to use designated sites except in developed campgrounds. Dispersed public land campsites that will best sustain the impacts associated with camping would be identified on a map for public distribution, and the use of these sites would be encouraged. The campsites in Segments 2 and 3, which can best sustain camper impacts, will be signed. The objective is to provide unobtrusive signs to keep the river experience as natural as possible. Some specific campsites or areas may be closed to camping either temporarily, or permanently, if necessary for restoration or protection of wildlife purposes.*

30.14 We have observed sites where river erosion created a steep bank, making a particular camping site inaccessible to floaters. BLM should consider options to make these available to camping, if determined to be in primary/ secondary use zones.

Response: *The planning partners feel that it is not feasible to physically maintain boater access routes on steep banks because dynamic river flows (3,000 to 30,000 cfs) would likely wash out such "improvements" within a short period of time. Since the river has created these banks and is constantly altering them, it would be extremely expensive to maintain easy access to camping at these locations.*

30.15 BLM can help reduce trespass by campsite designation and working with non-BLM landowners to make these lands open for camping in suitable locations; there is an opportunity to provide more campsites in critical parts of the John Day. I didn't see this mentioned, but it's an opportunity for BLM to partnership with other landowners.

Response: *In Common to All Action Alternatives for Land Ownership, Classifications, and Use Authorizations, Chapter 3, BLM proposes to acquire through purchase, exchange, or easement from a willing seller, several parcels of land which are highly desirable river campsites. Also see 30.13 in 2540 - Dispersed Recreation.*

30.24 When rafting, we frequently camp in the same locations as livestock and would prefer to not have livestock use when floating and camping due to cow pies and trampled dusty soil where we camp.

Response: *Depending on the time of year and the locations used for camping, the impacts from livestock may be reduced upon implementation of this river plan. In Segments 2 and 3, most grazing allotments will not have livestock along the river after May 1. In addition, some areas of livestock exclusion will be created to eliminate grazing from certain campsites. See the FEIS, Chapter 5, Issues Resolved by Multiple Alternatives.*

C-029.9 Manage camping to minimize disturbance to sensitive riparian areas. Contain disturbance to small local areas somewhat away from the river bank.

Response: *The planning partners are moving in this direction in Segments 2, 3, 10 and 11 by encouraging the use of campsites that will best sustain the impacts of recreational use.*

E-009.4 Camping sites along the river should be marked to indicate it as a public camping site. This would eliminate the possibility of boaters and camping on private property.

Response: *This is proposed in the FEIS for Segments 2 and 3. See 30.13 in 2540 - Dispersed Recreation*

F-002.4 Was unclear BLM's intention with 'designated' camp sites, concentrate or disperse impacts? Recommends making camp site signs more visible.

Response: *See 30.13 in 2540 - Dispersed Recreation*

L-013.8 One place of general concern should be the campsite limitations on the last day of the float in the Clarno-Cottonwood stretch. The further down the canyon one proceeds, the more scarce the campsites become. Boater groups are often forced to 'double up' on the lower section especially during the high use periods of late June and early July.

Response: *See 30.15 in 2540 - Dispersed Recreation*

M-002.2 These camping areas will look the same, more people more play, people have no respect for things. It will become one big play area so the campground will not improve.

Response: *Opinion statement requiring no response.*

M-035.5 We recognize there are favorite camping areas along the river, however, we do not think the BLM should designate specific areas as camp sites and use them as a basis as limiting the number of parties on the river at any given point in time. Restricting launches on this basis is unnecessary and will be difficult to administer. Are you planning a reservation system for these camping areas as well? Have you considered that every party tends to go at their own pace and camping areas that you are using to limit launches may be occupied for several days by parties on a more leisurely trip? It is unclear as to whether you are planning to designate areas to camp. Please clarify. Are you trying to discourage dispersed use? In our experience on the river we have found numerous isolated camping areas that provide us with solitude.

Response: *A campsite reservation system could be a potential management action considered for future use on the John Day in the Limits of Acceptable Change (LAC) process, however less restrictive methods of reversing or preventing unacceptable trends would be considered first. See Appendix K for more information on the LAC process. See 30.13 in 2540 - Dispersed Recreation.*

S-006.4 Inadequate campsites for 20,000 user days on public lands are a concern. I'd like to see Prineville BLM develop additional primitive campsites to spread people out.

Response: *See 30.15 in 2540 - Dispersed Recreation*

2542 Dispersed Recreation - Affected Environment

F-002.5 We found the campsites we used to be clean and litter-free, even though they showed evidence of fairly heavy prior use. This is a good testament to the "leave no trace" ethic apparently practiced by earlier campers.

Response: *Opinion statement requiring no response.*

2543 Dispersed Recreation - Alternatives

11.6 We supported Alternative A which continues existing management, decision made on case by case basis. Actions by segment - We supported the Preferred Alternative relating to this issue.

Response: *Opinion statement requiring no response.*

B-008.16 Camping in required locations along the river would help the issue of public safety in a significant way. Campsites and campers would be easier to monitor by BLM and OSP river patrols. Ideally, required camping sites would be located at or near areas where access (within 1 mile) would be possible via car or ATV vehicles. Areas established for camping should be limited to 1 mile or less along the river. Required campsite areas could allow campers some measure of privacy by carefully selected vegetation planted for this purpose.

Response: *See B-008.13 in 2545 - Dispersed Recreation - Environmental Consequences*

H-035.6 We are supportive of Alternative B for Dispersed Camping.

Response: *Opinion statement requiring no response.*

2545 Dispersed Recreation - Environmental Consequences

B-008.12 Dispersed camping will present special problems for public safety, fire fighting (fires caused by visitors), search and rescue, impact on wildlife (nesting habitat), trespass complaints, and other crimes including game violations. Volume I, pages 53 and 101 include letters written by the Wilderness Society (1991) that strongly argue against dispersed camping. Local law enforcement is in general agreement that dispersed camping would create significant problems for public safety.

Response: *See B-008.13 in 2545 - Dispersed Recreation - Environmental Consequences*

B-008.13 Dispersed camping may be a romantic concept in terms of providing a primitive and wilderness experience. A small benefit to a few users of the river but the risks and hazards of dispersed camping far out weigh any meaningful gains to the visitor. Dispersed camping may contribute to further damage to shoreline vegetation, trespass complaints, violation of river management rules, and harassment of wildlife. Public safety and habitat protection should be a first priority.

Response: *We are also concerned with public safety and habitat protection. We understand that river users in Segments 2 and 3 are interested in a primitive camping experience and dispersed camping best accommodates this need.*

B-008.15 The biggest problem with respect to dispersed camping and public safety is communications. Cell phone service is nonexistent except in very few instances. Communications between law enforcement agencies and their dispatchers is extremely difficult or impossible on many segments of the river.

Response: *See C-002.3 in 1801 - Law Enforcement and Emergency Services*

C-030.9 This increased floater usage also relates to increased overnight camping usage. Over the years I have seen camping along the river begin to rival cattle grazing as having the most significant adverse impact on the riparian zone along the river.

Response: *Under the guidance provided by the Wild and Scenic Rivers Act, Recreation Opportunity (itself an ORV) can only be allowed to continue if it is managed so as not to degrade the other ORVs for which the river was designated. Protecting these ORVs requires that the BLM monitor visitor use*

and implement regulations and restrictions if necessary. The on-going Limits of Acceptable Change (LAC) Study will be used to determine the amount of public use in Segments 2 and 3 to achieve the desired future condition. See the FEIS, Chapter 3, Recreation Opportunities, Common to All Alternatives and Appendix K, LAC.

M-003.10 I am in favor of Alternative D for dispersed camping. I use a small section of the river basin to fish, and I find much abuse in the way of trash and human excrement being left along the river and its riparian zone, and can only imagine that this is very indicative of the way the rest of the river basin is abused.

Response: *Comment meaning was unclear as there is no Alternative D for Dispersed Camping.*

S-043.7 Before buying all the consequences of a recreation model for management of the river, we recommend the Plan evaluate specifically the long-term value to Oregon and America in returning the entire Segment 2 to the way it was before the settlers arrived.

Response: *This evaluation would be difficult to perform given the lack of information regarding the condition of segment 2 in the early to mid 1800s. Also, because of the introduction of noxious weeds and invasive annuals, such as cheatgrass, into the area, the cost of returning the area to it's earlier condition may well exceed the benefits of such action. The restoration may also be physically or biologically infeasible within the foreseeable future.*

2550 Developed Recreation - General

30.5 I also support having limited developed facilities at put-ins and take-outs and the existing facilities upriver from Service Creek.

Response: *Opinion statement requiring no response.*

C-003.1 He would like to see the BLM provide drinking water someplace along the 70 mile stretch from Clarno to Cottonwood, such as at Thirty Mile Creek. He said that the BLM provides drinking water at river access points on the Snake River and that this service would make it much more convenient for boaters.

Response: *Segment 2, between Clarno and Cottonwood Bridge, has several flowing springs which can be seen from the river and located on the topographic maps for the area. Many river users utilize these sources because people can minimize the amount of water they begin the trip with. All spring water must be filter or otherwise treated prior to use.*

C-029.10 Add some facilities and improve and upgrade existing facilities in high use areas to contain and minimize disturbance to surrounding areas. Locate developed areas at points of access and where extensive development already exists at bridges and areas already impacted by camping or other human factors.

Response: *You will find your suggestions incorporated in Chapter 3 of the FEIS, Proposed Decision for Developed Recreation.*

S-006.5 I predict there will be a need for additional public camping sites along the river, with composing toilets at most campsites and launch points to handle the waste.

Response: *Opinion statement requiring no response.*

S-006.9 Priest Hole needs a composting toilet. Clarno needs a larger launch ramp. Burnt Ranch needs to be closed or needs to have the road re-designed for safe access. If Burnt Ranch is closed, we need an alternative site within 1 mile upstream or 1 mile down stream for public launch...also needs a composting toilet, wherever this launch point is eventually sited. Clarno needs a public phone and drinking water.

Response: *Nearly all of your suggestions have been incorporated in Chapter 3 of the FEIS, Proposed Decision for Developed Recreation. For information on proposed improvements to the Clarno Recreation Site please see the FEIS, Chapter 3, Developed Recreation, Segment 2. For information on Burnt Ranch see 11.8 in 2403 - Alternatives.*

2553 Developed Recreation - Alternatives

11.7 We supported all of the Preferred Alternatives relating to this issue. In addition, it was recommended that a launch site be developed above Tumwater Falls.

Response: *A launch site above Tumwater Falls was considered in Alternative C for Public Access in Segment 1. This alternative was analyzed, but was dismissed as infeasible due to the lack of a willing seller from which to purchase private property in this area or an easement across private land to the river. Possible locations were limited to lands containing existing roads, as construction of a new road within 1/4 mile of the river would not comply with State Scenic Waterway Rules.*

E-009.3 I recommend Alternative B for developed recreation. All boaters should have developed facilities on sites where boats launch and take out.

Response: *This is part of the Proposed Decision for Segments 1, 2 and 3. See the FEIS, Chapter 3, Developed Recreation.*

E-009.5 Recommend Alternative B. Boat ramp and registration station at Rock Creek would enable boaters to list information on their trips from Cottonwood Bridge to Rock Creek, which could be useful to BLM for future recommendations.

Response: *This is part of the Proposed Decision for Segment 1. See the FEIS, Chapter 3 Developed Recreation.*

F-002.1 The parking lot at Clarno was overflowing when we arrived there on a Sunday morning. It would be nice to be able to increase the size of the existing parking lot or provide overflow parking where vehicles could be parked after gear has been dropped off. Vehicles towing boat trailers should be required to use overflow parking to lessen congestion in the parking lot. We ended up leaving our vehicle alongside the highway which left me uneasy.

Response: *The BLM agrees that additional parking is desperately needed at Clarno Recreation Site, and plans to meet this need during the short-term. In the long-term, the congestion at Clarno would be expected to decrease as boaters voluntarily shift their use to non-peak days, as described in the Proposed Decision for Boating Use Levels in Chapter 3 of the DEIS. If the Limits of Acceptable Change process indicates that a limited entry permit system is necessary to maintain boating use levels within acceptable levels in Segment 1 and/or 2, reduced congestion at Clarno would be a by-product of this action. For information on proposed improvements to the Clarno Recreation Site please see the FEIS, Chapter 3, Developed Recreation, Segment 2.*

F-002.2 Access from the Clarno parking lot to the river is very limited given the number of boaters we saw trying to ingress and egress the river at the same time. One vehicle was parked on the road which links the parking lot to the launch site under the bridge, effectively blocking other vehicles from accessing the launch site. My recommendation would be to remove brush along the shoreline at the launch site, thus widening the area where boats could launch.

Response: *For information on proposed improvements to the Clarno Recreation Site please see the FEIS, Chapter 3, Developed Recreation, Segment 2.*

H-035.7 We are supportive of Alternative B for Developed Facilities.

Response: *Opinion statement requiring no response.*

S-028.21 Clarno launch improvements should be continued.

Response: *See F-002.2 in 2553 - Developed Recreation - Alternatives*

2555 Developed Recreation - Environmental Consequences

B-008.10 I have taken pictures that document the impact of human disregard for the environment and a total lack of maintenance of BLM facilities. Visitors would likely find toilets unsanitary and a collection point for leaving unwanted garbage as indicated in the photos taken. The river banks are littered with baby diapers, paper and plastic products, clothing, soft drink cans and human waste for miles along the scenic waterway. Volumes I and II of the JDR Management Plan and EIS do not address this issue adequately or suggest any action plan to resolve this problem. Road signs riddled with bullet holes and graffiti with racial overtones may suggest the area is unsafe for visitors. Human waste and garbage indicate the "Pack It Out" concept is a failure. Additionally, the garbage and human waste issue poses a serious problem in water quality and is detrimental to wildlife.

Response: *The BLM is making an effort to provide the public with clean and well maintained facilities. In addition, the planning partners are encouraging the Leave No Trace concept and respect for private*

property through a public information and education program. The planning partners feel the public has been improving their land use ethic to the extent that the conditions of the developed and dispersed campsites along the John Day River are the cleanest they have been in years. We are unaware of the conditions described above, but would be appreciative of any specific information concerning locations.

2560 Commercial Services - General

30.8 I support limiting commercial/educational use to 1998-9 permits and user days. If campsites are designated, the public will have increased difficulty competing for campsites. We have all heard the stories about campsites being taken by guides who have sent their boatmen down river to reserve them for their use.

Response: *The BLM is aware of your concern regarding boaters who race down river to hold premium campsites for their party. This practice has been observed in both guided and non-guided trips and will be addressed in the near future. See C-034.1 in 2523 - Boating Use Allocation.*

30.9 I support a need assessment for both motorized/non-motorized commercial uses that focuses on diversity, public service and resource protection and interpretation. (Please refer to Vol. 1; page 228)

Response: Opinion statement requiring no response.

C-029.12 Impose step-wise restrictions as use increases. Limit commercial use to 10% of non-commercial use when use thresholds begin to be met. As discussed earlier, different segments should be managed for low, medium, and high density use. Commercial use would follow the 10% level in each of the different use levels and restrictions would only be imposed when the thresholds began to be reached.

Response: *You are suggesting a split allocation system in which commercial users are allocated 10% of available use. The BLM analyzed a split allocation system in Alternative B for Boating Use Allocation, in which commercial users would be allocated 20% of available use based on historical use records. See S-028.19 in 2523 - Boating Use Allocation - Alternatives.*

C-034.1 As this river becomes more popular, I understand that you will need to place some limitations on the use. I see by the preferred alternative that you have begun that process, however, I do not see any limitation placed on the use of commercial guiding. I think that if that aspect is not limited in some way, it will continue to grow until most of the available days will be taken up with commercial outfits. I think this would be sad as the John Day is a good river to run without a guide of any sort. Please consider placing a limit on the numbers of commercial guides.

Response: *Alternatives for limiting commercial use can be found in Boating Use Allocation (how available use is allocated between user groups) and Commercial Use (the number of commercial permits available), in Chapters 3 and 5 of the FEIS. The revised Preferred Alternative for Commercial Use does not set a permanent cap on the number of new permits to be issued, but allows the number of permits to be increased or adjusted at the discretion of the Authorized Officer, as guided by the results of a Needs Assessment. A Needs Assessment would be completed by the BLM to determine the public need for services prior to allowing new commercial use, and would consider factors such as agency*

mission, opportunities, resource capability, social capacity, demand/supply, and input from others. If the analysis indicates the need for additional commercial services to accommodate access needs, the findings would be used to construct a proposal to offer a specific number of new permits to meet the established need. Application criteria would then be developed and applicants would compete by competitive prospectus for available permits.

G-001.4 On page 262 it is acknowledged that organized groups are presently operating commercially without a permit. It is suggested that these violators. will later come under permit. This is a questionable method to reward violators of law. In the permit administration - common to all alternatives, on page 262, the minimum commercial use would be 20 paying clients for every two years. No pretense should be made that this constitutes a viable outfitter service. This criteria would increase, rather than reduce, speculation on permits.

Response: *The revised Preferred Alternative for Commercial Use does not set a permanent cap on the number of new permits to be issued, but allows the number of permits to be increased or adjusted at the discretion of the Authorized Officer, as guided by the results of a Needs Assessment. A Needs Assessment would be completed by the BLM to determine the public need for services prior to allowing new commercial use, and would consider factors such as agency mission, opportunities, resource capability, social capacity, demand/supply, and input from others. If the analysis indicates the need for additional commercial services to accommodate access needs, the findings would be used to construct a proposal to offer a specific number of new permits to meet the established need. Application criteria would then be developed and applicants would compete by competitive prospectus for available permits. The BLM suspects that there may be a need for additional educational permits, however the Needs Assessment may or may not confirm this notion. The minimum use required to maintain a special recreation permit for the John Day River has been steadily increased since 1996. It is likely that these minimums will continue to be increased in coming years. The language in Common to All Action Alternatives for Commercial Use has been changed to read "at least 20 paying client days every 2 years."*

G-002.1 Your study does a lot of identifying areas of need for improvement, policies that will need to be monitored and enforced, and future planning needs and restrictions. No mention is made of how this will be financed. Currently 80% of the river use is private boaters. The 20% use that commercial outfitters represent is the only apparent source of administrative income with their 3% of gross user fee. Somehow there is an INEQUITY IN THIS SCENARIO. You need to formulate a graduated plan for financing the proposed restriction enforcement, resource enhancement, and recreation administration of the John Day Region. Care needs to be taken that the income for administration goes back to the resource. User fees that go back to the black hole in Washington DC and are partially dribbled back to the John Day Region ARE UNACCEPTABLE.

Response: *See 30.4 in 2501 - General Comments or Common to All Alternatives.*

G-003.4 Commercial use of the river should be ongoing. All outfitters who carry a permit should be experienced professionals and have first aid training, as well as act as a tour guide. However, it is not your job to issue a license, that could be done t the State level. A simple guide or outfitters permit to help monitor the river's activity is all you should do. The idea of reviewing IRS audits, tax returns and financial statements, is really none of your business. I don't believe the IRS will turn over this information to your agents.

Response: *The Bureau of Land Management has the authority to regulate commercial recreational use of the public lands and related waters (43 CFR 8372.1-1) and does so by administering Special*

Recreation Permits according to BLM Policy provided in Manual H-8372-1. Random audits, which review the permittee's financial and other records related to the permit, are conducted on a state-wide level to determine if the permittee is following regulations requiring reporting of revenues and visitor use. The State of Oregon has additional requirements for the licensing of outfitters and guides.

L-013.9 The issue of transferability of guide permits on public lands should be established at the national level.

Response: *See 2563-11.9 in 2563 - Commercial Services - Alternatives .*

M-035.3 Much of our concern centers around the unlimited commercial permits proposed. and the indication that the BLM is deciding to limit use and require permits. We are opposed to the idea of commercial permits. If commercial permits must be used, then the number of permits issued should be limited. The major use of the river has always been dominated by small fishing and floating groups and we feel that the BLM should continue to emphasize this type of use, along with an aggressive education program to improve the potential for a successful no-trace camping program.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

S-006.1 I support keeping boating use levels where they are for businesses. Businesses are your partners in river management. If you get rid of businesses you eliminate your partners, with added work falling to BLM staff.

Response: *See B-001.1 in 2523 - Boating Use Allocation - Alternatives.*

T-001.1 On pages 219, 248, 251, 262, and possibly other places in the document, the assumption is made that commercial use will increase if unlimited, and that provisions should be made for this increase. It is my understanding that, at the present time, no commercial guide is making a living on the John Day River, and the availability of services far exceeds the need. Why is this expected to change?

Response: *BLM assumes that commercial use would increase if unlimited, as there are currently 38 individuals who are interested in applying for special recreation permits to begin a guide or outfitter business on the John Day River. It is standard procedure for the existing guides and outfitters to advertise through brochures, books, trade shows, web sites, etc. in order to maintain or increase their client base. New permittees would likely advertise in a similar manner, and existing permittees would feel the need to increase their current rate of advertising in order to compete with new permittees. Advertising solicits new customers who might not otherwise visit the John Day River.*

W-001.9 Legitimate commercial services are certainly desired by a portion of the public and are appropriate on the John Day River. However, we must not forget that commercial outfitters aggressively advertise their services and, without appropriate controls, will expand their number of commercial customers and dramatically increase the usage of this wonderful resource. That is what they are in business for. There is not doubt that a total of 34 commercial outfitters are capable of providing all the services currently used by commercial customers as evidenced by the page 58 information indicating that only 20% of the permitted guides and outfitters provide 70% of the commercial services.

Response: *See C-034.1 in 2523 -0 Boating Use Allocation - Alternatives.*

W-001.12 To prevent the creation of a private property value out of a public resource, permits should not be transferable.

Response: See 11.9 in 2563 - Commercial Services - Alternatives .

2561 Commercial Services - Desired Future Condition

L-006.7 I doubt your resources are adequate to meet the demands of unlimited guides and resulting increased use. If you do increase monitoring, will not other programs suffer, such as range monitoring and noxious weed control?

Response: *See C-034.1 in 2523 - Boating Use Allocation. Fees for monitoring commercial use come from the use fee paid by each permittee, currently 3% of gross revenue.*

2563 Commercial Services - Alternatives

11.9 We disagree with the Preferred Alternatives. We support Alternative A to Continue existing management, case by case review and permits are transferrable. In order to successfully operate and outfitting business, an owner must believe that there is some longevity associated with their commercial use permit. Procedures need to be put in place to insure that an outfitter can sell their business, along with transfer of their permit. BLM conditions to allow transfer of permit should not be unreasonable, and the BLM should support the continuation of professionally outfitted services. Limit on Permits - WE believe that there should be a limit on the number of permits, at the current level of 34. Due to the limited season and use of the John Day, there are ample permittees to handle the current user-base. The BLM should allow existing outfitters opportunities to increase user days.

Response: *BLM Policy, as described in BLM Manual H-8372-1, directs the administration of special use permits, and includes extensive guidelines relating to permit transfers. The BLM has revised the Preferred Alternative for Commercial Services to be consistent with the national BLM transfer policy, allowing transfers in accordance with this policy. (A temporary moratorium on permit transfers would be implemented with the Record of Decision and would continue until the Limits of Acceptable Change process is completed and appropriate boating use levels are established for Segments 2 and 3, approximately 2003.) The revised Preferred Alternative does not set a permanent cap on the number of new permits to be issued, permits numbers would only be increased or adjusted at the discretion of the Authorized Officer, as guided by the results of a Needs Assessment. Under Common to All Actions for Commercial Services, minimum use requirements for commercial permits would be increased. See C-034.1 in 2523 - Boating Use Allocation. Also see the proposed decision for commercial services, Chapter 3, for more information on the needs assessment process.*

F-001.1 The goals for preferred alternatives for Boating Use Levels (limited launches) and Commercial Services (unlimited permits) are contradictory.

Response: *The Preferred Alternative for Commercial Services has been revised. See C-034.1 in 2523 - Boating Use Allocation.*

G-001.3 Alternatives in the draft plan, including the preferred alternative E, would allow transferability of outfitter permits. As use increases on the river, the commercial permit increases in value. This is particularly true should there be later use limitation either in outfitter permits or allocation of use. Transferability allows outfitters to speculate and potentially sell what they believe to be a property right. The plan discusses future limitations on outfitter and river use. To avoid the illegal sale of permits, the BLM should place time limits on any permit and then use the bid and prospectus for issuing permits. Presently, with unlimited outfitter permits, there would be no incentive for an outfitter to buy an existing permit, because he could obtain a permit totally on his own. There is then, presently, no reason to allow transfers.

Response: *See C-034.1 in 2523 - Boating Use Allocation and 11.9 in 2563 - Commercial Services - Alternatives. The BLM considered issuing commercial permits by competitive bid, but BLM Policy guidance provided in H-8372-1, reserves this process primarily for recreation concession leases.*

H-035.9 We are supportive of Alternative A for Commercial Services. We desire a guaranteed chance of acquiring a commercial river permit and no limit on the number of commercial permits issued. By limiting permits to current holders, the BLM is protecting an elite group of users, thereby also creating private property value out of a public resource. We desire commercial services to be trained in river rescue, and leave no trace skills.

Response: *See C-034.1 in 2523 - Boating Use Allocation, 11.9 in 2563 - Commercial Services - Alternatives and T001.1 in 2560 - Commercial Services - General.*

H-038.1 I strongly disagree with your preferred alternative of unlimited guides. Unlimited guides will accelerate ecological decline along the river, and reduce the time period before “Limits of Acceptable Change” will necessitate use restrictions and limitations.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

K-001.2 I support a preferred alternative of limiting guides with no permit transferability.

Response: *Opinion statement requiring no response.*

L-006.8 Please reconsider your proposal for unlimited guides. Accelerated use will result in accelerated ecological decline along the river and increase conflicts that will reduce recreation quality.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

L-013.12 Due to the short season of use, most guides also offer services on other rivers and many just do occasional trips. There is a proposal to limit the number of outfitters on the river. I think a better solution would be to have two classes of outfitter, those who are allowed to guide on peak times and those who are not. Why would you want to limit the opportunity for a guide from the coast to run a steelhead trip down the river in December? If someone wants to provide that service for his clients, he shouldn't be forced to send his clients down the river with someone else.

Response: *The BLM cannot afford to administer special recreation permits for individuals who only run the John Day River occasionally, as the workload for this type of permit is identical to a permittee reporting many use days, with the exception of required field monitoring. This type of permit does not meet the intent of BLM's commercial permit program, which is to provide a needed service to the public. If the permittee is not providing this service on a regular basis, there are many other individuals who would like the opportunity to do so. If there is very little interest in the service being offered, then perhaps there is not a public need for this particular service and no permit is warranted.*

L-013.13 If there is a concern for the administration for many permits, charge a fee commensurate to the cost of administration and management. That, combined with the recent increase in insurance requirements, should temper the desire to 'speculate' in guide permits. There should be no need to cap or place a limit on the number of guides.

Response: *The BLM plans to charge an application fee to cover the cost of verifying application requirements on new or transferred permits. See M-001.8 in 2563 - Commercial Services - Alternatives.*

M-001.8 Eliminating the limit on outfitter/guide permits would result in substandard services rendered by numerous new outfitters with minimal staff and equipment. As a result, the outfitted public would suffer under this type of plan.

Response: *The revised Preferred Alternative for Commercial Use does not set a permanent cap on the number of new permits to be issued, but allows the number of permits to be increased or adjusted at the discretion of the Authorized Officer, as guided by the results of a Needs Assessment. A Needs Assessment would be completed by the BLM to determine the public need for services prior to allowing new commercial use, and would consider factors such as agency mission, opportunities, resource capability, social capacity, demand/supply, and input from others. If the analysis indicates the need for additional commercial services to accommodate access needs, the findings would be used to construct a proposal to offer a specific number of new permits to meet the established need. Application criteria would then be developed and applicants would compete by competitive prospectus for available permits.*

R-016.1 I strongly disagree with your preferred alternative of unlimited number of guides. You must recognize that an increased number of guides will advertise their services and therefore, increase use. This will surely accelerate environmental impacts, user conflicts, and reduce recreational quality and reduce the time period before 'Limits of Acceptable Change' will necessitate use restrictions or limitations.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

R-016.8 How are you addressing day use with respect to unlimited guides? This is another complication that should be considered in your decision.

Response: *See C-034.1 in 2523 - Boating Use Allocation. Day use (guided and guided) will not be limited under the Proposed Decision for Boating Use Levels unless Limits of Acceptable Change monitoring indicates limits are necessary to protect recreational experience. If this is the case, day use would likely be limited only in certain areas where the desired future condition includes the opportunity for a more primitive recreational experience and solitude.*

S-006.7 I think the number of permits ought to stay where it is right now, no increases. This will allow existing permitees to grow their business as demand grows. Nobody I know of is turning away business on the John Day River because they're too busy. New permit applications should be denied. BLM's economics ought to favor this view too: the more permits issued the less are the chances that existing businesses can grow with future increased demand. It would be better for BLM's John Day River Program to deal with 33 outfitters who are all profitable, than endure the costs associated with servicing 50 or 100 permitees, none of whom are able to make a profit.

Response: *See M-001.8 in 2563 - Commercial Services - Alternatives and 2563-L-013.2 in 1304 - Environmental Consequences*

S-006.8 Commercial-use permits ought to be transferable to a new owner of an Outfitter/Guide business.

Response: *See 2563-11.9 - Commercial Services - Alternatives*

S-028.26 Alternative A, with a continued moratorium on permit numbers would let the market and demand forge the right mix of services to the outfitted public.

Response: *The BLM cannot continue a planning moratorium indefinitely. The current temporary moratorium on new permits would continue until the Limits of Acceptable Change process is completed and appropriate boating use levels are established for Segments 2 and 3. An identical moratorium would be placed on permit transfers. In approximately 2003, both moratoriums would be lifted and the elements of the Proposed Decision for Commercial Use would be implemented. See M-001.8 in 2563 - Commercial Services - Alternatives.*

W-001.10 All the current outfitter/guide permits should require a needs assessment and those failing should have their permit revoked. Any new applicants must also be subject to a needs assessment and be able to clearly demonstrate that there is a need for their services that cannot be met by existing permittees.

Response: *The BLM considered the option of assessing the need for services currently provided by existing permittees. However, we came to the conclusion that minimum use stipulations could serve the same purpose. If a permittee is unable to generate enough business to meet minimum use requirements (which will be increased in the future) they may not be providing a service for which there is a need. Conversely, it would be apparent that a permittee who reports many use days each year is providing a service which the public desires. See M-001.8 in 2563 - Commercial Services - Alternatives.*

W-001.11 It is clear that only Alternatives C and D would allow the BLM to select the best qualified applicant to offer services to the public which would result in higher quality service to the commercial customers as well as reflect the public's desires for different types of services.

Response: *See M-001.8 in 2563 - Commercial Services - Alternatives.*

W-001.13 Issuing new permits by competitive prospectus, above a set minimum bid, is the only way to provide the BLM a means to recover those costs incurred on behalf of those permittees profiting from this publicly owned John Day River. The necessary BLM administration to support legitimate commercial services costs the tax paying public a lot of money and it is only proper that the commercial outfitter/guides should pay these expenses.

Response: *The BLM considered issuing commercial permits by competitive bid, but BLM Policy guidance provided in H-8372-1, reserves this process primarily for recreation concession leases. See M-001.8 in 2563 - Commercial Services - Alternatives. Fees for administrating commercial permits comes from the use fee paid by each permittee, currently 3% of gross revenue. A new cost recovery program will allow the BLM to charge fees to cover the costs of processing a Special Recreation Permit.*

2565 Commercial Services - Environmental Consequences

H-038.2 Accelerated use will result in accelerated ecological decline, increased trespass, and new campsites from displaced private rafters and guides/clients. Administration of river use will become more and more cumbersome.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

H-038.3 Are your resources adequate to meet the demands of unlimited guides and increased use? Encouraging increased use is not consistent with your concern for maintaining or improving environmental and recreational quality.

Response: *See C-034.1 in 2523 - Boating Use Allocation*

H-038.4 If you adopt the unlimited guides policy, your analysis should address the long-term effects this decision.

Response: *The long term effects of Alternatives A and B for Commercial Use were analyzed in the DEIS in Chapter 5. Please see the FEIS, Chapter 5, Impacts of Comemercial Use on Commercial Use.*

K-002.5 I do not see the need for any additional commercial outfitters. I feel that allocating commercial launches between the existing 34 outfitters would already be enough of a challenge.

Response: *See M-001.8 in 2563 - Commercial Services - Alternatives.*

L-006.2 You must recognize that an increased number of guides will advertise their services and therefore, increase use. This will surely accelerate environmental impacts, user conflicts, and reduce recreation quality.

Response: *See M-001.8 in 2563 - Commercial Services - Alternatives.*

L-006.5 How does the District intend to monitor an increased number of guides? I believe 34 registered guides already exceeds reasonable limits. Unlimited guides will increase competition, and result in a constant flow of new guides coming in while others leave. Will this not create more problems with education and compliance?

Response: *See M-001.8 in 2563 - Commercial Services - Alternatives.*

L-006.6 How are you addressing day use with respect to unlimited guides? This is another complication that should be considered in your decision.

Response: *See R-016.8 in 2563 - Commercial Services - Alternatives.*

L-009.6 Over the last 20 years I have spent nearly a million dollars on the building and operation of my business. Transferable permits will allow me to recoup at least some of that investment. The ability to operate a river business and make money is what gives my business its value. Since I cannot operate without a federal permit, any process that restricts or removes that permit (especially when the business is sold) destroys that value.

Response: *See 11.9 in 2563 - Commercial Services - Alternatives.*

L-009.7 I'm starting to think seriously about retirement fairly soon. It is my hope you will leave me and my business alone to operate without interference until after I quit. The value of my business is all the retirement fund I'm going to have. Don't take that away from me.

Response: *See 11.9 in 2563 - Commercial Services - Alternatives.*

R-016.2 The unlimited number of guides will result in accelerated ecological decline by increasing the number of new campsites from both displaced private rafters as well as guides and their clients. Sites that will be developed will be the areas that have shown the greatest increase in the number of willows because these areas have the gentle slopes for take out points. More campsites will also lead to more fisherman trails along the re-vegetated banks. Accelerated use will reverse the ecological improvement that BLM has worked hard to improve over the last decade.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

R-016.3 Some river stretches have few campsites. I have floated many miles just to find a place to camp as all BLM camps have been taken. Unlimited guide service will exacerbate the problem and cause conflicts. Guides on other rivers have personnel float ahead to set up camp in the premium campsites thereby reducing the experience of the non-guided trips. Please keep the number of guides at 34 or less for this great river.

Response: *See C-034.1 in 2523 - Boating Use Allocation. The BLM is aware of your concern regarding boaters who race downriver to hold premium campsites for their party. This practice has been observed in both guided and non-guided trips and will be addressed in the near future.*

R-016.4 Unlimited commercial guides will increase use, thus necessitating the need for new campsites. "As campsites increase, so will the potential spread of noxious weeds...necessitating increased expenditures for weed control, including increased use of herbicides.

Response: *See C-034.1 in 2523 - Boating Use Allocation.*

R-016.7 How will the increased number of guides increase the potential harvest of threatened steelhead? Even if catch and release in used there will be mortality. During the early summer and late spring steelhead smolts will be harvested, decreasing the numbers of returning steelhead.

Response: *Increasing the number of guides on the John Day River would potentially increase access to salmonid fishing areas for a certain segment of the visitor group (i.e. those without their own equipment, those new to the area, or those with limited time frames). The current number of authorized commercial permits in the John Day River are not fully utilized. It is unlikely to assume that because there are more permitted guides on the river that demand for this type of use will also increase. If demand does increase for fishing use and additional permits were issued and fully utilized potential harvest could increase for returning adults. However, increased guided fishing trips in the late spring and early summer for smallmouth bass would not affect juvenile steelhead due to the fact that smolt migration usual occur earlier in the season and juveniles are not present in the mainstem during the summer months. The plan, while a cooperative effort, does not affect or change existing authorities and if fishing harvest becomes a significant concern for steelhead, ODFW, the agency responsible for decision regarding fish populations in Oregon would possibly assess harvest regulations.*

R-016.9 Are your resources adequate to meet the demands of unlimited guides and resulting increased use?

Response: *See C-034.1 in 2523 - Boating Use Allocation*

R-016.10 Please reconsider your proposal for unlimited guides. Encouraging increased use is not consistent with your concern for maintaining or improving environmental and recreation quality.

Response: *See C-034.1 in 2523 - Boating Use Allocation*

R-016.12 Unlimited guide use will lead to increased motorized use and (associated) conflicts.

Response: *See C-034.1 in 2523 - Boating Use Allocation and T-010.6 in 2530 Motorized Boating - General. Proposed motorized boating restrictions would apply equally to all users.*

2600 RIVER SYSTEM ENVIRONMENT

2601 River Description (General or by Segment)

B-042.5 The Plan under-emphasizes the importance of the BLM managed lands in the John Day Watershed. The Plan repeatedly states that the BLM has "extremely limited ability to affect measurable changes in John Day River resources conditions … because the Plan directly effects about 2% of land in the basin… and 10% of river and stream mileage in the basin (p.3)." By stating that there is little they can do about improving the ecological condition of plant and wildlife communities in the Basin and of the ORVs of the WSR, the authors of the Plan appear to be trying to abdicate their responsibility for enhancing and protecting these values. This argument is bogus. First, complete restoration of even 2% of the watershed and 10% of the river will create miles of important wildlife and fish habitat, will increase streamside shade to cool waters, will improve water quality and quantity, and will increase recreation. Even 2 % of the land, when well managed, can strongly influence ORVs of the John Day WSR.

Response: *The statement paraphrased by the commentor emphasizes limitations to the beneficial impacts of activities when those activities are confined to public lands in the basin. The point of the paragraph cited, as explained in detail in Chapter 5, is that under every alternative for grazing management (including exclusion) and under every alternative for management of agricultural lands, changes on the land would not be reflected in instream conditions. The cited paragraph has been modified in the FEIS by deleting a reference to vegetative conditions. By applying appropriate management, vegetative conditions will improve measurably where site potential permit. However these changes will be reflected in measurable instream conditions if changes are limited to BLM managed lands. The commentor also neglected to include the strong statement in the last sentence of the cited paragraph which states, "The partners will however, aggressively pursue improvement and enhancement of river values by improving and enhancing lands which they manage."*

Furthermore the ecological conditions along the John Day River are improving and that the ORVs of the WSR are being protected and enhanced by the combined efforts private landowners, local, tribal, state and federal agencies.

The comment seems to be suggesting that a fragmented, postage stamp approach to ecosystem restoration is both possible and desirable. This postage stamp approach might benefit some site specific recreation activities, but wildlife, water quality and quantity, fish, scenery, riparian communities, special status species, most recreation and related river values depend on a collaborative restoration process that addresses the resource management decisions on a landscape scale.

The following paragraph is from an article by Beschta et al. (1994), that was submitted by the commentor. "Platts and Nelson (1985) suggested that limiting factors created by upstream land uses may be the principal cause why... riparian fencing and heavily structured stream reaches fail to provide improved fish populations. Similarly, Li et al. (Transactions of American Fisheries Society, in press) in the John Day River Basin of Oregon reported that the overwhelming influences of degraded upstream reaches negated positive influences of small recovering or intact reaches." Kauffman, Beschta and Platts (1993) acknowledge that "it is difficult to restore the 1-2% of the land area occupied by riparian zones if much of the remaining 98% upland area is not receiving adequate management to facilitate salmonid recovery. Clearly, an important barrier to anadromous and resident fish habitat restoration, as well as water quality, is the rates of soil erosion that originates from fallow wheatlands." Similar conclusions are presented in Duff (1977), Hubert and others (1985), Rinne (1985), and Kondolf (1993).

In fact, the BLM-managed lands are even more important than their limited area implies because BLM has no control over the other landowners, who are not required to manage for the outstandingly remarkable values of the ecosystem. BLM carries a greater burden in enhancing and protecting the ORVs because they only have their small areas in which to make significant changes to the River. In addition, since streams and riparian vegetation throughout northeastern Oregon are badly degraded, the small area that can be completely restored on BLM-managed land takes on greater significance. These lands may be the best salmonid spawning habitat that is left, or the only roosting sites left for neotropical birds.

Response: *The BLM manages the river in conjunction with many partners. The BLM works in conjunction with private landowners, county governments, watershed councils and other federal agencies which directly affect resource conditions throughout the basin. The actions of all the partners in the watershed have been producing significant improvements throughout the basin which contribute to the protection and enhancement of the ORVs of the WSR. See the response to the previous comment.*

This overriding theme in the Plan -- that there is little that BLM can do to improve the John Day WSR -- is sending the wrong message to the public. It is saying that their lands have little value, which isn't true. It is also sending a strong message to the Forest Service and private landowners along the river that BLM doesn't consider it necessary to improve their management practices. How can BLM representatives ask others improve their management along the John Day River if they, themselves, are not willing to do so?

Response: *We disagree with the commentors assertion that there is a theme in the Plan that there is little BLM can do to improve the WSR. The entire planning document discusses what can be done to protect and enhance the ORVs of the JD WSR. The BLM has successfully worked in partnership with private land owners and various local, county, State, Tribal and federal government agencies to improve management of resources throughout the basin. It is essential that the BLM continue to implement and demonstrate the application of economically sustainable, science based management that private landowners can afford to implement throughout the basin.*

2604 River History Overview

Y-001.19 In the River History Overview section we suggest incorporating a discussion of the dam that was situated across the river in the vicinity of Spray. This dam was a barrier to fish passage and is a historical reference point as to the reestablishment of fish runs after its removal. Further we suggest that this section also include a history of the fish stocking programs of anadromous fish (since rainbow trout and steelhead are the same species it is important that the introduction of both resident and anadromous forms of this species be documented) that occurred in the basin. Information on these activities can be found in the Grant County Riparian Plan and in the county historical records.

Response: *This information was useful in preparation of the FEIS.*

2700 SCENERY

2701 Scenery in General

11.1 Visual Resource Management Inventory is discussed. We agreed that more information regarding VRM Class 1 and VRM Class II was necessary before we were able to take a position on this issue.

Response: *Information on Visual Resource Management is found in Appendix O.*

30.26 Metal fences seen from the river detract from the scenic quality of this river. Fencing is costly, visually degrading and expensive to monitor and maintain.

Response: *State Scenic Waterways designations have provisions about what is visually acceptable on private lands adjacent to the river. The BLM's VRM classifications also are applied when constructing fences along the river (and elsewhere) through the NEPA process.*

30.28 If fencing has to occur, it should be located out of sight; not just along the riparian area. A fence parallel to the John Day would be visually degrading. Would these proposed projects comply with management regulations?

Response: *State Scenic Waterways designations have provisions about what is visually acceptable on private lands adjacent to the river. The BLM's VRM classifications also are applied when constructing fences along the river (and elsewhere) through the NEPA process.*

30.30 I don't support new fences seen from the river, especially in the Wild and Scenic areas. If fences have to be built or replaced then please put them out of sight of the river.

Response: *See response 30.30 (above) in this section.*

C-029.1 I favor management that would enhance and restore "natural scenery" as opposed to "human impact scenery". Where camp sites and other developments are situated, large trees (natural species) could be used to hide developed areas so the visual impact would be reduced.

Response: *See response 30.30 (above) in this section.*

S-006.10 I support BLM's VRM program.

Response: *Opinion, no response required.*

2704 Alternatives

11.15 Scenery - We support the Preferred Alternatives.

Response: *Opinion, no response required.*

30.40 I support Alternatives B-D. These alternatives are realistic and I feel that they would adequately preserve the scenic quality.

Response: *Opinion, no response required.*

M-003.8 I wish to see the guidelines of Alternative D put in place for protection of the scenery in the riparian zone. I propose that all private use of our public lands by adjacent landowners cease, such as cultivation, grazing, and mining activities.

Response: *Opinion, no response required.*

P-001.4 I prefer Alternative D on scenery.

Response: *Opinion, no response required.*

2800 STATE SCENIC WATERWAY

Note: *Comments regarding the proposed rules and other matters for State Scenic Waterways were relayed to the Oregon State Parks Dept. for action.*

10.4 In this case there is the usual 1/4 mile buffer of river frontage identified as a scenic waterway corridor. I understand the buffer zone is roughly 2/3 owned by private citizens. The BLM proposal for Parks and Rec. to enforce their own rules and regulations on private land owners is out of order.

30.34 I support limits of these fish. I support limiting the number of bass and big bass an angler can catch per day.

30.37 Overall I support these regulations with these exceptions: First, new roads sometimes can't be visually screened by topography or vegetation. These regulations should not be so strict that no one could build a road only if totally screened by vegetation (pg 178.) Second, private landowners should retain their right to build on their land, using colors that blend into the landscape. The rights of private property owners should be respected, with governmental agencies using common sense and cooperation.

B-008.27 One of the goals of the JDR management plan is to provide a quality boating experience allowing the visitor the perception of a wild and primitive adventure. In reality, to accomplish this businesses and home owners along the river must make personal sacrifices to accommodate the visitors brief 3 to 4 day stay. In reality, home owners and land owners must pay a heavy price without compensation so boaters won't see a cow or man made structure. It appears more must be done to accommodate a visitor's brief stay without regard to the potential impact on full time residents and agribusiness operations.

E-001.1 Letter contains specific comments on State Scenic Waterway Rules with specific regard to public meeting schedule and navigability issue on the river.

G-003.2 Regular maintenance of public access areas and roads is essential. The idea of this work being "substantially screened from the view of the river" while under construction is outrageous. This will be added expense to the government contract and an inconvenience to the contractor, causing delays and extended construction time.

G-003.6 The private lands within view of the river, such as agricultural lands, have always been given priority by the government. This needs to be continued, not phased out by limiting irrigation or restricting crop rotation or farm improvements and so on. The U.S. Government, Department of Agriculture governs farm land, not the OPRD.

G-003.8 Throughout this entire draft are open ended requirements such as "as may be determined" or "adjusted as needed" or "modify as needed". These statements are leaving the requirements open to a different interpretation to each park ranger. This could lead to discrimination against a person, group or organization. The open ended requirements need more defining for the OPRD employee.

G-004.1 Four pages of specific comments and concerns regarding the State Scenic Waterway Proposed Rules.

H-035.14 In regards to road improvements, there are some roads along the river that are physically impossible to hide from river view. If we are not allowed to maintain these, we will lose access to several of our fields.

H-035.15 See Page 178, Volume 1, of the Draft Plan. How are the various county, state, and federal roads along the rivers affected by this?

P-003.1 I don't think landowners along the John Day River need any more rules with which to comply. These people have taken good care of the John Day, with the result that it has been designated "Wild and Scenic". The rivers will be better managed and protected if we forget about making rules for the landowners .

P-003.2 We used to think recreationists should abide by the rules of the landowner. How that got turned around to the point of recreationists making rules for the landowner is hard for me to understand.

R-017.2 On the private land issue, public opinion should not be a factor restricting its use. These rights are guaranteed to us by the Constitution.

S-005.1 (1) Accessible Natural River Area: (c) New Structures and Associated Improvements. We believe there should be a clause included which grandfathers in existing buildings and their replacement, e.g. barns, shops, machine sheds, bunkhouses and residences. Topographic screening is not an option for us. Vegetative screening, even natural, is not a viable option due to lack of water to these areas.

S-005.2 (g) Existing roads and their screening when graded is totally impractical again due to the aridity of their location. Even natural vegetation would require non-existing and regular watering to get these plants started. It would appear that this text was written for climactic conditions with abundant, fast growing vegetation with adequate rainfall and moisture.

W-003.1 In reading most of the draft plan, chapter II and chapter IV needs more clarification in defining the boundaries of the scenic waterway. In using the term "in view of", it needs to say "within the quarter mile boundary". As it is written, it could be to the top of the ridge or beyond. I understand the concern is within the boundaries and not beyond.

W-003.3 The main concern I have is existing roads, and it doesn't mater if it's state, county, federal or private that's within the river corridor, all need maintenance such as shoulder work, cutting brush, cleaning culverts, ditches, cleaning up slumps or even slides and not all this material can or will be hauled off the site. The hauling of this material is very expensive for one thing, and you will need a place to haul and dispose of it. If this material can be used within the prism but still may be in view of the river and you can see the existing fill slope, what difference if your put more material there, as long as it will not or cannot get within the river system? State highways and county roads have to be maintained for public safety as we are road agencies and required by Oregon statutes for certain safety requirements, such as: adequate signing, danger tree and rocks on roadway removal, and maintaining a smooth running surface. This draft document only covers grading the road surface. There are many other maintenance items not covered such as: chipseal asphalt roads, overlays, patching potholes, shoulder maintenance, crack grinder and sealer, lane fencing, cleaning catch basins, ditches, culverts, slumps and slides. How do these fit into the draft? If definitely needs to be more defined and clear on what is needed and how much is needed.

Y-001.23 We note that the river segment from Parrish Creek to Service Creek currently contains agricultural development and is situated parallel to Oregon State Highway #19. While the proposed action as stated in Chapter 4, is to designate this stretch as a "Recreational River Area" we suggest that specific provisions be included to clarify that agricultural development and grazing are existing uses and represent compatible uses.

Y-001.24 Under the proposed rules set forth in Chapter 4 relative to "recreational river areas", we note that extensions, realignments, upgrades and other improvements of existing roads can only be permitted when partially screened from view from the river. We note that several farm access roads as well as the State Highway, are situated in rocky areas wherein vegetation is scarce and unlikely to provide an appropriate screen. Furthermore, the screening requirement is in excess of the current provisions of ORS 390.845 (2) (a) which specify that roads are to be located in a manner as to minimize the disturbance of the natural beauty. We suggest that this provision be modified to incorporate a provision for variance when existing conditions do not allow the establishment or maintaining of vegetative screening.

Y-001.25 The provisions of Chapter 4 that specify visible tree harvest or other vegetation management may be allowed when the activities are consistent with the Forest Practices Act rules may be overly broad. We note that not all vegetation management practices are covered by the Forest Practices Act. We suggest that in order to avoid confusion that the references to vegetation management be deleted. Section (3) (h) should be limited to forest lands and forest management activities covered by the Forest Practices Act.

Y-001.26 We note that the provisions of the proposed rules relating to forest practices specifies that harvesting or vegetative management can only be allowed if it is for the purpose of improving vegetative health by emulating the vegetative character of the pre-settlement landscape. This language would effectively ban all agricultural and grazing activities as well as severely limit any commercial forest management. Since the provisions of ORS 390.845 clearly specify that harvest of forest crops is allowed the proposed rules should be consistent with

the statute. We note that the statute specifies that harvest is to be conducted ".....to maintain AS NEARLY AS REASONABLE IS PRACTICABLE the natural beauty of the scenic waterway". The proposed rules are contrary to the specific statutory authority.

Y-001.27 We also note that the proposed provisions of OAR 736-040-0065 (3) (h) (D); 0066 (1) (h) (D); 0067 (1) (h) (D); and 0068 (1) (h) (D) impose a higher standard than authorized by statute. Under ORS 390.845 (2) (b), harvest of forest crops are allowed subject only to the limitation that they be done in a manner as reasonably practicable to maintain natural beauty. The proposed language that harvest or vegetation management will not be allowed if it degrades the riparian buffer IN ANY WAY is inconsistent with existing statutes.

Y-001.28 As proposed the vegetative management provisions are overly broad, we suggest that language be added defining the compatible uses.

Y-001.29 We suggest that a specific provision be incorporated into the state section identifying the authority, if any, for excluding agricultural and grazing practices from the state scenic river corridor.

2900 UTILITY CORRIDORS

2903 Alternatives

C-001.1 PG&E Gas Transmission-Northwest does not envision that any of the management alternatives considered in the draft EIS would preclude new pipeline construction or constrain necessary pipeline maintenance activities in the study area. BLM's preferred alternative provides an appropriate resource planning framework for future BLM decisions involving the pipeline.

Response: *Observation, no response required.*

3000 VEGETATION

3001 Vegetation in General

C-038.26 Prefer - Uplands - a new alternative is required that would protect all upland vegetation and soils from livestock grazing.

Response: *The planning partners feel that upland vegetation will be maintained, and improved where needed, by the application of existing laws and regulations. This was covered in the DEIS and will be again in the FEIS, see the FEIS, Vo. 1, Chapter 3 and Vol. 2, Appendix J.*

C-038.29 Non-native forage species should not be planted within the WSR.

Response: *The planting of non-native species will be covered more fully in the FEIS, Vol. 1, Chapter 5.*

P-001.1 I advocate the strongest protection of the riparian zones, and up-slope regions that affect the riparian — which is now seriously degraded along many sections due primarily to cattle grazing.

Response: *Opinion statement requiring no response.*

W-025.7 On pages 41 and 42 there is a discussion of "Ecological Condition and Trend" that contrasts what I will call the "traditional model" for succession with the "state and transition" model. First let me point out that the "state and transition" model is a model in concept only, whereas the "traditional model" has been in use for general field application for over 50 years. You have an inventory (which incidentally complies with the legal requirement for an inventory of "range condition" as specified in the Public Rangelands Improvement Act) using the traditional model for most of the public lands in the plan. You do not even have a procedure for conducting inventories using the "state and transition" model. (See letter for a full page description of the state and transition model discussed). Under this argument, you would be able to continue grazing those portions of the planning area that have crossed such a threshold of "range condition" as specified in the Public Rangelands Improvement Act using the traditional model for most of the public lands in the plan.

Response: *Opinion statement requiring no response.*

3002 Riparian in General

B-012.3 Riparian influence on stream does not begin at the water's edge or within just a few feet of the stream. Healthy riparian corridors filled with trees, shrubs, and sedges create cooler ambient air temperatures, supply extremely important nutrients to the stream ecosystem in the form of litter and insects, and modify the routing of sediments during floods. All these processes are essential to native anadromous fish survival during the life stages that occur in the river.

Response: *Opinion statement requiring no response.*

B-042.7 The Plan erroneously proposes only 'active' stream restoration. The draft Plan proposes the use of "active" restoration to restore riparian and aquatic habitats. The plan offers no alternative, such as "passive" restoration, which is being used on Pine Creek, a tributary of the John Day River, by the Confederated Tribes of the Warm Spring and funded by the Bonneville Power Administration (discussed below). Active restoration includes "direct actions such as bioengineering and the introduction of large woody material or other structural materials to improve riparian or instream habitat (p. 119)." It also includes riparian grazing.

Response: *The draft Plan does not make a distinction between 'active' and 'passive' restoration techniques. According to Kauffman et al. (1997), passive restoration is 'the cessation of those anthropogenic activities that are causing degradation or preventing recovery'. A change of grazing, from one causing degradation to one which allows recovery, should be considered 'passive'. The BLM feels that the authors' restriction of passive grazing techniques to 'exclusion' is mistaken. In fact, on page 22 of the article, the authors list 'changes in' rather than 'cessation of' grazing as passive restoration.*

In the Plan, the BLM ignores a growing consensus among northwestern riparian and fisheries experts who strongly recommend passive restoration of aquatic and riparian habitats while opposing active restoration using livestock and adding structures to streams.

Response: *We disagree. The BLM has not ignored public or professional consensus. To the contrary the BLM has tried in every way possible to include the research and opinions of both scientists and the public at large in our analysis of the alternatives. The BLM supports the 'passive' restoration concept that cessation of activities causing degradation is the first step in restoration. However, the BLM also supports the Kauffman et al. (1997) assertion that "[A]fter implementing passive restoration, a site still may remain in an ecological state that is unlike what would occur naturally.... These situations can occur when an ecosystem is sufficiently degraded such that the inherent capacity to recover has been lost. To achieve ecological restoration in such situations, active manipulations will be necessary."*

To make this point, we will quote from recent published papers by these experts (papers attached):

Robert L. Beschta. 1991. Stream Habitat Management for Fish in the Northwestern United States: the Role of Riparian Vegetation. American Fisheries Society Symposium 10:53-58.

"One of the major ongoing bioengineering activities directed at streams in the northwestern USA is that of fish habitat management. Much of this effort involves the construction of structures in channels or the addition of various large roughness elements … to improve fish habitat and stabilize channels. … As important as structural additions to channels might seem for fish habitat improvement, they may be significantly less important (and in many cases not needed) than a program of long-term management directed specifically at protecting and improving riparian vegetation."

Response: *The BLM has been implementing a program of long-term management directed specifically at protecting and improving riparian vegetation. As stated in the Plan on pages 51 and 52, since the John Day was designated a WSR, grazing changes toward riparian oriented management have been made throughout the river basin. During the 1999 grazing year, 94% of the public land river bank miles received riparian oriented grazing management.*

Beschta (1991) also states that '[w]here seed sources of important riparian species have been depleted or destroyed, reestablishment of these species should be a high priority.' This is support for the reintroduction of cottonwoods, one of the types of 'active' restoration which the BLM is currently implementing on the river and its tributaries.

Wayne Elmore and Boone Kauffman. 1994. Riparian and Watershed Systems: Degradation and Restoration. In Ecological Implications of Livestock Herbivory in the West. Published by the Society for Range Management.

"Livestock exclusion has consistently resulted in the most dramatic and rapid rates of ecosystem recovery."

Response: *This statement is easily taken out of context and has been done so here. Some grazing strategies work well in some landscape settings, but do not work in others. Good grazing strategies have, however, been used in the wrong setting and failed. The quote indicates that exclusion gives the most consistent results, not that appropriate systems would not yield results as good as no grazing (Elmore, personal communication).*

The literature cited as support of the above quote are Beschta, Platts and Kauffman, 1991 and Busse, 1989. Beschta et al. 1991 compares fish habitat improvement projects, such as instream structures, addition of large woody debris or boulders, earth dams, stabilization of stream banks, vegetation plantings and livestock exclusion. The report does not compare grazing treatments. "Although grazing management (other than lengthy periods of nonuse or total exclusion by fencing) might conceivably provide adequate protection of riparian vegetation, the application of alternative grazing strategies designed to specifically restore and improve riparian vegetation was not observed." Busse (1989), is an Oregon State University Masters Thesis which looks only at exclusion versus continued, abusive grazing.

The idea that livestock exclusion always yields more rapid recovery is refuted by Clary et al. (1996) during a long term, replicated, study on a 'depleted' sagebrush steppe riparian ecosystem (Pole Creek, Oregon). "Over the 7-year period, coyote willow density varied significantly with treatment and was greatest (P=0.04) in spring-grazed pastures, intermediate in ungrazed pastures, and least in pastures grazed season-long." "Greater densities in the spring-grazed compared to the ungrazed pastures may have been related to availability of microsites. Trampling along streambanks during spring grazing is generally limited, but may have created some microdisturbances favorable for germination and establishment of willows as seed was dispersed shortly after spring grazing each year."

"The complete elimination of livestock provides total protection from domestic grazing animals."
"The rate of recovery of the stream features and riparian vegetation, both woody and herbaceous, has been the most rapid under [riparian exclusion]."

Response: *Again, the article cites Beschta, Platts and Kauffman (1991) for support of the above statements, a report of field observations that does not compare grazing treatments. The paragraph continues "However, simply excluding the riparian area does not address the needs of the upland vegetation or the overall condition of the watershed. Unless a landscape-level approach is taken, important ecological linkages between the uplands and aquatic systems cannot be restored and riparian recovery will likely be limited."*

"Most riparian management strategies are oversimplified by suggesting a single level of desired [livestock] utilization. This may result in maintenance or improvement of one component of the ecosystems but continued declines in others."

Response: *Again, these statements are taken out of context. The entire paragraph is much more interesting than the two selected sentences. "The major short-comings of grazing strategies that fail to result in the restoration of degraded riparian zones are: (1) They are applied with a cookbook approach with little analysis of riparian effects or recognition of the complex and heterogenous nature of riparian zones; (2) the grazing strategies utilized were developed for uplands and/or for herbaceous recovery with little consideration of woody vegetation, streambank integrity, or riparian function; or*

(3) they were developed for increased livestock production with similar shortcomings in consideration of riparian values. Few grazing strategies or monitoring programs have been developed for the maintenance of riparian woody species such as willows, cottonwood or alder nor have they been developed with considerations of streambank structure. Most riparian management strategies are oversimplified by suggesting a single level of desired utilization. This may result in maintenance or improvement of one component of the ecosystems but continued declines in others. New approaches to grazing management should be implemented to include a watershed-level perspective. This would often result in cooperative efforts of all ownerships in a watershed. Strategies that are developed with interdisciplinary groups and are designed to allow flexibility addressing the entire stream and riparian ecosystem are likely necessary for long-term recovery and sustainability to occur. To manage riparian areas from an ecosystem perspective we must determine the functions and needs of an ecosystem before we can devise a sustainable mix of uses among the wide array of competing natural resource interests. Management decisions should be based on the ecological needs or functions of the system that will result in a sustained high level of biological diversity and site productivity. Management should not be driven by the needs or objectives of special interests."

> **Robert L Beschta, William S Platts, J. Boone Kauffman, and Mark T. Hill.** 1994. Artificial Stream Restoration – Money Well Spent or an Expensive Failure? Proceedings of UCOWR 1994 Annual Meeting.
> "During the summer of 1991, a field review of 16 fish habitat improvement projects was accomplished in the Grand Ronde and John Day River basins. … The elimination of livestock grazing through management or with corridor fencing was observed as 'the most effective means of improving riverine/riparian habitats'."
> "The review team concluded that 'structural alternations to stream channels should be generally eliminated as a fish improvement strategy'."

Response: *These statements must be kept in proper context. Page 8 of the published field review (Beschta, Platts and Kauffman, 1991 (incorrectly cited in Beschta et al. 1994 as Beschta et al. 1992)) states "Although grazing management (other than lengthy periods of nonuse or total exclusion by fencing) might conceivably provide adequate protection of riparian vegetation, the application of alternative grazing strategies designed to specifically restore and improve riparian vegetation was not observed." This is good evidence that BLM's direction in first removing the forces which cause degradation (for example, improper livestock use) is an appropriate direction. This is not evidence that no grazing can encourage recovery more quickly than proper grazing.*

> The fundamental conclusion of several reviews of restoration work in eastern Oregon was that "fish habitat improvement projects should first focus on removing or reducing those human impacts that are causing habitat degradation – abusive livestock grazing, excessive irrigation withdrawals, logging in the riparian zones, agricultural activities at the streambank etc." Removal of grazing by fencing was observed to consistently result in the greatest rate of vegetation recovery and the greatest improvement in riparian functions.

Response: *The field review with which these quotes are associated (Kauffman, Beschta and Platts, 1993) is an extension of the field review presented in Beschta, Platts and Kauffman (1991). In the 20 projects reviewed, 3 had no grazing, 16 involved exclosures, 2 made vague references to grazing with no description of livestock density or season of use, and 1 referred to heavy use in the spring. This field review cannot be used as a rigorous comparison of the impacts of no grazing versus proper grazing. Again the BLM is in agreement with the authors' statement that 'fish habitat improvement projects should first focus on removing or reducing those human impacts that are causing habitat degradation'*

As for logging in riparian areas, trees would only be removed "when necessary to reduce risk of catastrophic timber losses due to insect infestation, disease or wildfire" .

Within the John Day River corridor there would be no agricultural activity on public lands at the streambank. Irrigation withdrawals on public lands are strictly controlled.

> The removal or elimination of land use activities that cause adverse impacts to riparian and aquatic ecosystems are of the highest priority if restoration is to be accomplished.

Response: *The planning partners are in complete agreement.*

> Once professionals have decided where to implement restoration activities, the first and most critical step is to halt activities causing degradation or preventing recovery, an approach referred to as passive or natural restoration"

Response: *The planning partners agree.*

> In western riparian zones the two most common examples of successful passive ecological restoration are the re-watering of streams after years of withdrawal for agricultural or municipal purposes and the cessation of livestock grazing in riparian areas.

Response: *These are the most common examples of restoration because they are the easiest to apply, the method does not require in depth knowledge of ecosystems. It does, however, yield limited results if not part of a landscape/watershed level restoration strategy (see above, Elmore and Kauffman, 1994).*

> The cessation of livestock grazing in riparian zones of eastern Oregon was the single most ecologically effective approach to restoring salmonid habitats.

Response: *We do not agree. The BLM believes that late winter-early spring grazing may be as effective as exclusion in restoring salmonid habitats. Support for the comment is Beschta, Platts and Kauffman (1991) and Kauffman, Beschta and Platts (1993), reviewed above. These two reports (based on field tours, not experiments) compare artificial fish habitat improvement projects with livestock exclusion. The Prineville District rarely uses artificial means of improving fish habitat because these methods are both expensive and often don't work. It could well be true that exclusion sometimes improves fish habitat better than artificial means, however, since we rarely use the artificial means the comparison does not apply.*

> Comparing 10 years of no grazing with light to moderate late-season grazing use in northeast Oregon, Green and Kauffman (1995) reported significant increases in both the density and structural complexity of willows and cottonwoods in ungrazed exclosures. Recovery rates in the lightly to moderately grazed areas in the late season were significantly less than those of the ungrazed areas.

Response: *The results from Green and Kauffman (1995) are using what we, on the John Day, would consider to be 'hot season' grazing. "Next to season-long grazing, which is universally recognized as detrimental to riparian areas, repeated or extended grazing during the hot summer season is generally considered most injurious to riparian zones" (Ehrhart and Hansen, 1997). So, applying this data and conclusion to suggest that riparian oriented grazing (i.e., winter or spring) will also result in detectably slower rates of recovery is invalid and disingenuous.*

> Vegetation plantings are a commonly proposed restoration technique. However, after passive restoration is implemented, the natural capacity for rapid re-invasion of woody species on suitable sites often makes artificial plantings unnecessary.

Response: *The BLM is in agreement.*

> "While some have suggested that livestock can be used as a "tool" in riparian enhancement, there is no ecological basis to indicate that livestock grazing, under any management strategy, can accelerate riparian recovery more rapidly than total exclusion."

Response: *This statement does not say that livestock grazing would result in slower recovery than total exclusion. Therefore it offers no reason to use total exclusion over proper grazing management.*

The authors support the statement by citing Platts (1991) and Elmore and Kauffman (1994). Platts (1991) reviews 21 studies on the effects of cattle grazing on riparian habitats and fish populations. Platts states that "these studies have biases in study design that could affect conclusions", and points out weaknesses. The weakness that he doesn't describe, and that is of particular importance for our purposes, is that most studies have two treatments, grazed and ungrazed, and that the type of grazing is rarely described. These studies are important for establishing that grazing can affect riparian habitats and fish populations, but they are of little use for prescribing grazing management solutions (aside from exclusion) or for predicting rates of recovery.

Platts (1991) begins the evaluation of grazing strategies with "Specialists have progressed slowly in evaluating grazing strategies with respect to fishery needs, and our understanding today is rudimentary" and "This section summarizes my interpretation of the ability of some current grazing strategies to meet fisheries needs (Table 11.2). This interpretation is based on information in the literature and, to a great extent, on my personal experience." He then reviews 17 grazing strategies (most of which were developed to meet upland objectives) and rates them from 1 (not compatible, season-long grazing) to 10 (highly compatible, rest or closure). He gives winter use a 5, riparian pasture an 8, and corridor fencing a 9 in the table and an 8 in the text. Spring grazing is not reviewed. His call for further research includes questions like "which of the existing grazing systems are most compatible with the fisheries resource?", "is one grazing strategy best suited for riparian areas?", and "is livestock grazing less damaging at some times of the year than at others?" He clearly did not intend for his article to be the final word in, nor did he attempt to predict, relative rates of riparian area recovery.

Elmore and Kauffman (1994) say "Livestock exclusion has consistently resulted in the most dramatic and rapid rates of ecosystem recovery" (page 216). In support of their statement, they cite Beschta et al. (1991), a report which does not compare grazing strategies (see above), and Busse (1989), which is an OSU Masters Thesis which looks only at exclusion versus continued, abusive grazing.

Elmore and Kauffman (1994) make the point that, when changing grazing management, rates of riparian recovery and the final results will vary according to site potential, the ecological condition at the start of the recovery process, stream geomorphology and climate (page 220). They also make the point that cookie cutter approaches, other than the exclusion approach, will often result in failure, so, local conditions have to be taken into account when designing a grazing strategy for riparian recovery (page 219).

Later on in the article (page 227), Elmore and Kauffman (1994) say "The rate of recovery of the stream features and riparian vegetation, both woody and herbaceous, has been the most rapid under (riparian exclusion)." However, the only evidence they cite, again, is Beschta et al. (1991), a report which does not compare grazing strategies, and they say this after the disclaimer "The ratings (of the 5 articles they are summarizing) are based on observations... and therefore should be viewed with caution."

Elmore and Kauffman (1994) continue the discussion of 'riparian exclusion' with the caveat "However, simply excluding the riparian area does not address the needs of the upland vegetation or the overall condition of the watershed. Unless a landscape-level approach is taken, important ecological linkages between the uplands and aquatic systems cannot be restored and riparian recovery will likely be limited." This watershed approach is repeated throughout the article (see, in particular, page 217,

where they discuss the problems with exclosures, and in the conclusion (page 228) where they say "New approaches to grazing management should be implemented to include a watershed-level perspective. This would often result in cooperative efforts of all ownerships in a watershed.").

C-002.19 Riparian vegetation is often referred to. The reason there is so little is that the John Day is uncontrolled. Flows from zero to 27,000 cfs occur. Obviously there is no 'river edge' for the vegetation to grow on in the dry hostile environment of Wheeler/Gilliam Counties. Yet the lack thereof is blamed on cattle. Comparisons are made with wetter areas of the river that do not flood as dramatically.

Response: *Broad sweeping generalizations with regard to resource condition in the John Day corridor are difficult and in most cases impossible. Every effort has been made to compare similar sites and evaluate natural response and recovery regarding management.*

C-038.25 Prefer a new alternative is required that would allow passive restoration of riparian habitat as quickly as possible to protect the river and endangered fish stocks.

Response: *See response to B-042.21 in 1303 - Alternatives.*

G-011.2 When I have used the river, it was quite high, but later in the summer it drops to very low levels and every bit of shade is important to reducing the stream temperature.

Response: *Opinion statement requiring no response.*

H-021.14 There are no time lines for recovery of riparian objectives.

Response: *We feel that with a system like the John Day River it is not possible to have realistic recovery time-lines. This system has been extremely altered over the years because of man's activities, it is very dynamic with flows varying from 200 cfs to over 30,000 cfs in a twelve month period and highly destructive ice flows occur periodically. Even though a great deal of restoration work is being done on public and private lands in the John Day Basin, it is impossible to forecast when all necessary improvement projects and management changes will be accomplished. In addition, the BLM is limited in it's influence on riparian and water quality in the basin because it only controls 10 percent of the riverbank miles and two percent of the watershed.*

K-001.5 As regards riparian vegetation, I believe alternative C should be the preferred alternative.

Response: *Opinion statement requiring no response.*

S-005.5 We strongly support healthy riparian values as evidenced by completion of approximately two miles of fencing for the exclusion of grazing along the South Fork riparian area.

Response: *Opinion statement requiring no response.*

3003 Affected Environment

B-042.4 The Plan fails to describe current conditions of the John Day WSR. The DEIS does not candidly or adequately describe the affected environment. Neither does it honestly discuss the causes of degraded conditions. Without a thorough discussion of the environment, neither the public nor decision-makers can evaluate the adequacy of the management plans. Rather than describe the current level of degradation that occurs throughout the WSR, it usually refers to recent improvements in livestock management. What they leave out is:

Potential Natural Conditions of Plant Communities: The percentages of BLM river front riparian and upland habitats that are not at potential natural condition. A complete description would include the percentage of the river corridor that is in poor, fair, good, and excellent condition; the percentage of the riparian vegetation lacking the continuity to protect streambanks; the degree to which riparian and aquatic communities in the WSR fall below the riparian objectives outlined in PACFISH; the percentage of the uplands and riparian areas currently below the goals for soil and vegetation outlined in the RAC Health Handbook, etc. In addition, the percentage of the entire WSR on the ODEQ 303(d) list of water-quality limited streams needs to be presented.

Response: *Through time the BLM has accumulated information concerning the environment within the John Day WSR corridor. To the extent possible, this information is found within the plan text or the appendices.. The Prineville District has placed a priority on science based management changes which protect and enhance resources and river values. The Prineville District utilizes an interdisciplinary team of resource professionals to identify on the ground resource problems, and design and implement management prescriptions to accomplish resource objectives and standards. The team applies available resource inventories to provide a foundation for designing management treatments*

The results of the upland ecological site inventory, completed in 1982, are presented by allotment in Appendix L. Water quality information is presented in the segment descriptions. At this point in time the other inventories are not complete and the information requested is unavailable. In recent years the Prineville District has moved away from describing riparian or upland communities as being in poor, fair, good, or excellent condition because this system of condition classes has proved to be too ambiguous and too general. We have preferred to describe the community rather than give it a condition class.

An inventory of riparian plant communities is proposed for completion in near future. Decisions on whether to allow grazing will rest, in part, on the results of the riparian ecological site inventory. Grazing will only be allowed in pastures where riparian conditions are at mid-seral ecological condition with an upward apparent trend or better. In pastures where the land ownership pattern is such that exclusion of grazing from public lands might lead to damage of public resources from unregulated grazing on private lands, riparian oriented grazing will be allowed where the riparian conditions are at low seral ecological condition with an upward trend or better. For more information, refer to Chapter 3, Grazing Alternative B.

Description of improvements in riparian habitat: The Plan mentions improvements in riparian vegetation due to livestock exclusion and new riparian management but presents no evidence of this improvement except for the survival of coyote willow plantings along a small fraction of the river.

Response: *The evidence of improvement is presented in the allotment by allotment results of monitoring located in Appendix L. It includes the results of 168 permanent plot studies. Photo examples of the improvement are presented in Appendix M. There have been no coyote willow planting and nowhere within the plan are such results described. The willows have come back naturally. The Willow Study (BLM, 1996a) referred to describes the results of the combined efforts of landowners across the basin to address water quality, riparian and fish concerns. The increase from 0 to 15.56 miles of willow communities in segments 2 and 3 are the result the efforts of dozens of people working together, management actions such as changes in grazing season and possibly climate variations that have favored the increase in willows.*

> The plan needs to address the following questions: How does recovery of grazed lands compare to recovery of similar but fully protected lands?

Response: *The recovery of grazed versus ungrazed lands in the basin is addressed on page 230. The portion of the riparian literature which presents the results of scientific studies (that is, experiments with controls, replications and data analysis) that examine recovery with riparian oriented grazing management compared to no grazing (a total of 31 studies, according to Larsen et al. (1998)) suggests that recovery with riparian oriented grazing is so similar as to be 'not different' than recovery with no grazing. This conclusion is validated by BLM's monitoring on the John Day River.*

> How long does BLM estimate that riparian and riverine communities will take to be restored to potential natural community, with and without grazing? The public and decision makers can only evaluate the relative advantages of exclusion and riparian grazing with data showing the differences.

Response: *Preliminary studies have identified seven different riparian ecological site types for the John Day River. Both the potential natural community (PNC) and the time required for restoration to potential natural community is likely to vary among site types. For example, it is anticipated that most of the Basalt Cliff sites are already at or near potential natural community. However, under the best of circumstances, some of the ecological sites could take many years to reach PNC. There is simply no way to predict how long it would take with or without grazing because there are so many variables including not only the grazing history but also the frequency of natural disturbances such as flood and fire as well as climate variability. See page 230 of the DEIS for further discussion.*

> Weeds: What percentage of upland and riparian communities has serious weed problems? Are we talking about 1%, 5%, 50%? Weeds are a major environmental problem in the WSR but received little attention.

Response: *The weed problem is indeed a major environmental problem and very complex. We have not yet completed an inventory of the entire WSR corridor. It would be fair to say that some level of infestation affects much of the WSR corridor. Levels range from terraces with a few Scotch thistle to uplands covered with dalmation toadflax. The BLM has conducted inventories in the Wild and Scenic River corridor and have treated a total of 935 with acres with herbicides over the last 3 years. These control activities contribute to the protection and enhancement of the ORVs. There have been some hand pulling projects on a total of 30 acres however this approach is limited due to the nature of the species we are dealing with. Most of the species are deep rooted, long lived perennials which are not effectively controlled with manual methods. Limited access in the WSR corridor greatly reduce the opportunity to use cultural methods. The principal species of noxious weed that we are dealing with in the canyon is Dalmatian toadflax. We are seeking approved biological agents to release on this weed, but to date the supply is very limited. Weed management has been addressed within the John Day WSR in two planning documents (EA OR-054-3-063 and OR-053-3-062). These EAs and the FEISs to which they are tiered have been challenged and affirmed by IBLA 94-692, 94-726 and 94-727 on July 7. 1997.*

Soils: The DEIS fails to adequately reveal the extent of degradation of the soils of the planning area. These soils suffer from compaction, erosion, reduced infiltration, and loss of fertility. The location, acreage, and causes of these degraded soils are completely left out of the DEIS. Neither are the extent and location of soils in good and excellent condition reported. Problems are attributed to earlier management, while current management practices are said to be adequate. The DEIS must give evidence for these assertions since current management practices are known to degrade upland and riparian soils (Fleischner, 1994; Belsky and Blumenthal 1997; Belsky, Matzke, and Uselman 1999, see attached papers). The DEIS must also inform the public how far current soil conditions deviate from their potential natural condition, how far the healing process has gone, what specific activities led to the "healing", and how long managers anticipate it will take for these current activities to restore soils to normal function. They need to also inform the readers how much longer it will take for current management to attain environmental goals than would occur with complete protection from livestock grazing. Authors of the DEIS have to provide monitoring data to support their contention that the soils are improving. They've had since 1988 to collect and analyze these data.

Response: *Degraded soils have not been identified as an issue of concern within the John Day Wild and Scenic River corridor. We are not aware of widespread areas of degraded soils within the river corridor. Published Soil Surveys are available for portions of the Wild and Scenic River corridor. Information from these surveys is used by the interdisciplinary teams in the design and development of project proposals, management objectives and monitoring plans, etc. The BLM identified upland soils (by soil series) in the planning area as part of the Ecological Site Inventory (ESI) effort completed in 1982 (see page 52). Ecological conditions were identified by analyzing the vegetation which occurred on the soils, but no direct evaluation of the condition of the soils was done. Some information about soil conditions can be inferred from the ESI. The results of the ecological site inventory is presented on an allotment by allotment basis in Appendix L. The information the Prineville District has on the improving conditions of soils is inferred from the information it has on the improving condition of vegetation. Our knowledge of the landscape and soils of the river corridor indicates that the steep slopes of the river canyon that have a high potential hazard for erosion are well vegetated and are in late seral or climax status. These vegetative communities provide stability to the steep slopes by deep fibrous root systems below ground and by providing cover and litter above ground. There are also areas of sedimentary deposits of the John Day and Clarno formations and the soils formed from them that are naturally erosive and provide sediment to the river system with even the smallest rainfall/ runoff events. The soils of the streambanks within the corridor also have a high potential hazard for erosion due to the forces of water during high flow events and the dynamics of stream evolutionary processes. In the south fork of the John Day river the streambanks are well vegetated and the riparian area is functioning properly and erosion is not occurring beyond natural levels. In the lower mainstem the river is strictly confined by the canyon walls and streambanks are stable. In the few areas where the river valley widens, the river has a chance to drop the heavy bedload and natural stream dynamics are eroding the alluvial terraces. As described in Chapter 3, BLM is proposing active restoration at one of the sites near Clarno to protect river values. Soils of the river corridor are discussed in Chapter 2. Indicators of soil/site stability are a key components of Rangeland Health Assessments that will be completed on all allotments within the river corridor. The monitoring described in Chapter 3, will include indicators of soil condition.*

Microbiotic crusts: Microbiotic crusts are a major indicator of healthy rangelands, including the uplands in the John Day Wild and Scenic corridor and in the entire watershed. The crusts stabilize the soil, fix nitrogen, increase soil fertility, increase growth of higher plants, and in some areas increase water infiltration into the soil. Except for one short paragraph, the DEIS ignores these biotic crusts, which are essential components of arid land ecosystems and major indicators of rangeland health. Idaho BLM expert on microbiotic crusts in the Northwest, Dr. Roger Rosentreter of Boise BLM, and two scientific evaluations written for the Interior Columbia Basin Ecosystem Management Project (ICBEMP) repeatedly stated that the microbiotic crusts of the ICBEMP planning areas, which includes the John Day River basin, must be actively managed by federal

agencies and restored for the recovery of Northwest shrublands and grasslands. The DEIS must discuss the importance of the crusts, evaluate their current status over the entire planning area, give the causes of their degradation, and discuss concomitant losses of ecosystem function.

Response: *Biological soil crusts consist of lichens, bryophytes, algae, microfungi, cyanobacteria and bacteria growing at or just below the soil surface. They play important role in ecosystem processes (Eldridge and Rosentreter, 1998) including soil stability and soil moisture (Harper and Marble, 1988; Marble and Harper, 1989), nutrient cycling and interactions with vascular plants(Belnap and Harper, 1995). However, the importance of the various aspects of that role within communities may vary (Quigley and Arbelbide 1997) and is largely unknown within the John Day Basin.*

According to Link et al. (2000) the identification of species is an important first step to understanding the role of biological soil crusts in structuring local ecosystems, yet very little work has been done to relate species to their environment. They cite studies in Oregon, Washington and Idaho which indicate a broad range of moss and lichen species composition within shrub-steppe communities. It is significant that within their own study they found 3 undescribed lichen species on the Hanford Reservation of Eastern Washington.

To date the most comprehensive work in eastern Oregon is McCune and Rosentreter (1995), which is a key to soil lichens in eastern Oregon. Other works that may apply to the John Day Basin are St Claire et al.(1993), which describes lichen communities within the Great Basin, Pearson and Rope (1987) which describes lichens in the intermountain steppe of Idaho, Rosentreter (1986), which describes mosses and lichens found within a rabbitbrush/bluegrass community on the Snake River Plain, and Johansen et al.(1993) which describes the effect of rangeland fire on lichen and algal communities on the Hanford Reservation.

Belnap et al. (1999) is an as yet unpublished manual, which compiles what is known of biological soil crust ecology and management in a training course presented by the BLM, Phoenix training Center. This manual lists few studies of biological soil crusts in which grazing was included emphasizing the scant information currently available. While grazing is known to damage biological soil crusts, under specific circumstance, (Marble and Harper, 1989; Memmott et al., 1998) few scientific studies have been undertaken to determine the extent of this damage, when the damage is most likely to occur and to what extent biological soil crusts are naturally present under any given combination of soils, and climate. An exception is Memmott et al. (1998) who performed controlled seasonal grazing experiments in south central Idaho and concluded that winter grazing had the least impact on biological soil crusts while spring and summer grazing were the most damaging. Another study by Marble and Harper (1989), compared early winter with early-late winter grazing in the desert of Utah. They found that biological soil crusts declined more in the early-late winter grazing season. In this study late winter and early summer were the driest times of the year and when rain did fall during these time periods, it was usually torrential. They conclude that where these conditions exist, early winter is a better choice of grazing season. They found some regrowth of crusts during the spring where this system was applied.

While season of grazing is important, soil type and moisture content are also very important. Biological soil crusts are generally most vulnerable to damage when soils are dry or saturated. They are least vulnerable when soils are moist or frozen. However, clay soils (which are common in the uplands of segment 3) are resistant to damage from dispersed use when the soil surface is hard and dry(Leonard, 2000). Accordingly, where livestock use increases in the uplands, hoof action would negatively impact biological soil crusts more or less depending on soil type and moisture conditions.

Any damage would be exacerbated in areas where cattle congregate. Mitigation measures would be to disperse cattle or change season of grazing to minimize the impact.

Grazing on public lands within the John Day Wild and Scenic corridor primarily occurs during winter and early spring. In view of the information available we feel this is the best strategy to maintain biological soil crusts and to restore them where necessary. Monitoring within the corridor will be performed in conjunction with upland vegetation monitoring (see FEIS Table III-J) and where conditions warrant mitigation measures will be applied.

Belnap, J. and K. T. Harper. Influence of cryptobiotic soil crusts on elemental content of tissue in two seed plants. Arid Soil research and Rehabilitation 9:107-115.

Belnap, J., R. Rosentreter, J. Kaltenecker, J. Williams, S. Leonard, P. Luehring, and D. Eldridge, 1999. Biological Soil Crusts: Ecology and Management. USDI BLM Training Center, Phoenix, AZ.

Eldridge, D. J. and R. Rosentreter, 1999. Morphological groups: a framework for monitoring microphytic crusts in arid landscapes. Journal of Arid Environments 41:11-25.

Harper, K. T. and J. R. Marble, 1988. A role for nonvascular plants in management of arid and semiarid rangelands. Pages 135-169 In: Vegetation Science Applications for Rangeland Management. P. T. Tueller (ed) Kluwer Academic Publishers. Boston, MA.

Johansen, J. R., J. Ashley, and W. R. Rayburn, 1993. Effects of range fire on soil algal crusts in semiarid shrub-steppe of the Lower Columbia Basin and their subsequent recovery. Great Basin Naturalist 53:73-88.

Leonard, S. 2000. Personal communication on the vulnerability of biological soil crusts under various soil and moisture conditions.

Link, S. O., B. D. Ryan, J. L. Downs, L. L. Cadwell, M. A. Hawke and J. Ponzetti, 2000. Lichens and mosses on shrub-steppe solils in southeastern Washington. Northwest Science 74:50-56.

Marble, J. R. and K. T. Harper, 1989. Effect of timing of grazing on soil-surface cryptogamic communities in Great Basin low-shrub desert: A preliminary report. Great Basin Naturalist 49:104-107.

McCune, B. and R. Rosentreter, 1995. Field Key to soil lichens of central and eastern Oregon. Unpublished report. Oregon State University, Corvallis.

Memmott, K. L., V. J. Anderson, and S. B. Monsen, 1998. Seasonal grazing impact on cryptogamic crusts in a cold desert ecosystem. Journal of Range Management 51:547-550.

Pearson, L. C. and S. K. Rope, 1987. Lichens of the Idaho National Engineering Laboratory. Department of Energy/ID-12110. Radiological and Environmental Sciences Laboratory, US Department of Energy, Idaho Falls, Idaho.

Quigley, T. M. and S. J. arbelbide (technical editors), 1997. An assessment of ecosystem components in the interior Columbia Basin and portions of the Klamath and Great Basins: Volume I-IV. General Technical Report PNW-GTR-405. Portland, OR.

Rosentreter, R. 1986. Compositional patterns within a rabbitbrush (Chrysothamnus) community of the Idaho Snake River Plain. Pages 273-277 In: Proceedings, Symposium on the Biology of Artemesia and Chrysothamnus, USDA Forest Service Intermountain Research Station General Technical Report INT-200.

St. Claire, L. L., J. R. Johansen, and S. R. Rushforth, 1993. Lichens of soil crust communities in the intermountain area of the western United States. Great Basin Naturalist 53:5-12.

Upland Vegetation: the DEIS does not adequately describe the condition of the uplands above the riparian zone. We know from increases in weed cover, number of water quality limited stream segments, and number of sensitive species that the grasslands and shrublands of the planning area are not in excellent condition. But this was barely mentioned in the DEIS and not at all discussed in a way for the public to become fully aware of current problems.

Response: *We disagree. The results of the ecological site inventory and trend monitoring studies are presented on an allotment by allotment basis in Appendix L. A description of ecological condition and trend concepts is presented on pages 41 and 42.*

SC-038.4 The Plan fails to describe current environmental conditions of the John Day WSR.

Response: *The existing environment was described in the DEIS using the data available to the BLM and it will be described again, with minor alterations, in the FEIS. See the DEIS and FEIS, Chapter 2.*

3004 Alternatives

11.2 Vegetation - We supported the preferred alternative, with the following exception: Acres disposed - 26 acres were referred to. More information is necessary before we can take a position. Which specific acres are in question? Are these acres being disposed of in conjunction with a land exchange?

Response: *For specifics on which acres are proposed for disposal, see Chapter 3, Agricultural Lands, Common to All Alternatives. These lands are identified for disposal through the land exchange process for lands of equal or greater value within the Wild and Scenic River Corridor. No land exchange is identified at this time, however these lands will be put on the exchange list when a land exchange opportunity arises.*

3006 Special Status Species

C-038.24 A new alternative is needed for Special Status plants - which all special status plants on BLM managed lands are protected from livestock grazing. This includes the entire area, allowing plants to colonize new areas, not just small patches protected by fences.

Response: *Opinion statement requiring no response.*

3100 WATER QUANTITY AND QUALITY

3101 Water Quantity and Quality in General

30.35 I support bank stabilization and hope BLM continues to be creative in stabilizing banks in a visually sensitive manner.

Response: *Wording in the Draft EIS suggested that direct actions with regard to stream restoration were being considered but not described, this is not accurate, there are no direct stream restoration actions planned as a result of the EIS, and as noted in Chapter 3 - Riparian and Aquatic Habitat Restoration in the Final EIS - any direct stream restoration project will be scrutinized and collaborated with various agencies including NMFS for compliance with steelhead restoration goals. The plan relies on indirect riparian restoration results through vegetative management and proper livestock grazing (grazing oriented to promote riparian growth and recovery).*

B-042.20 The proposed action violates the Clean Water Act. All alternatives, and all activities pursuant to those alternatives, must result in meeting all Oregon State Water Quality Standards. In addition, annual monitoring must be incorporated and implemented to assure that the standard is met and included as a requirement for any permitted use as part of the final decision. The current proposals do not demonstrate how water quality standards will be met.

Response: *It is incorrect that activities under the plan "must result in meeting all Oregon State Water Quality Standards." Because BLM manages only a small proportion of the land in the John Day Basin, and because water quality in the river is governed almost entirely by activities that are outside of BLM's control, it would be impossible for the river plan alone to "result in meeting" the state's water quality standards. BLM is, however, required to comply with Oregon's water quality standards by not causing exceedance of those standards. (33 U.S.C. § 1323(a).) In addition, the Wild and Scenic Rivers Act requires BLM to cooperate with the State of Oregon for the purpose of "eliminating or diminishing" water pollution in the John Day River (16 U.S.C. § 1283(c)), and BLM has done so, by developing this plan in cooperation with the State, and by taking a number of other actions. Many stream miles within the John Day River basin are listed as water quality limited mostly with respect to maximum summer water temperatures. Beginning in 1992 the BLM instituted a water temperature monitoring program throughout the John Day Basin to assess attainment of and progress towards the ODEQ water quality standard. A range of alternatives promoting natural recovery of vegetation as addressed on pp. 119-120 and pp. 135-151, indirectly affect water quality. In addition Water Quality Restoration Plans and Total Maximum Daily Load procedures are forthcoming in the basin to address attainment of water quality standards specifically. One of the first steps in these procedures is to assess applicability of the current standard - for example the current standard was determined with respect to the beneficial activity - anadromous fish within the basin. The lower mainstem John Day River from Kimberly to the mouth exceeds the state standard, however, during the time the standard is exceeded the beneficial activity for which the standard was set (anadromous fish) are not present (i.e. the mainstem below Kimberly is an adult/smolt migratory corridor during winter and spring, not a summer rearing area). Additional description of water quality and monitoring has been added to the final EIS. See chapters 2 and 3.*

C-029.15 Water quality improvement processes need to begin for the entire John Day River Basin. BLM should instigate a TMDL or similar process with the Oregon Dept. of Env. Quality, ODFW, ODF, EPA, USFS, County Governments and City Governments. Water quality problems are coming from BLM lands as well as from the entire basin. Poor water quality currently impacts many values associated with the John Day River.

Response: *The schedule for the John Day Basin is as follows: North Fork and Middle Fork 2003, Upper John Day 2004, and Lower John Day 2005. The Oregon Department of Environmental Quality developed the TMDL schedule and used a prioritization process that was developed with the Water Quality Standards Policy Advisory Committee in 1997. The process assigns four levels of priorities with the highest priority to sub-basins that contain water quality problems that affect Threatened and Endangered Fish Species or Human Health. The 1998 303(d) list was reviewed to determine if the priority would change based on new listings. In a few cases, the priority was changed. Again, the ODEQ has determined the TMDL schedule for the entire John Day River Basin.*

C-029.19 The management plan ignores the smaller but significant tributaries and ephemeral streams that flow into the John Day River. The degraded condition of the riparian areas in many of these streams has a direct impact to the water quality in the John Day River. Language in the draft suggests that water quality problems are derived from upstream and this is true in part. However small tributaries contribute heavily to water quality problems. This can be verified during any given spring by examining the sediment load (pollution) of ephemeral streams and desert washes. Protection of these smaller watersheds would make a difference in both the aesthetic quality of the area as well as the water quality of the mainstem.

Response: *The partners in this plan recognize their extremely limited ability to affect measurable change in John Day River resource conditions such as water quality and quantity and vegetative composition. This is because this plan focuses on the river corridor and directly effects only about 2% of land in the basin. This means that about 98% of land in the basin is managed by people and agencies which are not bound by the decisions in this plan. Decisions in this plan apply to about 10% of river and stream mileage in the basin and the partners in this plan manage about 20% of land adjacent to the river within the planning area. The partners recognize the role of tributary streams to the mainstem river, however; specific management of these areas is outside the scope of the plan and are addressed in other land use plans. The partners will continue to pursue improvement and enhancement of river values by improving and enhancing lands which they manage and will encourage and support management actions outside of the planning area that would support desired instream conditions within the planning area.*

H-042.1 What happens year after year on the lower river in late summer and early fall? It practically dies for lack of water! I have walked across the John Day at Cottonwood Canyon in August without wetting a foot, stepping from one dry-topped cobble to another while a mere trickle of water flowed between. I have often seen the river from Bridge Creek down reduced to a series of shallow pools connected by thin streams of murky water, while the irrigation pumps whirred away, sucking at this pitiful remnant of river. I find this chronic condition appalling and intolerable, and I do not see it addressed in the Draft statement. Table II-U on p. 53 of Volume I shows stream flows in the John Day. I am not surprised to note that at Service Creek, flows fall below both the "Scenic Flow" and the minimum "Fish Flows" in the months of August, September, and October. And this is Service Creek.

Response: *The BLM manages about 700 acres (1.0%) of the irrigated land and associated water rights within the basin and is potentially responsible for approximately 0.8% of the total irrigation use (OWRD, 1986). Of the 700 acres approximately 385 acres or 0.6% of the total irrigated agriculture land in the basin are within the John Day WSR and account for 0.5% of the total irrigation use in the*

basin. In the late 1970's, the BLM began a nationwide effort to identify historic unauthorized agricultural use and to manage that use under agricultural leases. There are four sites along the river where public land is a small part of a larger privately owned field. These fields were developed as part of a private enterprise before land ownership boundaries were clearly identified.

In addition to the 164 acres of non-commodity agriculture land with water rights within the Wild and Scenic River corridor there is approximately another 145 acres outside the Wild and Scenic River corridor. These lands currently have an active weed management programs, are planted into wildlife food and cover crops, or for native hardwoods and shrub propagation. Rehabilitation of these fields has resulted in a backlog of work for the BLM.

The BLM also has several upland agricultural leases. With one exception at river mile 86 on the east side of the river, they are located outside of the river corridor and are therefore outside the scope of this plan.

H-043.4 How many eastern Oregon towns have their sewage pumped into the John Day? I hear Fossil for one. How many others?

Response: *Although both Condon and Fossil previously discharged city waste water into the John Day River, they have both received recent upgrades which have improved the quality of the effluent. Other cities, like Dayville, are upgrading their water systems from septic tanks to city sewer systems. Prairie City currently has a temporary permit to discharge 40 days per year, but they are working to remedy the problem. Most other towns in the basin either treat their waste or use individual septic tanks throughout the town.*

W-001.2 The BLM, in conjunction with all the other managing agencies, should aggressively pursue the acquisition of any and all water rights that become available and convert those water rights into guaranteed in-stream flows.

Response: *Three state agencies are authorized to request instream water rights. The Oregon Department of Fish and Wildlife may request instream rights for public uses relating to the conservation, maintenance, and enhancement of aquatic and fish life, wildlife, and their habitat. The ODEQ may request instream rights to protect and maintain water quality standards established by the Environmental Quality Commission. The Oregon State Parks and Recreation Department may request instream rights for public uses related to recreation and scenic attraction. About 50% of BLM's existing water rights are maintained instream through non-use or instream lease agreements with OWRD. The remaining water rights are used to irrigate wildlife food and cover plots, cottonwood nursery areas or maintain agricultural lands in a weed free condition pending conversion to native vegetation.*

W-025.2 Water quality is probably the single most important issue in the planning area, particularly as it affects salmonids and other cold water species. Low summer flows and high temperatures are almost universally limiting factors throughout the watershed, particularly in all areas downstream from National Forest boundaries. The primary management factors contributing to these water quality problems are irrigation and grazing.

Response: *See response to W-026.3 in 3101 - Water Quantity and Quality in General.*

W-026.3 Summer/early fall stream flows are very low (sometimes less than 100 cfs) and very warm (water temperatures are in violation of state water quality standards). Summer steelhead are blocked from moving up into the river until air temperatures moderate, fall rains, begin and irrigation withdrawals terminate. Excessive irrigation withdrawals along with over-grazed uplands and a virtually non existent riparian vegetation zone are the chief culprits behind the poor water quality and low flow levels.

Response: *Water quality, specifically with regard to temperature, is a multifaceted concern. Stream orientation, channel morphology, stream flow, gradient, riparian shade, groundwater input, elevation, local weather conditions, and other factors all contribute to stream water temperature. Historically uses such as improper livestock grazing, timber harvest, mining operations which have removed stream-side vegetation and lead to changes in channel morphology and groundwater inputs along with irrigation withdrawals have impacted water temperature. As addressed in Chapter 3, with respect to Grazing and Agricultural Lands alternatives, the partners are managing to promote recovery of riparian vegetation, which affect water quality and stream flows, and in turn protect and enhance the designated ORV's.*

Y-001.21 We note on page 8 of the DEIS, the following statement: "Cattle feedlots along the stream have been identified as point sources of pollution". We note that to the extent these feeding operations are defined as CAFO's then it is correct to reference them as point sources, however if they are not CAFO's then the statement is incorrect.

Response: *The FIES has been modified to note that some livestock feeding operations along the stream could potentially be identified as point sources of pollution.*

3104 Alternatives

11.14 We support the Preferred Alternatives for Water Quality and Quantity.

Response: *Your preference has been noted and taken into consideration.*

3200 WILD AND SCENIC RIVERS

10.1 By designating, then advertising any waterway as 'Wild and Scenic' state and federal agencies are inviting a national public to target specific areas to visit. The result is usually 'over use' — a condition created by government actions. I oppose designations such as 'Wild and Scenic Rivers' (legislation) simply because of conditions materializing and referred to in this Environmental Impact Statement, and that indicated by management plans as unsatisfactory.

Response: *Designating a Wild and Scenic River is a federal designation that can only be done by the US Congress. The partners in this plan have no control over designation. The partners further do not advertise the designation. The partners in this plan are merely undertaking the mandate of Congress to write a management plan for the Wild and Scenic River.*

10.2 Your management plans appear to try to overhaul the area to duplicate what it was like a thousand years ago. Is this going to be the goal of future management? Is this why your terminology is so wish-washy with phrases as 'modify as needed' 'adjusted as needed' or 'to be determined'?

Response: *The management plan contains descriptions of "Desired Future Condition" for the river. These conditions do not try to restore the area to conditions of a thousand years ago. The describe a healthy ecosystem that protect and enhance outstandingly remarkable river values and allow for compatible public use.*

10.3 Before designation as a Wild and Scenic River, visitors to the area were satisfied with it the way it was before designation. When these rivers went into Wild and Scenic the public was led to believe the measure was simply to stop dams. Why has it turned into a land grab? Why more regulations that will cost more to police? Why not manage the area to respect agrarian operations? Is agricultural activities disgraceful now?

Response: *Management of Wild and Scenic Rivers is guided by the Wild and Scenic Rivers Act and by many amendments to the act. There has also been past and recent court rulings which have added further guidance. This plan is in compliance with congressional guidance and court rulings.*

B-008.28 Classifying a body of water a Scenic River ultimately means making the waterway more scenic. A more romantic perception would be to put the area back to where it might of been prior to homesteading and economic development. In reality, it seems to be creating a fantasy boat trip in brightly colored rafts, tents, playing loud music from portable tape players, trespassing, discarding garbage and being offended by the sight of a fence or a cow. Local residents and landowners must make permanent and costly adjustments to a few visitors can consider a wild and scenic river a private playground.

Response: *Opinion, no response required.*

B-042.18 The Plan violates the Wild and Scenic Rivers Act.The draft Plan fails to protect and enhance the identified outstandingly remarkable and significant values for the land within the designated Wild and Scenic segments of the John Day River in violation of the Wild and Scenic Rivers Act. The Plan is in violation as follows:

By continuing to allow grazing on the WSR, the Plan is allowing continued degradation of the river by cattle-caused erosion of sediments into the stream, loss of shade, loss of tall vegetation to rebuild stream banks,

addition of pathogenic fecal matter, and loss of wildlife that require untrampled, uncompacted soils.
By continuing to allow grazing on the river, the Plan prevents attainment of, or at a minimum, retards the rate of recovery of the river and riparian ecosystems.

By allowing livestock grazing in or near campsites, recreational camping will continue to be degraded by cattle dung, smell of waste, and disturbances in camp sites.

By continuing to allow grazing, riparian trees, which are in critically short supply in the WSR, will be browsed and not allowed to grow into dense stands that provide shade for the river and habitat for wildlife species.

By removing water from the river for agricultural activities, water will not be available to salmon and other wildlife.

By leasing BLM lands for agricultural activities, less land is available to provide habitat for wildlife, for flood plains, and for general recovery.

By allowing grazing, cattle introduce weed seeds into the WSR corridor, disturb the soil surface, and reduce the ability of native species to outcompete weedy species. In other words, the Plan allows continued degradation of the corridor by weed invasions resulting from livestock grazing.

By not removing cattle from the adjacent BLM-managed uplands, weeds will continue to invade, native species will decline, fire hazards will increase and soils will be compacted causing more overland flow and floods.

By not removing cattle from BLM-managed forestlands, these forests will continue to develop into thickets that harbor insect pests and are highly flammable.

The current Draft Plan is not aggressive enough to restore the John Day WSR in a timely fashion. The Draft Plan still retards recovery of the riparian communities and prevents attainment of the potential natural communities of the River. Only in the absence of livestock can the full expression of the plant and wildlife communities be attained. The situation requires immediate elimination of livestock grazing in the river corridor to bring this last free-flowing river back to health.

Response: *The BLM strongly disagrees that the proposed actions violates the Wild and Scenic Rivers Act. The Environmental Consequences Chapter shows that as a result of implementing the proposed actions, the river values would be protected and enhanced under all alternatives. Responses to your contended points of violation have been addressed in responses to specific comments earlier in this letter.*

W-023.6 Congress has determined that the outstanding character of the designated segments of the John Day River system are of national significance and worthy of inclusion in the National Wild and Scenic Rivers system. However, the Plan provides no recognition of the stature afforded this area by Congress and is almost ho-hum about its obligations to protect and enhance this national treasure. We urge the BLM to take seriously its management planning responsibility under the Wild and Scenic Rivers Act as well as its conservation obligations under the federal Endangered Species Act. Thank you again for this opportunity to comment.

Response: *The partners in this plan have taken seriously the responsibility for managing a congressionally designated wild and Scenic River. See 3200, 10.3.*

W-026.4 Two Hundred Forty Eight stream miles including the lower and middle mainstem, the North Fork and the South Fork were designated as National Wild and Scenic Waters in 1988. Such waters are to be managed to protect their “Outstanding Values” which are wild fish, recreation and scenery. Grazing and irrigation are not listed as

Outstanding Values. Twelve years later both destructive uses continue and native salmonid populations continue to slide.

Response: *This statement is incorrect. Destructive uses do not continue on public land and inventories have clearly shown that river conditions and values are improving.*

Y-001.5 We note that the Committee Report for the Omnibus Oregon Wild and Scenic Rivers Act expressly noted that timber harvest is a statutorily accepted management activity on public lands and that it was not Congress' intent to create de facto river boundaries on land beyond the designated corridors. We suggest that the DEIS be closely examined to insure this congressional intent is being followed.

Response: *See response to Y-001.16 in 3200 - Wild and Scenic Rivers .*

Y-001.6 In reviewing the DEIS we note that it has significantly departed from Sen. Hatfield's guiding statement that: "While viewsheds and other values need to be protected, this should not be construed to mean that timber harvesting, and associated road and bridge construction necessary to accomplish that harvesting, not occur on adjacent lands or even within the designated scenic or recreational river area corridors." This statement of intent is significant in that it provides a context for the protect and enhance provisions contained in the Oregon Omnibus Wild and Scenic Rivers Act. We note both the federal management plan and the state plan depart from this legislative intent.

Response: *See response to Y-001.16 in 3200 - Wild and Scenic Rivers*

Y-001.10 The non-consumptive uses of water for the federal wild and scenic rivers should be quantified in this decision making process. White papers prepared for the "Source Book" identified this as an important issue to be addressed in management plans.

Response: *The plan documents and quantifies all water rights held by the BLM and describes consumptive and non-consumptive uses by segment, please see the Chapter 2 discussion in the final.*

Y-001.11 Since the Oregon Omnibus Wild and Scenic Rivers Act (OOWSRA) required the Secretary to enter into a cooperative agreement with the State of Oregon relative to management of the segment from Service Creek to Tumwater, we suggest this management agreement be included in the appendix.

Response: *The OOWSRA does not require the Secretary to enter into a cooperative agreement with the state. The act requires that BLM manage the Wild and Scenic River in cooperation with the State of Oregon, which is indeed the case.*

Y-001.15 Since Executive Order 12630 was adopted in response to issues raised during the debates over the OOWSRA, we suggest that this executive order be incorporated into the plan. For further background on this issue we reference you to the OOWSRA signing statement issued by President Ronald Reagan.

Response: *See response to Y-001.16 in 3200 - Wild and Scenic Rivers.*

Y-001.16 To the extent that the management plan attempts to undo developments which are already in place or otherwise interfere with existing activities, the management plan is inconsistent with the legislative intent (See Sen Hatfield comments Cong. Rec. Oct. 7, 1988, p. S15243). As noted by the chief sponsor of the OOWSRA, Sen. Hatfield: "The act does not attempt to undo developments which are already in place, nor does it attempt to interfere with activities which already exist in the designated river area. For example, timber harvesting, mining, agriculture, grazing, and recreational uses are all grand-fathered uses in the act and are allowed to continue to the extent they are currently practiced." For example, if a rancher has cattle grazing in a designated river corridor - even in a wild river corridor - that grazing would be allowed to continue. In fact, with our programs designed to enhance and restore riparian areas from overgrazing, I can envision the day when it would be possible for grazing units to increase with improved riparian management. Or, if a farmer were raising crops in a river area, he or she would be free to continue that activity. If a farmer were raising corn, and wanted to shift to a different crop, that would also be allowed. We suggest that the plan incorporate these statements and be edited to remove all reference that conflict with these statements.

Response: *BLM has closely applied the terms of the WSRA in the Plan. Of particular importance are several decisions by federal courts in Oregon interpreting the WSRA including ONDA v. Green 953 F.Supp. 1133 (D.Or. 1997); ONDA v. Singleton, 47 F.Supp.2d 1182 (D.Or. Nov. 3, 1998); and NWF v. Cosgriffe, 21 F.Supp. 2d 1211 (D. Or. 1998). In ONDA v. Green, 953 F.Supp. at 1144, the Court held that the plain meaning of the statute rather than the legislative history governs with regard to existing uses such as livestock grazing and the Court concluded that cattle grazing may only continue in accordance with "the stricture of the WSRA to protect and enhance."*

Y-001.22 Any statement relative to historic practices affecting the river should also include statements as to the time period in which these activities occurred; differences between past management and current management; present conditions; and, a comparison to the existing condition. It is important to note that the WSRA designation does not mandate management to take the river back to a pre-settlement condition, rather the designation was relative to conditions as they existed at the time of designation.

Response: *BLM has distinguished between past and present management where applicable. Recent court decisions have ruled that managing agency must protect and enhance river values. See response to Y-001.16 in 3200 - Wild and Scenic Rivers above.*

Y-001.30 It is unclear which of the management actions are authorized by the BLM authority under the WSRA as opposed to those authorized by the State of Oregon's Scenic Waterway program. Since it is conceivable that the one or the other agency may not adopt the plan in its current form, it would be worthwhile to clearly identify the authority for each provision of the plan.

Response: *See response to Y-001.17 in 404 - Planning Process.*

3300 WILDERNESS

G-002.3 Wilderness designation in the Clarno to Cottonwood segment (for example) would result in decision making shifting from a local to a national level, decreasing effectiveness of management.

Response: *Opinion, requires no response.*

S-043.8 We therefore recommend the Plan take a much closer look at the kinds of policies that should be adopted now that lead in the direction of a wilderness and solitude-driven use, rather than recreation.

Response: *Congress included 'recreational opportunities' among the river values for which the John Day was designated a Wild and Scenic River. The WSRA mandates the managing agency to protect and enhance the values for which the river is designated. However, there are a variety of recreation experiences that public lands can provide. A 'recreation opportunity spectrum' analysis performed by the planning team concluded that segment 2 should be managed for more solitude and primitiveness than the other segments of the river. To that end, several alternatives have been developed which are consistent with that direction. For example, grazing Alternatives A, B, and D limit the intrusion of fences into public lands in the area to limit the evidence of human activity. See also motorized boating and boating use levels.*

For better or worse, the John Day is a Wild and Scenic River for which there is a close connection with several established communities. The majority of the river (all except for portions administered by the Forest Service) was classified as a 'Recreational' Wild and Scenic River. Congress was cognizant of its power to classify small portions of the river as 'Wild', which is the most restrictive of the possible classifications, and chose not to do so in the case of Segment 2. The 'Recreational' classification infers that the river is 'readily accessible', to seek to change segment 2 too greatly from its current character might not be consistent with the intent of its designation.

3400 WILDLIFE

3401 Wildlife in General

W-008.2 Insects are not discussed anywhere in the plan. As an example, the Monarch Butterfly is a declining species in the basin and was once very common during the summer months.

Response: *We agree that all invertebrates, including insects, are important in ecosystem function. Invertebrates use a variety of habitat patches and microsites in forests and rangelands that include tree, shrub, herbaceous and grass canopies, downed wood, snags, flowers, plant litter, and soils. Habitats requirements of invertebrates are generally at a scale so fine that it is difficult to precisely establish their current condition or status.*

Monarch butterflies are declining throughout the west. We don't know what that means for the John Day Basin. Monarch butterflies are a species that migrates and any declines could have as much to do with their wintering habitat as the habitat in the John Day Basin.

B-008.3 Except for listing the Northern Sagebrush Lizard, it would appear no other reptiles have been studied. The only discussion on the human impact upon reptiles found in Vol. I, page 203. The source came from a reference dated 1986 and suggested that the most likely threat to reptiles was children and their pets. (I was very amused with this conclusion). In truth, reptiles are destroyed by vehicle traffic, the deliberate killing by persons hunting snakes, fires and destroying reptiles because people fear them.

Response: *Page 43 and 44 of the DEIS states there are 20 herptile (amphibian and reptile) species that use the High Lava Plains province and 17 that use the Blue Mountains province. We know what species of reptiles have the potential to occur within habitats in the river corridor and have several documented observances. To our knowledge there are no specific studies on reptiles in this area. We do acknowledge that herptile diversity is often times a good indicator of ecosystem health.*

We agree that vehicles, deliberate killing and fires are often causes of reptile mortality. The referred to discussion on the impacts to reptiles was not intended to single out children and pets and has been changed. The impacts were being described in the context of recreational activities and impacts of those activities to wildlife in general, which includes reptiles.

B-008.5 Very little attention has been given to the possible human impact on nesting Golden and Bald Eagles or Ospreys by whitewater rafters or the impact from dispersed camping. Based on these results (see referenced studies in letter), it is recommended that buffer zones of 400m to 800m around high-use foraging areas and 500m around active nests of bald eagles as the most appropriate management strategies to alleviate the influence of boating and camping, respectively.

Response: *While a species by species impact analysis was not done, impacts of recreational activity on wildlife, in general, is discussed in Chapter 5 under "Impacts of Recreational Activity on Wildlife" which would include possible impacts to these species. We agree that it is possible for recreational users on the river to impact nesting Golden eagles and Ospreys. In the John Day River corridor, Golden eagles generally nest on cliffs that are away from the river's edge and away from the majority of recreational activity. Ospreys, on the other hand, many times nest on the rivers edge and can come into close contact with human activity. If it is determined that harassment or harm to a specific nesting*

pair Golden Eagles or Ospreys by humans is a problem, the BLM and ODFW would take appropriate action to mitigate such activities. There are no known Bald Eagle nests in the John Day Wild and Scenic River corridor at this time. Therefore, the recommended buffer zones to alleviate the influence of boating and camping activities on Bald Eagle nests in not needed. We do agree that buffer zones of this type are highly beneficial where appropriate.

B-008.6 A species that is being impacted by humans is the Canadian Goose. The only reference to human impact on nesting geese is in Vol. I, pages 203-205. Here the study was made along the Columbia River but the location of the study was not given. The effect on the birds by boating was not included in the study. Perhaps no studies have been made on the John Day River! My own observations, and those of other observers, suggest boating is having an adverse affect on nesting Canadian Geese and the Cinnamon Teal over the last 8 years, especially in segments 2, 3, and 4.

Response: *There are several studies on the impacts to nesting and brood rearing Canada geese cited in Chapter 5 under the "Impacts of Recreational Activity to Wildlife" section. This chapter is designed to give the reader an overview of the impacts of recreational activity to wildlife The reader is referred to two bibliographies relating to this subject that were used in the impact analysis process: 1) Dahlgren, R.B. and C.E. Korschgen. 1992. Human Disturbances of Waterfowl: An Annotated Bibliography. U.S. Dept. of the Interior; Fish and Wildlife Service. Resource Publication 188. This publication contains annotations for 211 articles on the human disturbances of waterfowl. 2) York, D. 1994. Recreational-Boating Disturbances of Natural Communities and Wildlife: An Annotated Bibliography. U.S. Dept. of Commerce. National Biological Survey. Biological Report 22. This publication contains 111 annotations on a wide array of boating disturbances. Copies of both of these publications may be obtained from the Publications Unit, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mail Stop 130, Webb Building, Washington, DC 20240 (call 703-358-1711), or may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161 (call 1-800-553-6847). To the best of our knowledge no studies on waterfowl or waterfowl disturbance by recreational activity have occurred on John Day River.*

C-029.17 Restore, maintain and enhance watering facilities for wildlife (developed springs and guzzlers).

Response: These management actions are covered in Chapter 3 under Wildlife in Issues Resolved by Continuing Existing Management.

3404 Alternatives

11.13 We support the Preferred Alternatives for Wildlife.

Response: Opinion, no response needed.

C-038.23 A new alternative is needed to reduce fencing (and therefore harm to wildlife) by eliminating livestock grazing with the WRS boundary and on adjacent BLM lands.

Response: *A new alternative is not needed. Fencing is the product of livestock management. On public land, fence construction specifications mitigate the barriers and hazards to wildlife. The grazing alternatives address the adverse impact on wildlife movement. The planning partners strived to minimize barriers by selecting Alternative B. Alternative B reduces fences to the minimum thought possible to achieve various (riparian, recreation, scenery, etc.) management goals.*

Each alternative was designed to utilize the minimum amount of fence needed to achieve the objectives of the alternative. Given the assumption that, in most cases, grazing on private and public lands outside the Wild and Scenic River boundaries will continue despite elimination of grazing on public lands within the boundaries. The request to reduce fencing is inconsistent with Alternative D. This combination assumes that livestock grazing can be eliminated from surrounding private lands by ceasing to issue grazing permits for public lands within the Wild and Scenic River boundaries. The BLM does not consider this to be a realistic assumption. In fact, exclusion of grazing from the Wild and Scenic River Corridor would increase the fencing necessary on private lands to enable landowners to continue grazing on their own property. Furthermore, landowners could not be required to fence their own property with construction specifications that would mitigate barriers and hazards to wildlife.

3406 Special Status Species

B-008.1 Endangered and threatened wildlife or wildlife species of concern are not discussed adequately in either volume. There are a number of wildlife species whose population and diversity fall below the state average along the John Day River.

Response: *Threatened and Endangered wildlife species are discussed in detail in Chapter 2 under "Special Status Wildlife". A complete list of Special Status wildlife species is included in Appendix E. The impacts to these species from various activities are included in Chapter 5 under "Impacts to Wildlife". While each special status species was not listed and discussed in detail, impacts were included in Chapter 5 which include all wildlife, including Special Status Species.*

B-008.7 Mountain Quail are under study by the Oregon Department of Fish and Wildlife and should be included as a "species of concern" in the draft management plan for the John Day River.

Response: The Mountain Quail is considered a Bureau Tracking (BT) species in Oregon. The BLM collects occurrence data on BT species which may become a concern in the future. BT species are not considered as special status species for management purposes until the status of such species changes. A Petition for Rules to List Mountain Quail (Oreortyx pictus) in the Northern and Western Great Basin and the Interior Columbia Basin and Lands Westward to the Cascade Crest as Threatened or Endangered Under the Endangered Species Act was filed on March 15, 2000. If it is determined that the Mountain Quail warrants additional protection, the status will be upgraded accordingly and additional protective measures implemented.

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BUREAU OF LAND MANAGEMENT
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