U.S. Department of the Interior
Bureau of Land Management

Prineville District Office
185 East 4th Street
Prineville, Oregon 97754

Final - Lower Deschutes River Management Plan and Environmental Impact Statement

Volume II
Public Comment & Response

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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Final
Lower Deschutes River Management Plan and Environmental Impact Statement

Volume II
Public Comment & Response

Volume 2

A. Consultation and Distribution

1. Agencies and Organizations Commenting on the Draft Plan and Environmental Impact Statement

The following agencies and governing bodies responded to the draft plan/EIS:

1 Environmental Protection Agency
2 National Park Service
3 US Fish and Wildlife Service
4 US Department of Justice
5 Bureau of Reclamation
6 Columbia River InterTribal Fish Commission
7 State Department of Environmental Quality
8 Oregon Department of Fish and Wildlife
9 Oregon State Marine Board
10 Division of State Lands
11 State Department of Forestry
12 State Senator, Joyce Cohen
13 State Representative, Carl Hosticka
14 Sherman County
15 Deschutes County
16 Linn County
17 City of Maupin
18 City of Portland, Mayor
19 City of Portland, Department of Public Utilities

Copies of their letters have been included in this document.

The following organizations responded to the plan:

Alumaweld Boats Inc.
America Outdoors
American Whitewater Affiliation
Anglers' Club of Portland
Arnie's Restaurant and Bar
Association of Northwest Steelheaders
California Academy of Scientists
Deixis Environmental Consultants
Deschutes River Adventurers
Deschutes River Public Outfitters
Disabled Citizens' Association
Easter Seals
Fly Fishing Shop
National Organization for River Sports
Northwest Environmental Defense Center
Northwest Rafters Association
Northwest Mining Association
Oregon Cattlemen's Association
Oregon Equestrian Trails
Oregon Guides and Packers
Outward Bound
Portland General Electric
Private Lands Committee
Reed College, PE Department
Rest the West
River Drifters
Santiam Flycasters
Sherman County Cattlemen's Association
Sherman County Historical Society
Sherman County Weed Control District
SOAR
The Dalles Convention and Visitors Bureau
The Dalles Rod and Gun Club
The Wilderness Society
Wenatchee River Outfitters
Wild Water Adventurers
Wildwater River Tours
Willamette Kayak and Canoe Club
Yakima Valley Interns
Yamhill County Mounted Sheriff's Posse

B. Public Comments

Introduction

This section summarizes public comment, received by the Deschutes River Policy Group from May through October, 1991, in response to the Lower Deschutes River Management Plan and Environmental Impact Statement. This summary was compiled by O'Neill and Company Inc. of Portland, Oregon after their analysis of nearly 1,700 oral and written public comments submitted for consideration by the policy group. It profiles the type and frequency of responses from organizations, government, business and individuals.

One thousand, six hundred fifty-five responses were received by the Deschutes River Coordinator at Oregon State Parks and Recreation Department in reaction to the public's concern over the future of the Deschutes River.

Respondents chose a variety of ways to express their opinions on the Lower Deschutes River Management Plan and Environmental Impact Statement (the Plan) developed in draft form in May 1991. While some

people do not directly address the Plan itself, each response addresses the issues proposed to be dealt with in the Plan.

It is significant to note that 850 people (51%) chose the most common form of response, the form letter, to express their views on the future of the Deschutes. One form letter in particular is present in large numbers, account for 90+% of all form letters received. A copy of this letter is included at the end of this section.

While most of these particular form letters were simply signed and sent, some people utilized them to express opposing positions by adding negatives (i.e. "not" between "I do" and "believe"), scratching out sentences, or adding a written rejection of the letter's contents at the bottom. Those responses which negated the contents of the form letters were included in the individual response rate.

A few other people express anger at being given a form letter, for example, one respondent stated:

As we were camping, we were approached by people handing these (letters) out. It makes me mad when a greedy interest group can interrupt my family's vacation to spread this kind of stuff around.

Overall, individual responses accounted for 26% of the opinions received. These were most likely to be thoughtfully written letters with urgent messages. Many were several pages long, and all reflected a sense of concern. These letters usually included explanations of the respondent's connection to the Deschutes. Some families used this opportunity to express a common opinion by having each member write.

Petitions were also utilized to give an opinion from a group with common interests. Several petitions with various views accounted for 19% of responses received. They ranged in numbers of respondents per petition from 12 to 65.

The remainder of the responses (less than 1%) came from oral testimony resulting from ten public hearings held throughout the state. Much of this testimony was followed up by an individual response.

The following table enumerates the source of responses submitted to the policy group as of October 30, 1991.

This does not include 264 public comments which were directed solely at the BLM in response to the Supplement to the Draft Management Plan/Environmental Impact Statement. These letters and testimony are addressed later in this document.

Source of Responses

Base: Total Respondents	**(1655)**
	%
Form letter	51
Individual letter	26
Petition	19
Testimony from hearings	3
Source uncertain	*

*Less than 0.5%

General Observations

It is apparent from reading their letters that these respondents represent an array of backgrounds and opinions, and are as varied in their views as they are in their uses of the river. Many responses expressed strong opinions on the environmental aspects of managing the river. These views ranged from one extreme:

Take everyone off the river until it can heal itself!

to another:

I haven't seen any impact on the river from humans...until it really gets to be a problem we should just leave it the way it is.

Others indicate a great concern for the financial aspects of possible changes in the management of the river. These responses also cover a wide variety of views and interests, from the highly personal to concern for the towns, and even the state, which would be affected by decisions governing the Deschutes.

Oregon can't afford to limit usage of the river, even with increased fees.

The only reason we can afford to live here is because of the Deschutes - every business here would have to close if people stopped coming.

Whatever the interest in the river, and however varied the opinions are, one common thread is woven throughout the responses. Each person who wrote is deeply concerned about the future of the river and the decisions which must be made to determine its future. Most individual responses are written in "loud voices", strong with convictions that come from an issue considered significant to people of all types and for all reasons.

Individual respondents tend to express a connection to the river that is highly personal. Overall, they display a desire to protect the river as they would their own personal property. The primary division in opinion may be found in whether they view "their property" purely as a source of pleasure or as an income-provider as well. This creates the clearest split in reactions to the plan, and both sides include equally adamant opinions. This is often mentioned as an argument about whether the Deschutes may be classified as a scenic wilderness area or as a recreational river.

The Deschutes has been a recreational river for some time...don't try to kid yourself into thinking you can ever make it a wilderness area again.

I've never been to a river more scenic than the Deschutes, especially the way it was only a few years back. We should all have access to it, but to keep it scenic, we should only go for the purpose of enjoying the scenery.

Some respondents wrote to offer the policy group encouragement, or simply to express their own confusion from the complexity of the issues involved.

(The Plan) is impressive and thorough, but I'm still not sure which alternative would really do the most good for the most people. It's confusing!

Good luck in saving the Deschutes! Any way you move, some people are going to be unhappy.

Although the respondents' opinions often are a direct result of their interests in the river as a form of recreation or livelihood, many views are present which do not correspond to either. That is, many responses come from people who presently spend little or no time in contact with the river at all. While this is certainly not the usual case, there are enough letters of this sort to warrant observation as an illustration of how intensely the Deschutes has affected, and will continue to affect people's lives.

I haven't been on the Deschutes for over ten years, but I spent fifty years before that going every year. I saw it then starting to get crowded. Do whatever has to be done to keep it like it was.

One respondent sent a picture of the river with his letter. Others told stories of their own experiences. While the whole of these responses had little real bearing on the major conclusions of this report, they do indicate how meaningful the Deschutes is in many people's lives.

Findings by Issue

The topics addressed in the Plan represent issues which are complex and vital to the future of the Deschutes. Responses to the Plan are also often complex, covering an array of topics and addressing many issues individually. While some responses centered around a particular topic, many people addressed several issues. The percentages used in the analysis for each issue below are based on the number of responses received about each specific issue.

Reaction to the Preferred Alternative

Seventy-one percent of all responses indicate their feelings about the Preferred Alternative.

Twenty-four percent of those who did so favor the Preferred Alternative. Of these, many include points of disagreement while favoring the Preferred Alternative overall. Some respondents admit to preferring other alternatives for their own personal use, but concede that the Preferred Alternative represents the most number of people in the fairest manner.

Although I prefer Alternative 4 for myself, I think it is an unrealistic compromise for the entire community. I feel the Preferred Alternative is a realistic compromise.

Others in favor of the Preferred Alternative voice very strong feelings of agreement to all aspects of the Plan.

Everything in the Preferred Alternative is way overdue!

Now that you've found the right ways to help the Deschutes, I hope you'll put it to work immediately.

Four percent who address the Preferred Alternative oppose the Plan on the basis that it is too restrictive overall. These letters generally express opinions that action from a management team is unnecessary, or that a particular issue has been dealt with too extremely in the Preferred Alternative.

The Preferred Alternative is too extreme in its regulations for the activities I enjoy most on the river, mostly jetboating and camping.

Four responses say that the Preferred Alternative is not restrictive enough.

Fifty-eight percent of respondents chose another plan besides the Preferred Alternative. Most can be attributed to the form letter which supports the Deschutes River Recreation Coalition's Alternative Plan. A copy of

this letter is included at the end of this section.

Another 13 percent are generally opposed to the Preferred Alternative, but they do not indicate which, if any, plan they favor.

Motorized Boating

The issue of motorized boating is the most commonly addressed topic, mentioned by 40 percent of all respondents (658). It also stands out as the most fervently debated issue in the responses. People seem to feel more strongly about the pros and cons of motorized boating than any other single issue, a trend that has been found consistently in proposed changes for the Deschutes. A desire to compromise from either side of this issue cannot be found in those comments.

More than half of all responses (52 percent) which address motorized boating agree with the Plan's approach to this issue.

Twenty-nine percent feel that the Preferred Alternative is too restrictive, that there should be less regulation than the Preferred Alternative suggests on either time or area allowed for motorized boating.

Many individual responses express this opinion by giving examples from their own experiences with motorized boating.

My wife and I always use jetboat river guides. Jetboats offer the best opportunity for us to enjoy the area. It would be detrimental to us to adapt further restrictions for jetboat use on the Deschutes River.

Others comment that motorized boating provides access to the river for people who would otherwise not be able to enjoy the Deschutes. Many call for an exemption of regulations, should the Preferred Alternative be implemented, for handicapped or elderly users or for those who live directly on the river and use power boats for transportation purposes rather than for recreation.

Many respondents feel that power boats ought to be allowed on the river, and express a desire for limits and regulations which they consider "reasonable". However, because they are not specific on the topic of motorized boating regulation, it's difficult to say whether or not they concur with the views set forth in the Preferred Alternative. Most such responses are again included in the form letter, but there were also several similar responses from individuals.

I can live with power boats as long as there aren't too many and I can have a break from them once in awhile.

Nineteen percent of those who comment on motorized boating call for either a complete ban or greater regulation of all motorized boats on all segments of the river than the Plan currently calls for.

Ban the use of power boats! They're destroying the serenity we used to find going to the Deschutes.

The people who use jetboats are rude and obnoxious. They disturb the wildlife and have ruined my fishing experience.

Take the hellish noise caused by power boats off the river altogether.

Response: Public comment heavily influenced the decision regarding regulation of motorized boating. The decision provides opportunities for controlled motorized boat use while maintaining a "motorfree" environment for the majority of the river, especially during the peak use summer months.

Nonmotorized Boating

Twenty respondents address the Preferred Alternative's treatment of nonmotorized boating. However, those who speak to the issue more often suggest additional or less regulation instead of the level of regulation recommended by the Preferred Alternative. With the exception of a few letters which called for total abandonment of the river by all human activity, no one wants nonmotorized boating to be banned altogether. Similarly, only two want nonmotorized boating to be completely unregulated.

Response: Except for exempting float tubes from the boat pass-through zone requirements, no other changes from the Draft Management Plan/EIS were made.

User Fees

Of the one-third (537) of respondents addressing user fees, almost all (95 percent) indicate that they favor the Preferred Alternative's approach. Five percent feel there should be more fees; 1 percent indicate there should be less. However, the majority of responses give a general support for user fees of one kind or another, including the form letter. Nearly everyone who addresses this issue expresses a willingness to pay for their access to the river, whatever their primary interest

in being there. This seems to be an issue that almost everyone agrees on, and it again suggests that the Deschutes is vital to a variety of individuals and groups and important enough for people to pay at least something to use it.

There are some concerns, however, about how the money will be spent. Many people urge that user fees must be used for the river, and are distrustful that this will be the case.

I can see all the fees going to pad somebody's salary in a state office.
I would rather spend money on my own to improve the wildlife habitat of the Deschutes, than entrust it to someone who might spend it for anything other than the river itself.

My family and I spend some time on the river picking up litter as an activity every time we visit the Deschutes. I'd be willing to spend extra money for this kind of thing, but I don't want my extra fees all to get washed down river.

Response: Overwhelming public support for user fees greatly influenced the decision to develop a cost effective and administratively feasible all-user fee system as described in the User Fee section.

Use Levels

A total of 340 respondents, or 21 percent of all responses received, address use levels. Of these, 75 percent express the opinion that there should be no regulation whatever on how people may use the Deschutes. Another 19 percent favor less regulation than the Plan currently calls for. Many such comments indicate the fear that use level regulation will impede or prevent the respondents' own enjoyment of the river. The view of the Deschutes as one's own personal property is common when this topic is addressed.

I'd like to tell out-of-staters to go to their own rivers, but you can't really do that...it'll be a sad day when someone from Idaho can fish the river and I can't because there are too many people.
Some respondents admitted that use levels are too high, but again expressed fears of regulating them.

There are too many people on the Deschutes, but if I tell them to leave, I've got to leave too. I'd rather stay on a crowded Deschutes than never go.

I know my being there increases the use level, and might even hurt the river (though I always leave it like I found it). Is someone going to tell me I can't fish the Deschutes after all these years?

Some respondents deny altogether that use levels are high enough to be considered problematic, and hold the opinion that there should be no use level regulation.

The numbers aren't high, especially from Fall to Spring, when I'd like to go. Even during Summer, there aren't enough people to turn away.

I've never seen the Deschutes too crowded to be enjoyed.

Of course, the opposite opinion is also often voiced.

It's a mob scene whenever I've been there lately.

Of those commenting on use levels, five percent feel that the Preferred Alternative does not provide enough regulation of use levels to protect the environment of the river, while another four percent feel that the Preferred Alternative's management of use levels is ideal.

Response: The challenge of balancing the public desire for unregulated access to the Deschutes River and the Congressional mandate to protect and enhance the outstandingly remarkable values was a very difficult one. The policy group felt that a limited resource (100 miles of river) cannot be managed on an unlimited demand basis and still protect and enhance river related values. The decision regarding use levels will maintain overall seasonal use levels while shifting some peak summer weekend use to less crowded times or areas. The economic dependence of the local communities was recognized and will be maintained. Provisions were placed in the final management plan to allow re-evaluation of use levels based on monitoring under the Limits of Acceptable Change guidelines.

Use Allocation

More than seven out of ten respondents express some point of view on the permitting system recommended in the Plan. Of these people with an opinion about permitting systems, 72 percent argue that a permit system is unnecessary. Many letters came from people who fear that any kind of permitting system will either greatly limit or totally prohibit their own use of the river.

My family often goes to the Deschutes at a moment's notice. This would be difficult or impossible if a permit system is started.

I was born and raised in Maupin. Should I have to stand in line to use my own river?

I've been on the waiting list to float on the Colorado for three years. Please don't turn the Deschutes into this kind of fiasco.

These concerns are sometimes tied to a belief that guides would become the only alternative for river use and would be getting too great a "piece of the pie" under the Preferred Alternative.

If we just decide some weekend to go down the corridor, we'll have to either pay a guide or forget it.

The guides are going to make a mint off the Preferred Alternative's ideas on permits. Once again the buck takes precedence over the common man's enjoyment of simple pleasures.

Nineteen percent of all responses address the issue of a permitting system for the disabled. More than half of these responses are provided in the form of a petition or from members of SOAR. The other half are provided by individual responses.

Response:

Deferring the decision for up to two years will allow the managing agencies to obtain additional information necessary to select an allocation method which is best suited for the Deschutes River and still have it ready to implement, if needed, prior to the end of the 3-year period when voluntary and indirect methods to reduce or redistribute use levels will be used. A permit system may be avoided if actions by the managing agencies and cooperation by the users are successful in meeting use level targets.

Guided and Outfitted Services

Although some fear of guide-controlled access to the Deschutes is evident, most people who address the issue of guided and outfitted services agree with the Plan's proposed regulation. About one-quarter of all responses (401) pinpoint this issue. Of these, 90 percent recommend following the Preferred Alternative's plan for guides.

Response: See responses to comments regarding Motorized Boats and Use Allocation.

Camping and Campsite Improvements

Despite a great many personal stories of camping experiences, there are few individual responses that address the camping issue as explained in the Preferred Alternative. However, there is larger input from the form letter in support of "temporary closure of campsites for active rehabilitation and bank stabilization". This letter also gives its opposition to "a system that restricts camping to designated campsites only". Similarly, some feel that the restriction of overnight camping in undesignated areas as outlined in the Plan would interfere with their own camping experiences.

In summary, 95 percent of those responding (primarily on form letter) to camping issues want less regulation than the Plan calls for; 68 percent of those addressing campsite facilities favor improvements beyond the Plan's recommendation.

Response: Boat-in camping will be allowed on public lands except where specifically posted as closed. Undeveloped campsites will not be designated. Facility development decisions have been significantly reduced from the $19,000,000 proposal in the Draft Plan/EIS. Environmental protection and public safety received primary consideration in developing the final facility development decision. (See Camping and Access: Roads, Trails and Launch Sites sections.)

Facility Improvements: Access Roads, Boat Launches, Trails and Toilet Facilities

While only some people express an opinion on the Preferred Alternative's treatment of improvements of public toilets, boat launches, access roads and trails, there is a clear reading on these issues. Nearly all responses indicate a desire for improved boat launches and toilet facilities, as long as these improvements will not interfere with the environment of the area. For example, most responses around access roads and trails favor fewer improvements than those suggested by the Plan for fear that improvement will increase use levels.

I would like better access roads for myself, but if the increased use will spoil the environment I enjoy, then let the roads deteriorate.

It would be nice to have a smooth ride to the river, but not at the expense of it turning into a "Disneyland" atmosphere.

Toilet facilities are the exception to this concern, with nearly all who speak to this issue agreeing that better facilities would be an improvement to their Deschutes experience.

For sanitation reasons, the toilets should be clean and there should be more available.

Response: Facility development decisions have been significantly reduced from the $19,000,000 proposed in the Draft Plan/EIS. Environmental protection and public safety received primary consideration in developing the final facility development decision. (See Camping and Access: Roads, Trails and Launch Sites sections.)

Other Issues

Almost all other potential issues and public considerations anticipated by the Committee, J.M. Colosimo Associates and O'Neill and Company received little response. With one exception --horseback riding -- all were mentioned by fewer than 50 individuals. The issue of horseback riding was addressed by 81 respondents.
A summary of these findings is offered below, but the reader is reminded to remember the small numbers of respondents addressing each issue and to consider these findings as informational rather than statistically projectable to a large population.

- Twenty-three respondents mention specific Deschutes River segments. Most who do, mention the need to divide Segment 1 into two sections.

- Thirteen respondents focus on the adequacy of the environmental and economic analyses. Almost all of these respondents find the economic analysis inadequate.

- Most of the small numbers of people who address the Plan's treatment of:

Enforcement,
Information/education,
Fish habitat,
Wildlife habitat/vegetation,
Historical/archaeological resources and
Public safety/services,

want improvements over the Plan's recommendations.

Of these, enforcement and education invite the most frequent comment. For example, comments were almost always in favor of increased enforcement, particularly for alcohol and littering regulations.

Half the problems I've seen on the river are related to drunken rowdiness.

There should be greater enforcement of existing regulations, and stricter rules...particularly for people who come in and leave a big mess.

Nearly everyone who speaks to the issue of education is in favor of its expansion and improvement. Most of these respondents feel that educating the public on such general topics as wildlife and environmental preservation, as well as particular topics such as catch-and-release angling techniques, would be well worth the extra money spent for good education programs. Some suggest that user fees be used either primarily or exclusively for education purposes.

I've give extra money every fishing trip if I knew it'd be spent on educating the public on preserving the Deschutes' environment.

- 77 of 81 respondents who address horseback riding want less regulation of the activity than is called for by the Plan.

- 27 of 30 responses about livestock grazing recommend more regulation or a banning of this activity.
- Fishing, float tubes and bicycle riding were each mentioned by five or fewer respondents.

The body of the form letter which has thus far accounted for such a large number of responses and has greatly influenced the findings of this summary follows:

Dear Ms. Greenleaf:

As a recreational user of the Deschutes River I oppose the Deschutes Draft Management Plan, Preferred Plan. The Plan is excessive concerning limitation of use levels. I believe that all Oregonians should have equal recreational access to the Deschutes and that people can recreate and protect the river at the same time. I adamantly oppose a limited entry, permit system.

I support the Deschutes River Recreation Coalition's Alternative Plan which calls for increased recreational use, while protecting the environment. I support facility development to accommodate camping, boating, fishing and vehicle-oriented activities so long as the natural character of the area is not significantly changed.

I support temporary closure of campsites for active rehabilitation and bank stabilization; however, I oppose a system that restricts camping to designated campsites only.

If and when a limited entry system is needed I support policy-making by a group which would be representative of all recreational users. The need for a limited entry system should not be based on 1988 use levels as proposed in the Draft Management Plan. This criteria is far too severe and arbitrary.

Management actions, as advocated in the Recreation Coalition's Alternative Plan, can protect natural values and govern the interactions of recreational users without necessitating a limited entry, permit system for nonmotorized boating.

I believe all commercial outfitters should be subject to an operation permit. I advocate access for power boats within reasonable limits. I support low fees for every type of user, and that fees collected should be dedicated for use on the Deschutes.

Cordially,

Public Comments on the Draft Management Plan/EIS Requiring Response

United States Environmental Protection Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

Alaska
Idaho
Oregon
Washington

EPA

REPLY TO ATTN OF: WD-126

OCT 0 _ 1991

1

D. Dean Bibles
State Director
Bureau of Land Management
P.O. Box 2965
Portland, Oregon 97208

Dear Mr. Bibles:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the **Lower Deschutes River Management Plan, Oregon**. Our review was conducted in accordance with the National Environmental Policy Act (NEPA) and our responsibilities under Section 309 of the Clean Air Act.

This draft EIS evaluates five alternatives for the cooperative management of the natural and recreation resources of the lower Deschutes River. In 1970, the lower 100 miles of the Deschutes River were designated by voter initiative as a component of the Oregon State Scenic Waterways System. In October 1988, the same 100-mile segment of the river was designated by the U.S. Congress as a National Wild and Scenic River and classified as a recreational river area.

This draft EIS presents a comprehensive planning effort to manage the outstanding natural and recreation resources found in the river corridor. It is comprehensive with regard to the participants involved in the development of the management plan and the issues identified for evaluation.

Based on our review, we are rating the preferred alternative in the draft EIS LO (Lack of Objections). This alternative identifies no adverse environmental effects from the management plan. Natural resource conditions will be improved by this plan. The four action alternatives will provide varying degrees of protection to the resources in the lower Deschutes River corridor. An explanation of the EPA rating system for draft EISs is enclosed for your reference. This rating and a summary of EPA's comments will be published in the Federal Register.

We appreciate the opportunity to review this draft EIS. If you have any questions about our review comments, please contact Sally Brough in the Environmental Review Section at (206) 553-4012.

Sincerely,

Ronald A. Lee, Chief
Environmental Evaluation Branch

SUMMARY OF THE EPA RATING SYSTEM
FOR DRAFT ENVIRONMENTAL IMPACT STATEMENTS:
DEFINITIONS AND FOLLOW-UP ACTION *

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA intends to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment

February, 1987

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific Northwest Region
83 South King Street, Suite 212
Seattle, Washington 98104

TAKE PRIDE IN AMERICA

IN REPLY REFER TO

L7619 (PNR-RE)
DES 91/15

2

SEP 3 1991

Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street S.E.
Salem, Oregon 97310

Dear Sir:

The Plan/DEIS is impressive in intent, but lacks detail on the how, when, and where of the interagency execution of identification, evaluation, and protection of cultural resources along the Lower Deschutes River. Our impression is that this document was prepared and released before a full range of approaches had been developed and agreed to by the involved agencies. We have many questions that we believe should be answered before the Plan can be said to adequately address the impacts of the preferred alternative on cultural resources.

2-1 1. The preferred alternative involves higher levels of use from 1988. How will the use be redistributed to the weekdays from weekends?

2-2 2. In most cases, the term "would" or "would be" done is used for cultural resource actions. Can it be assumed that if the preferred alternative is adopted the final Plan and EIS will reflect across-the-board substitution of the term "will be done."

2-3 3. How will known and unknown cultural resources be protected from grazing damage?

2-4 4. What is the "coordinated plan of goals and objectives common to BLM, Tribally owned and state land"? (page 96)

2-5 5. How will the Tribes be approached to "contribute information on significant traditional use sites/materials"? In many cases funded studies may be necessary to produce this information.

2-6 6. What is meant by the statement (page 97): "The managing agencies will continue to inventory lands under their jurisdictions for historical/archaeological resources and evaluate the significance of known historical/archeological resource sites"? Will this be Section 110 systematic, problem-oriented inventory, or Section 106 project-by-project inventory?

2-7 7. What is meant by the statement (page 97): will conduct an "appropriate level of inventory...in areas proposed for surface-disturbing projects." Is this doing inventories project-by-project, or of general areas targeted for development or use.

2-8 8. In "relocating ground-disturbing activities" to avoid National Register-eligible sites, will the involved agencies have a policy of gaining beforehand an adequate understanding of their surface and subsurface characteristics, integrity, and significance? To avoid sites without understanding their character otherwise adds to the accumulating serious management problem in the west of inadequately evaluated sites. In other words, to understand a site that one has located is more than simply declaring it to contain potentially important information and eligible for the National Register and avoiding it.

2-9 9 How do the resources that might be labeled "outstandingly remarkable" by the Oregon Policy group relate to their eligibility to the National Register and protection status under Section 106 of the National Historic Preservation Act? Will resources that the Policy group deems "non-outstandingly remarkable" still be evaluated for National Register eligibility and considered under Section 106?

2-10 10. The report (pages 125 and 126) says that 173 cultural sites have been recorded on the lower Deschutes, but provides no summary information on what fraction of the landscape has been surveyed in what manner to produce that figure except to say that the inventory has been conducted"on less than half the land base." Nor is there any information on how the inventory will proceed.

2-11 11. The report mentions early historic roads crossing the region. What plans are there to document these roads?

2-12 12. How were the impacts for the various alternatives arrived at (p. 187)? The Plan included no discussion of the distribution of cultural resources in relation to proposed development.

2-13 13. How will sites be surface collected to avoid damage from high use?

The most significant features specified in the Plan are the development of an interagency integrated data base, the survey or resurvey of all BLM, State, and Tribally owned lands "within 5 years," and the monitoring of site condition according to defined schedules. These are important tasks. The rest seems limited to Section 106 identification, evaluation, and avoidance and the monitoring of known accessible sites to prevent vandalism.

Sincerely,

Richard L. Winters
Assistant Regional Director
Recreation Resources and Professional Services

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Portland Field Station
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266

3

RECEIVED
OCT 04 1991
STATE PARKS AND
RECREATION DEPARTMENT

September 23, 1991

Deschutes River Coordinator
Oregon State Parks and Recreation Dept.
525 Trade Street S.E.
Salem, Oregon 97310

Re: DEIS for the Lower Deschutes
River Management Plan

Dear Coordinator:

The Fish and Wildlife Service (Service) has reviewed the draft Lower Deschutes River Management Plan and Environmental Impact Statement (DEIS), and provides the following comments pursuant to the National Environmental Policy Act and the Endangered Species Act of 1973, as amended (the Act).

GENERAL COMMENTS

The subject DEIS discusses five different management plans for the Lower Deschutes River. In general, we believe it fails to adequately describe the potential impacts to threatened and endangered species.

THREATENED, ENDANGERED AND CANDIDATE SPECIES

The following comments are provided as part of informal consultation Case No. 1-7-91-I-506.

3-1 Based upon available information, the bald eagle (threatened) may occur within the project area. Wintering bald eagles are noted in the vicinity of Pelton Dam and along the Deschutes River. A bald eagle nesting territory may be located in the vicinity of South Junction. Available information indicates that bald eagles have been observed in the area since 1987, but a nest location is uncertain. Additional surveys are needed to verify the location of a territory.

In accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), Federal agencies are required to assure that their actions have taken into consideration impacts to Federally listed or proposed threatened or endangered species for all Federally funded, constructed, permitted, or licensed projects within their jurisdiction.

The Service has reviewed tables 6 & 7 (pages 120-121) and appendices K & L. When considered together, the Service concurs with these lists as fulfilling the requirement for a species list under section 7(c) of the Act of 1973, as amended (16 USC 1531 et.seq.).

3-2 A biological assessment needs to be prepared on the effects to threatened and endangered species. A statement should be included in the DEIS as to whether or not the bald eagle will be affected by the proposed project based upon the biological assessment. If listed species are likely to be adversely affected by the project, the Bureau of Land Management should provide a biological assessment to the Service and request formal section 7 consultation. Responsibilities of the Bureau of Land Management and the Bureau of Indian Affairs pursuant to section 7(a) and (c) of the Act are described in attachment B.

Candidate species have no protection under the Act but are included for consideration as it is possible candidates could become formal proposals and be listed. If the Bureau of Land Management determines the project may affect candidate species, they are not required to perform a biological assessment or to consult with the Service. However, if the project is likely to adversely impact a candidate species, Federal agencies may wish to request technical assistance from the Service. Based upon available information, technical assistance comments and recommendations for candidate invertebrate species are being provided under the SPECIFIC COMMENTS section of this memo.

The contact for questions regarding the above comments on endangered species or Federal responsibilities under the Act is Diana Hwang who may be reached at (503) 231-6179 or FTS 429-6179. (Please make reference to Case Number 1-7-91-I-506.)

SPECIFIC COMMENTS

Page 1. I.A. The Planning Area: The current scope of the DEIS is the lower 100 miles of the Deschutes River from the Pelton Reregulating Dam to its confluence with the Columbia River and 1/4 mile from each side of the river. The DEIS indicates that boundaries may be adjusted as a result of public comment and agency analysis. The Service would recommend and support alteration of boundaries to include spring areas wherever possible to conserve water sources that may be important for maintaining water quality, fish, wildlife, endemic species and their habitats.

Page 29, last paragraph. It should be noted that while motorboats may contribute (according to the one referenced study) 9 percent of the erosion, the timing of that erosion is important. Strong currents during floods contribute a higher percent of erosion but as it occurs the high flows carry much of the sediment downstream. Most power boats use occurs during lower flows which allow the sediments to settle to the bottom. This can smother benthic organisms which provide an important source of food for fish. Because of the flushing action during high flows, greater impacts from less siltation can actually occur during low flow periods.

Page 35, item 5. III. Overall Minimum Standards For the Entire Planning Area: The DEIS states that management actions will be taken to prevent, stop or reverse any human damage caused to threatened or endangered species or damage to individual plants or animals or the habitat of any candidate species which

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3-3 would cause them to become listed as either threatened or endangered. The Service supports this as a minimum standard, but believes that conservation measures need to be developed that are specific to these species to assure the standard is met.

3-4 Page 173: The DEIS indicates that 250 cubic yards of "suitable material" is proposed to be placed into the river between Pelton Dam and the Hwy. 26 bridge. It should be noted that one population of the candidate *Fisherola nuttalli* and the best of the few known sites for *Juga (O.) bulbosa* lie in that area, as does a population of *Juga (J.) hemphilli maupinensis*. The stated effects of gravel dumping do not take into account possible impacts on sensitive aquatic species such as these. Direct covering of areas or short-term siltation of areas occupied by these taxa may cause their local extirpation. As most of these taxa are now isolated and fragmented populations, it is unlikely that they could repopulate. Areas that the taxa currently occupy are considered good habitat in Terrence Frest's estimation and are not "cemented". The Service recommends avoiding impacts to these sensitive mollusc species. The final Management Plan and Environmental Impact Statement (final documents) should address and identify conservation measures and a monitoring program that will be implemented to assure that sensitive resources do not become jeopardized. Project proponents may consider the development of site-specific or species-specific management plans for the protection of sensitive invertebrates or other sensitive resources.

3-5 Page 181, first paragraph. A 5-year study period is proposed to determine if vegetative standards in grazed areas are being met to achieve restoration of riparian plant communities. The plan calls for exclusion of livestock after 5 years if restoration is not being achieved. If 60 percent restoration of the degraded riparian zone is a goal (as stated with the preferred plan), it would be in the best interest of fish and wildlife resources to achieve that goal as soon as possible. From that premise, it would be more prudent to exclude livestock from the beginning and allow restoration of the riparian community at its earliest potential. This would reduce the losses which would continue to occur to fish and wildlife if grazing were permitted while trying to rehabilitate the riparian zone. Then, after the goal is achieved, consider livestock management that would allow the riparian corridor to retain its vegetative composition.

3-6 Page 181, second paragraph. Potential adverse impacts on fish and wildlife from the road improvements described on page 82 should be discussed here. There are not only the direct impacts on habitat from widening and improving but, more significantly, secondary impacts resulting from increased public use. Improving the road system by widening, oiling, graveling, etc. would create increased recreational use of the area. Just as a decrease in recreational use would benefit fish and wildlife (page 182, 3rd paragraph), increased recreational use would adversely affect these resources. It does not appear that the proposed road improvements meet the Preferred Alternative objective of reducing "peak recreational use levels" stated in the Executive Summary.

3-7 Page 190, VI. Impacts to Threatened, Endangered or Sensitive Species, Preferred Alternative: The DEIS states that: 1) impacts to threatened, endangered or sensitive species would result from management of livestock grazing, boating and campsites; 2) that managing agencies will request

3-7 technical assistance from the Service to ensure that no management actions contained in the final DEIS will adversely impact any candidate species to the point of causing it to become listed as threatened or endangered. However, the DEIS does not provide specific information as to which species, where, and how each species will be affected by specific actions proposed within the DEIS. As pointed out in appendix L, factors affecting springs, including water quality problems, grazing, quarrying, diversion for irrigation, channelling, road and railroad construction, and urbanization may adversely affect native mollusc species. Additional in ventories for invertebrates may be needed prior to identification of conservation measures designed to avoid or minimize impacts to native mollusc species. If a federally listed species is being affected, a biological assessment should be developed and consultation pursuant to section 7 of the Act initiated, and the appropriate findings described in the final documents.

3-8 The DEIS states that management of livestock grazing would improve the overall condition for all animal species and vegetative species. It should not be assumed that "all" animal and vegetative species would benefit. Therefore, monitoring of the overall vegetative condition may not be adequate if sensitive species, such as endemic plants or invertebrates, may be affected. The Service recommends that monitoring programs for sensitive species or communities be developed and implemented separately to assure that management practices implemented under the proposed DEIS are not detrimental to sensitive species.

Page 403-408. Appendices K and L: The Service reviewed the lists of candidate plant and mollusc species in appendices K and L of the DEIS. These species are being reviewed by the Service for consideration to propose and list as endangered or threatened.

SUMMARY

The DEIS inadequately addresses impacts to threatened and endangered species. It also lacks details regarding conservation measures which will be implemented to avoid or reduce impacts to threatened, endangered, and/or sensitive species.

Sincerely,

for Russell D. Peterson
Field Supervisor

DH:jc\DEIS

Response to National Park Service

2-1 Current use levels will be redistributed at 1990 seasonal levels. Daily use targets will be achieved by the actions discussed in the Use Levels and Allocation sections.

2-2 That is correct.

2-3 A combination of livestock exclusion and changes in grazing management is designed to enhance the riparian vegetation and other natural resources. The vast majority of cultural resources that have been recorded in the vicinity of the Deschutes River are also located within riparian zones. The protection of natural and cultural resources within riparian zones is being addressed, in part, by livestock exclusion, grazing management, recreation management and monitoring. Miscellaneous range improvement projects will continue to be evaluated on a case-by-case basis through the Section 106 process. In 1992, evaluations on all BLM grazing allotments were completed. Changes in livestock grazing management are yielding resource improvements in many of these areas.

2-4 The Final Lower Deschutes River Management Plan, when fully implemented by all cooperating parties, will constitute the formal coordinated plan. In addition, a Memorandum of Understanding (MOU) among the Secretary of the Interior, the Confederated Tribes of the Warm Springs Reservation and the State of Oregon will be completed to deal with plan implementation. A second MOU covering coordination on a broad spectrum of land management issues is ready for signature. This MOU basically outlines the identification, consultation and coordination processes between the managing agencies regarding resource management issues.

2-5 The contribution of information by the Tribes is addressed in the MOU (II.C.4).

2-6 It is likely that, the continuation of cultural resource inventories in the Deschutes River canyon will largely be on a project-by-project basis, in accordance with Section 106 of the National Historic Preservation Act (1966). However, some systematic inventory is planned and may also be conducted as our needs for the area become better defined and research questions are developed. Cultural resource monitoring and a Cultural Resource Management Plan will assist in developing future priorities. An updated inventory of the river corridor is proposed for sometime within the next 5-10 years. This inventory will include BLM and Tribal lands at a minimum but, hopefully, will include state and private land as well. A Cultural Resource Management Plan (CRMP) is needed, and hopefully will be produced, for the area.

2-7 Again, Section 106 inventories, conducted on a project-by-project basis, will be the primary focus. Future inventories may encompass a larger, more general area of development, however. All inventories and reports will comply with the State Historic Preservation Officer's (SHPO) operational guidelines and report standards.

2-8 Budget and personnel will continue to be major factors in deciding whether or not data recovery activities will be performed at cultural resource sites. The relocation of ground-disturbing activities continues to be the most economically viable alternative at this time. However, preliminary testing (shovel probes) can be performed inexpensively and may be utilized to define site boundaries and establish depth. The data gathered may also address specific research questions and assist in the determination of National Register eligibility. These methods are currently being employed in the Prineville District, BLM.

To date, only one prehistoric site, on the lower Deschutes River, has been formally evaluated against National Register criteria (35SH23 Macks Canyon). The Macks Canyon site was excavated in the late 1960s and found to be eligible for the National Register of Historic Places. The site was placed on the Register in 1975. The remainder of the known cultural resource sites, recorded during the "Lower Deschutes River Cultural Resources Survey: Warm Springs Bridge to Macks Canyon, Sherman, Wasco and Jefferson Counties" (Hibbs, et al. 1976, DRAFT), have not been formally evaluated for significance. They did receive an evaluation of their preservation status and recommendations concerning mitigation of adverse impacts at the time of recordation.

2-9 Existing National Register sites are part of the outstandingly remarkable values identified in the Lower Deschutes River Management Plan. Should other sites be nominated to the National Register they will be appraised regarding their potential contribution as an outstandingly remarkable value on the Lower Deschutes River. All Federal "undertakings" will continue to comply with the Section 106 process and cultural resource sites will be properly protected and/or evaluated following National Register criteria. An "outstandingly remarkable value" under the Wild and Scenic Rivers Act does not affect eligibility to the National Register.

2-10 The following excerpts were taken from the draft report entitled "Lower Deschutes River Cultural Resources Survey: Warm Springs Bridge to Macks Canyon, Sherman, Wasco and Jefferson Counties" (Hibbs, et al. 1976, pp. 3a and 3b).

> [Visual, on-foot] reconnaissance of BLM lands was completed for the present-day floodplain and adjacent terraces from Warm Springs Bridge (State Highway 26) to Macks Canyon. The upper terraces and associated tributaries were surveyed from North Junction to Macks Canyon, with portions of the high terraces from Warm Springs Bridge to North Junction remaining to be inventoried. No lands downstream from Macks Canyon, or the balance of tablelands and upland tributaries for the remainder of the project area, were reconnoitered. Because the geographic focus of this inventory was lands owned by the Bureau of Land Management, cultural resources on private lands or lands owned by other public agencies received attention only when encountered in transit to BLM lands.
>
> Within the present-day floodplain, characterized by highly differentiated and localized soils, walking transects varied in distance from 10 to 25 meters laterally from one another. On larger terraces having a persistent and stable soil regime this distance was expanded to 25-30 meters. In high terrace areas and upper tributary canyons, later distance between transects averaged 100 meters; these transects were conducted in a serpentine pattern to achieve a 25 to 50 meter visual width per transect. In circumstances where locally dense foliage prevented the above visual parameters, lateral distances between transects were reduced accordingly. The investigators are confident that the above transect methods accounted for virtually 100% of the surface sites within the reconnaissance parameters previously described. . . Exceptions to this may include refuse heaps, talus depressions, small cairns and minimally exposed subsurface sites, all having less than approximately 10 square meters in surface exposure.

A total of 187 cultural resource sites were identified within the project area. Of these, 135 sites were classified as Native American, 35 as Euro-American sites, and 14 sites were unidentifiable in regards to their historic origin.

Future work would, likely, include site evaluations, for National Register eligibility, and site condition reports, for addressing Limits of Acceptable Change (LAC) and implementing subsequent site protection/preservation measures.

2-11 Many of the major roads known to be situated within or near the Lower Deschutes River canyon have been traced and their locations identified on maps. Lawrence E. Nielsen, author of Pioneer Roads in Central Oregon, mapped the locations of the following roads; The Dalles to Sherars Bridge and Maupin Roads, Sherars and Bakeoven Roads, The Dalles-Canyon City Road, Shaniko and Antelope to Prineville Roads, and the Tygh Valley - Prineville Road.

2-12 The table on page 187 (Table 23. Summary of Impacts to Cultural Values) was developed from the narratives for the five Alternatives seen on pages 188 and 189.

2-13 We have no immediate plans to surface collect any of the sites. When the need arises, sites will be mapped and then surface collected following approved methods.

Response to U.S. Fish and Wildlife Service

3-1 See Specific Agency Implementation and Jurisdiction Responsibilities section.

3-2 A biological assessment on the effects to threatened and endangered species was not warranted based on the limited direct and adverse impacts which could be expected.

Informal or formal consultation under Section 7 of the Endangered Species Act (ESA) with USFWS will occur, as applicable, as specific activity plans or projects are developed.

Both BLM and BIA are aware of their responsibilities under the ESA. They are also aware of the opportunity to request technical assistance and recommendations from USFWS.

3-3 See Botanical and Wildlife elements of the Monitoring and Evaluation section.

3-4 See Fish Habitat/Water Quality and Quantity section and revised Wildlife element of the Monitoring and Evaluation section as well as response to Deixis Environmental Consultants.

3-5 Riparian recovery would be accelerated by immediate and total exclosure of livestock. However, under proper management and without the expense required to construct and maintain exclosure fences, the riparian zone will also improve. Fish and wildlife habitat will gain, not lose, under grazing systems designed to improve riparian habitat.

3-6 See revised Access: Roads, Trails and Launch Sites and Use Levels section.

3-7 See Fish Habitat/Water Quality and Quantity section and revised Wildlife element of the Monitoring and Evaluation section as well as response to Deixis Environmental Consultants.

3-8 See revised Threatened or Endangered Species portion of the Wildlife element and the Special Status Plant Species portion of the Botanical element in the Monitoring and Evaluation section.

U.S. Department of Justice

United States Attorney

District of Oregon

3:In

RECEIVED
SEP 27 1991
STATE PARKS AND RECREATION DEPARTMENT

888 S.W. Fifth Avenue
Suite 1000
Portland, Oregon 97204-2024
(503) 727-1001

September 24, 1991

4

Mr. Jacque Greenleaf
Oregon Parks and Recreation Department
525 Trade Street S.E.
Salem, OR 97310

Dear Mr. Greenleaf:

Enclosed are copies of letters previously sent to Barry Phelps, Deschutes Area Recreation Planner, BLM, which I am submitting to you concerning management of the river. I continue to urge reduced use to save what is left of this great river.

Very truly yours,

CHARLES H. TURNER
United States Attorney

Enclosures

U.S. Department of Justice

United States Attorney
District of Oregon

3:In

312 United States Courthouse
620 S.W. Main
Portland, Oregon 97205
503/221-2101

August 1, 1989

Mr. Barry Phelps
Bureau of Land Management
Prineville Ranger District
Post Office Box 550
Prineville, OR 97754

Dear Mr. Phelps:

I recently spent a day rafting on the Deschutes River from Wapinitia to Sandy Beach. While river traffic has increased steadily from 1970, when I first began rafting, the present glut of people, vehicles and rafts is cause for genuine concern by anyone with even a passing interest in preserving the river and the surrounding environment.

On the day in question, I observed several hundred vehicles and well over one hundred rafts at Harpham Flats alone. The entire stretch of river from that point to Sandy Beach was an almost unbroken string of rafts with people waiting their turn to go through the rapids. The take-out points at Maupin and Sandy Beach were similarly crowded with people, vehicles and equipment.

No river can possibly stand this kind of pressure. Eventually the time will come when we will destroy this unique segment of our environment. Given what is both obvious and inevitable, I believe it is imperative for all public agencies with jurisdiction over the river to initiate a permit system similar to that employed on the Rogue. I am convinced that only through the use of such a system will we be able to preserve what so many people have come to take for granted.

I hope the BLM will assume a leadership role in effecting this necessary change.

Very truly yours,

CHARLES H. TURNER
United States Attorney

cc: Charles W. Stuckey
Assistant U.S. Attorney

William W. Youngman
Assistant U.S. Attorney

U.S. Department of Justice

United States Attorney
District of Oregon

3:In

312 United States Courthouse
620 S.W. Main
Portland, Oregon 97205
503/221-2101

January 29, 1990

Mr. Berry Phelps
Deschutes Area Recreation Planner
Bureau of Land Management
Prineville Ranger District
Post Office Box 550
Prineville, OR 97754

Dear Mr. Phelps:

I recently received a copy of the publication "Issues and Alternatives For Management Of The Lower Deschutes River."

On August 1, 1989, I wrote you concerning this matter. A copy of my letter is enclosed herewith. After reviewing the above publication, I wish to supplement my earlier comments.

I was particularly disturbed to see that "solutions" to non-motorized boating (pages 34-35) included increased use (Alternative No. 1) and continued unrestricted use (Alternative No. 2).

Given what we know about rivers and the experience in this and other states with over use of waterways, I question the wisdom or utility of these "alternatives." Indeed, the term is designed to solve the problem, not to exacerbate it.

As I previously indicated, I'm convinced BLM must exercise a leadership role in correcting the problem. Absent your efforts in this regard, the situation will continue to deteriorate until it reaches the point of no return. Leadership, of course, requires making hard choices--doing the right thing for the right reason.

In my opinion, Alternatives Nos. 1 and 2 referred to above are completely inconsistent with this approach, while suggesting the possibility of "business as usual." What purpose is served by considering a "solution" empirical evidence has demonstrated will not work, except perhaps to placate those whose financial

concerns are inapposite to preservation of the river and surrounding environment.

From my perspective, I am convinced Alternative No. 4 is the only realistic option to the rapidly burgeoning problem, notwithstanding its unfortunate and distasteful regulatory requirements. Accordingly, I urge you to adopt this approach.

Very truly yours,

CHARLES H. TURNER
United States Attorney

Enclosure

cc: Charles W. Stuckey
Assistant United States Attorney

William W. Youngman
Assistant United States Attorney

Jeffrey J. Kent
Assistant United States Attorney

b/cc: Scott Turner

United States Department of the Interior

BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724-0043

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

PN 151

AUG 3 1991

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RECEIVED
AUG 23 1991
STATE PARKS AND RECREATION DEPARTMENT

Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street SE.
Salem OR 97310

Subject: Review of Draft Lower Deschutes River Management Plan and Environmental Impact Statement - May 1991 (Environmental Review)

Dear Sir:

We have reviewed the subject Draft Management Plan and Environmental Impact Statement and have no comments. Implementation of the preferred plan or any of the alternatives would have no significant impacts on Bureau of Reclamation projects within the Lower Deschutes River drainage area.

Sincerely Yours,

Douglas J. James

Regional Environmental Officer

5

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
975 S.E. Sandy Boulevard, Suite 202, Portland, Oregon 97214
Telephone (503) 238-0667
Fax (503) 235-4228

October 15, 1991

Jacque Greenleaf
Deschutes River Coordinator
Oregon State Parks and Recreation Dept.
525 Trade Street S.E.
Salem, OR 97310

6

Dear Ms. Greenleaf,

The Commission welcomes this opportunity to comment on the DRAFT Lower Deschutes River Management Plan and Environmental Impact Statement (Draft Plan). The Columbia River Inter-Tribal Fish Commission (Commission) was formed by the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. These four tribes have rights reserved by treaty to take fish destined to pass the tribes' usual and accustomed fishing places.[1] Protection and enhancement of those rivers and streams, such as the Lower Deschutes River, that provide spawning and rearing habitat and migration corridors for these fish are of critical importance to the tribes.

The Draft Plan for the Lower Deschutes River is the result of extensive cooperation and planning involving several governments and agencies with an interest and responsibility for resource protection and management of this stretch of river. Under the Omnibus Oregon Wild and Scenic Rivers Act of 1988, specific statutory language provided for the comanagement of this river by the Confederated Tribes of the Warm Springs Reservation, the State of Oregon, and the Secretary of Interior, recognizing their respective jurisdiction and authority. These governments and agencies, working with the Deschutes River Management Committee, developed a Draft Plan to "protect and enhance the values" of the river, giving primary emphasis to "esthetic, scenic, historic, archaeologic and scientific features." 16 U.S.C. §1281 (1988).

Acknowledging and supporting the considerable involvement, effort, and responsibility of the Confederated Tribes of the Warm Springs Reservation in developing, and eventually implementing the Final Plan, this Commission would only offer the following additional comments.

[1] Treaty with the Yakima Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

Comments

Consistent with the directive of the Wild and Scenic Rivers Act, the Lower Deschutes River should be managed to protect and enhance the values for which the river was designated a part of the National System, such as the

> [o]utstanding scenic, recreational, cultural, geologic, fish and wildlife as well as historic and botanical values . . . excellent whitewater boating opportunities . . . fishing for wild trout, steelhead and Salmon.

Cong. Rec. S15248 (daily ed. October 7, 1988). The Draft Plan's preferred alternative deals with three particular issues in a manner inconsistent with the Act's directive to protect and enhance the values noted above. These three issues are: jet boat use on the river; proposed levels of recreational use; and permit allocation under a limited entry system.

Jetboat Use

The preferred alternative provides for a yearround ban of jetboat use only on the river section from Warm Springs to Sherars Falls; with summer season[2] prohibitions on jetboat use from just below Sherars Falls to Beavertail campground, and a shorter prohibition period every other week[3] on the river section from Beavertail campground to the river's mouth. In addition, specific trip limits, people per boat, and commercial permit requirements would be in effect. Besides the obvious enforcement burdens to implement these varied restrictions, the proposed management of jetboat use is not consistent with the WSR Act mandate to protect and enhance river values. Jetboat use was not identified by Congress as an outstanding value to be managed for on this river, and jetboat use is in fact may be inconsistent with the values that Congress has identified, such as scenic and cultural uses.

Alternative 4 would ban motorized boat use on all river segments during the entire year. This alternative would be consistent with all values identified by Congress. The preferred alternative should be modified to incorporate this aspect of Alternative 4.

Recreational Use Levels

During the last 20 years, as the popularity of the Deschutes River has increased because of its values for fishing, whitewater rafting and scenic beauty, the level of recreational use has increased dramatically. On some river segments, such as Segments 1 and 2 (Warm Springs to Sherars Falls), the levels of use are 10 to 100 times greater than the management use levels established for other Wild and Scenic Rivers in the west. This extremely high use level leads to obvious environmental and social problems, and is primarily evident on summer weekends. Continued uncontrolled growth would diminish the scenic and recreational values

[2] May 15th to September 30th.

[3] July 15th through Labor Day.

of the river, as well as result in increased streambank degradation.

The preferred alternative would utilize a three year period during which voluntary management actions would be used to avoid these impacts by setting use limits for summer weekends, attempting to shift use to weekday periods. By making these use levels slightly greater than the 1988 use levels, the preferred alternative also attempts to minimize disruption to boaters. Several methods of implementing the voluntary reductions are provide in the Draft Plan, including: specific boat launch and landing site designations, redesign of existing sites, and measures to protect these sites; increased presence of uniformed and volunteer personnel for information and resource education; staggered launch times; a weekend permit system; and additional camping and use restrictions.

Even with the voluntary management options available, proposed use levels for the river between the Locked Gate and Sherars Falls are at least three times as high as any other segment per river mile. Considering the values that the river was designated to protect, and the environmental and social impacts of concentrated use levels, serious consideration should be given to reducing use levels in this segment in line with use levels on the river's other segments.

Permit Allocation

Recognizing that the voluntary management methods for minimizing the social and environmental impacts associated with increased use levels may not be effective, the Draft Plan has proposed an allocation system for permits under a limited entry system. Should a limited entry system become necessary, the preferred alternative would allocate the permits between commercial guides and a "pool" of permits available to the general public. A major flaw in implementing this system is the manner of allocating these permits: a majority of the permits would be allocate based on the commercial/public ratio established during the three year period of voluntary management measures.

This method of allocation acts as an incentive to commercial guides to maximize their river use during the next three in order to establish a favorable permit allocation ratio relative to the general public. This system will effectively drive commercial guides to encourage increased use levels - thereby guaranteeing the need for a limited entry system - to establish a desired ratio. In the long term, the effect of the system is to "commercialize" the river by allocating a greater adjusted permit allocation to the commercial guides. In addition, this alternative would allow the guides to transfer their established permit "share" as if it was a private - as to opposed to public - right.

Alternative 4, the allocation method endorsed by the tribes and other agencies, is called the "freedom of choice" method. Under this alternative, should a limited entry system be necessary, all permits would go into a common pool that would give each private citizen an equal opportunity to obtain a permit. While a guide could apply for a permit on behalf of a particular customer, their would be no guaranteed allocation to guides. This alternative, with its market-based approach, allows the public to decide which guides they wish to use, allows them greater opportunity in deciding what dates they desire to float, and effectively

preserves the better guide services through regular market pressures. This alternative is in fact consistent with the tribes' cultural views, and more in keeping with the spirit of the Wild and Scenic Rivers Act, that rivers, such as the Lower Deschutes, "be protected for the benefit and enjoyment of present and future generations."

Summary

To conclude, the Commission defers to and supports the views and positions of the Confederated Tribes of the Warm Springs Reservation and offers these additional comments in support of resolving the critical issues identified in a manner which respects both the sovereignty of the tribe and the incalculable values of the Lower Deschutes River. If you have questions regarding these comments, please contact John Platt or Jim Heffeman of the Commission's staff.

Sincerely,

Ted Strong

Ted Strong,
Executive Director

cc: Fish and Wildlife Committees
Noteboom

AUG 1991
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Oregon

EXECUTIVE DEPARTMENT

Intergovernmental Relations Division

7

July 30, 1991

Brian Cunninghame
USDI, Bureau of Land Management
Prineville District Office
185 E. 4th Street
Prineville, OR 97754

Subject: Draft Environmental Impact Statement
Lower Deschutes River Management Plan
PNRS# OR910530-101-4

Thank you for submitting your Draft Environmental Impact Statement for State of Oregon review and comment.

Your draft was referred to the appropriate state agencies for review. The Departments of Fish and Wildlife, and Environmental Quality have offered the enclosed comments which should be addressed in preparation of the Final Environmental Impact Statement.

We will expect to receive copies of the final statement as required by Council of Environmental Quality Guidelines.

Sincerely,

INTERGOVERNMENTAL RELATIONS DIVISION

Margie Druery

Margie Druery
Acting Clearinghouse Coordinator

Enclosure

1356T

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Oregon Intergovernmental Project Review

Project Number: OR910530-101-4

Title: Draft Lower Deschutes River Management Plan, May 1991

DEQ Water Quality Division Comments, Mitch Wolgamott, 229-6691

The draft plan does a good job of describing existing uses and the potential impacts of those uses on water quality and riparian vegetation. A discussion of the potential cumulative effects of those impacts and a commitment to manage with cumulative effects in mind would be useful. The state's antidegradation policy should also be addressed in the plan. Under this policy water quality must be adequately protected to maintain or enhance beneficial use support. Water quality cannot be allowed to degrade (or continue to degrade) from existing levels even if numerical water quality standards are not being violated.

7-1 The discussion of water resource values states, "Historically the Deschutes River has been renowned for its high water quality..." While this is generally true, it is also true that the 1988 Oregon Statewide Assessment of Nonpoint sources of Water Pollution identifies the lower Deschutes as moderately impaired as a result of erosion and thermal cover removal. Livestock grazing was identified as an associated landuse along with recreation.

7-2 A goal of the preferred alternative for management of riparian areas to protect water quality (page 40) is to achieve full vegetative potential with a minimum of 60 percent of potential reached in 15 years. Yet the alternative suggests no changes in existing grazing management systems for five years. During the five year period monitoring would be conducted to determine progress in meeting the goal. If progress is not demonstrated a variety of grazing management systems could be implemented.

7-3 Alternative 3 also has the goal of reaching full vegetative potential but suggests full potential should be reached within 25 years. It would immediately implement the same management systems listed in the preferred alternative. Livestock grazing would be allowed where objectives are achieved if vegetative condition can be maintained. The only significant difference between the preferred alternative and alternative 3 appears to be the five year monitoring period.

The five year delay is not necessary for several reasons:

1) It is well documented that livestock grazing in riparian zones has contributed to extensive damage to streams in the west (Armour, et.al., 1991).

2) It has also been demonstrated that livestock management is the key to restoring damaged riparian areas where grazing occurs and there are no major technical impediments to improving riparian areas (GAO, 1988). The U.S. General Accounting Office has recommended both BLM and the Forest Service take steps to enhance riparian area improvement efforts.

7-4 3) The condition and trend of riparian vegetation on public lands in the Lower Deschutes is already known. This is demonstrated by Tables 4 and 5 (page 119) of the draft management plan. When a typographical error is corrected in Table 4 (92 + 37 = 129 not 12) it can be seen that 40 percent of riparian acres are in less than good condition. Twenty seven percent are in good condition (but are not reaching full potential). Only one third of all publicly owned riparian acres in the Lower Deschutes are described as at climax condition (much of this is on islands). Table 5 indicates that less than 40 percent of riparian acres are improving. Over 60 percent are either stable at current conditions or are declining. Because of economic pressures, conditions on private and Tribal lands are likely even worse.

7-5 4) The discussion of environmental consequences of alternatives indicates the impacts to water and vegetation would be nearly identical for the preferred alternative and alternative 3. (Except that the preferred alternative would have a small negative impact on fish & wildlife while alternative 3 would have no effect.) This may be true in the long run, however alternative 3 would result in a greater positive impact in the short run and a sustained positive impact in the long run.

7-6 5) Table 20 on page 176 of the draft plan indicates livestock grazing management would be more expensive for alternative 3 than the preferred alternative. This is misleading. The cost of the preferred alternative apparently assumes no additional management costs after the five year monitoring period. Yet the description of the alternatives (Chapter IV) indicates that exactly the same management systems implemented with alternative 3 may be implemented in the preferred alternative as well. Any management systems that are necessary after the monitoring period would have a higher cost because of inflation. It is also important to recognize that costs of grazing management under any scenario could be covered by grazing fees. It is documented that current grazing fees do not cover the cost of management (Armour, et.al., 1991). The fee structure needs revision.

7-7 Five years of study before implementation of grazing management systems is not needed. The intensive monitoring should, however, be conducted coincidentally with implementation of management systems. This will allow evaluation of effectiveness of the management systems and will help to insure that improvements in riparian condition are achieved.

Armour, C.L., D.A. Duff, W. Elmore. 1991. The Effects of Livestock Grazing on Riparian and Stream Ecosystems. Fisheries, 16(1):7-11.

U.S. General Accounting Office. 1988. Public Rangelands, Some Riparian Areas Restored but Widespread Improvement Will Be Slow. GAO/RCED-88-105.

Response to Oregon Department of Environmental Quality

7-1 The vegetative potential standards were originally set forth in the 1986 Two Rivers Resource Management Plan, Record of Decision and Rangeland Program Summary. Implementation of grazing management to affect desired vegetative changes did not start occurring until 1989. A number of grazing allotments are still being evaluated to determine needed changes. Generally, the existing management direction for livestock grazing is not what has been occurring over a period of years, but management that has been recently implemented, or has recently been approved and is about to be implemented in the next grazing season..

7-2 One difference between the preferred alternative and Alternative 3 is the 5-year monitoring period. However, if management outlined in the preferred alternative provides the anticipated improvement, the long term difference will be reflected in the amount of dollars not spent in range improvement projects and subsequent maintenance.

7-3 We agree that livestock management is the key to restoring damaged riparian areas where grazing occurs and there are no major impediments to improving riparian areas. It's key to note here that management, not exclusion, of livestock is stressed as a first approach to achieve plan goals.

7-4 Typographical error has been corrected.

7-5 We agree

7-6 We agree. We are assuming, based on positive results in other riparian and upland ecosystems, that we would not have to construct additional exclusion fence. However, if positive results are not achieved, costs of the management tools in the preferred alternative could equal those shown for Alternative 3.

7-7 Grazing fees are set using a formula established by Congress in the Public Rangeland Improvement Act of 1978. The fee is derived annually by using a base fair market value of livestock grazing on public lands and adjusting it according to private land lease prices, beef cattle prices and the cost of livestock production. Any change in livestock grazing fees would have to be done at the National level.

Oregon
DEPARTMENT OF FISH AND WILDLIFE
OFFICE OF THE DIRECTOR

STATE PARKS
SALEM OFFICE
OCT 22 1991
Oregon State Parks

October 18, 1991

8

Ms. Jacque Greenleaf
Deschutes River Coordinator
Oregon State Parks and Recreation Department
525 Trade Street SE
Salem, OR 97310

Dear Ms. Greenleaf:

The Oregon Department of Fish and Wildlife (Department) submits the following comments on the Draft Lower Deschutes River Management Plan and Environmental Impact Statement for your consideration.

Department personnel have been active participants during the nearly four years of preparation that preceded development of this draft plan. The effort and dedication displayed by all the Policy Group members during this planning process is commendable. Although three controversial management issues await final resolution (i.e., use limitations, use allocation, and motor boat use), the Policy Group is to be congratulated on the numerous other issues that were discussed and resolved by its members.

The draft plan's preferred alternative carefully considers protection of the river and the associated natural resource base. The preferred alternative includes fishery resource objectives that are consistent with the Department's Lower Deschutes River Fish Management Plan. The preferred alternative also provides the opportunity for the reintroduction of native wildlife species into the planning area. This wildlife management option is consistent with the Department's objectives to restore the wildlife species diversity of the Deschutes River Canyon, which will also contribute toward enhanced wildlife viewing and possibly provide for rigidly controlled hunting opportunities.

Although the plan's preferred alternative addresses many issues that may directly or indirectly benefit fish and wildlife resources, the following issues are also of concern to the Department.

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Livestock Grazing

8-1 Livestock grazing impacts on riparian and upland habitat is a serious concern. The Department has made it a high priority to restore riparian habitat on state-owned lands bordering the river. The Department's restoration efforts are readily evident. For example, Table 5 (page 119) indicates that approximately seventy-three percent of the state-owned acres along the river are improving in ecological condition. The preferred alternative (page 40, paragraph 1) states that public and tribal-owned lands would be managed to reach a minimum of sixty percent of the vegetative potential within fifteen years. It is doubtful that this degree of diverse vegetative recovery can occur without carefully regulated livestock grazing. In order to meet the plan's riparian objectives, the final plan must provide detailed information on the methods used to determine vegetative site potential, vegetative trend, and the frequency of monitoring. If the rate of recovery is insufficient to meet the plan objectives, specific remedial measures should be discussed. It is understood that upland vegetative recovery will likely require more time than riparian recovery. However, the same discussion concerning site potential, monitoring and specific remedial management actions should be included in the final plan.

Accelerated riparian vegetative recovery is important in the Department's attempts to rebuild depressed populations of wild summer steeled and fall chinook salmon, as well as to maintain a healthy wild resident trout population. Improved riparian vegetation will also benefit a multitude of wildlife species, including song birds, waterfowl, upland game birds, furbearers, raptors, and big game animals. Therefore, the Department recommends rest from livestock grazing for all riparian areas in poor or fair condition until these areas meet the plan's riparian objectives. At that time, limited livestock use could be reconsidered, providing the grazing would not result in a reversal of the vegetative condition.

Riparian Restoration Incentive

8-2 The "management common to all alternatives" section discussing Fish Habitat/Water Quality (page 94, #3) states "...livestock operators with grazing on interspersed private land will be encouraged to adjust their grazing on adjacent public lands." The Department recommends that the final plan emphasize an

8-3 even stronger program that would accelerate livestock grazing reforms by developing cooperative riparian enhancement agreements with private and tribal land managers. The management agencies may offer a variety of incentives, which could include fencing and upland water development materials, and/or financial assistance to encourage rehabilitation of the river's riparian corridor.

Horseback Use

The plan's preferred alternative would allow day-use horseback access on the east side road between Deschutes State Park and Harris Canyon (page 86, paragraph 3). A Coordinated Resource Management Plan was developed for the lower twenty-four miles of the river canyon shortly after the state acquired the Deschutes River property. This planning committee, comprised of local, state, and federal resource agency representatives as well as river users and adjacent landowners, agreed that public horseback use in this segment of the Deschutes Canyon had the potential to conflict with adjacent grain farming operations, as well as livestock operations. Neighboring landowners stated that horses might introduce noxious weeds that could significantly impact their grain production. The planning committee also expressed concern that horseback riders might disrupt authorized livestock use in the canyon.

8-4 Hiking and non-motorized bicycle use is already well established on the proposed horse trail. Serious conflicts with the other recreational users in this section of the canyon could arise with the introduction of this additional use. Some sections of this road are composed of extremely fine soil that is susceptible to wind erosion when the surface crust is broken. Regular horseback riding on this unimproved road has the potential to break up the surface and make foot and bicycle travel more difficult. After heavy use, this fine dust can accumulate to sufficient depths so as to make walking and cycling difficult.

The draft management plan needs to be amended to be more specific about how horseback access will be regulated to prevent conflicts with adjacent farming operations and established recreational uses. For example, specific measures for control of noxious weeds should be described. The plan should be amended to indicate who will be responsible for trail and facility maintenance and general administration of this new special use. The plan states that horseback users will

8-4 be charged a fee to construct and maintain loading, watering and resting facilities. However, the plan does not indicate where these facilities will be provided, or the timing of facility construction. The plan should also discuss measures which will be taken to prevent trail erosion and avoid conflicts with hikers and bikers who use the railroad grade.

Improved Vehicle Access

One of the draft plan's more controversial issues is the potential restriction of river recreational use due to the steadily increasing numbers of people on the river. However, the plan's preferred alternative (page 82, paragraph 1) proposes to significantly upgrade river access roads. This proposed improvement in vehicle access will likely accelerate river use and may ultimately force the management agencies to hasten implementation of a limited- or permit-entry system. Road improvements, particularly road widening, could threaten the river and its associated riparian corridor or, at the very least, result in considerable excavation and scarring of the canyon walls. The final 8-5 plan should clearly state that the proposed road improvements will not go beyond the absolute minimum federal road safety standards.

Improved Trail Access

The plan's preferred alternative proposes development of several new foot trails along the river. These trails could help redistribute some recreational use and potentially reduce congestion and user conflicts in other areas. The Department supports this access development strategy. Trail improvement would not encourage the large increases in river use that would likely result from major road improvements.

Access Acquisition

The "management common to all alternatives" discussion on access (page 101, #2) states the management agencies will pursue opportunities to acquire new legal public access to the river through land purchases, easements, or exchanges from willing landowners. The Department supports this position. The popularity of the river, accentuated by the Federal and State Scenic Waterway designations, dictates that public access should be acquired along the river whenever the opportunities arise. 8-6 The Department recommends that the final plan contain a detailed public access acquisition strategy. This strategy should set priorities for potential acquisition of sites, as well as develop a mechanism

for interagency cooperation in the project. This strategy should also detail the procedure required to

establish a Deschutes River Public Access Fund to be used for acquiring access. The Department suggests earmarking a portion of the river boaters pass fee for use in the public access fund.

Recreational Use Monitoring

8-7 The preferred alternative (page 57, last sentence) states "...indirect and voluntary management actions would be given a three year period to achieve desired boater use limits." However, the plan does not provide specific information as to how, when, or where river use will be monitored during this three-year interim. The final plan should provide these specifics.

Law Enforcement

The preferred alternative (page 90) states that law enforcement would increase on the river. The Department agrees that law enforcement activities should be increased upon consideration of existing use and user problems as well as the potential increases in use, as proposed for the Maupin area (River Segment 2). Additional wildlife law enforcement will be needed to insure the proposed re-introduction of native wildlife is successful. The continued high incidence of angling and hunting violations within the planning area indicates that increased wildlife law enforcement is justified.

Human Waste

The preferred alternative (page 100, #4) states that campers will be required to carry out all human waste from sites with no sanitation facilities. This requirement should not be limited to campers only. The plan should require all boaters using sites without sanitation facilities to carry containers for human waste. Collection facilities should be provided to accommodate the dumping of human wastes at all the boat take-out sites.

Despite existing river regulations requiring the burying of human waste away from the river, the problem increases throughout the season in the undeveloped areas. In some of the areas near popular, undeveloped campsites, it is difficult to walk along the river bank by the end of the recreation season because of the accumulated human waste and associated litter.

Providing toilet facilities at each one of these sites is not feasible, since the maintenance of numerous remote toilets presents a multitude of management and maintenance problems. Those problems can be avoided if human waste is packed off the river by the river users.

Hazardous Substance Spills

8-8 The recent catastrophic spill of chemicals into the Sacramento River as a result of a railroad derailment, as well as pollutant incidents in Oregon, indicates how serious this possibility is for the Deschutes River. The final plan must address this issue with a strategy for avoiding or controlling the spill of hazardous materials into the river as the result of a highway, railroad, or agricultural accident.

Recreation Riparian Impacts

8-9 The preferred alternative discussion on pages 72 and 73 partially addresses the use of undeveloped campsites and roads within the riparian corridor between the Deschutes Club Gate and Macks Canyon (River Segments 2 and 3). This use has destroyed important riparian and upland vegetation. The Department recommends that the final plan require restoration of these sensitive areas and provide alternate upland campsites in less sensitive locations.

Motor Boat Use

The Department is aware of no definitive studies or quantitative estimates of direct or indirect effects of motor boat traffic on fish and other aquatic organisms in rivers. However, the Department's concern for wild fish production in the Deschutes leads us to support the preferred alternative of limiting motor boat use. Our specific concerns are as follows.

8-10 We do not have a quantitative estimate of the effects of motorboats on aquatic species and habitats. However, an Oregon Marine Board report on motor boat-induced streambank erosion on the lower Deschutes River (1990) concluded that motor boat use (including the effects of boat waves and the direct impact of boats against banks) accounts for about eight percent of the total erosion. Neither the Marine Board Study nor the draft management plan considers the possible impact of unseasonable streambank washing (i.e., summer and fall) and the associated disturbance to near-shore sediments on the water quality or aquatic life of the Deschutes River. The unnatural, unseasonable, and repeated

flushing of fine sediments along the river's margin could negatively impact populations of aquatic macro-invertebrates, which are an important component in the diet of juvenile steeled, salmon and resident rainbow trout. The unseasonable water turbidity, occurring without the benefit of elevated river flow, could degrade the river's gravel substrate. Sediment settling on the gravel can reduce permeability, thus interfering with free water exchange, which substantially reduces the water flow through river gravels and limits or eliminates fish spawning, egg incubations and fry emergence.

8-10 Approximately forty percent of the wild fall chinook spawning in the Deschutes River has historically occurred in river segments three and four. Approximately ninety-eight percent of the steeled and resident trout spawning occurs in river segments one and two. The fall chinook salmon spawn from October through November, immediately following the river's most intensive period of motor boat use and well before higher winter river flow has an opportunity to flush accumulated fine sediment from the river substrate.

Due to the importance of this section of the Deschutes to fish, the management plan should consider earmarking a portion of the river boaters pass fee to implement a monitoring program to determine the potential impacts of motorboat use.

Instream Flows

8-11 The Management Standard for Instream flow levels on page 282 should be changed from 3,000 cfs to 3,500 cfs to be consistent with the 3,500 cfs instream water right that the Department applied for in January, 1991.

The Department also recommends that number 13 on page 95 be amended to indicate that the State of Oregon and the Confederated Tribes are currently involved in negotiations to establish an appropriate minimum flow for this section of the river.

The Department sincerely appreciates the opportunity to review and comment on the Draft Lower Deschutes River Management Plan. We urge the Policy Group to continue reasonable recreational use of this outstanding resource while maintaining it for future generations.

Sincerely,

Randy Fisher
Director

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bc Golden
Martin
Ingram
Lewis/Walker
Newton, Torland
McEwen

Response to Oregon Department of Fish and Wildlife

8-1 The plan sets specific guidelines for recovery of upland and riparian vegetation based on ecological condition. If, after five years, there has not been measurable improvement in vegetative condition, in actively grazed pastures, the grazing program will be drastically altered to produce the target, ecological goals. The details of the vegetative condition monitoring will be developed and utilized by the interagency plan implementation team during the monitoring and evaluation phase of the plan implementation.

Extrapolation of the U.S. Forest Service classification technique developed by Bud Kovalichick, which was used to classify riparian areas in the Deschutes, Fremont and Ochoco National Forests, and a comparison of good condition sites along the Deschutes River with poor to fair condition sites was used to categorize the riparian potential. Rather than a classification reflecting percentages of individual types of vegetation expected on a specific site. BLM sites were characterized based more on the vegetative communities expected.

Vegetative trend will be determined by utilizing actual use statements, photo points, nested frequency studies, ecological condition and trend, riparian and water quality surveys. (See Monitoring and Evaluation section.)

Monitoring frequency will vary by allotment and type of study. Generally trend studies (photo points, nested frequencies, riparian and water quality surveys) are repeated on a 5-year minimum cycle. More frequent cycling of these studies would not allow enough time to reflect changes. Livestock utilization studies would occur a minimum of every two years; precipitation and actual use information would be collected annually.

8-2 Riparian Restoration Incentive:

The plan encourages management agencies to seek out and work with private and Tribal livestock operators to achieve riparian and upland vegetative recovery. There are a number of potential funding sources that are available to provide cooperative assistance for the private or Tribal land manager.

8-3 We agree that a stronger effort should be made in regard to interspersed private/public lands. The final plan emphasizes developing cooperative relationships with private landowners to establish management and improvements.

8-4 Horseback Use:

Proposed horseback use on the east side road, between Deschutes State Park and Harris Canyon, will be restricted to minimize conflicts with other area users and avoid resource degradation. The facilities required for this new use (i.e. loading, watering and rest facilities) will be funded by the horse users and developed before the activity begins. State Parks and ODFW personnel will monitor the horse use and its impact on other users and the trail surface. If conflicts arise, this program can be modified as appropriate.

8-5 Improved Vehicle Access:

Any proposed road improvements on the access road upstream from Maupin will be designed to minimize negative impacts on the river, water quality, or the canyon's aesthetics. Improvements to this section of road will be based on Federal road safety standards.

8-6 Access Acquisition:

Close management agency coordination will be critical to effective implementation of the Deschutes Recreation Management Plan. Work on acquisition priorities and mechanisms for acquisition will continue for the life of the plan.

8-7 Recreational Use Monitoring:

Recreational use monitoring will be developed by the managing agencies as part of the plan implementation process. Monitoring will be closely coordinated to avoid duplication and yet gather as much data as efficiently as possible.

8-8 Hazardous Substance Spills:

A hazardous substance spill response plan will be developed with local, state and Federal agencies working with the railroad.

8-9 Recreation Riparian Impacts:

Degraded riparian habitat between Macks Canyon and the Deschutes Club gate will be restored with the use of barriers to restrict vehicles to predetermined areas outside the riparian area. Alternate upland campsites may be developed within or outside the planning area.

8-10 Motorboat Use:

Plan provisions will result in a significant restriction on the use of motorboats on the river.

8-11 Instream Flows:

The suggested additions to plan wording have been made to reflect ongoing negotiations between the State of Oregon and the Warm Springs Confederated Tribes to resolve the instream flow issue.

OCT 1991

October 3, 1991

Jim Hancock, District Manager
Bureau of Land Management
Prineville District
P.O. Box 550
Prineville, OR 97754

9

Oregon
STATE
MARINE
BOARD

Dear Jim,

The State Marine Board has reviewed the draft Lower Deschutes River Management Plan and Environmental Impact Statement and offers the following comments for consideration in developing the final plan. We have not attempted to address portions of the plan for which there is general agreement.

Use Limits
The plan needs to more adequately recognize that high use levels are a weekend phenomena on 8-10 weekends during the summer. A permit system to ration use should be a last resort. The biggest problem is competion for campsites during those weekends. The Deschutes is classified as a "recreational" river and should be managed to support a variety of legitimate recreation uses.

Presently, there is minimal on the ground management by BLM or State Parks. This should be increased before a permit system is imposed. It is premature to establish arbitrary use limits before exercising a variety of management techniques that have been identified during the past four years.

The preferred alternative should attempt to manage crowding through the following methods. Additional site controls should be imposed at access areas and campgrounds to prevent riparian damage and limit crowding by structured means (ie: parking capacity, limiting vehicle access). In several areas of Segments 2 and 3, use can be controlled by design without the user being aware of "controls". These structural improvements should be implemented before a permit system, and be given an opportunity to work.

Limiting access on the roads in Segment 2 should be considered to reduce congestion and crowding. An entrance station above Maupin with fee collection should be considered especially during weekends to control and limit access, as well as to generate revenue.

Campsites should be considered as **the** limiting factor or carrying capacity for boaters travelling from Trout Creek to Segment 2 on overnight trips. Assigning campsites, or a campsite reservation system should be considered rather than a permit system to be on the river for day use. Let's address the problem of competition for campsites and not try to impose unnecessary restrictions on

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day use boaters. Additional campsites should be developed where appropriate.

The segment from Warm Springs to Trout Creek should not be under permit for day use only. Likewise, the segment from Harpan flat to Sherar's Falls should not be under permit for day use only.

The plan should consider a prohibition on commercial overnight trips during weekends in the peak season (no commercial starts Friday/Saturday during peak times). There is ample non-commercial demand for use of the river on peak weekends.

Use limits should only be based on campsite capacity. The present limits are arbitrary, and without basis. A permit system should be the last resort if resource damage is unacceptable following implementation of the above actions. By using campsite reservations for overnight trips during the peak season, the plan could reduce crowding and the primary problem of competition for campsites. There is no evidence that day use is causing resource damage outside of access points, which should be controlled with structural means to control users and prevent damage.

Motorized boating.
There are no significant environmental problems associated with motorized use of the lower Deschutes. Conflicts are social in nature, and revolve around competition for fishing water and campsites, particularly in Segment 4. The social conflict is very seasonal. Total bans should be a last resort after other management actions are attempted.

The social conflict in Segment 1 and 2 can be solved by a seasonal restriction, from May 15 to September 15. There have been no compelling reasons advanced to support a year round closure in this part of the river. With a seasonal closure in Seg.1, 2 and 3, over 75% of this river would be closed to motorized use during peak season. Motorboats provide a legitimate means of access for sportsmen during the off season.

In Segment 4, the alternating week approach is a creative attempt to deal with a social problem, and should be tried as an experiment. However, during weeks open to motorboats, non-powered craft must be excluded to promote fairness and prohibit the social conflicts which will be otherwise inevitable. The other features of the preferred alternative for Segment 4 should be tried as experimental and modified as experience indicates.

The legislation authorizing this as a Wild and Scenic River recognizes existing recreation uses as legitimate uses of the river. The plan needs to treat all of these users fairly.

Allocation
If a permit system is not required because of alternative actions taken under use limits, then allocation is not an issue. We believe a campsite reservation system can be created that avoids the divisiveness caused by the allocation issue in the draft plan.

If a permit system must be imposed, some form of split allocation which provides maximum flexibility, should be imposed. The reason for a split allocation versus freedom of choice is to allow greater business certainty and allow outfitters the ability to cater to visitors who would otherwise be precluded under an advance lottery system. The system, if needed, should provide as much flexibility as possible.

9-1 Implementation issues
The Marine Board doesn't have the resources available at present to implement the allocation system as suggested on p.271. If the BLM supports a permit system, and decides to include one in the final decision, it should be prepared to implement such a system without the Board.

9-2 Acquisition
We note that the plan does not address land acquisition. This oversight should be corrected in the final plan. There may be a variety of opportunities to improve public access and land ownership along the river. The plan needs to provide for future acquisition as opportunities arise and funds are available.

9-3 Hazardous materials
The public has noted the fact that the plan does not address the potential for spills of hazardous materials, especially those associated with the railroads. The results could be catestrophic. The plan needs to address this issue. We suggest that the U.S. Coast Guard, Department of Environmental Quality, State Fire Marshall, and Public Utility Commission be consulted in this matter.

Summary
The Marine Board considered the comments reflected in this letter at its October 3, 1991 meeting. The Board discussed these and unanimously endorsed them as our position on changes needed for the draft plan to be acceptable.

As we expected, the draft plan was not widely accepted by the public as the best alternative for the river. There are too many diverse interests to expect consensus, and all of these points of view need to be weighed and considered in the final plan.

I hope the Bureau will carefully consider our comments relative to boating management on the river as we proceed to negotiations on the final alternative. I believe these represent a beginning as we try to arrive at the best management actions for protection of this recreation river. Having worked on the plan now for 4 years it is sometimes difficult to step back and see it in the proper perspective.

I look forward to working with you and the other policy group members in developing a mutually acceptable alternative out of the draft plan and public comments.

Sincerely,

Paul Donheffner

Paul Donheffner
Director

cc: Marine Board Members
Martha Pagel, Governor's Office
Policy Group Members

OCT 1991

10

October 2, 1991

Oregon
DIVISION OF STATE LANDS

STATE LAND BOARD
BARBARA ROBERTS
Governor
PHIL KEISLING
Secretary of State
ANTHONY MEEKER
State Treasurer

James Hancock, District Manager
Bureau of Land Management
Prineville District
PO Box 550
Prineville, OR 97754

Dear Mr. Hancock:

The Division of State Lands (DSL) is pleased to offer the attached comments on the Lower Deschutes River Management Plan. We fully endorse the Preferred Alternative as outlined in the draft plan. We offer a number of comments that we believe will strengthen that alternative by providing greater protection to the river's outstandingly remarkable values, and consistency to our mutual river management responsibilities.

Our review was based on the dual responsibility of the State Land Board and the Division of State Lands as both a landowner and regulator. In both roles, the overarching management philosophy is found in the "public trust doctrine." Above all, this agency's role is to protect the people's rights to the waterway for navigation, commerce, fisheries, and recreation.

DSL is the administrative arm of the State Land Board. As such, we represent the state's proprietary interest as the owner of the submerged land under the Lower Deschutes River, a navigable waterbody. (The specifics of the state's ownership claim are discussed in the attached comments.) Ownership to the beds of navigable waterbodies, such as this portion of the Deschutes River, was granted to Oregon in 1859 as an incidence of statehood. Under state law, DSL is responsible for the management of the beds and banks of navigable waterbodies (ORS 274.005-274.590). As a result of this ownership, DSL should be acknowledged as a major landowner in the planning area and should become involved in the planning activities from this point forward. We recognize, however, that the treaty creating the Warm Springs Reservation may limit the state's ownership along the Reservation.

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We recognize, as well, that DSL's position regarding ownership may come as a surprise to the planning team. We regret any inconvenience that may arise from our not having raised this issue earlier. In recent years we have been trying to clarify the extent of the state's ownership and assert the public's right whenever appropriate. Recent federal court decisions have also made it increasingly clear that statehood vested each state with a broad and guaranteed submerged land ownership right. This guarantee is also vested in the Submerged Lands Act.

We do not think our raising the ownership issue at this late date changes the effort that has gone on so far. In our opinion, the draft plan does a good job of addressing issues raised by the public trust doctrine. We also believe that the preferred alternative preserves the public's right to use this waterway while providing reasonable management guidelines and public safeguards. As a result, we endorse the preferred alternative as the best means to preserve the river's remarkable values.

Please feel free to contact me or Deputy Director Gary Gustafson regarding this issue. Thank you for the opportunity to comment.

Sincerely,

Janet C. Neuman

Janet C. Neuman
Director

JCN/bh
lwr:236

Enclosure

cc: Martha Pagel, Governor's Office
Dave Talbot, Oregon State Parks and Recreation
Randy Fisher, Oregon Dept. of Fish and Wildlife, Portland
Paul Donheffner, Oregon State Marine Board
Dean Bibles, Bureau of Land Management, Portland
Jim Noteboom, Confederated Tribes of the Warm Springs Reservation

DIVISION OF STATE LANDS

COMMENTS ON DRAFT LOWER DESCHUTES RIVER MANAGEMENT PLAN

(Wild and Scenic River)

Page		Comments
"Dear Friends" letter and Page 2	10-1	Reference is made to HB 3019 passed by the 1987 Oregon Legislature. The correct citation is SB 202 of the 1987 session. HB 3019 became Oregon law as a result of the 1981 Legislature. It authorized the Boater Pass program. SB 202 re-authorized the Boater Pass; designated the area as the "Deschutes River Scenic Waterway Recreation Area"; required the development of a recreation management plan; and established the Deschutes River Management Committee (see enclosure).
Page 2	10-2	Land ownership. Mention should be made here that the State of Oregon claims ownership of the bed and banks (up to ordinary high water) of the river within the planning area (other than Reservation lands). The state's claim includes the Deschutes River from its mouth to and possibly beyond Pelton Re-regulating Dam. Under state law (ORS 274.025), the Division of State Lands is the agency responsible for managing the state's interest in these lands. Ownership to navigable waters of the state was granted to Oregon at statehood in 1859. Ample evidence exists to support the determination of the Deschutes WSR Area as "navigable." Commercial tourism, log drives, ferries, etc., give credence to this claim. Recent court cases in Alaska and Utah (particularly *Alaska vs. Ahtna Inc., & Bureau of Land Management*) bolster the validity of Oregon's claim. We do not expect, based on the preferred alternative, that the state's claim interferes with the extensive management planning of the river that has already taken place. In fact, the preferred alternative very effectively protects the public trust values of commerce, navigation, fisheries, and recreation.

Page		Comments
Page 17	10-3	Add the Division of State Lands to the list of state and local government agencies. Include the following: **"The Division of State Lands is the administrative arm of the State Land Board (composed of the Governor, Secretary of State, and State Treasurer). Under constitutional and statutory guidelines, the Board is responsible for managing the assets of the Common School Fund as well as for administering the Oregon Removal-Fill Law. These assets include the beds and banks of Oregon's navigable waterways and are to be managed for the "greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management."** **"DSL leases state-owned lands and minerals."** **"DSL also administers the state's removal-fill law, which protects Oregon's waterways from uncontrolled alteration. The law requires a permit for fill or removal of more than 50 cubic yards of material within the state's waterways. The permit-review process involves coordination with the applicant, adjacent land owners, and natural-resource and land-use agencies from local through federal levels. Within Oregon Scenic Waterways, special authorization is needed from the Board and DSL for "any alteration of the bed and banks" of the lower Deschutes River (ORS 390.835)."**
Page 17		It would be helpful to offer a full description of the Oregon Scenic Waterway Program and the roles/responsibilities of the state agencies involved (i.e., Water Resources, Division of State Lands, Oregon State Marine Board, and specifically, State Parks).
Page 44		Preferred Alternatives. The discussion states that "unstable riverbanks . . . would be stabilized." Please note that any removal/fill or alteration of the bed or banks of the river, up to ordinary high water, will require approval of the State Land Board (ORS 390.835[2]). If more than 50 cubic yards are disturbed, a permit from the Division of

Page		Comments
Page 44 (cont.)	10-4	State Lands is also required (ORS 541). We would recommend that such actions as bank sloping, revegetation and other non-structural techniques be employed in these areas. Such treatment would be more consistent with the plan's overall fish/wildlife/scenic goals than hardened structures (e.g., riprap).
Page 45		Preferred Alternative (the addition of gravel for spawning). This action, if performed under the auspices of ODFW, is exempt from State Land Board review (ORS 390.835[2]). In addition, the work would qualify for a Removal/Fill permit general authorization if it does not exceed 100 cubic yards at a specific site.
Page 86	10-5	Problem--inadequate foot access. It is important to point out here, that by virtue of the public's ownership of the bed and banks of the river to ordinary high water, the potential for public access along the bank may be more extensive than has been thought or is depicted in the draft plan.
Page 94		Fish Habitat/Water Quality and Quantity #7. See comment from Page 44. We strongly agree that "sidecasting" should be terminated. All such activity done without Land Board approval and/or permit from DSL violates the Oregon Scenic Waterway Act and/or Removal/Fill Law (ORS 514). Given the high public interest in protecting and enhancing the natural and scenic values of this area, acceptable alternatives to this practice must be found.
Page 106	10-6	Utility and Transportation Corridors. Any new utility or transportation corridors that impose into or cross the river (i.e., below ordinary high water) will require an easement from the Division of State Lands. In addition, existing facilities will require an easement at such time as they undergo major structural alteration, replacement or relocation. In 1986, ODOT obtained such an easement for the Highway 26 crossing of state-owned submerged and submersible lands at Warm Springs.
Pages 107-112		Outstandingly Remarkable Values. We fully agree with the assessment of the ORV's.

Page		Comments
Page 270	10-7	Roles and Agency Relationship (State and Local). No mention is made here of the role of State Parks and DSL in protecting the identified Outstandingly Remarkable Values (Recreation, Fisheries, Wildlife, Scenic) via the Scenic Waterway Act and/or Removal/Fill Permit program. This is particularly important as it relates to the protection and enhancement of these values on private lands.
Page 280	10-8	Limits of Acceptable Change. We fully endorse the use of this planning/management tool.
Page 285		Upland and Riparian Plant Communities. Add to "Management Action" the following: **"The Division of State Lands will utilize these standards in determining the acceptability of proposed removal/fill permits and State Land Board scenic waterway authorizations. In instances where these standards cannot be met or maintained, acceptable mitigation will be required."**
Page 289		Scenic and Geology. The "key indicator" definitions should be changed as follows in order to be consistent with the Oregon Scenic Waterway Act: **"Cultural modifications (human-caused changes) <u>which substantially impair the natural beauty</u> by altering the landform, vegetation, color or character of the area."**
	10-9	The "Management Action" proposed for implementation appears to be speculative and lacks enough detail for us to comment on substantively at this time. This element of the plan is critical to DSL and the State Land Board. This management direction forms the basis for future permit decisions for proposed removal/fill projects. We recommend that the agencies develop these standards, etc. prior to adoption of the final plan. In doing so, this ORV will gain the same level of management certainty and direction as the others in the plan.

lwr:237

Response to Oregon State Marine Board

9-1 Alternative measures for controlling crowding were developed and incorporated into the final plan.

9-2 Campsite capacity was considered in developing proposed use levels. Further work will be done to develop allocation methods after the Final Plan is approved.

93- Existing studies do not identify significant environmental effects related to motorized boating on the Deschutes River. Additional study is proposed through the plan. Social conflicts with motorized use are the primary concern at this time.

Response to Division of State Lands

10-1 See revised cover letter.

10-2 See Text Revision section.

10-3 See revised Specific Agency Implementation and Jurisdiction Responsibilities section under State of Oregon.

10-4 See revised Wildlife Habitat/Vegetation section.

10-5 See Appendix B.

10-6 See revised Utility and Transportation Corridors section.

10-7 See revised Specific Agency Implementation and Jurisdiction Responsibilities section under State of Oregon.

10-8 See revised Scenery and Geology element of Monitoring and Evaluation section.

10-9 Agree, however, due to staff and funding limitations, this could not be completed prior to final approval of this plan. The managing agencies will develop specific standards for this item upon implementation of the plan.

11

Oregon

DEPARTMENT OF FORESTRY

State Forester's Office

"STEWARDSHIP IN FORESTRY"

August 5, 1991

Deschutes River Coordinator
Oregon Parks and Recreation Department
525 Trade Street S.E.
Salem, Oregon 97310

The Oregon Department of Forestry has reviewed the Draft Lower Deschutes River Management Plan and Environmental Impact Statement. While we see no major forestry issues because of the limited area of forest involved, we would like to address concerns that we feel will reoccur in other joint river planning projects. Our other concerns are: corridor boundaries, the dual federal/state planning process, "outstandingly remarkable values" (ORV) to be protected, boundary location, fire management and other impacts upon private lands and private property rights.

Corridor Boundaries

A legally sufficient and accurate description and map is required for federal Wild and Scenic River boundaries with the consideration that they be describable features rather than metes and bounds or along contour lines. A number of corridor boundary segments are along curved lines described in very general terms (e.g., southerly along the mean high water line). The Scenic Waterway boundary is mostly a randomly curving boundary since it parallels the river. These random boundary lines are very difficult to locate on-the-ground when management projects are planned. The legal description of the proposed administrative boundary is displayed by township and range in Appendix A. None is displayed for either the composite area nor the State Scenic Waterway. None of the map exhibits include township and range notations. This information is necessary for acreage computations and orientation. We foresee that boundaries will need to be located on-the-ground in a reasonable and cost effective manner in order to manage adjacent resources. 11-1

Generally, we find insufficient information included in the draft in either mapped or tabular form to enable us to make substantive recommendations for on-the-ground boundary locations. Recreational use on the river is described in quantitative terms, however information on other values are in subjective and comparative terms that may not meet federal planning standards.

2600 State Street
Salem, OR 97310
(503) 378-2560

Dual Federal/State River Planning Process

We are particularly concerned with the cumulative effect of overlaying both the one-quarter mile Oregon Scenic Waterway boundary (with its 320 acres per river mile) and the irregular boundary of the National Wild and Scenic Water that averages 320 acres per river miles.

Table 1 (page 2) shows a total acreage of 41,367 acres for the 100 river miles described in this plan. Average area enclosed by the proposed plan would be slightly more than 413 acres per river mile. We find that the map of the federal segment (Map 13) tends to minimize inclusion of private lands while maximizing areas of public land. The more uniform one-quarter mile Scenic Waterway boundary adds these excluded areas to make up the joint river planning area which thus exceeds the area intended by both the federal and the state legislation. 11-2

ORV's that are being included in the river corridor and the effects of such inclusions in terms of additional land outside of the one-quarter mile corridor, should be displayed as a map exhibit for public review and comment. Based on a composite of these two boundaries, the total impact on federal forest lands could be much in excess of the average 320 acres per river mile limitation of the federal law. 11-3

The Department of Forestry supports a boundary suitable to preserve those river qualities critical to maintaining the values which led to the designation of the Deschutes River as a recreational river area while allowing continued, responsible management of resources on the lands adjacent to these river corridors. 11-4

In the federal planning process the determination that a river area contains "outstandingly remarkable" values is based on professional judgement on the part of the planning team. This is a term that is not applicable to State Scenic Waterway values. The draft plan is unclear whether determination of ORV's is being made only for the federal river corridor or applied within the entire joint river planning area. 11-5

We note that the boundary may be adjusted during this planning process as a result of public comment. Such adjustments would have to be limited to the federal proposed boundary since the State scenic corridor is of uniform width. Hopefully these changes will be provided for public review before a final boundary is designated. 11-6

The Department of Forestry strongly encourages consideration of a reasonable application of the standard: "...average maximum of 320 acres per river mile as measured from the ordinary high water mark on both sides of the river..." By averaging minimum acres on non-federal lands, where imposition of regulation for recreational uses is currently a questionable policy, against the wider boundaries on federal lands, and adding the additional acres from the state scenic waterway boundary, total acres included in the joint river management area are increased. Table 1 and the other map exhibits includes lands within both systems and states "...where the boundaries do not coincide, the wider of the two is used..." While Maps 13/14 display the proposed national Wild and Scenic River boundary, the additional Scenic Water portion of the corridor is not described. Land ownership shown in Table 1 should be broken down by river segment to match with specific management actions necessary to protect/enhance values and address river specific issues. River management programs will be different for each river segment based in part on proportions of public and private lands combinations.

Display of ORV's

We recommend that "values" in the corridor be displayed for public review. ORV's are mapped into the joint river management planning area by varying the federal boundary to assimilate areas that are said to contain "outstandingly remarkable" river values, and "associated" values. We find that the Assessment of ORV's (Chapter V) is very general and conclusive rather than descriptive.

The evaluation of recreational values states "Within its 100 mile length, there are distance segments favored for ... overnight camping, ... fishing floats, whitewater adventures ..." However, mapped features are limited to man-made features such as campgrounds, developments, roads and trails, boat launch and landing areas, and livestock grazing allotments. The map of white water areas is the only natural feature displayed in map form, even though the assessment of ORV's (page 107) lists recreation, fishery, wildlife, cultural, archaeological, historic, geologic, scenic and botanical values. We do not believe it is reasonable to assume that these values are "outstandingly remarkable" over the entire 100 mile length of the river, thus, it would seem reasonable to describe these important values as to its location in map or tabular form. 11-7

Appendix C shows examples of the different ecological conditions and notes "...the dramatic differences..." in vegetative potential along the river. These differences could readily be displayed in mapped form and thus demonstrate the variation of

that area's content throughout the entire river length.

Section 8.33e, of the Forest Service Handbook (FSH 1909.12), states a preference for quantitative terms in findings of eligibility and classification that should be equally applicable to BLM and State Parks mapping. Section 8.33e specifically notes that use of comparative terms are to be avoided. Most of the tables in chapter VI summarize and describes impacts of alternatives only in comparative terms such as "high", "medium" and "low" such that they are not readily comprehensible nor in conformance with FSH requirements.

Fire Management

The Department of Forestry generally agrees with the emphasis of the fire management program (page 105) in protection and suppression of wildfire to protect both public and private property. More specifically, we support coordination of prescribed fire use with fire protection agency programs and with adjacent landowners.

Oregon's Forestry Program for Oregon recognizes that fire is a major agent that controls the dynamics of forest ecosystems, and that Oregon's successful fire suppression program has resulted in unnatural buildups of fuel and other undesirable changes to forest ecosystems. The FPFO supports prescribed burning that is necessary to maintain the natural role of fire and it also supports efforts to determine the degree to which prescribed burning is necessary to maintain productive forests while developing ecologically sound and effective slash utilization strategies.

However, consistent with this support, the FPFO encourages "cost-effective federal fire management policies that emphasize planned ignition fires over natural ignition fires and that consider impacts to the State of Oregon's forest fire protection program." To this end, the FPFO supports aggressive action in the control of wildfire as the appropriate suppression response to minimize risks to bordering lands, particularly lands protected by the Department of Forestry.

Private Lands

The EIS seems to overlook the issue of private lands in the Lower Deschutes. Relationships with individuals and groups (page 23) only recognizes that there are 10,241 acres of private land within the boundaries of the planning areas comprising almost 25 percent of the surface ownership. This average overlooks the imbalance in the upper segments where 70 percent of the upper 57 11-8

11-8 miles is private and 40 percent of the next 12 miles are private. The assessment of environmental consequences (page 254) concludes that no direct impacts to private land would occur under any of the alternatives since none of the proposed management actions require changes in the use of property now in private ownership. However, the concerns of landowners associated with intensively managing this river for wild and scenic values does not appear as an issue.

We believe that one must go further than simply implementing State and Local regulations to insure a desired future condition, particularly in those portions of federal and state scenic rivers that involve private lands. The private landowners needs to be involved in the development and committed to implementation of the river plan as much as possible. They also should be provided with federal and/or State incentives to ensure their commitment to the planned use of these public values. Difficult issues involving real and perceived exclusive rights to management cannot be resolved by landowner education such as proposed for protection of the historical/archeological resources. Once the objectives and standards of the desired future condition are chosen, river planners need to work with the private landowners to maintain their assistance and support to the plan.

We appreciate the opportunity to provide comments to this phase of the planning process and hope our comments will be of use in determining the boundaries for this river. If you have any questions regarding our response, please contact Ray Miller, 378-2664, in our Resources Planning Section.

Sincerely,

Ann Hanus

Ann Hanus
Assistant State Forester
Resource Policy Division

AH:RM

cc: Fred Graf, Area Director
Executive Staff

Response to Oregon Department of Forestry

11-1 Corridor Boundaries:

The boundary for the State Scenic Waterway is established by State law as a uniform 1/4 mile from the bank on each side of the river. The preliminary National Wild and Scenic River boundary was established in accordance with Federal law as a variable boundary not to exceed an average of 320 acres per river mile. In delineating the preliminary Wild and Scenic River boundary, efforts were made to work with all involved landowners and interested individuals and groups, including the use of detailed maps which are available for review in the Prineville District Office. A paramount consideration in preliminary boundary delineation was some form of on-the-ground identification, either physical features (canyon rims, roads, etc.) or legally identifiable lines (survey and property lines) which provide the basis for protecting the river's outstandingly remarkable values. It is also important to note that any delineated wild and scenic river management area boundary is subject to change over time if changing resource conditions or values warrant change. In addition, any project outside a designated boundary must consider potential adverse effects on nearby or downstream Wild and Scenic River areas.

11-2 Dual Federal State River Planning Process:

Table 1 indicates total acreage within the planning area, including lands within the State Scenic Waterway and the preliminary National Wild and Scenic River boundary. Where these boundaries do not coincide, the wider of the two is used to determine total planning area acreage. The preliminary Wild and Scenic River boundary includes 31,720 acres, or an average of 317.2 acres per river mile. The descriptions of recreational and other values are sufficiently location specific to meet Federal planning and environmental analysis standards. Some site specific information, such as sensitive plant and animal habitat or cultural sites cannot be published without jeopardizing the resource value protection.

11-3 Since there are no commercial forest lands within the State Scenic Waterway or preliminary Wild and Scenic River boundary, the total impact on Federal forest lands is not considered significant regardless of final boundary configuration.

11-4 The outstandingly remarkable value requirement is derived from the Wild and Scenic Rivers Act of 1968 and forms the basis for the establishment of the Federal Wild and Scenic River corridor boundary. The identification of outstandingly remarkable values is based upon an assessment of the river's resource values, including a review of the Omnibus Oregon Wild and Scenic Rivers Act (1988) legislative history. The preliminary Wild and Scenic River boundary delineated in the Draft Lower Deschutes River Management Plan/Environmental Impact Statement is subject to change based on site specific information obtained through the planning process. There were minor adjustments made to the boundary as a result of public comments.

11-5 The discussion of outstandingly remarkable values is for the entire planning area.

11-6 You are correct. Changes were only made to National Wild and Scenic Rivers boundary.

11-7 The identification of outstandingly remarkable values is based on a resource assessment process using parallel BLM/Forest Service criteria and procedures. Although some variability of values occurs between river segments, the values identified as outstandingly remarkable occur throughout the entire 100-mile length of the river and are portrayed accordingly. Site specific information, including information obtained through the planning process is available for inspection in the Prineville District Office.

11-8 Since the Federal government has no authority to regulate or zone private lands, land use controls on private lands are solely a matter of state and local zoning. Although the Wild and Scenic Rivers Act of 1968 includes provisions encouraging the protection of river values through state and governmental land use planning, these provisions are not directly binding on local governments.

The Federal government is responsible for assuring the river is managed in a manner which meets the intent of the Wild and Scenic Rivers Act. In the absence of local or State river protection provisions in comprehensive plans or ordinances and rules, the Federal government could assure compliance through purchase of private lands or interests in private lands.

Specific landowner concerns resulting from management actions proposed in the Draft Lower Deschutes River Management Plan and Environmental Impact Statement are addressed in the final EIS as appropriate. For example, the plan provides for a variety of actions to reduce trespass, control and reduce wildfires, inhibit spread of noxious weeds and a variety of public information and education efforts involving signing of properties.

Carl Hosticka
District 40
Reply to:
P.O. Box 3236
Eugene, Oregon 97403

HOUSE OF REPRESENTATIVES
SALEM, OREGON
97310

12

RECEIVED
SEP 03 1991
STATE PARKS AND
RECREATION DEPARTMENT

August 28, 1991

Jacque Greenleaf
Oregon State Parks and Recreation
525 Trade Street, S. E.
Salem , Oregon 97310

Dear Mr. Greenleaf:

The Deschutes River Management Plan represents years of work by the plublic land management agencies in Oregon. I welcome this opportunity to respond to the call for public input. The plan establishes a management framework for this important resource for the future.

My particular concern is the allocation system for use of the river. The Deschutes is a recreational river, not a commercial river, and it is therefore important that any allocation system be weighted in favor of private boaters and the public. For example, the provision allowing professional river guides to own allocations as a private property right must be rejected.

The issue of levels of use is also important. Currently, use is intolerably high, particularly on summer weekends. Without better management, the river will no longer provide a quality recreational experience for anyone. The levels of use on the lower Deschutes exceed use levels on other rivers throughout Oregon and the West. Therefore, it is important that the management plan provide a balance by limiting use on weekends and shifting use onto weekdays, which might, in fact, allow a slight increase in use overall.

Sincerely,

Carl Hosticka
State Representative

JOYCE E. COHEN
CLACKAMAS AND WASHINGTON COUNTIES
DISTRICT 13
REPLY TO ADDRESS INDICATED:
☐ Senate Chamber
Salem, OR 97310
☑ PO Box 365
Lake Oswego, OR 97034

OREGON STATE SENATE
SALEM, OREGON
97310

13

COMMITTEES
Chairperson:
Judiciary
Vice-Chairperson:
Trade & Economic Development
Health Insurance & Bio-ethics
Member:
Business, Housing & Finance
Rules

RECEIVED
AUG 23 1991
STATE PARKS AND
RECREATION DEPARTMENT

August 19, 1991

Deschutes River Management Plan Policy Group
c/o Jacque Greenleaf
Oregon State Parks & Recreational Department
525 Trade Street SE
Salem, Oregon 97310

SUBJ: Allocation System

Dear Policy Group Members:

I strongly oppose the preferred alternative provision as too heavily weighted toward guides and against private boaters and the public.

The provision that would allow guides to own allocations as a private property right salable to the highest bidder on the open market must be rejected.

The plan should not result in the conversion of the Deschutes River from a limited recreational river to a commercial river with deregulation caused by the highest bidder.

The Deschutes River is an Oregon treasure. It must be maintained as an environmental and recreational treasure.

Sincerely,

Joyce Cohen
State Senator
District 13

JC:bh

SALEM OFFICE
OCT 2 1 1991
Oregon State Parks

DESCHUTES RIVER MANAGEMENT PLAN

Sherman County has some concerns about the development and implementation of the uses and controls on the Deschutes River. Along with controls comes responsibilities and added expenses. With the strain on funding for services already in the counties, there will need to be additional revenues from the agencies to cover those expenses incurred. There needs to be cooperation in this matter by all parties.

We sit in a unique position geographically, having the Deschutes River on our west side, the Columbia on the northend and the John Day on the east side, the Columbia being mainly controlled by the Corps of Engineers. The John Day is in its infancy as far as user group controls. It has a fragile ecosystem because of the wide variances in stream flows. The concern here is, what happens on the Deschutes River is going to have an impact on the John Day River. If the Deschutes becomes overcrowded and too restricted, people will start looking at the John Day.

We would like to address some of the issues on the management plan for the Deschutes River. Although Sherman County would only be related to segments 3 & 4 of the plan, we are concerned about the whole 100 mile section. What happens on any one segment will impact the others.

What we have on the Deschutes is a multiple-use river, therefore making it unique and ultimately harder to control. As a recreational and scenic river, it attracts many different people and interests: boaters, drifters, fishermen, tourists, etc. Because of its accessibility it is going to be a peoples' river and should be maintained as such as long as the river is not abused. This is where guidlines have to be laid out, taking into account the environmental concerns and, just as important, the economic impact. We believe that there should be more study done on the revenue the river generates.

Different people have different ideas as to what is needed for proper supervision and what will work. The process in the Deschutes River Management Plan is to strike a balance that will work. One problem might be that there are too many governing agencies to manage the program.

All the major issues that will be addressed have different values and importance. Allowing for local impact, the agencies who manage them should have the expertise to know what is best for the river area and the people who use it. Whether the users are visitors, private property owners or the Tribe.

The people who own and utilize the land next to the river have a historic right to use their land. There should be cooperation between them and the agencies for proper management. We have to remember that the river belongs to everyone and one group should have no more control than the other.

Because recreational activity is the biggest issue it should receive the most attention in this plan.

BOATING - MOTORIZED AND NON-MOTORIZED

All boats should be licensed or registered for use on the river. The number of boats allowed should be determined by safety and what the river can feasibly hold. The allocation between guides, outfitters, fishermen rafters and tourists could be determined by a seasonal demand-use ratio, allowing for some segments to be utilized more for one use than the other, because of the character of that part of the river.

CAMPING

Because of the demand for campsites at peak time, the possibility of acquiring land with a payment in lieu of taxes to avoid loss of revenue to local governments would be advised, standards and management would have to address the environmental concerns.

GUIDES & OUTFITTERS

All who perform this service need to be registered and licensed. They have more liability because of the nature of their work in serving the public. It is better to have fewer responsible guides and outfitters than more who are unqualified and abuse the system. We need professionalism, not a hobbyist.

FISHING

Fishing is the oldest use of the river and should be enhanced by education of all who use the river to give the fisherman courtesy to pursue his pleasure.

ACCESS - ROAD, TRAILS AND LAUNCH SITES

There is a dichotomy here because the better the access the more people will use the river, which does not alleviate the problem. Improve existing

launch sites, maintain safe roads and mark the trails to be used. Do not allow any additional uses such as horse packers.

LAW ENFORCEMENT & EMERGENCY SERVICES

There is a lack of funding for proper law enforcement. This could be funded through user fees and citations. The agencies should give funds to the local authorities to perform law enforcement instead of using rangers. We believe this would bring more stability to the law enforcement program.

TRESPASSING

Trespassing is an illegal act and should be dealt with like any other violation. Boundaries should be well marked.

USER FEES

This is where people can be informed as to proper conduct while in the river area. If people want to use the river, they should be prepared to pay for the privilege. Expenses incurred and need to be funded.

FIRE MANAGEMENT

Educate the users on proper fire safety and good camping procedures. Fire fighting would be the responsibility of the governing agencies, with assistance from local districts.

NOXIOUS WEED CONTROL

The spread of noxious weeds is a problem where people and vehicles travel. The area along the roads and river should be periodically monitored by the local weed districts and funded by the governing agencies. There needs to be more direct attention to this issue.

SUMMARY

We have attempted to address the issues concerning Sherman County. We did not take to task the alternatives that were presented in the plan, believing our comments on the issues would fall in line or add to them. The fewer controls there are, the smaller the problems of administering the program. We believe

that there is a need for some controls on the use of the river or someday what you go there to see won't be there. People who use the river, either visiting or making their livelihood from it, should give something back to it. Don't just be takers.

SHERMAN COUNTY COURT

Rodney Rolfe
County Judge

John Schadewitz
County Commissioner

County Commissioner

SHERMAN COUNTY
P.O. BOX 365
MORO, OREGON 97039

DESCHUTES COUNTY
Board of Commissioners
1130 N.W. Harriman • Bend, Oregon • 97701
(503) 388-6570 • FAX (503) 388-4752
Nancy Pope Schlangen
Dick Maudlin
Tom Throop

RECEIVED
AUG 15 1991
STATE PARKS AND RECREATION DEPARTMENT

15

August 8, 1991

Jacque Greenleaf
Oregon State Parks and Recreation Department
525 Trade Street SE
Salem, OR 97310

Thank you for the opportunities provided the public to comment on the Deschutes River Draft Management Plan.

My purpose in writing is to make certain that the Sunday, September 30, 1990, column in Bend's "Bulletin" newspaper written by Robert W. Chandler, editor and staff writer, entitled "Deschutes/Time to Limit Use" is made a part of the official record and proceeding. A host of extremely good points were made in the column, and I believe the concerns and perspective addressed are representative of the thinking in Deschutes County, the most populous county along the route of the Deschutes River.

Again, that you for the opportunity to comment.

Sincerely,

DESCHUTES COUNTY BOARD OF COMMISSIONERS

Tom Throop

Tom Throop, Commissioner

TT/alb

Enclosure

LINN COUNTY BOARD OF COMMISSIONERS
RICHARD STACH, Commissioner
DAVE SCHMIDT, Commissioner
JOEL FOSDICK, Commissioner
Linn County Courthouse
P.O. Box 100, Albany, Oregon 97321
(503) 967-3825 FAX: 926-8228
WILLIAM L. OFFUTT
Administrative Officer

August 14, 1991

16

RECEIVED
AUG 16 1991
STATE PARKS AND RECREATION DEPARTMENT

Deschutes River Management Plan Policy Group
c/o Jacque Greenleaf
Oregon State Parks and Recreation Department
525 Trade Street S.E.
Salem, OR 97310

Dear Sirs:

I appreciate the opportunity to comment on the draft Deschutes River Management Plan. The preferred alternative does an acceptable job of determining levels of use for the river and in allocating time for jetboat activity. Proposed re-emphasis on weekday use and de-emphasis of weekend use is a commendable objective for the plan.

I lived near the Rogue River the first 18 years of my life. A recreational plan was adopted for the Rogue many years ago that emphasized commercial activity at the expense of private use. Consequently, I have concerns about the proposed allocation system for the Deschutes. The draft plan should be amended to allow more use by private boaters and the general public. There should be a place for commercial guides on the river but not to the extent that it forecloses private use. Again, please consider amending the plan to strike an acceptable balance between private and commercial use.

I appreciate the opportunity to comment.

Sincerely,

Richard Stach
Linn County Commissioner

LAW OFFICE OF
DANIEL E. VAN VACTOR
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LAPINE By Appointment (503) 536-3742
MAILING ADDRESS 725 N.W. BROADWAY BEND, OREGON 97701
THE DALLES By Appointment (503) 296-3433

17

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OCT 1 1991
STATE PARKS AND RECREATION DEPARTMENT

October 3, 1991

Ms. Jaque Greenleaf
Oregon Parks and Recreation Dept.
525 Trade St. S. E.
Salem, OR 97310

Re: Written Comments/Deschutes River Management Plan/
City of Maupin

Dear Ms. Greenleaf:

The City of Maupin adopted the following position statement at their September 24, 1991, city council meeting and requests that it be made part of the record on the Deschutes River Management Plan:

The City of Maupin objects to adoption of the "Preferred Alternative" draft of the Deschutes River Management Plan. The City has concluded before an acceptable plan can be adopted further study and additional revision is required.

Study and further revision should include consideration of the following:

17-1 1. Assurance of adequate POLICE and EMERGENCY SERVICES PROTECTION and ENFORCEMENT ability of plan provisions in a fair and equitable way. This will assure all user groups of their entitlement.

17-2 2. Assurance that all Oregon State Adjudicated Water Rights in the Deschutes River Basin is RECOGNIZED AS A PRE-EXISTING WATER RIGHT with acknowledged priority over and above the plan provisions.

17-3 3. Assurance that the Oregon State Parks FULFILL THEIR OBLIGATION to manage the river as provided for in the Oregon Scenic Waterway Act and the Federal Wild and Scenic River Act.

17-4 4. Assurance that the Deschutes River is recognized as a "NAVIGABLE" stream entitling the public to public access to the mean ordinary "high" water mark.

17-5 5. Assurance that the City of Maupin does not become the garbage receiver, collector and disposer of garbage for the Upper Deschutes River by providing garbage collection at the city park by BLM or Oregon State Parks at NO COST to the city.

17-6 6. Assurance that the Deschutes River Management Plan recognizes that "HISTORY, HERITAGE AND CULTURE" of the City of Maupin as entwined with the river historically and economically since the first white settlers arrived on the banks of the Deschutes.

7. ASSURANCE THAT THE HISTORY, HERITAGE AND CULTURE OF THOSE CITY OF MAUPIN CITY RESIDENTS, WASCO, SHERMAN AND JEFFERSON COUNTY RESIDENTS AND LAND OWNERS ADJACENT TO THE RIVER BE RECOGNIZED AS OF EQUAL STANDING TO THE CONFEDERATED TRIBES OF THE WARM SPRINGS INDIAN RESERVATION.

17-7 8. Based on an in-depth review of the Draft EIS, the City has determined the preferred alternative will have a NEGATIVE IMPACT on the economic stability of the City of Maupin. (See SWOT analysis attached). An additional in-depth analysis of the economic impact on the City of Maupin should be done before the plan is adopted.

9. The Preferred Alternative has adopted usage numbers for the river that are NOT SUPPORTED by empirical data.

These comments were unanimously approved by the Maupin City Council at their meeting of September 25, 1991, and made part of the minutes.

Very truly yours,

Sherry Holliday
Mayor

Very truly yours,

Daniel E. Van Vactor
City Attorney

DVV:ps
Enc.
cc: Wasco County Court
Sherman County Court
Jefferson County Court

CITY OF
PORTLAND, OREGON
OFFICE OF THE MAYOR

Office of
J.E. Bud Clark, Mayor
1220 S.W. 5th
Portland, Oregon 97204
(503) 823-4120

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STATE PARKS AND RECREATION DEPARTMENT

18

September 27, 1991

Deschutes River Management Plan Policy Group
c/o Jacque Greenleaf
Oregon State Parks and Recreation Department
525 Trade Street, S.E.
Salem, OR 97310

Dear Sirs:

I began rafting the Deschutes River from Warm Springs to Maupin and below in 1969 and did so annually, sometimes multiple trips, until 1984. After a 6-year hiatus, I rafted the river again both in 1990 and '91 from Warm Springs to the lagoon just above Sherars, i.e., almost all of Segment 1 and 2. Because of the hiatus, I have a good view of before and after the introduction of the permit system, and I wish to relate my observations to you.

On my first trip in 1969, we did not see any other rafters (we being approximately 20 people on four inner tube rafts), but we did see fishermen both in drift boats and on the bank. One of my most vivid memories was seeing a fisherman standing on the bank with bottles and cans strewn everywhere. Bottle and can litter was also present on the Reservation side at the popular gathering places of Warm Springs residents. This was before the Bottle Bill, but we were environmentally conscious, and we picked up many bags of the litter.

In the 15 years between that first trip and my trip in 1984, I saw the enormous increase in use of the river and the degradation of the flora. I saw trees deeply scarred with people's initials; I saw remnants of trees cut down for firewood; I saw permanent concrete fireplaces built (later removed by the BLM); and I saw campsites turned into dust bowls by multiple impacts. It was very depressing for me to witness this degradation, so I did not want to float the river again to see our beautiful Deschutes damaged even more.

However, my daughter talked me into another float in 1990 after a 6 year no float period. I was very pleasantly surprised. The permit system is working. The flora, trees, grasses, and willows have grown back more than I ever would have imagined; and with the plantings we saw at each camp site we visited, there will be more and more in the future. This is in the face of the additional use that has occurred in my absence from the river.

My reaction is that the public on the whole is respectful of the land and wants to improve it, and with a little direction and enforcement the river blossoms and can be used by many. I feel to change the plan radically at this time would be a mistake even though I would welcome the restriction of no power boats in Segments 1 and 2. Power boats break the silence of the river, disturbing the peace for all. Also, fishermen's boats are flooded with waves, and I am sure the banks will be damaged eventually.

Secondly, I don't feel that the guides should receive any more autonomy or leverage than they have now. Even now they take over campsites that could and would be used by the public by sending persons ahead to set up camps that won't be used until much later in the day, when their clients arrive.

The Deschutes must remain a public recreational river and not a commercial river. Please either make no changes at this time or do it very cautiously with clearly defined goals.

Thank you for listening. Thank you for your service to the people of Oregon. You have a tough job.

Sincerely,

J.E. Bud Clark

J.E. Bud Clark
Mayor

[Dictated, but not read]
JEBC:dt:1

CITY OF
PORTLAND, OREGON
DEPARTMENT OF PUBLIC UTILITIES

Gretchen Kafoury, Commissioner
1220 S.W. 5th Avenue
Portland, Oregon 97204
Telephone: (503) 823-4151

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STATE PARKS AND RECREATION DEPARTMENT

19

September 3, 1991

Jacque Greenleaf
Oregon State Parks and Recreation Department
525 Trade Street, S.E.
Salem, Oregon 97310

RE: LOWER DESCHUTES RIVER MANAGEMENT PLAN

Dear Mr. Greenleaf:

I am encouraged that a river management plan is being completed for the Lower Deschutes River. As one of Oregon's most valuable resources and one which is used extensively, it requires sound management to preserve and protect it for future generations.

I strongly oppose the Allocation System being proposed in the plan. The Deschutes River is a public resource and must remain available to the public. To sell to the highest bidder the right to use the river, especially for commercial purposes, is an outrageous concept. It is reminiscent of previous efforts to restrict use of the Oregon beaches.

On the issue of jetboats, I oppose their use on this popular river. Oregon provides numerous alternative sites for their use and I believe that the volume of traffic on the Deschutes is not compatible with these vehicles.

I support the provisions in the preferred alternative to limit the use of the river on weekends and to shift some of the use to mid-week days. I continue to be concerned about the long term effects on the river and the surrounding environment of heavy use year after year.

Thank you for the opportunity to comment on the plan, I look forward to its completion and implementation.

Sincerely;

Gretchen Kafoury

SHERMAN COUNTY WEED DISTRICT
304 Scott St., P.O. Box 384
MORO, OR 97039
(503) 565-3655

20

October 9, 1991

Deschutes River Coordinator
Oregon State Parks and Recreation Dept.
525 Trade Street S.E.
Salem, Or. 97310

Deschutes River Policy Group:

Thank you for the opportunity to comment on the Lower Deschutes River Management Plan. Sherman County Weed District has built a positive working relationship with all managing agencies and private land owners, we look forward to a continuing working relationship in the future.

20-1 The language in the plan witch relates to noxious weed control, pages (96 and 105) is generally acceptable. We would like it to be noted that in addition to the weeds described in the plan a number of others, including skeleton weed, scotch thistle and whitetop are all a serious concern to the weed district.

In spite of the efforts of recent years by those involved, there are large infestations of noxious weeds which are growing uncontrolled, particularly along the lower 17 miles of river. These weeds are easily spread by wind, water, motor vehicles, recreation, wildlife and livestock.

It is the view of the Sherman County Weed District, that all public and private endities, be aggressive and persistent in controlling noxious weed in accordance with the policy and regulations of the applicable district.Further more the manageings agency need to be aware of the additional funding that these measures will entale as the plan is implemented.

The district looks forward to cooperating with the managing agency during the implementation of the plan.

Respectfully submitted,

Bob King

Sherman County Weed Board
Bob King, Chairman

joa

Response to Daniel E. Van Vactor for the City of Maupin

17-1 See revised Emergency Services section.

17-2 See revised Fish Habitat/Water Quality and Quantity section.

17-3 See specific Agency Implementation and Jurisdiction Responsibilities section.

17-4 See Appendix B.

17-5 The BLM, State Parks and City of Maupin will jointly analyze options related to garbage collection.

17-6 The history and heritage related to settlement along the Deschutes River is recognized as an integral part of the cultural values present.

Tribal treaty rights, historical values and private property rights, as well as economic interests have been considered in the development of the final plan.

17-7 Agreement by Deschutes River Policy Group regarding use levels resolves these concerns.

Response to Sherman County Weed Control District

20-1 See revised Noxious Weed section.

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STATE PARKS AND RECREATION DEPARTMENT

3840 N. Elmran Dr.
West Linn, OR 97068
September 6, 1991

Ms. Jacque Greenleaf
Oregon State Parks and Recreation Dept.
525 Trade St. SE
Salem, OR 97310

Dear Jacque:

Please find enclosed a copy of the Anglers' Club of Portland response to the published "Lower Deschutes River Management Plan and Environmental Statement." We would like for this document to be our official input to the process. Please realize that this is a consensus opinion and thus represents the opinions of the membership of the Anglers' Club and should be weighted in the statistical analysis of public opinion as representing all 107 members.

We have elected to submit our thoughts in this fashion as opposed to generating a form letter. As a result we hope that our input and evaluation of the issues will be given as much credence as the mass mailing campaign techniques of other user groups. We also hope that our assessment of the issues and the document will be of some assistance in the remainder of the planning process.

Sincerely,

Greg McMillan
Conservation Director
Anglers' Club of Portland

THE ANGLERS' CLUB OF PORTLAND

RESPONSE TO THE LOWER DESCHUTES RIVER MANAGEMENT PLAN

AND ENVIRONMENTAL STATEMENT

I. INTRODUCTION

The Anglers' Club of Portland is a conservation and social organization composed of 98 members and 9 commercial members (all of whom are fishing specialty businesses). The Anglers' Club is well known for its conservation efforts which result in the donation of many man hours per year to habitat protection and development efforts, and the monitoring of threats to fish habitat.

The Deschutes River and the Anglers' Club of Portland have a long standing relationship. The Deschutes River is the site of annual meetings and workshops. Members of the Anglers' Club of Portland put in more days on the Deschutes than any other river as individuals. Many members are, or have been at one time, commercial guides on the Deschutes. Books and magazine articles about the Deschutes have been written and published by members of the Anglers' Club of Portland.

This response to the Lower Deschutes River Management Plan (henceforth referred to as the Management Plan) is the result of our impassioned concern for the river and its future. It is also the result of our desire for our collective viewpoint to be heard by the Deschutes River Policy Group and the Deschutes River Executive Review Board. We are deeply concerned about the lack of representation of the general public in the Policy Group. Not only is the private individual fisherman not represented (Gene Owens, the designated sport fishing representative is a former commercial outfitter), but neither is the non-commercial boater (it has been established that the designated non-commercial boater representative, Pansy Nofziger, is lobbying on behalf of the Deschutes River Public Outfitters, an organization representing commercial outfitters). We are also very concerned about the perceived inability of the Policy Group to address and resolve the conflicts between public and commercial river user interests.

Our response is divided into two sections. The first is devoted to social issues, and the second to habitat issues.

II. SOCIAL ISSUES

1. USE LEVELS

There has been consensus in the past that the Deschutes was over-utilized. In 1980 a Blue Ribbon Task Force was appointed by the Governor of the State of Oregon to evaluate problems on the Deschutes River. They recommended that use levels be limited to 1980 levels, which was a total number of river user days of 80,000. In 1990, user levels had increased by 80% to approximately 140,000 user days. And these numbers represent boaters only and do not reflect the increased number of non-boating campers, fishermen, etc. The number of commercial outfitters has increased from 56 in 1980 to 136 in 1990. It should be understood that the number of commercial outfitters does not include the total number of commercial boats, guides, boatmen, or unlicensed outfitters.

River user densities reach peaks in the months of June, July, August, and September. Use is frequently spread out over the length of any river section at mid-day. In the early and later parts of the day use is concentrated at camp sites, launch sites, take-outs, parking areas, and preferred fishing sites. As a result, the numbers describing the use of any section under-represent the actual level of congestion at those times of day. A better measure of river congestion would incorporate the numbers of users at such sites, and the number of days that such facilities are presently unable to acceptably handle such levels of use. No
21-1 such effort is made in the Management Plan. This is quite unfortunate because there are frequently occasions during periods of peak use that camps are overcrowded, parking lots are over full, highways and roads are extremely congested, and conflicts break out over fishing water.

The conclusion of the Policy Group, as described in the Management Plan, is that essentially the Deschutes is overcrowded. On pages 428 through 439 target reductions in use levels are described for the Preferred Alternative Plan. These reductions are to be reached over three years through passive measures which are described on page 58 and include:

a) Launch and landing area site protection (method not specified for accomplishing this).
b) Designate separate motorized and non-motorized boat areas at launch and landing sites.
c) Redesign launch and landing sites for more efficiency.
d) Expand weekend management personnel for educational purposes.
e) Design a voluntary system for staggering river starts.
f) Institute a self-regulating system for even/odd use on weekends (no further description given).
g) Institute a permit system for weekends (no implementation information is given, i.e. what the limits will be, how allocations will be made, implementation date, etc.).
h) Restrict camping lengths of stay to two nights in undeveloped sites and seven nights in developed sites (the present rules are not enforced and no enforcement plan is made).
i) Remove some types of use from some areas, i.e. off-highway vehicles, motor boats (the proposed limitation on power boat use does nothing to protect Section 4 from overcrowding).

This system would be monitored and when "limits of acceptable change" have been exceeded a user allocation system would be implemented. The total season limit would be 152,000 user days - this represents an increase of nearly 22,000 user days or 16%. We are to believe that the passive management system described above will solve the present problems of overcrowding AND accommodate an additional 22,000 user days. This is not a realistic approach to overcrowding and instead is consistent with the Policy Group's statement on page 389 that "crowding is a significant problem in this section (section 4), both because of the absolute user numbers and because of the competition for fishing and camping spots." However, the Policy Group "believe(s) that overall levels of use should be maintained at about the current level." This statement can only be interpreted as meaning the Policy Group recognizes problems of overcrowding but is unwilling or unable to address this problem.

21-1 The Anglers' Club of Portland believes that many areas of the Deschutes are over used in certain months of the year. We concur with the 1987 Oregon State University study (the Shelby Report) that concluded that the Deschutes was overcrowded in 1987. We suggest that Sections 1, 3, and 4 be regulated to at a minimum, not exceed 1988 levels of use. The notable exception to this recommendation is in Section 2. Studies indicate that users of that section do not mind either the crowding or "carnival like atmosphere." In addition, that section of river contains the town of Maupin and is adjacent to a paved road. It would also be unfair to those river users who have historically avoided this stretch of river due to its atmosphere to have to pay the price of accommodation by having the other sections of river act as overflow areas for Section 2 river traffic. This would act to further degrade the quality of the recreational experience available in Sections 1, 3, and 4. This would dislocate the impact of increased use onto habitat that is far more susceptible to damage from increased use.

The Anglers' Club of Portland believes that now is the time to address the issue of overcrowding on the Deschutes in an appropriate fashion. Public funds have been utilized to bring the process to this point and a repetition of data collection, assessment, and public hearings in three years only evades the issue of dealing with the problems currently documented.

2. USE ALLOCATION

Use allocation should be accomplished by that allocation

method designated "**Freedom of Choice.**" A split allocation system that is a component of the Preferred Alternative is described on page 59. This split allocation system, as presently proposed, would potentially allow commercial use to grow from 16.8% of total river use in 1982 and 18.3% in 1988, to 21.4% in 1990, to a potential maximum of 55%. This is as a result of allocating 15% of the permits to commercial users, then forcing private users to compete with commercial users for another 40% of the permits, and leaving only the remaining 45% of the permits guaranteed for private users. Either all users should compete on an equal basis for permits, or commercial use should be limited to no greater than its present levels. The Management Plan on page 64 states that the Plan "should treat all outfitted and non-outfitted publics equitably." We agree. We also believe that this means competing on a level playing field and not displacing public users in favor of increasing commercial use of the river.

The Policy Group and Executive Review Board capitulated on this statement (that all users should be treated equitably) and a justification is given on page 393. The argument is developed that the commercial outfitters play a significant role in attracting tourists to Central Oregon, and thus are an important component of
21-1 local economies. This in turn makes protection of commercial outfitters access to permits to be in the public interest. The Anglers' Club is extremely concerned that such conclusions are being made without supporting data. The season of most intense river use, the period when commercial outfitters make the majority of their income, and the period being considered for a permit system, is June through September. It is hard to believe that an industry with such a short season has a major impact in towns such as The Dalles (also supported by farming, ranching, shipping, aluminum smelting, wind surfing, and The Dalles Dam) and Madras (also supported by ranching, farming, logging, The Warm Springs Reservation, and Lake Billy Chinook tourism) would suffer significantly from the minor inconvenience of having commercial outfitters compete with the public on even terms. As mentioned above, we do not believe that Section 2 should be regulated, thus the impact on Maupin would be minimal. The Policy Group's reasoning also grossly undervalues the contribution to local economies made by private river users. It should be noted that private river users presently make up nearly 80% of the total number of river users. In addition, many of the commercial outfitters do not live in the towns where it is feared there will be an economic impact. It is thus the position of the Anglers' Club of Portland that the economic impact of a common pool allocation system as described in the Management Plan is distorted, exaggerated, and unsupported.

The public has overwhelmingly testified that their desire is to have allocations made by the "Freedom of Choice" 100% common pool. It thus seems to be a violation of the public interest to implement any other system. To select out that part of the public that pays a commercial outfitter to get preferential treatment is at best unequitable.

It is suggested by the language of paragraph 3 on page 393 that commercial outfitters would be allowed to sell their permits. This violates the criteria established on page 64 for evaluating allocation methods. The plan should "not create a private property value out of a public resource." Allowing outfitters to sell their permits does just this. There is no valid justification for this profiteering at the public's expense. All permits should revert back to the managing agency and reallocation should be made by that agency using either a lottery system or waiting list.

3. POWER BOATS

No other issue has been as controversial as the power boat issue. It is hard to imagine that such a small group of boat owners could generate so much controversy. But such is the nature of the power boat user and the impact of power boat use. Their approach can be heard from over a mile away, and their departure can be heard for another mile. They create a heavier impact on the river than any other user group by carrying more users more miles in any given time period. They frequently are used to shuttle multiple boatloads of river users into the canyon in a single day.
21-1 A study conducted by the Oregon State Marine Board in 1989 found that up to 81 power boat departures and arrivals took place in a day at Heritage Landing alone. This does not include power boat traffic from Macks Canyon, Beavertail, Pine Tree, or any other launch site.

Power boat use conflicts with ALL other user groups. They turn a wild and scenic river into a reasonable imitation of a freeway at rush hour. Actually, the noise level created by power boats frequently exceeds the noise levels of many freeways as power boats are not held to the same noise standards as automobiles, many power boats do not have mufflers or other engine noise decreasing equipment. Public testimony and letters from the public testify to the significance of their impact on other user groups. What is not represented any where in the Management Plan is the fact that already many other user groups do not use Section 4 because of the power boats in the months of July, August, and September. This would suggest that power boats have already exceeded any limit of acceptable change.

The Policy Group's justification of continued use of power boats on the Deschutes River includes the following arguments from page 385 (with our responses):

1. A seasonal ban would provide a motor-free environment on 75% of the river during peak use. RESPONSE: This provides no motor-free environment in the most heavily fished section of river during summer steelhead season. This inequitably decreases rafting and power boat conflicts, but does nothing to resolve drift boat and power boat conflicts (drift boats make little use of most of Section 1, or any of Section 2 during July, August, or September compared to Sections 3 and 4. This Plan disproportionately protects areas with limited public access (the Warm Springs Reservation and Deschutes Club waters).

2. Motorized boating is a long-established use of the Deschutes. RESPONSE: This is like saying that a neighbor with a barking dog who has lived in a neighborhood longer has the right to allow his dog to continue to bark and disrupt the rest of the neighborhood based on its historical precedence. Further, if one does argue historical precedence, drift boat and raft use of the Deschutes precedes the heavy inundation of power boats, and thus power boats should be banned.

3. Motorized watercraft are an important means of off-season access. RESPONSE: This does not justify continued power boat use during July, August, and September. There are other means of access, and as the Plan points out on page 385, section 7, motorized use is allowed along much of the river. Additionally, there are other methods of river access as demonstrated by the majority of river users.

4. Fewer people on the river during the off-season minimizes
21-1 the impact of power boat use. RESPONSE: It does not minimize the impact to those other users who are on the river at those times. Remember, one of the goals of the Plan is to divert traffic into periods of lesser use. As more and more use is diverted into off-peak periods, the social impact of power boats will become greater and greater during the "off-season." Reason number 4 is not a justification for continued power boat use during peak times in Sections 3 and 4.

5. There is little or no safety problem as evidenced by the lack of accidents. RESPONSE: There are no law enforcement personnel to monitor such occurrences on the Deschutes for the most part. Many accidents are probably not reported if there wasn't a loss of life. However, there are many anecdotal reports of fishermen being knocked over by boat wakes when wading deep, near misses with power boats and rafts, and finally shooting incidents due to hunters who were transported by power boats. Frequent users of Section 4 are also aware of incidents where power boats have become stuck on boulders and rocks in several rapids for prolonged periods (days) posing a threat to float traffic by obstructing passageways through those rapids.

6. The Deschutes is a "recreational river" rather than a "wild river" (assumably this refers to the definition given in the Wild and Scenic Rivers Act). RESPONSE: We would agree, however a "recreational river" is neither a freeway or a racetrack. The conflicts created by power boat users, the increased level of river traffic created by power boat users, and the impact on the river atmosphere created by power boats are all inconsistent with the values of a recreational river.

7. Motorized vehicle use is allowed along much of the river. RESPONSE: This is true, but the primary area of continued power boat use in the Preferred Alternative is on a section of river where **no other recreational motorized vehicle use is allowed** (Section 4). Power boat use is banned under the Preferred Alternative in the only section with a paved road. This justification is totally invalid under the proposed Management Plan.

8. The seasonal ban allows motorized boat use to continue where it has existed before. RESPONSE: That is part of our objection, please see the preceding discussions.

The only justified power boat use on the Deschutes River is
21-1 for law enforcement and transportation of members of other government agencies performing within their official capacities.

We also realize that a total ban on power boats is politically unlikely. As a result, we would suggest the following compromise:

a. Do not place any seasonal or other time related restrictions on power boat use that are difficult for all parties to plan around.

b. Create a strict boundary on power boat use at Harris Island. Allow power boats unlimited use of all of Section 4 below Harris Island with the exception of the 2 mile pass through zone that is described in the Preferred Alternative.

This plan would have the advantage of giving power boats an 11 mile stretch of river for their unlimited use. Eleven miles is not an unreasonable one day float for rafts or drift boats to pass through without stopping for camping or fishing. This plan would also eliminate a confusing schedule of use as presently suggested by the Management Plan.

4. INCREASING USER ACCESS THROUGH ROAD AND SITE IMPROVEMENT

One of the overwhelming concerns of both the Policy Group and the public is increased use of the Deschutes. Increasing access will only aggravate this problem. Increasing access will only serve to make other sections suffer the same problems presently manifested in Section 2. Increasing access not only needlessly
21-2 spends tax revenues and user fees, but is akin to stepping on the accelerator instead of the brakes in the face of an impending auto accident.

Site hardening and improvement should only take place where such development will protect natural habitat.

5. RIVER SECTION BOUNDARIES

21-3 River Section 1 is the longest of the four designated river sections under the Management Plan. The other sections are 15 to 23 miles long. Section 1 is 41 miles in length. Within that 41 miles are two distinctly different areas of river use. The first is the Warm Springs to South Junction reach. This area is primarily utilized by the fishing public. It lacks any significant white water and is thus not a preferred section of river for white water enthusiasts. The second stretch of river in Section 1, from South Junction to Locked Gate contains more rapids and white water and receives less fishing use. Any permit system should take into account the differences between these two areas and perhaps be designated Sections 1A and 1B.

II. BIOLOGICAL AND HABITAT ISSUES

1. GENERAL STATEMENT

The Anglers' Club of Portland in general concurs with current plans for habitat protection and the assessment made of the status of the Deschutes River Canyon. We greatly appreciate the level of study and concern demonstrated for the Deschutes and its environs in the Management Plan. The exception is the lack of a wild fish management plan and the reliance on the study by Peter Klingman, et al, to evaluate riparian soil conditions.

2. WILD TROUT

The goal for wild trout under the Management Plan, as stated on page 36, would be to maintain wild trout at a total population of 1,500 to 2,500 fish per mile larger than eight inches in the Nena Creek area. Neither the Plan, nor the Preferred Alternative, provide for monitoring or management of wild trout beyond these parameters.

21-4 It is hard to believe that monitoring of the Nena Creek area alone (Nena Creek is located approximately 1 mile downstream from the Locked Gate) would provide adequate data to make management decisions that are appropriate for the entire 100 miles of river below Pelton Dam. In that part of the Plan designated "Section V., Affected Environment," the difference in trout populations is described (page 123). Not only are the trout population densities different in various portions of the Deschutes River, but the nature of invertebrate trout foods are different. As an example, the large stoneflies (Pteronarcys californica) that are so prevalent in Sections 1 and 2 are nearly non-existent in Sections 3 and 4. It is well known that these stoneflies make up a large source of protein for trout at various times of the year (thus the popularity of the annual stonefly hatch with anglers). On the other hand, certain mayflies important to the trout diet are more prolific in Sections 3 and 4 than in Sections 1 and 2 (the March Brown, or Rithrogena morrisonii as an example).

Predation too is different in varying stretches of river. Depending on various relevant bird populations (osprey, heron, and other fish predators), otter and mink populations, and fish populations that feed on other fish species' eggs and fry, trout survival can vary in relation to the health of populations of these predators.

21-4 Fishing pressure too can vary relative to the section of river considered. Recreational trout fishing is heaviest in Section 1 between Warm Springs and South Junction. There is significantly less trout fishing pressure in Section 4 than in other sections.

Given these diverse variables related to trout management, it is extremely unlikely that the current management plan can adequately address the needs of maintaining healthy wild trout populations in all four sections of the Deschutes. Our recommendation is to establish a monitoring program in each twenty mile stretch of river with spot monitoring between the sentinel monitoring areas. Not only should the trout size and population be monitored, but also human and non-human rates of predation, health of trout food items, and water quality deserve monitoring as well.

The present slot limit designated by the Oregon Department of Fish and Wildlife has worked extremely well in providing for the return of healthy wild trout populations in most of the Deschutes River. We heartily support the continued use of this slot limit.

3. WILD STEELHEAD

No steelhead management plan is presented or described in the Lower Deschutes River Management Plan and Environmental Impact Statement. This is an egregious oversight. It is well known and recognized that the Deschutes River wild steelhead population is in jeopardy. As long ago as 1977 the steelhead fishing season had to be closed on an emergent basis because of the rapid decline in the numbers of steelhead returning to the Deschutes to spawn. The taking of wild steelhead was banned at that time. Again last year, the public asked that the season be closed early in response to the alarming decline in the number of steelhead caught and passing over Sherars Falls. 21-5

The reason(s) for the recent decline in wild steelhead populations after their resurgence in the early 1980's is unknown. Neither this issue nor an evaluation of the current status of the wild steelhead run is presented in the Management Plan. The only data given is found on page 411. It shows an escapement of 17,576 steelhead and catch and harvest of 28,560 steelhead. It is not explained whether these numbers are averages or are numbers from a specific year. Inquiries made through the Oregon Department of Fish and Wildlife (ODFW) indicate that this data is from 1987. Data from the 1990 steelhead run show an escapement of 4842 hatchery steelhead and 3653 wild steelhead. The total catch and harvest for 1990 was 11,652 steelhead. Thus in three years time the total steelhead escapement has declined by roughly 50%, and harvest has declined by nearly 60%. The Management Plan does nothing to actively address this near crisis situation. It is worth noting that the numbers for the 1990 steelhead runs are declining below the limits of acceptable change as defined by the management goals outlined on page 36 of the Management Plan.

It is the Anglers' Club of Portland recommendation that of the money presently earmarked for site development, road improvement, and annual maintenance (projected budget of $19,089,000 on page 278) that 30% of those funds be diverted to evaluation of the causes of the decline in the steelhead population and to efforts to mitigate this crisis with non-hatchery interventions. These funds should be transferred to the ODFW with specific provisions that these funds be used for the protection of the Deschutes River steelhead run.

All future use of hatchery facilities on the Deschutes River should be preceded by in-depth environmental impact studies that would detail the effect that hatchery intervention would have on wild resident steelhead populations. All further efforts to protect the wild steelhead populations should include habitat protection as the cornerstone of such efforts. 21-5

All steelhead fishing on the Deschutes River should be catch and release only, or a moratorium on steelhead fishing should be implemented, until enough data is collected to prove that the wild steelhead of the Deschutes are not in danger of further population declines. Thresholds for emergency steelhead closures should be set rather than closing seasons after extensive evaluations and discussions.

Power boat use has had a disproportionately large effect on the steelhead population. Power boats are used by large numbers of commercial fishing guides and they transport as many fisherman clients as they can seduce into using their services. As noted previously, these boats are often used to ferry multiple boat loads of anglers into the Deschutes River Canyon. Many power boats are equipped with electronic fish finding devices. Commercial guides are known to often use fishing devices such as side planers (a plastic device attached to a fishing line that uses river currents to carry a fishing lure out into the river) so that even novice fisherman who are incapable of casting with a spinning rod can place lures over areas that fish have been located in with the fish finders. This approach to fishing amounts to a very efficient and effective wholesale slaughter of the steelhead run to please the guided client. With the steelhead runs declining in a precarious fashion, this style of harvest is no longer tolerable. Novice fisherman are not skilled in catch and release techniques and thus the mortality to wild fish is unacceptably high due to this user group. Successful release of a wild steelhead is not the same as "throwing the fish back." Instead, releasing wild steelhead requires a careful revival of the fish after a long fight. 21-5 Educational efforts have been unproductive to date and the reported number of dead wild steelhead found washed ashore continues to increase annually. Our recommendation is to ban the use of power boats on the Deschutes, and to ban the use of devices that replace fishing skill with technology (side planers and fish finders).

4. OTHER ANADROMOUS FISH

There was less data available to the Anglers' Club on spring and fall chinook runs. However, our concerns about these runs are the same as for the steelhead runs, and the discussion of the steelhead runs is applicable to the chinook runs as well.

5. RIPARIAN HABITAT DESTRUCTION DUE TO BANK EROSION

The Lower Deschutes River Management Plan and Environmental Impact Statement relies on the report titled "Investigation of Motorboat-Induced Streambank Erosion of the Lower Deschutes River" (Klingman, et al) for data and conclusions about the nature of river bank erosion and it's effects on riparian habitat. This is a grave error as this study is extremely flawed. The study has the appearance of having been done in a fashion to support predetermined conclusions rather than arriving at conclusions based on objectively collected data. The specific flaws in the report include the following:

1) The entire length of the Lower Deschutes River was evaluated in two days and covered 73.6 river miles (or 147.2 miles of river bank). There is absolutely no way that a careful scientific observation and evaluation of so much river bank could be made in such a short period of time. Additional information was gathered from 1"=400' composite maps of aerial photographs. These sorts of maps lack adequate detail to make accurate observations. 21-6

2) Klingman, et al, admit on page 11 of their report that they have only made approximations due to the limits of their method of study.

3) Klingman, et al, list areas of severe bank erosion on page 13 of their report. They fail to define "severe." Either they have defined severe in such a manner to exclude major and significant erosion or their study methodology failed to detect major erosion areas as the table on page 13 fails to list many areas of serious bank erosion on the Deschutes within their study area.

4) The report on streambank erosion only evaluates linear effects of bank erosion and does not evaluate cubic volumes of lost bank materials.

5) The major conclusion that Klingman, et al, arrive at based on their data is that "no major change of river course is being threatened in the study area, nor are structures being endangered." (page 49, Klingman, et al) There are other far reaching effects due to river bank erosion and if Klingman, et al, limited themselves to this criteria for evaluation of bank erosion, and this is their primary conclusion, then this issue needs reinvestigation.

6) Klingman's study only intensively studied the impact of power boat generated wave action in the Heritage Landing area where he found a significant impact on bank erosion due to power boat wake action. Failure to use similar study methods in other reaches of the river did not prevent him from concluding that power boats have a minimum impact in those other reaches.

7) Despite a paucity of accurate data or sites of intensive study outside of the Heritage Landing area, Klingman, et al, arrive at very precise numbers for assigning levels of causes of bank erosion (human non-boating activities 24%, motorboats 9%, grazing animals 6%, natural causes 61%).

8) The bank erosion report provides an ample supply of data and methods for determining boat wake size in it's appendices, but this information is not utilized to evaluate jet sled wakes, nor is this information integrated in any way into the fabric of the main body of the report.

21-6

The Anglers' Club of Portland recommends that:

1) Bank erosion be evaluated not just on the basis of whether the river course is changed or not, but also on the following criteria:
   a) Has erosion created unsightly changes in the riparian zone?
   b) Has erosion had an affect on the vegetation?
   c) Has the redeposition of eroded materials affected spawning gravel or other river features important to the river habitat?

2) Power boats be prohibited from further use of the Deschutes in areas where any native Deschutes River fish may spawn. The reason for this is that although other causes of bank erosion may cause more cubic feet of bank loss, power boat bank erosion is the only form of erosion associated with wave action that is perpendicular or transverse to the direction of river current flow. This results in transportation of eroded bank materials into potential spawning gravels. This situation is unique to power boat erosion. Flood and high water erosion are accompanied by higher and more laminar down stream flows thus depositing materials away from the site of erosion. Other human activities result in the deposition of eroded materials where the bank meets the water line.

3) All cattle access to the Deschutes needs to be limited in the manner in which it is limited in Section 4 in the area of Colorado Rapids. Cattle bank erosion has been observed to have an extreme impact in some areas. As an example, approximately 4/10ths of a mile downstream from Ferry Canyon on the west bank is an area where cattle have broken down a steep bank that resulted in the bank retreating up to 3 to 4 feet. This bank destruction and it's effect on spawning gravels needs to be curtailed or reduced to a point where cattle have a far less severe impact on the Deschutes River habitat.

21-6

IV. CONCLUSION

It is our hope that the Deschutes River Policy Group and the Executive Review Board will re-evaluate the Management Plan based on this review of the issues and the public input received to date. We would ask that commercial interests not be the paramount influence in the decision making process, but rather that the decision making bodies create management policies that will protect the Deschutes River for public enjoyment for generations to come. Section 10 of the Wild and Scenic Rivers Act mandates that a management plan's "primary emphasis shall be given to protecting (the river's) aesthetic, scenic, historic, archaeologic, and scientific features." Our recommendations are made with the meeting of these criteria as the overriding priority in developing a management plan for the Deschutes River.

Respectfully submitted,

Greg McMillan
Conservation Director
Anglers' Club of Portland

Robin Hamblet
President
Anglers' Club of Portland

Organizations:

Response to Anglers Club of Portland

21-1 Proposals in the Draft Plan/EIS on use levels, allocation and motorized boats have been modified based on public comment on those issues as well as discussions by the Deschutes River Policy Group and Executive Review Board.

21-2 Facility proposals in the Final Plan have been reduced from those in the Draft Plan/EIS. The emphasis for most facilities is resource protection and public health/safety.

21-3 The Deschutes River Policy Group recognized the differences within Segment 1 in preparing the Final Plan.

21-4 Wild Trout:

The Oregon Department of Fish and Wildlife is developing a comprehensive Fish Management Plan for the lower Deschutes River and tributaries. This plan, expected to be adopted by the end of 1992, includes specific provisions for increased trout population monitoring beyond the Nena Creek area in an attempt to gather more representative population data. The ODFW draft plan proposes to monitor trout populations in the Trout Creek and Jones Canyon area.

The management plan contains important provisions aimed at restoring degraded instream and riparian habitat along the river. Aquatic and riparian habitat protection and enhancement will be important for the maintenance of resident and anadromous fish populations.

21-5 Wild Steelhead:

The Oregon Department of Fish and Wildlife is developing a comprehensive fish management plan for the lower Deschutes River and tributaries. This plan, expected to be adopted by the end of 1992, includes specific provisions for managing the steelhead population.

Steelhead numbers in the Deschutes River are not stable. Fluctuations in run size are the result of many potential factors occurring outside this planning area. Changes in run size and inriver harvest can be misleading since out-of-basin stray steelhead have comprised a significant segment of the annual runs in recent years.

21-6 Riparian habitat destruction due to bank erosion:

The use and effects of motorboats on the lower Deschutes River is a controversial subject with many diverse opinions. The "Investigation of Motorboat-Induced Streambank Erosion of the Lower Deschutes River" was conducted by a reputable professional hydrologist, who based his conclusions on a limited resource survey and remote sensing techniques. More study on this issue is proposed in the Final Plan.

Association of Northwest Steelheaders
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STATE PARKS AND RECREATION DEPARTMENT

15 October, 1991

22

Jacque Greenleaf
Deschutes River Coordinator
Oregon State Parks and Recreation Department
525 Trade Street S.E.
Salem, Oregon 97310

Re: Comments by the Association of Northwest Steelheaders on the Deschutes River Management Plan Environmental Impact Statement

Dear Ms. Greenleaf:

The Association of Northwest Steelheaders is a 3,000 member sportfishing conservation organization whose members regularly use and enjoy the Deschutes River within the current management planning area. Our members have been instrumental in the management of the Deschutes River for many years, and this involvement will continue. The following comments, a combination of observations, Association positions, and legal review, are submitted for your serious consideration. These comments incorporate previous public testimony on both the environmental and user issues related to the Deschutes River Management Plan (DRMP) and Environmental Impact Statement (EIS). The comments are divided by issue for your consideration.

I. Limited Entry

The Association strongly opposes the implementation of a limited entry system on the Deschutes River at this time. The data relied upon in the DRMP to support the proposed limited entry system is likely to be inaccurate. Most importantly, the current user conflicts on the Deschutes River are limited in scope and duration. The two areas of user conflicts take place in Segment 4 (Macks Canyon to the mouth) and in part of Segment 2 (Dutchman Flat to Shears Falls). **22-1**

A. Segment 2

The Association strongly supports the ability of private fishermen to use the Deschutes River without being subject to the uncertainty of a limited entry system. The conflicts in Segment 2 are not the result of heavy fishing pressure, but rather from extensive recreational boater use.

Imposing a limited entry system on all users in order to relieve intense pressure on Segment 2 is unfair. Fishermen often avoid the heavily used areas of Segment 2 because the congestion can slow the fishing and the experience is not always pleasant. Segment 2 receives the heaviest fishing use during the middle of the week and during the Fall, Winter and Spring. A limited entry system imposed on fishermen in Segment 2 during the summer months does nothing to relieve pressure on the river. Most fishermen in this section access the river by automobile or by foot in any case, and thus a limited entry system would not resolve the congestion caused in this segment by recreational boaters.

The Association would support user fees for fishermen in Segment 2, such as a annual pass of some sort, but not any limited entry system. Recreational boating on Segment 2 is the cause of congestion, riparian damage and safety risks. Limited entry on Segment 2 should be applied to address these primary problems when they occur-on the weekends between June 15 and September 15.

22-1 Possible solutions could include the following:

1/ limit party size by total number of people and by number of boats

2/ limit total number of trips for each day of the weekend

3/ limit total number of trips per party per day

4/ close and sign damaged camping areas

5/ raise the camping fee and charge for camping at Oak Springs

6/ require outfitters and guides to hold a brief educational talk before going on the river. This could be in a lecture hall or outdoor ampitheater in Maupin or at Dutchman Flat where the Bureau of Land Management and the outfitters could cooperatively spread the gospal on river ethics. This would enable river users to be educated and give officals an opportunity to enforce the boater pass fee.

7/ any limited entry plan should be administrered on the 100% common pool system.

B. Segment 4

The conflicts in Segment 4 are the result of fishing pressure, but they arise during a limited number of days and are subject to resolution by means more easily attained than those conflicts in Segment 2. The primary conflicts occur between boating and non-boating fishermen, and between

guides and private fishermen. The conflicts occur primarily between July 15 and September 15. This limited conflict is no reason to apply a limited entry system nor a reason to ban power boats. See Section IV. **22-1**

II. Access

The Association strongly opposes the development of better roads and hardened campsites on the Deschutes River. The improvement of roads and campsites along the Deschutes will only lead to more users and eventually and more quickly to a definite need for limited entry systems. These modern improvements will attract many other user who do not currently use the Deschutes because it is a relatively primitive area. No campgrounds should be hardened and no roads should be paved. Paved roads will only increase traffic and speeds and increase the safety problems associated with more traffic and higher speeds. **22-2**

The Association would support the installation of pit toilets (outhouses) along the river, but that is more of a clean up and protective action than an improvement. The river environment must be protected from our own wastes. Any money spent in the planning area should be directed solely towards land acquisition, enforcement and environmental monitoring of riparian area recovery, fish population health, water quality and quantity.

III. User Fees

The Association supports higher user fees for all types of users. It is our understanding from limited legal review that both Oregon State Parks and the BLM have the legal authority to charge a user fee. If this is the case, a comprehensive fee system should immediately be implemented. Boaters should pay higher fees, with power boaters paying the highest fees. Non-motorized boaters should also pay more than the current rates. Bank anglers, hikers, bikers and any user bringing a vehicle into the Deschutes River area to recreate should also pay a user fee. This fee could either be a daily fee, or similar to the Sno-Park permits required for each car in the Mount Hood area. The only problem the Association sees with user fees for all users is that it may unfairly burden families and people of limited means. **22-3**

The Association also believes that all camping should be fee-based, not just those areas currently assessed the $2 per night fee. Camping fee registration points can easily be established at put-ins along the river. The fees raised by this program could help pay for enforcement and construction of outhouses. In no event should user fees be used to make "improvements" of campgrounds or roads.

IV. Power Boats

The Association would support a power boat ban on Segment 2 only during the peak season from July 15 through Labor Day. At other times of the year, the use levels are not high enough to warrant a total ban.

No restrictions on power boats on Segment 3 should be implemented because the levels of use are not high enough to warrant the action.

Power boats should not be restricted on Segment 4 as is proposed in the Preferred Alternative. The week-on, week-off plan will only serve to double the number of boats on the river during the week-on and accentuate the conflicts. The conflicts on Segment 4 occur between July 15 and September 15. They can be mitigated by the following actions:

-No excursion boat permits granted for river use between these dates (July 15 through September 15). **22-4**

-The number of guides should be reduced to pre-DRMP levels.

-The number of round-trips should be limited to two if there continues to be conflicts between commerical and private users.

-The lower two miles of the river, from the bottom of Moody Rapids to the top of Rattlesnake Rapids should be for walk-in anglers only between July 15 and September 15.

The DRMP promotes a costly and heavy-handed solution for problems that may be emphemeral and symptoms of other social problems which may defy a bureaucratic fix. Effective and accurate data-gathering should be implemented together with more ambitious environmental objectives to help effectively manage this river before adopting hard and fast limitations on use and access.

The Association of Northwest Steelheaders would support limitations if the environmental conditions warranted it. There is not enough evidence of recreational user-caused degredation at this time, though it may be occuring. Fishermen have lead the charge for protection of the Deschutes and that will continue to be the case.

V. Environmental Protection and Conditions

Though the access and user issues dominate the thoughts and words of many interested parties, it is the environmental aspects of the plan which deserve the most attention. Would any of us care about this river if the

water were not so blue, the vegetation and wildlife not so diverse, the views so spectacular, the flows not so strong and the fish not so wilely and wild? These are what the Deschutes River is all about. The Northwest Steelheaders believe that if baseline environmental conditions are measured, and standards for continued habitat protection are established, the user and access issues must and will fall into place.

A. Railway Operations

22-5 There was little if any mention of the impacts of the trains that run along the Deschutes. There are serious impacts already occuring, such as the recent fire on the lower river. The use of herbicides along the tracks also gives us cause for concern, particularly considering the cumulative impacts of this practice. Also, the dead vegetation along the tracks provides plenty of fuel for a fire caused by sparking. Vegetation maintenance by hand should be considered. There is also a great deal of litter associated with operation and maintenance of the tracks. Though not a serious problem, the aesthetic detraction should not be discounted. Train operators should be required to pick up their garbage and haul it away, particularly since they have transportation along the length of the tracks.

The possibility for serious toxic contamination as a result of a derailment exists every time there are toxics transported along the river. Is there any contingency plan to handle such a release? Are the local counties and the regional federal land managers prepared in the event of such a ecologic catastrophy? The Deschutes River deserves this type of planning and protection. The DRMP does not adequately address this issue.

B. Pelton Dam

The Pelton Dam license will expire in 2001. State agencies should consider their options for the relicensing process now. The ability to control releases to scour and clean spawning gravel is of utmost concern. The natural function of high spring flows are missing from the lower Deschutes ecosystem, and the sedimentation that is occuring is detrimental to the entire lower river. If it were not for the development of the reservoirs behind Pelton and their respective fisheries, removing the dam and restoring what was once a flourishing fishery would be the most preferable option. However, given the fisheries there now, passage options over Pelton being considered have serious implications for the wild trout, steelhead and chinook populations in the river below Pelton. ODFW as well as the Warm Springs Tribe must seriously consider these before

taking actions that would result in more hatchery-wild fish interactions.

C. Riparian Management

The Deschutes River Management Plan (DRMP) focuses on riparian management as a critical issue in protecting habitat and water quality. This is appropriate. The DRMP itself contains photographic evidence of riparian restoration that has resulted from exclosing grazing livestock. The benefits of riparian restoration are enormous in terms of water quality, habitat enhancement for fish, wildlife and vegetative communities, and also humans.

22-6 The Northwest Steelheaders do have several concerns about this aspect of the DRMP. First, the Bureau of Land Management (BLM) does not have the most sterling record for management of grazing on public lands. Riparian restoration projects have been conducted in some areas with great success. Nevertheless, the condition of a large amount of lands under BLM management are fair to poor. In some cases, the BLM does not even know the condition of lands under its jurisdiction. This leads the Northwest Steelheaders to question the effectiveness of the BLM's Resource Management Plan (RMP) and the Cooperative Resource Management Plan (CRMP). How effective will the BLM be at managing its public allottments? What vegetative condition standards have been set? How many staff have been assigned to monitor and enforce the plans? These questions remain unanswered in the DRMP, and this is a severe inadequacy in the EIS.

22-7 The emphasis in the DRMP appears to be on exclosing grazing livestock from riparian areas during the summer months or until particular riparin areas have been restored to certain acceptable levels. Experience tells us that fencing out livestock enables most riparian areas to rebound fairly quickly, and that most often, there is more forage for livestock and more habitat for fish and wildlife after getting and keeping the livestock off. The Northwest Steelheaders support intensive efforts to restore riparian areas, but we would also like to see vegetative recovery that would allow successional native plants to recapture some of their histoiric range. This can only occur if livestock are fenced out for long periods. The time period for fencing certain areas should be hastened and the time of exclosure should be lengthened.

Limited entry into riparian areas could occur for stockwatering where there are no upland watering options. The DRMP mentions upland watering as a solution to fenced out areas. These upland watering holes cannot escape scrutiny either. Upland watering, if no spring is involved, would require a water right application. Scenic

Flows in the Deschutes River must be met first, and any diversion on the Deschutes must be equiped with a fish by-pass screen. This is required by Oregon law.

22-8 The DRMP also does not take a firm stand on private land grazing. Even though private rights exist, there are also public rights inherent in water, fish and wildlife within the Deschutes waterway. Degredation by private owners of these public values, held in trust by either the BLM, the State and its Departments of Fish and Wildlife and Water Resources, cannot be tolerated. The DRMP appears to take a status quo stance on livestock grazing in areas of "predominantly public ownership or in areas with substantial interspersion of public and private lands..." It is clear that under the DRMP, livestock grazing would continue to be managed under existing plans. It is necessary to review those existing plans to determine if they are adequately protecting the natural resources within the planning corridor. This is required under the National Environmental Policy Act (NEPA).

D. Fish Resources

The fish resources of the Deschutes are perhaps its most valuable entity, at least in the eyes of the Northwest Steelheaders. The fish and the water they live in must be protected at any cost.

There are several limiting factors that prevent the fish resource from reaching its full potential on the Deschutes. The first has been recognized in the DRMP and that involves spawning gravel recruitment. The Pelton Dam prevents this from occuring naturally, as adequate flows cannot scour the gravel beds of the silt and organic material that fill them. The Northwest Steelheaders fully support any efforts to improve these current conditions.

The second limiting factor, for steelhead and Chinook, are two mainstem Columbia River Dams. Operation of these is under review in other forums, and improvement there will likely help the Deschutes.

Riparian area damage is another limiting factor, as the fish rely on these areas for food sources, off-channel rearing for smolt and fry, and protection from predators. The more the riparian zone is enhanced and protected, the greater the survival rate for adults and juveniles.

The introduction of hatchery steelhead may also be a limiting factor for wild Deschutes steelhead. The Oregon Department of Fish and Wildife believes that Deschutes summer steelhead may be in trouble, despite catch and release regulations that have been in place for some time.

The question that comes to mind is what has caused this. Surely the dams have had an impact, as have probably incidental commercial takes, high seas drift nets and general ocean conditions. In-river causes could be attributed to angling pressure, loss of spawning habitat, juvenile mortality due to unscreened diversions, loss of riparian protection and hooking mortality for smolt.

Competition between hatchery steelhead and wild steelhead may also have an adverse effect. ODFW must be certain that its Steelhead Management Plan is being properly implemented and is consistent with it Wild Fish Policy. There may be serious questions to ask about the hatchery steelhead production plan in the Deschutes since catch and release regulations have not apppeared to solve the problem.

22-9 Generally, the trout population seems to be holding its own, though the measuring stick for wild trout on the Deschutes at Nena Creek may not be the best indication. Why was this site chosen? Consideration should be given for selecting two different areas of the river to ensure that high standards are maintained for trout population levels. Also, the trout population below Shears Falls suffered through a long period of decline due to bait fishing for steelhead. This population is on the rebound, and a separate monitoring area should be developed in this area.

VI. Legal Issues

A. NEPA

The DRMP was developed concurrently under similar state and federal laws. The federal Wild and Scenic Rivers Act, takes supremacy over Oregon's Scenic Waterways Act if there are conflicting provisions or jurisdiction. The involvement of the federal government in the DRMP also triggers NEPA. NEPA requires that when a federal entity is going to take an action that significantly affects the environment, it must conduct an environmental analysis. 42 U.S.C. @4332(C). In this case, the active federal agency, the BLM, chose to prepare an EIS.

Preparation of this EIS must comport with existing federal regulations designed to enhance NEPA compliance, as well as with the BLM's own NEPA regulations and guidelines. The Northwest Steelheaders find that the DRMP-EIS fails to comply with NEPA in several critical respects.

22-10 First, the cumulative imapcts analysis is either lacking or non-existant. 40 C.F.R. @1508.7. NEPA requires that all impacts, either direct, indirect or cumulative, be analyzed thoroughly. 40 C.F.R. @1502.16. The DRMP also failed to consider alternatives not within the jurisdiction of the lead agency. 40 C.F.R. @1502.14(d). The DRMP also

22-11 did not adequately address possible conflicts between the proposed plan and federal, state and local objectives regarding environmental enforcement and land use planning. 40 C.F.R. @1502.16(c).

22-12 The DRMP also also fails to adequately define the purpose and need for the plan. DRMP at p. 2. The purpose and need should clearly state the underlying purpose and need to which the lead agency is responding in proposing the action. 40 C.F.R. @1502.13.

These areas of non-compliance with NEPA appear technical in nature, but the combination of all of them decrease the effectiveness of the DRMP as both a good management tool and a public involvement activity. The BLM has had enough experience with NEPA to avoid making these omissions.

B. Wild and Scenic Rivers Act

The federal act requires that rivers designated under the Act be managed for the outstandingly remarkable features which caused them to be designated. 16 U.S.C. @1271. The Act carefully defines the various rights and priviledges retained by private parties within the designated rivere corridor in several sections. The Act also requires the lead agency to take such actions necessary on management policies and plans that would affect lands within the river boundary so that the rivers are protected in accordance with the purposes of the Act. 16 U.S.C. @1283(a). However, in the next section, the Act states that nothing in this section shall abrogate any existing rights in those lands within the river boundaries. 16 U.S.C. @1283(b).

There is an inherent conflict in the Act, however, an earlier portion of the Act sheds some light on this conflict. Section 1279 states that all lands within the designated boundaries of a river component are to be withdrawn from entry, sale or disposition under the federal public land laws. The only exceptions to this appear to be valid existing mineral or water rights. The Act does not clearly grant exceptions for grazing permits or guiding permits as valid existing rights or priviledges.

The BLM should administer the Wild and Scenic Rivers Act in the strongest possible terms in order that the outstandingly remarkable values of the Deschutes River are preotected and maintained.

VI. Conclusions

The Association of Northwest Steelheaders' written comments reflects the Association's views on the major environmental and social issues. The ecologic health of the

Deschutes is the most important aspect of the DRMP, and if it is not possible to protect and enhance environmental conditions under the current conditions of use, then those conditions may warrant change. The relatively pristine state of the Deschutes River should not be compromised by overzealous users merely protecting their own right to use the Deschutes as they please. It is the rights of our children and our children's children to enjoy an unspoiled Deschutes River that deserves our highest consideration.

Sincerely,

David A. Moskowitz
Executive Director

Response to Association of Northwest Steelheaders

22-1 Alternative methods to control crowding were adopted in the Final Plan in an attempt to avoid a limited entry system.

22-2 See Response 21-2.

22-3 The potential for an all-user fee has been identified in the Final Plan.

22-4 Management of motorized boat use has been modified from the Draft Plan/EIS. Further study is proposed concerning environmental effects of this use.

22-5 See Emergency Services section.

22-6 The effectiveness of the BLM in management of grazing allotments within the Lower Deschutes River corridor has improved dramatically over the last two to three years. We believe this effectiveness will continue to improve as the plan is implemented and new grazing systems are initiated.

22-7 The vegetative condition standards are outlined in the fish habitat/water quality and quantity section of the management plan.

22-8 Budgeting for and hiring of additional staff to implement and monitor the plan is not totally controlled at the BLM district office level. However, once the plan is approved, there will likely be additional emphasis placed on staffing levels so compliance with the plan can be achieved.

22-9 See response to Anglers Club of Portland.

22-10 Although the cited portions of the CEQ regulations require cumulative impact analysis there is not requirement to format EISs to separate direct, indirect or cumulative impacts. The EIS planning team preferred and used an impact assessment format which combined forms or sequence of impacts for reader convenience as well as improved understanding by decisionmakers. The various text and tables in Chapter VI of the DEIS do summarize all forms of impacts from all potential sources. For example, Table 21, page 180, includes impacts to fish and wildlife from livestock, roads, campsites, etc. including "Overall" which was intended to equal "cumulative" impacts.

22-11 Chapter VII, Implementation, beginning on page 269, notes that successful implementation of the proposed plan (or any alternative plan) would require coordination and cooperation between all of the managing agencies. While we believe that the plan itself, as well as various Federal and State laws will promote conflict resolution, it is possible there could be differences "regarding environmental enforcement". Resolution of any such issues through an open process of ongoing coordination as well as joint participation in project or activity plans. For example, BLM would continue to work with applicable State, Tribal and Federal entities when developing habitat management plans. This should reduce, if not eliminate, the potential for interagency conflict.

22-12 We agree that the DEIS "Purpose and Need" section is brief, but the essence of the EIS process is the resolution of issues as identified through the EIS scoping process (40 CFR 1501.1(d)). The major issues for the Deschutes Plan were displayed for public review and comment in the thick January 1990 mailers as well as DEIS Chapter II, beginning on page 27. The purpose and need for the plan is to comply with the intent of laws, resolve the issues, develop and prescribe management directions and a process for monitoring and evaluating progress.

23

Northwest Mining Association

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July 11, 1991

RECEIVED
JUL 15 1991
STATE PARKS AND RECREATION DEPARTMENT

Deschutes River Coordinator
Oregon State Parks & Recreation Dept
525 Trade Street S.E.
Salem, Oregon 97310

SUBJECT: **Lower Deschutes River DEIS**

Gentlemen:

The Northwest Mining Association (NWMA) has reviewed the draft Lower Deschutes River Management Plan and Environmental Impact Statement recently sent to us by the U.S. Bureau of Land Management. As you are probably aware, the NWMA is a 96 year old organization with over 3,000 members from throughout the U.S. and Canada. Our association represents a diverse range of individuals, from individual prospectors to some of the largest mineral producers in the country. Overall, the plan appears to be well thought out and the preferred alternative represents a very legitimate attempt to balance the sometimes conflicting mandates and resource uses occurring within the study area. The NWMA has limited its comments primarily to mineral resource related issues.

First, we recognize that at the present level of exploration, the mineral resource potential appears to be fairly limited within the area of concern and that the amount of land that will actually be closed to mineral entry is relatively small (page 125). Second, we heartily endorse the continued use of existing utility and transportation corridors for new right-of-ways (ROW) (page 106). This represents a reasonable trade-off between no new ROWs and the possible proliferation of new corridors. Third, the proposed no surface occupancy provision for leasable minerals and energy development (page 125) is very problematic, though less of a concern than closing the area to leasing all together. We suggest explaining how such a lease could be developed in sentence or two, for the benefit of both the general public and mineral industry (i.e., angle drilling from an off-lease location, placement of well heads in underground vaults, proper site reclamation, etc.). Fourth, the discussion of collectable minerals and fossils (page 142) is welcome, but should briefly describe some of the legal limitations placed on such activities to complete the picture. Fifth, the assumption that any quantitative improvement in air quality can be achieved by removing livestock from riparian areas (page 167) is challengeable and this reference should be deleted in the final EIS. The only documented benefits that we are aware of from cooling due to improved riparian habitat pertain to water temperature and its relationship to coldwater fisheries. If there are any reports containing statistically valid data available to support the contention that there is significant correlation between grazing and ambient air temperature except in a highly localized micro-climate, we would very much like the opportunity to review them.

Please keep us on your mailing list so we may receive other planning documents and notices.

Sincerely,

Ivan Urnovitz

R.K."Ivan" Urnovitz
Manager, Government Relations

rku/gen-corr/deschutes.eis

414 PEYTON BUILDING SPOKANE, WASHINGTON 99201 509/624-1158 FAX 509/623-1241 KARL W. MOTE, EXECUTIVE DIRECTOR

Response to Northwest Mining Association

23-1 No Surface Occupancy Leases:

The adopted land use plan decision allows no surface occupancy on BLM land along the Deschutes River. Lease development would have to be accomplished by such methods as slant drilling from outside the canyon. Exceptions to the no surface occupancy provision could allow for onsite development if equipment could be buried or screened from view so that no significant residual impact would occur to visual and recreational values.

23-2 Collectable Minerals and Fossils:

Collectable minerals and fossils are available on BLM land under the restriction that no mechanized equipment be used. Common fossils may be collected but vertebrate and scientifically significant invertebrate fossils are not open for collection. Petrified wood may be collected under the restrictions that one person may remove a maximum of 25 pounds plus one piece per day and not more than 250 pounds in a calendar year. No explosives or mechanized equipment may be used and the petrified wood may not be bartered or sold to commercial dealers.

24

Northwest Environmental Defense Center
10015 S.W. Terwilliger Blvd., Portland, Oregon 97219
(503) 244-1181 ext.707

October 3, 1991

Jacque Greenleaf
Deschutes River Coordinator
Oregon State Parks and Recreation Dept.
525 Trade Street S.E.
Salem , Or 97310

Re: Comments on the Deschutes River Draft Environmental Impact Statement (DEIS).

Dear Ms. Greenleaf:

The Northwest Environmental Defense Center (NEDC) is a non-profit citizen conservation organization dedicated to preserving and protecting the natural resources in the Northwest, particularly in Oregon. Our primary interests are water quality and preservation of habitat which is critical for the maintenance of water quality. The Deschutes River is critical in that respect to much of central Oregon, and represents a significant resource for the communities of plants animals, fish and people that live not only within its basin, but throughout the Northwest.

NEDC appreciates the opportunity to participate in the review of the DEIS. Our comments fall into two categories. First, we address management practices found in the listed alternatives that should be integrated into the Preferred Alternative. Second, we request adoption of important management practices that are not addressed in the DEIS.

I. Incorporation Of Listed Alternatives

(A) Grazing

Alterative No. 4's prohibition of livestock grazing should be integrated into the Preferred Alternative. The removal of livestock from BLM, state, and Tribal riparian areas is essential to managing the Deschutes for water quality and wildlife habitat.

The benefits of this alternative are tremendous. The removal would result in prompt and substantial revegetation of native species. This in turn would improve the riparian soil while preventing stream bank erosion and improving the water quality. It would also increase the wildlife habitat by providing better food and cover. The endangered species in the Deschutes River Corridor (DRC) would undergo significant beneficial impacts, according to the DEIS, instead of the "continued improvement" of the preferred alternative. The scenic quality would also return more rapidly to the state that resulted in the Deschutes being designated a Wild and Scenic River.

24-1 The National Wild and Scenic Rivers Act and its Oregon equivalent the Scenic Waterways Act demand that the administrators of these designated areas shall place primary emphasis on "protecting its esthetic, scenic, historic, archaeological, and scientific features." USC 16 § 1281(a), ORS 390.835(1). The Preferred Alternative does not follow these standards because it greatly overemphasizes the benefits of grazing. The loss of grazing in riparian areas would only result in three lessees of public land losing 300 AMU's of forage. The Preferred Alternative finds these impacts outweigh all of the beneficial results of Alternative No. 4. The costs of fencing and the development of upland springs are significant, however these

expenses could be mitigated through the revenue gained in a recreational user permit system. (Discussed Below) At the very least, the costs of the upland springs could be mitigated by creating limited entry areas for livestock watering while keeping the great majority of the riparian lands protected.

24-1 Moreover, that three lessees could limit the restoration of riparian lands to 60% of ecological status within 15 years (Preferred Alternative), or full vegetative recovery within 25 years (Alternative No. 3) is not consistent with the relevant state and federal statutes. Integration of the grazing regulations of Alternative No. 4 into the final plan is necessary to manage the DRC the way our legislators intended.

(B) Revegetation

24-2 Revegetation of the riparian areas is crucial for improving the water quality and wildlife habitat of the DRC. Alternative No. 4's revegetation plan should be adopted. The seeding and planting of only "native species" and the burning and watering of the riparian areas will help maintain genetic diversity. This is essential to the health of the area's ecosystem. The high costs associated with the difficulty of obtaining these types of seeds is attributed to their rarity, but it is also premised on continued grazing. If livestock use was prohibited, increased natural revegetation of the plants would reduce theses costs. Although controlled burning may cause some safety concerns, it is still a manageable technique that increases natural succession.

(C) Recreational Use

24-3 Camping in sensitive wildlife habitat should be prohibited, and the restrictions of Alternative No. 4 (pg. 53) should be integrated into the Preferred Alternative. Also, Alternative No. 3's (pg. 76) firm stand on rehabilitating riparian and wildlife areas, including

the automatic closing of any campsite smaller than 500 feet for rehabilitation, is more likely to protect habitat and water quality than the Preferred Alternative's mitigation approach.

24-3 The DEIS is permeated with the idea of construction. The DRMP calls for the paving of roads and the construction of new campsites with water and toilet facilities. This would increase the number of recreationists by bringing in those who often avoid Oregon's more primitive campgrounds. The resulting overuse would do nothing to solve the environmental protection issues. If construction must take place, the DRC should avoid as much damage to sensitive areas as possible by the concentrating effects of access points and campsites. Alternative No. 3's requirement of constructing new parking lots and pullouts away from sensitive areas should be adopted. Similarly, if there must be new campsites they should be specifically designated and constructed away from sensitive wildlife habitat and riparian areas.

NEDC also supports the increased use of portable latrines. Alternative No. 1's approach to sanitation facilities (pg.74) was created as a result of this Alternative's policy of increased used. However, this does not mean that the additional sanitation facilities cannot be incorporated into the Preferred Alternative. The idea of requiring the recreationists to pack out their own human waste, considered in the other Alternatives, seems wishful thinking at best. In reality this plan results in both scattered litter and possible health hazards. Concentration of the waste outweighs the ugliness and expense of portable latrines.

Alternative No. 4's approach to foot access should also be integrated. Trails parallel to the river already exist. If these do not prove sufficient, then only naturally appearing point access trails would be provided with consideration to the riparian areas. The Preferred Alternative's approach to constructing new trails is a waste of both resources and the limited amount of riparian area.

Also, this alternative contains a provision designating mountain bike trails. If there actually proves a demand for these, they must be provided for well away from the sensitive habitat.

Alternative No. 4 's approach to boat launching should also be adopted. The redesigning / reconstructing of only the existing **major** launching facilities, combined with the closure and rehabilitation of the primitive and undeveloped launch sites, is essential. These practices would go far in minimizing recreational impacts on the riparian areas and stream bank erosion.

(D) Requiring A Permit Fee For Recreational Use.

The recreational user permit discussed in Alternative No. 4 should be integrated into the Preferred alternative. The Oregon legislature, acting under its police powers, could delegate to the Parks Commission the power to levy a fee on persons involved in recreational activities in the Deschutes River Corridor (DRC). Monies collected under the system could be deposited in a fund designated specifically for the DRC. This increased revenue could help offset the costs of the fencing and the building of upland springs associated with grazing prohibitions in riparian areas, toilet facilities, user education, l;and acquisition, environmental monitoring, or any other projects needed to enhance water quality and wildlife habitat. The Deschutes has a limited number of access points, and if these permits were required to be displayed on automobiles, then policing the DRC would still be practical.

24-4 The pass would also be a convenient vehicle for increasing user knowledge. The education methods common to all Alternatives (pg.103) shows the River Management Committee's (RMC) commendable commitment to informing users of the riparian ecosystem's importance. In addition, recreational boaters should be informed of good land and water use practices that help prevent

24-4 erosion of the river bank. If brochures were distributed with the user passes in some packet form , a more economic, efficient, and arguably effective way of informing the public would be achieved. The literature is more likely to be read after purchasing a pass then when walking past a brochure box, eagerly awaiting the wetting of a fishing line.

II. Management Practices Not Addressed In The DEIS.

(A) Water Quality Standards.

High water quality is an essential element of the habitat of wild trout and the various species of anadromous fish . The fishery of the Deschutes is considered by many users to be its most valuable natural resource. Quality water is also essential to enjoyable recreational use of boaters and the ability of the Columbia River to accept certain pollutants. In order to insure that these resources exist in the future. The DEIS has established some water quality standards. However, questions still remain regarding the substance of these regulations.

24-5 According to the DEIS, the Department of Environmental Quality (DEQ) has established water quality standards (pg. 399) for the DRC and they have agreed to monitor the water quality. However, has the RMC secured funds from the legislature to pay for this extensive monitoring? The DEIS's common management plan also includes two "recommendations". First, they will "recommend" to the FERC to periodically increase releases of water through Pelton Dam, especially in the early spring months, to provide the natural cleaning of silt from the spawning gravel beds. Second, they will "recommend" to the DEQ, Soil Conservation Service, and the North Unit Irrigation District that irrigation water returning to the Deschutes will be reduced through better management of water flows, or the construction of settling ponds, to reduce silt and pesticides from entering the river. These "recommendations" should

24-5 be formal demands so the agencies will be forced to consider them and report their findings. The fact that the Preferred Alternative includes gravel replacement for spawning beds is evidence of the RMC's own belief in the substance of their "recommendations".

(B) Fishing Quality

24-6 The DEIS plan for measuring fish populations only considers data at one point, near Nena Creek, on a 100 mile stretch of river. This seems an inadequate process for protecting and regulating a nationally known trout fishery. In addition, the DRMP did not address the possibility of endangered species of anadromous fish resting in river segment 4 during their migration up the Columbia River. The RMP should consider this eventuality and the impact on the RMC's fishing regulations. The Oregon Department of Fish and Wildlife (ODFW) should also be required to study the affects of the interaction between hatchery and wild steelhead. ODFW should identify any negative impacts and make recommendations on how to avoid them.

(C) Disaster Management

24-7 According to the DEIS, the "managing agencies will coordinate with the railroad in development of an emergency plan for responding to the potential chemical or other hazardous material spills in the canyon." pg. 102. However, are the local counties and regional federal land managers prepared if such a disaster occurs? Will there be any extra steps for prevention or has any money been allocated for acquiring equipment ahead of time to reduce damages once they occur? Do local communities currently have the equipment and training to handle a toxic transport disaster? If not, then rail users should be asked to provide the necessary equipment and training. The Deschutes River deserves the best prevention plan possible. One that merely delegates responsibility after the fact is unacceptable. This emergency plan must be adequately discussed in the final management plan.

In Conclusion, NEDC strongly supports the integration of all measures into the Preferred Alternative that will assure high water quality and the protection of sensitive habitat. The Deschutes is a natural wonder that many Northwesterners have had the benefit of growing up with, and it must be protected so others may enjoy its qualities in the future. If the River Planning Committee is overcautious, it will merely err on the side of preservation. We appreciate the opportunity to comment on the DEIS, and look forward to receiving the final plan.

Sincerely,

Mike Frazier
NEDC Member

Response to Northwest Environmental Defense Center

24-1 The livestock grazing proposals in the Final Plan have been designed to ensure that resource objectives are met or changes in livestock grazing will occur.

24-2 Emphasis will be placed on native species where practical.

24-3 Resource protection is a primary consideration for facility development and campsite management in the Final Plan.

24-4 See Response 22-3. User education initiatives have been incorporated into the Final Plan.

24-5 Water Quality Standards:

The Deschutes River Policy Group can request other government entities to initiate management activities to protect or enhance water quality in the lower Deschutes River. However, they do not legal powers to force compliance with provisions of the plan.

24-6 Fishing Quality:

The Oregon Department of Fish and Wildlife is developing a comprehensive fish management plan for the lower Deschutes River and tributaries. This plan expected to be adopted before the end of 1992, includes specific provisions for management of resident and anadromous populations. The Oregon Fish and Wildlife Commission has the powers to enact emergency fish regulations, if needed, to provide appropriate protection for depressed fish populations in a very short period if circumstances warrant such action. ODFW has adopted a Wild Fish Management Policy, which specifically directs fish management activities to minimize the negative interaction of hatchery fish with wild populations. However, the numbers of stray out-of-basin hatchery steelhead migrating up the Deschutes River will make compliance with this policy difficult.

24-7 Disaster Management:

There are varied levels of preparedness for potential chemical or other hazardous material spills in the canyon. However even the best preparations and equipment will likely be hampered by the general remoteness and access constraints. There is no question that a comprehensive toxic/hazardous substance spill plan must be developed and periodically reviewed with all management and government entities. These efforts must be closely coordinated with the railroad's hazardous spill plan.

HAGLUND & KIRTLEY
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September 12, 1991

25

Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street S.E.
Salem, Oregon 97310

Re: Draft Lower Deschutes River Management Plan

Dear Sir or Madam:

We represent the Deschutes River Public Outfitters and the Oregon Guides and Packers, both nonprofit organizations composed of licensed public guides and outfitters. We have analyzed the Lower Deschutes River Management Plan and Environmental Impact Statement on behalf of our clients and find the preferred alternative legally deficient in three fundamental respects.

First, the preferred alternative will eliminate or greatly curtail existing and grandfathered recreational uses in violation of the Wild and Scenic Rivers Act of 1968 and the amendment to that statute contained in the Omnibus Oregon Wild and Scenic Rivers Act of 1988. Second, the proposed restrictions on boater use and the massive reallocation of that use from weekends to weekdays is unsupported and its implementation would constitute "arbitrary and capricious" action by the implementing federal agency in violation of the Administrative Procedures Act.

Third, the Memorandum of Understanding governing the development of the Management Plan explicitly prohibited the Executive Review Board from voting on issues and instead required that body to negotiate final resolution of the issues brought before it in an effort to forge the necessary consensus. The Executive Review Board did not operate in the manner required under the MOU and various votes by that body are noted in the Draft Plan. The result is that the planning process and our clients' rights have been compromised. Each of these fundamental legal objections to the Draft Plan is discussed more fully below.

The Preferred Alternative Cannot Abrogate Pre-Existing Rights.

When the Wild and Scenic Rivers Act was enacted in 1968, it contained the following prohibition in Section 12(b):

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

The courts have consistently construed this language to prevent the federal government from abrogating the private contracts, privileges or other rights that were in existence at the time the statute was passed. This was precisely the type of protection that Senator Mark Hatfield understood was a part of the history of the administration of the Wild and Scenic Rivers Act and was the basis of the following statement by the principal drafter of the Omnibus Oregon Rivers Act when it passed the Senate:

25-1

> "As I have told my fellow Oregonians on many occasions, the Wild and Scenic Rivers Act is probably one of the most flexible land use statutes in existence. It recognizes that river areas have been intrinsically important to human development throughout our history. 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 grandfathered uses in the act and are allowed to continue to the extent they are currently practiced."

(99 Cong. Rec. 15243, October 7, 1988).

The combination of the "subject to existing rights, privileges" language contained in the original Wild and Scenic Rivers Act and the clear statement by Senator Hatfield that "recreational uses are all grandfathered uses . . . and are allowed to continue to the extent they are currently practiced" demonstrates that the management of the Deschutes River must be

tailored to accommodate all of the uses existing in 1988 as they were practiced at that time.

Each of the members of the Deschutes River Public Outfitters is an owner of a valid permit for commercial guide or outfitter activity on the Deschutes River and owned that permit at the time the Omnibus Oregon Rivers Act was passed in 1988. The federal government cannot now adopt a variety of new restrictions that will abrogate or eliminate those pre-existing uses. The most onerous examples are the prohibitions on motorboat use on Segment 2 in its entirety and in part on Segments 3 and 4. The effect of those bans will be to put many guides out of business in a clear abrogation of their rights as they existed in 1988. In our view, if the federal government wishes to impose such a system, it must be done in a way that compensates guides for the loss of their businesses.

25-1

The BLM Cannot Arbitrarily Reduce Levels of Allowable River Use Below 1988 Levels or Reallocate that use from Weekends to Weekdays Without a Supporting Study.

As noted above, there should be a presumption that all recreational uses in existence at the time the Omnibus Rivers Act was passed in 1988 are grandfathered uses. Moreover, it is a fundamental principle of administrative law that an agency cannot make decisions that are "arbitrary and capricious." The boater use levels proposed in the Draft Plan and the massive reallocation of use from weekends to weekdays are numbers that are literally pulled out of thin air. There is no study or factually based justification for the usage levels that are set out in the preferred alternative.

Where the effect of these new restrictions would be to substantially reduce public access and put most of the existing guides and public outfitters out of business, the government cannot proceed on this course without running afoul of the prohibition in the Administrative Procedures Act against arbitrary and capricious decision-making. The Ninth Circuit and other federal courts have repeatedly held that an agency's action is arbitrary and capricious where it is not supported by substantial evidence. See, e.g., American Tuna Boat Ass'n v. Baldridge, 738 F.2d 1013 (9th Cir. 1984). The complete ban on jetboat usage on Segment 2 and the partial ban on Segments 3 and 4 are additional examples of purely arbitrary decisions unsupported by any analysis or study. Indeed, the only study to date on motorboat usage on the Lower Deschutes concluded that motorized use is not an erosion factor on the river.

25-2

Investigation of Motorboat-Induced Streambank Erosion on the Lower Deschutes River, prepared by the Water Resource Research Institute for the Oregon State Marine Board (Feb. 1990).

The Executive Review Board Resolved Disputed Issues by Vote in Violation of the MOU.

The Memorandum of Understanding governing the production of the Deschutes River Management Plan states in no uncertain terms:

> "The ERB will negotiate final resolution of the issues taken to it by the Policy Group. No votes will be taken."

MOU at 5.

Clearly, the whole thrust of the MOU was to utilize a process for development of the Management Plan that was designed to achieve consensus from all participating parties. The ERB was to negotiate final resolution of the issues and was not to take votes on the issues presented to it. That prohibition was violated on numerous occasions in "resolving" some of the key issues that are of such vital importance to the Deschutes River Public Outfitters, the Oregon Guides and Packers and others interested in public access to the river. At pages 391 and 392 of the Plan, it is acknowledged that 3-1 votes were taken on the issues of motorboat scheduling and the permit allocation system.

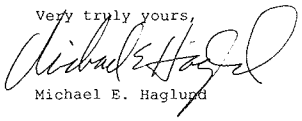
25-3

These votes destroyed the ERB's opportunity to negotiate a consensus and violated important procedural rights of the licensed guides and outfitters as well as the public. Development of a consensus protects the rights of all through reasonable compromise and give-and-take. Given the terms of the MOU, we believe that the prohibition on ERB voting constitutes a legally required supplement to the mandatory procedures applicable to the BLM under the National Environmental Policy Act. In NEPA cases, whenever the federal government is found to have violated that statute's important procedural and public participation requirements, the result is an injunction by a federal court requiring that the process be corrected.

In conclusion, the legal flaws in the Draft Management Plan must be corrected or the Bureau of Land Management faces the prospect of a federal judge ordering the corrections. On behalf of DRPO and the Oregon Guides and Packers, we remain ready to

participate in the effort to forge a consensus over these key river issues, but the existing rights of guides and outfitters must be respected and accommodated in the Final Plan.

Very truly yours,



Michael E. Haglund

MEHr7669
cc: Deschutes River Policy Group
BLM Prineville District

Response to Haglund and Kirtley for Deschutes River Public Outfitters and Oregon Guides and Packers

25-1 The Preferred Alternative Cannot Abrogate Pre-Existing Rights. Special recreation use permits are issued under the general authority of the Secretary of the Interior to regulate use of the public lands and related waters, pursuant to section 302(b) of the Federal Land Policy and Management Act of 1976. Special recreation use permit requirements are set forth in 43 CFR Subpart 8372 which provides in part: "The approval of an application and subsequent issuance of a special recreation permit is discretionary with the authorized officer." (43 CFR 3872.3). Accordingly, BLM has the discretion to reject a special recreation permit application where such application conflicts with BLM objectives, responsibilities, or programs for management of the public lands.

BLM special recreation permits for commercial use of the Deschutes River include the following special stipulations:

> 17. Exclusion: The Special Recreation Permit (SRP) does not create an exclusive right of use to any area by the permittee.....should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety and the environment,.....
>
> 18. Permit Value: No value shall be assigned to or claimed for the permit, or for the occupancy of use of Federal lands or related waters. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM. In the event of default or any mortgage or other indebtedness, creditors shall not succeed to the operating rights or privileges of the permittee's SRP and permit privileges may be cancelled by the BLM. If the permittee goes into a Section 7 bankruptcy, permit privileges will be automatically cancelled and revert to the BLM.
>
> Since the BLM does not recognize any special recreation permit possessory interest, no abrogation of pre-existing rights affecting Federal lands and related waters is deemed to occur through permit changes or revocation.

25-2 The BLM Cannot Arbitrarily Reduce Levels of Allowable River Use Below 1988 Levels or Reallocate That Use From Weekends to Weekdays Without a Supporting Study.

All Omnibus Oregon Wild and Scenic River Act management plans are being prepared on the basis that land and water uses and activities occurring at the date of the Act's passage (October 28, 1988) can continue in manner and degree, assuming those uses and activities were not adversely impacting the outstandingly remarkable values which resulted in the river's designation.

The Wild and Scenic Rivers Act of 1968, Section 3(d)(1) states "For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segments to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the Act....." Section 10(a) of the Act states "Each component of the National Wild and Scenic Rivers System shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other users that do not substantially interfere with public use and enjoyment of these values. In such administration, primary emphasis shall be given to protecting its aesthetic, scenic, historic, archaeologic and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area."

Various studies and other sources of information as listed on pages 298-301 of the Draft Lower Deschutes River Management Plan and Environmental Impact Statement were used by the Deschutes River Policy Group in developing and finalizing decisions regarding use levels and the protection and enhancement of outstandingly remarkable values. Additional studies will be conducted as described in the Monitoring and Evaluation sections. Plan decisions may be updated or amended as additional data becomes available.

With regard to proposed powerboat closures/restrictions, the primary issue involves social conflicts, including congestion at launch sites, competition for fishing and camping areas, noise, powerboat wakes and instream user safety problems. There is clear evidence and public comment to support this nonmotorized/motorized boat recreational conflict issue.

25-3 The Executive Review Board Resolved Disputed Issues by Vote in Violation of the MOU.

The Executive Review Board did use a voting mechanism in order to resolve issues in a timely manner for development of a preferred alternative in the Lower Deschutes River Draft Plan and Environmental Impact Statement. Their intention was to move forward with the river planning process within the timeframes established by the 1988 Omnibus Act. Their action did not violate the MOU because it was not a final decision, but a proposed action among several controversial actions which needed to be placed before the public through publication of the draft plan. Now that the public has reviewed the document and commented in writing and orally, the Executive Review Board has again addressed the issues and arrived at decisions based on provisions of the MOU, available data and public comments.

OREGON CATTLEMEN'S ASSOCIATION

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729 N.E. Oregon St.
Portland, OR 97232

Affiliate
National Cattlemen's Association

October 13, 1991

26

RECEIVED
OCT 17 1991
STATE PARKS AND RECREATION DEPARTMENT

Deschutes River Policy Group
Oregon State Parks Dept 525
Trade Street SE
Salem, Oregon 97310

Dear River Policy Group:

After seeing a few of the recommendations coming out of the Deschutes River planning I have some concerns not only on that River but on things you have done which may become a standard for other rivers designated as Oregon Scenic Rivers.

It seems to me the reason for having local people on the planning groups was to keep the planning of each river area very specific to that river including ecological, social and ecomonic values. Basic to the planning must be the consideration of private land and the differences between it and public lands, including private rights on public lands.

It is very important that the planners not involve themselves in the management of private lands with "rules" that are intrusive on private rights. An example is setting a time frame for grazing in the river canyon. To set such a time frame as a blanket rule leaves far too much out of the process as far as individual management style, evaluations of the effects of each style on the river resource and proof of permenant degredation, not to mention benefits lost to the resources by such restrictions.

I served on the State Policy Group resulting from the Oregon Wild and Scenic Rivers Onmibus Bill and helped to develop a policy paper which is enclosed, for dealing with private lands on the rivers. The policy was inclusive for all rivers and was agreed to by concensus of the whole committee. Oregon State Parks had a representative in the group as did several other state agencies.

I urge you not to lock the management of the Deschutes into narrow rules that can only be contested or ignored by those who actually have the day to day management responsibilities, public and private, and to be ever mindful of the individuals' property rights guaranteed by our constitution.

If we can be of any assistance in the planning process, please contact us.

Sincerely,

Sharon Beck pc

Sharon Beck, Chairman
Private Lands Committee
(503) 963-3592

RE: OCA BOARD OF DIRECTORS POLICY REGARDING GOVERNMENT MANAGEMENT OF WILD & SCENIC RIVERS

DATE: ADOPTED BY OCA BOARD OF DIRECTORS MAY 1, 1990

It will be the goal of the government in the management of wild and scenic rivers to:

1. Identify, on maps and on the ground, private property, and assure landowners that in exchange for the public's privilege of being able to see that property from the river the government will aggressively protect and defend the landowners' rights. 26-1

2. Inform the public of the variety of uses to which private property is put, by choice, and that no abridgement of that choice will be allowed.

3. Inform the public that while they are on the water transecting private property that they may be an uninvited guest and that their behavior should be as inoffensive as possible considering noise, visual impacts, trespass onto land, etc.

Response to Oregon Cattlemen's Association

26-1 See revised Law Enforcement and Information Education sections.

Sherman County Cattlemen's Assn.

Moro, Oregon
97039

October 11, 1991

27

Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street NE
Salem, OR 97310

Dear Sir or Madam,

The Sherman County Cattlemen's Association represents the views of local cattlemen on matters relating to our industry. We wish to comment on the Lower Deschutes River Management plan as it relates to grazing.

We strongly agree with the intent of the plan of providing for a healthy environment. As ranchers, we understand the importance of managing for long term goals. While we accept the vegetative standards set forth in the plan, we feel that it is important that any evaluation, monitoring or implementation of new systems take place on a site specific basis, recognizing that the vegetative potential is variable from area to area.

27-1 We recommend that standards relating to the construction of water access points, enclosures, or any other livestock management structures be developed with the assistance of persons who have a practical understanding of livestock.

We believe that the health of riparian areas can be maintained and improved while still allowing for regulated, short duration grazing. We suggest that trials be conducted to allow this point to be demonstrated.

27-2 We are greatly concerned about the potential economic hardship to some area livestock producers from limiting all grazing to a November 1 - May 1 time frame. Alternative forage is not readily available in the region during the summer months and even when it can be located it is often not available until June or later. Judging from information contained in Appendix S of the plan, most state and federal allotment holders would have to make major changes in their operations in order to comply with this change in grazing season. In light of this, we believe that the economic impacts of the plan as currently written are much greater than the plan states. We feel that greater flexibility as to season of use, especially in upland areas, would not automatically result in damage to habitat.

Livestock operators are an important asset to the area. In addition to contributing to the local economy, they assist in fire suppression, participate in weed control, maintain fences, and provide feed and habitat for wildlife.

The Sherman County Cattlemen's Association appreciates the chance to comment on the management plan and we believe it is possible for a well-managed grazing program to contribute to a healthy river environment.

Sincerely,

John Fields

John Fields, President
Sherman Co. Cattlemen's Association

Response to Sherman County Cattlemen's Association

27-1 We agree that vegetative potential varies considerably from site to site. Evaluations conducted on grazing allotments do take this into account and systems are developed on a case-by-case or pasture-by-pasture basis to enhance the resource values. Monitoring studies are currently in place to document effects of new management. Additional monitoring of specific sites, i.e. riparian zones, will be established to document results of management changes.

27-2 The limitation to grazing between November 1 and May 1 is restricted to those grazing allotments which contain Deschutes River or associated tributary riparian zones. Allotments and/or pastures not fitting this category may be grazed outside of the above timeframes, providing the grazing is managed to not be detrimental to the resource. Most livestock operators with direct access to the river, or tributaries, have alternative water sources which can be utilized in the uplands.

28

RECEIVED
JUL 30 1991
STATE PARKS AND RECREATION DEPARTMENT

July 16, 1991

COLUMBIA ■ RIVER ■ GORGE
THE DALLES
CONVENTION & VISITORS BUREAU

Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street S.E.
Salem, Oregon 97310

In Response:

The City of The Dalles Convention and Visitors Commission acknowledges the many user groups, local, State, and Federal agencies, who provided the input necessary for the Deschutes River Policy Group to make their preferred recommendations for management of the river.

After reviewing the Lower Deschutes River Management Plan and Environmental Impact Statement, The Dalles Convention and Visitors Commission feels strongly that the level of proposed management goes beyond the proven need for such controls. The potential for negative economic impact to The Dalles and Wasco County is evident. In an era of changing economic bases for rural Oregon, it is all too often the case where economic opportunity and sometimes foundations are taken away without providing communities the tools or means to react to the changes. Any plan that has a negative economic impact is unacceptable.

Although the preferred alternative plan alludes to a long term economic gain for The Dalles and Wasco County, we are concerned that the baseline data cannot support this case. Before any management plan is implemented, we urge the Executive Review Board to conduct further, and in-depth, studies of the economic impacts to the affected areas. We also urge the Board to be aware of the unprecedented commitment and investment by The Dalles and Wasco County to broaden the economic base through the marketing of our recreational resources. These efforts are already sensitive to the need for a balanced approach to increased recreational use, preservation, and promotion of those resources.

We need more assurance that the preferred plan will not cause a devastating economic impact.

Thank you for your consideration.

Bill Young	Glenn Summers	Colleen Underhill	Robert Ford
Chairman	Vice Chairman	Secretary-Treasurer	Executive Director

Sandra Hammond	Ardith Martin	Leonard Cooper

901 EAST 2ND STREET, THE DALLES, OREGON 97058 ■ 503/296-6616 ■ 1-800-255-3385 ■ FAX 503/296-6635

29

PORTLAND GENERAL ELECTRIC COMPANY
121 S W SALMON STREET
PORTLAND, OREGON 97204
(503) 464-8401

PEGGY Y FOWLER
VICE PRESIDENT
POWER PRODUCTION

October 15, 1991
PYF-139-91

Deschutes River Coordinator
Oregon State Parks and Recreation Department
525 Trade Street S.E.
Salem, OR 97310

Dear Sir:

Portland General Electric Company (PGE) thanks you for the opportunity to comment on the May 1991 draft "Lower Deschutes River Management Plan and Environmental Impact Statement".

We appreciate the complexity of the issues that are trying to be addressed, and hope a meaningful management plan can be adopted. We have no comments on the varying alternatives, but would like to comment on some of the background material and one item (12) on page 95 of Management Common to All Alternatives.

In a number of places (pgs. 27, 45, 95, 115, and 122), the draft mentions changes in gravel recruitment, peak flood events, flow fluctuation, and/or temperature changes, as a result of the construction of Pelton and Round Butte Dams that have negatively affected fish habitat and, by inference, fish production in the Lower Deschutes River. These concerns are well summarized on page 115: "Construction of the Pelton-Round Butte Hydroelectric Complex restricted gravel recruitment, regulated the river flow, and generally reduced the magnitude and frequency of high flow events. The river is no longer able to periodically flush itself of fine sediments and silt. Areas of formerly high quality gravel and cobble substrate have been inundated by silt and cemented, thus limiting their value as fish habitat." We will discuss each of these issues separately in this letter.

1. Lack of Gravel Recruitment

PGE recognizes that there may be losses of gravel below the Pelton/Round Butte Project because gravel is not able to move through our reservoirs while gravel below is being lost at an unknown rate. However, we wish to point out that the same process that traps gravel in our reservoirs also traps silt. Thus, silt moved from immediately below the Pelton Reregulating Dam is not replaced, and gravel quality can actually be increased. In addition, the Lower Deschutes River was often too turbid for fishing during spring runoff prior to the construction of Pelton and Round Butte. Now, turbid water is trapped and diluted in Lake Billy Chinook, resulting in higher water quality for the Lower Deschutes than before the projects were in place. PGE looks forward to working with management agencies to address the problem of gravel recruitment.

2. Regulating the River Flow

29-1 It is true that since the construction of Pelton Dam and the Pelton Reregulating Dam in 1956, the flow of the Deschutes River has been determined by the amount of water released from the Reregulating Dam at Rivermile 100. When constructed, the sole purpose of the Reregulating Dam was to provide stable flows for maintenance of fish habitat and recreational opportunities in the Lower Deschutes River. The rate of change for the river flow is severely limited because it is recognized that: "The Deschutes has always had an unusually uniform flow" (p. 115). Therefore, maintaining stable flow should not be an issue as included on page 45 and page 115. The Pelton/Round Butte complex now moderates fluctuations caused during operation of the irrigation and flood control projects upstream. Since 1982, a generator constructed by the Confederated Tribes of the Warm Springs Reservation has produced electricity from the Reregulating Dam on a steady-flow basis. Nonetheless, the primary purpose of this dam has remained the same.

3. Reduction in the Magnitude and Frequency of High-Flow Events

29-2 On page 122 of the Fish and Wildlife, Fish Habitat Section, the gravel study (Huntington 1985) was referred to and conclusions listed about changes in quantity and quality of the gravel. Huntington also investigated the affects of the Pelton/Round Butte Dam complex on the magnitude and frequency of high-flow events in the Lower Deschutes River, but this information was apparently overlooked. His conclusion: "Despite concern that the PGE hydrocomplex has reduced the peak flows in the Lower Deschutes, maximum daily flows for water years following completion of the PGE hydrocomplex have not been substantially lower than those recorded prior to complex completion. In fact, the average of these peak flows for the post-complex period (WY 1966-1983) is 8700 cfs, over five percent greater than the average of 8820 cfs for the pre-complex period (WY 1925-1963)." The two highest flow events on record at the Pelton USGS gauge since records started in 1925 occurred in 1964 and 1982, after the Pelton/Round Butte Hydroelectric complex was constructed.

It is true that we have not had a major high-flow event since 1982 and some parameters of fish habitat have suffered deterioration due to siltation and cementing. However, this has occurred as a result of Deschutes basin hydrology, basin-wide water management, and the current drought situation. Throughout this draft, references are made to the Pelton/Round Butte Project as if it were the beginning of and had control of the Deschutes River. No mention is given to the other dams upstream which together store more than 14 times as much seasonal runoff as the Pelton/Round Butte Project. As stated by Huntington (1985): "The PGE complex stores about 19.8 thousand acre-feet of seasonal runoff during a typical year, only about seven percent as much runoff as is stored in major reservoirs upstream (280 thousand acre-feet)". A major reason for the construction of Prineville Reservoir in 1960 by the Bureau of Reclamation was flood control.

On page 95 under Management Common to All Alternatives, Fish Habitat/Water Quality and Quantity, No. 12, it states that: "As part of the periodic power project relicensing procedures, the managing agencies will recommend to the Federal Energy Regulatory Commission to periodically increase releases of water through Pelton Dam, especially in the early spring months, to provide for natural cleaning of silt from spawning gravel beds. Releases will be monitored to determine the effect on spawning beds."

29-3 Such artificial floods are not necessary on a periodic basis. If after a long period without a high-flow event, such as we are now experiencing, if an artificial flood is deemed necessary and prudent, water for such a flood should be provided by all water storage projects in the basin, and the cost not solely borne by PGE rate payers. It should be remembered that it is the stability of the Deschutes River, and not its floods, that make it a major fish producer. Floods are major mortality events for young salmonids, and artificial floods should be considered only after careful study.

4. Lack of Adequate Established Minimum Instream Flows

On page 115, under Resource Values-Water, it states that: "Protection of river water quality and flow is affected by ..., the lack of adequate established minimum instream flows, ...". We strongly disagree that the minimum flow PGE maintains under its current license is not adequate. As stated on page 115, under terms of our federal license, we maintain at least 3,500 cfs from March through June, and 3,000 cfs for the rest of the year. Huntington (1985) also looked at minimum flows in the Lower Deschutes River before and after construction. "Average annual minimum flow (minimum daily flow) for the post-complex period has been 3290 cfs, while that for the pre-complex period was 3460 cfs." This represents less than a five percent change.

5. Changes in the Timing of High-Flow Events

On page 116, it is stated that: "Seasonal stream flow patterns for the mainstem Deschutes below Pelton Reregulating Dam have been substantially different for those recorded prior to completion (of the hydro complex). Before construction, the greatest sustained flows were in the spring. Since construction, mean flows have generally been highest during the winter months." A graph (Figure 4) showing flow at the Pelton and Moody gauges before and after completion of the hydro project is shown. The inference is that changes are due to the presence of the hydro project.

29-4 To determine if this change was due to the hydro project, Huntington (1985) looked at flows in White River, a major west-side tributary to the Lower Deschutes River. His findings were, "that seasonal timing of peak flows in unregulated White River appears to have shifted in the same direction as that for the mainstem Deschutes. This finding is important because it indicated that the change in peak- flow timing in the mainstem is partially due to factors other than the PGE hydrocomplex."

6. Changes in Temperature

29-5 On page 122, under the Fish Habitat subsection, it states that: "In addition to the alteration of seasonal streamflow patterns, as discussed in the water section, water temperatures also have been altered by the presence of hydroelectric facilities. Prior to completion of the dams, river temperatures in the lower 100 miles dropped 2-4 degrees in winter and gained 6-8 degrees in summer. Following completion, temperatures have been depressed until mid-May and elevated during the summer months."

The construction of Round Butte Dam in 1964 created Lake Billy Chinook, a very large reservoir. Because water is drawn from the cooler hypolimnion layer when the reservoir is thermally stratified, summer temperatures are now cooler than pre-project, not "elevated". The presence of Lake Billy Chinook has led to less seasonal fluctuation in temperature. As stated on page 117: "The quality of Deschutes River water is high, providing ideal temperature, dissolved oxygen and other characteristics required by salmonid fishes."

We wish you luck in compiling comments, and forging a plan. Thank you for this opportunity to comment.

Respectfully,

Jim Wyatt by aw
Jim Wyatt
Project Superintendent
Pelton/Round Butte Project

Peggy Fowler
Peggy Fowler
Vice President
Power Production

Response to Portland General Electric Company

29-1 Regulating the River Flow:

It is understood that the Reregulating Dam has the primary function of maintaining a stable river flow. However there have been some events, since the dam was retrofitted with a hydroelectric generator, that have resulted in unexpected fluctuations in river flow. Maintenance of a stable flow is an important issue during the recreational use season. Fluctuations in flow cannot only affect recreational use, but they could affect riparian condition, fish populations and other aquatic resources.

29-2 Reduction in the Magnitude and Frequency of High Flow Events:

Based on the information contained in your letter, it is apparent that the average peak flows have decreased when comparing pre- and post-complex flow data (i.e. 8700 cfs, 1966-83 WY vs 8820 cfs 1925-63 WY).

An Oregon Game Commission investigation on the lower Deschutes River fish habitat, completed in 1967 by W. Aney et al., recommended an annual release of a "flushing flow" to clean spawning gravels and reduce compaction and cementing. This recommendation was not adopted by the Federal Power Commission when the complex received its Federal license. With a general lack of regular high flow events, the quality and quantity of fish spawning habitat has declined. Undoubtedly other Deschutes River Basin water storage projects have influenced seasonal river flows. All water storage projects in the basin may need to be involved in artificial flood events that may be needed to rejuvenate degraded spawning habitat in the lower Deschutes River.

29-3 Minimum Instream Flows:

It is acknowledged that the PGE hydroelectric license does provide requirements for a minimum flow release by specific time period at the Reregulating Dam. The concern about adequate instream flows focuses on protecting adequate river flows between the Reregulating Dam and the river's mouth. Without an instream flow guarantee, it is possible that other uses could divert, withdraw or otherwise reduce river flows in the one hundred miles of river downstream from the dam.

29-4 Changes in the Timing of High-Flow Events:

It is apparent that the timing of high flow events has shifted from spring toward winter. This shift in river flow characteristics is likely the result of a number of factors including alterations which have occurred over the entire Deschutes River watershed.

29-5 Changes in Temperature:

The cooler water released from the Pelton/Round Butte Complex has resulted in cooler river temperatures further into the spring. The primary area experiencing elevated summer temperatures appears to be the lower fifty miles of river, well below the Pelton/Round Butte Complex.

Deixis
environmental consultants

30

August 29, 1991

Jacque Greenleaf
Oregon State Parks & Recreation Department
525 Trade St. SE
Salem, OR 97310

Dear Ms. Greenleaf:

I have recently had the opportunity to review the draft Lower Deschutes River Management Plan and Environmental Impact Statement, at the request of the Portland Field Office, USFWS. A copy of these comments is enclosed. I would like this document considered as a written comment on the Plan by the Deschutes River Management Committee and the appropriate Federal and state agencies who participated in Plan formulation.

In general the Plan is excellent and well-written. It clearly represents a monumental and well-considered effort at addressing the legitimate concerns of the many interests involved in major ways with the Lower Deschutes. I do, however, have some specific reservations about certain aspects of the Plan that are discussed in the accompanying document. As time allows, I may make further written comments or attend one or more of the public hearings.

Thanks for the opportunity to comment.

Sincerely yours,

(Dr.) Terrence J. Frest

RECEIVED
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STATE ... RECREATION ...

6842 24th Ave. NE Seattle, WA 98115 (206) 527-6764

Deixis
environmental consultants

August 26, 1991

Diana Wong
U.S. Fish & Wildlife Service
Portland Field Office
2800 S.E. 98th Ave.
Suite 100
Portland, OR 97266

Dear Ms. Wong,

This is in response to your telephone query of 8/5/91 on the draft Lower Deschutes River Management Plan and Environmental Impact Statement. For your convenience, included is an updated version of the table on Lower Deschutes area possibly Endangered and Threatened mollusc species, and also a revision of the species comments that accompanied it. The revisions take into account further field work conducted by me in the area since 1990. Also in 1991 I visited most of the major U.S. museums with large holdings of western U.S. land and freshwater molluscs. Specifically, these were the California Academy of Sciences, the Academy of Natural Sciences of Philadelphia, the Delaware Museum of Natural History, the University of Michigan Museum of Zoology, the University of Colorado Museum of Zoology, and the U.S. National Museum of Natural History. Smithsonian Institution. This has enabled me to see first hand the type and other specimens of nearly all of the rare taxa previously described, and also to search for additional site records for selected taxa. I was also able to discuss various taxa with other mollusc specialists. Hence, I am quite confident of the taxonomy and status of the species discussed herein. The major changes from the first version are the addition of two taxa collected in 1991 and the change of *Juga (O.)* n. sp. 3 of the first version to *Juga (J.)* n. sp. 1 herein.

30-1 As written, the Preferred Alternative does successfully attempt to address some of the management problems associated with the occurrence of two current listing candidates and several other mollusc species that should be listed. However, as now written, the plan does not in my opinion go far enough to prevent the possibility that some or all of the taxa listed in Table 1 will decline to the point of extinction or to the point that listing is imperative. In any case, I would recommend that at least some of the species listed in Table 1 be proposed as candidates for federal listing now. I believe that I have supplied sufficient information in previous sendings to justify this statement, and would be happy to supply additional information if requested.

Of all the alternatives, Alternative 4 comes most close to achieving the goal of species protection, and might prevent *some* of the Table 1 species from declining to the point of extinction or of making listing necessary. However, it appears very unlikely that this alternative will be implemented. Even if it were to be, at least two major problems remain: these are discussed under points 1) & 6) below. As it is most likely that an alternative similar to the draft plan's Preferred Alternative will be selected, most of my comments will be directed at it. Where relevant,

6842 24th Ave. NE Seattle, WA 98115 (206) 527-6764

the comments' applicability to other alternatives will be noted. I have previously stated my opinion that current and previous usage levels and management have impacted these species negatively; and that maintenance of current usage levels without additional management; or increased usage of the area, even with ameliorating management, will result in further decline or extinction of some or all Table 1 taxa. Hence, 1) Alternatives 2, and 3 should be rejected out of hand; and 2) at least some of the taxa in Table 1 should be proposed for listing (aside from the two that are currently candidates) even if Alternative 4 is adopted.

COMMENTS ON PROPOSED ALTERNATIVES

1) Spring environments. Many of the snail taxa of Table 1 are entirely or largely confined to spring environments, as is, I believe, one candidate plant, Mimulus jungermannioides. None of the proposed alternatives adequately protects spring environments in the area of jurisdiction. Essentially all of the proposed alternatives decouple preservation of the lower Deschutes and the proposed 1/4 mi. corridor from preservation of the bordering uplands. For the narrow purposes of the plan, this may seem adequate; but neither groundwater nor plant and animal occurrences favor such an approach. Spring influx into the river is a major factor preventing or ameliorating ingress of more polluted water to the system. Springs flowing into the river are not confined to a 1/4 mi. corridor, and factors affecting spring water quality in the area, such as grazing and agriculture, are not either. Much of the surrounding land (outside the proposed river corridor) is also public land, and common sense as well as any sound management/conservation strategy for the animal and plant taxa involved should at least cover the immediately surrounding populations. In short, riparian and river habitats are not the only matters of concern here, and the Deschutes system includes more than the river itself and a 1/4 mi. corridor, both biologically and hydrologically.

0-2 Moreover, all of the alternatives except Alternative 1 envision development of some (numbers from 4-41) of the upland springs for cattle, either as a replacement for riparian access or as a supplement to it (e.g. pp. 40-41: see also p. 176, Table 20)[parenthetically, please note that for this purpose, actions outside the 1/4 mi. corridor are envisioned]. To my knowledge there has been no detailed survey of the springs, either in the corridor or above it, to determine the presence/absence of candidate and potential candidate plants and animals. It is quite likely that most upland springs lack any of the species, and hence the suggested usage may be acceptable; but without such a survey,some or all of the spring endemics will become, minimally, more likely to require Federal listing. It is highly probable that some of the spring endemics do occur at at least some spring sites proposed for "modification". Reference is made in the plan (op. cit.) to protecting spring sources and installing water troughs. I have recently observed the consequences of such action in the Baker Ranger District, Wallowa-Whitman National Forest and in the adjoining Baker District, BLM. Most springs here have had the native fauna totally extirpated, and the springs degraded beyond recovery. The few actually fenced were handled so inadequately that the usual consequences were identical to adjacent unfenced springs, i.e. major damage to, or complete extirpation of, sensitive plant and animal elements. If such procedures are repeated here, then the species involved could either go extinct or be pushed into Federal listing.

Even within the corridor, there has been no detailed survey of significant species, and there is no evidence that the effects of other parts of the plan on springs have been taken into account. All alternatives envision "improvement" and/or increased numbers of boat accesses, campgrounds, and roads (e.g. pp. 85-86). In many cases, existing facilities have impacted springs with significant elements, e.g. some of the species listed in Table 1. Specific examples would include the existing camp sites at Trout Creek, South Junction, and Oak Springs (Table 43, pp.274-275); for roads, those at Trout Creek; Buckhollow; Maupin-Harpin Flat, and Macks Canyon (Table 44, pp. 276-278). I see no indication that the impacts of "improvements" to these areas on sensitive species have been or will be considered. Other examples include the additional parking areas proposed "outside of riparian areas" at South Junction, Trout Creek, and Ferry Canyon (e.g. pp. 227, 234, 271).

2) Proposed "improvements" to roads and campgrounds, as well as addition of now undeveloped campgrounds, as detailed in the last alternative, may also negatively impact talus-dwelling and upland sensitive species, including some of the molluscs, even where springs are not present. This is most relevant for the candidate Monadenia fidelis minor, which does inhabit some of the areas mentioned specifically in the last paragraph. Again, I see no indication that this impact has been considered or will be.

3) Proposed additional campgrounds, roads, and boat accesses, as well as "improvements" to existing facilities, will likely have negative impacts on at least some populations of the river-dwelling taxa listed in Table 1; examples near existing facilities of each sort have been cited above. Such impacts could lead either to extinction of some taxa or to their decline to the point that listing is necessary. I see no indication that occurrences of such species will be taken into account when siting such facilities. This point also applies to the spring- or talus-dwelling species mentioned previously.

30-2 4) There are proposals for surveys for small mammals reptiles, and amphibians, more archaeological surveys, and detailed plant monitoring (e.g. pp. 96-97; 284; 287). All of these quite well considered. However, there are no surveys planned or monitoring envisioned for any invertebrate taxa, even the present candidates (not to mention the other taxa listed in Table 1). This is not consonant with the professed goal of maintaining candidates and listed taxa at their present population levels. It is emphasized that there is currently an inadequate data base for site evaluation and protection in the area for archaeological and cultural sites (p. 126); this is also true for invertebrates, particularly molluscs, and, I suspect, for plants, mammals, and reptiles also.

5) To meet the very commendable goal of improving fish habitat, in particular spawning habitat lost due to increased siltation and bottom "cementation" following the construction of dams upstream (p. 122), it is proposed that 250 cubic yards of "suitable material" be dumped into the river between Pelton Dam and the Hwy. 26 bridge (e.g. p. 173 and elsewhere). It should be noted that one population of the candidate Fishero!a nuttalli and the best of the few known sites for Juga (O.) bulbosa, suggested by me as Endangered, lie in that area, as does a population of Juga (J.) hemphilli maupinensis, also suggested by me for Federal listing. The stated effects of gravel dumping (p. 173) do not take into account possible impacts on sensitive aquatic species such as these. In my opinion, direct covering of areas with these taxa would cause their local extirpation. This could also occur, as I have noted in previous communications to you in regard to some of these species, even from short-term siltation, such as would be caused by the periodic gravel dumping. As most of them are now isolated and fragmented populations, it is unlikely that they could repopulate. In any case, the areas they now occupy are quite good habitat now, and are not "cemented". It should also be noted that there is an ancient Native American fish weir in the same area that could also be impacted. Minimally, this plan should be more carefully evaluated. It is possible that the best way to enhance fish habitat (as well as that of molluscs) is to return the river to a flow regime more like that present prior to dam construction, rather than to attempt further modification.

30-3 6) There is no adequate plan to deal with such occurrences as hazardous waste spills in the Lower Deschutes (p. 158), even though the railroad through the canyon is used as extensively, and for similar purposes as, for example, the Southern Pacific track in the Sacramento R. canyon, CA. I need hardly point out that the July spill in the Sacramento R., which took out 45 mi. of river fauna, leaving only 3 miles relatively unscathed, essentially destroyed completely the invertebrate bottom fauna, likely including populations of two current candidates and several others recommended for Federal listing. The Deschutes canyon has a similar physiography, and could be subject to an equally catastrophic event. Something similar to the Sacramento R. spill in the Lower Deschutes likely would cause several species to become extinct and would cause some or all of the rest of the taxa on Table 1 to require Federal listing.

7) The mollusc species of Table 1 should be listed as sensitive by the Oregon DFW (in particular the Heritage Program) and treated as are other sensitive taxa listed.

I hope that these comments are useful, and will be happy to expand upon them or discuss them further at your pleasure.

Sincerely yours,

Terrence J. Frest

Response to Deixis Environmental Consultants

30-1 Monitoring and further evaluation of mollusc species for protection and/or listing will occur as part of plan implementation. If necessary, plan decisions will be modified or amended to ensure compliance with the Endangered Species Act.

30-2 The managing agencies do not presently have an inventory for the entire river corridor or canyon area. An inventory of areas where site specific actions are to occur will be completed prior to any surface-disturbing activities or gravel placement in the river.

30-3 See revised Emergency Services section.

LEE ENGINEERING, INC.
F. DUANE LEE, PE
DAVID A. LEE, PE, PLS
JAMES G. SMITH, PE

31

October 15, 1991

Deschutes River Coordinator
Oregon State Parks & Recreation Dept.
525 Trade Street S.E.
Salem, OR 97310

Re: Lower Deschutes River Management Plan - May 1991

Gentlemen:

These comments relate directly to the above referenced Deschutes River Management Plan.

31-1 The executive summary makes reference to fifteen major issues which have been identified. However, the plan itself appears to only address fourteen issues. Are there issues still yet unidentified and discussed?

31-2 The executive summary in the first paragraph also makes reference that the management of the natural resources and recreational resources have been developed and analyzed in accordance with state and federal requirements. However, no mention is made as to which state and/or federal requirements are being addressed.

31-3 The third paragraph of the executive summary, last sentence, reads "regimentation and controls would be accomplished through regulations, fees and as a last resort, a limited entry system." However, much of the proposed management does in fact provide for a limited entry system, when no last resort evidence is shown or desirable.

31-4 Limited entry appears to be implied in the preferred alternative stated for "Inadequate Foot Access" discussed on page 86. It is suggested that horseback use would be allowed on day use basis only on the abandoned railroad grade between Deschutes Park and Harris Canyon from March 1 to June 30. No statement is made in the report as to why it is necessary to restrict horseback riding. Also, why is horseback riding being restricted to only certain segments of the Deschutes River?

I suggest that the reasons implied for restricting horseback has to do with concerns for noxious weeds. No mention is made of the conflicts between various user groups. I believe there are no conflicts. In conversations with various Deschutes River Management Committee members they have indicated to us that their

1300 JOHN ADAMS STREET OREGON CITY, OREGON 97045 PH 503-655-1342

primary reasons were concern of noxious weed control.

I have asked for and received the "Record of Discussion on BLM's Northwest Area Noxious Weed Control Program EIS." No where in that document is the exclusion of horses given consideration as a method of control of noxious weeds.

I have also read and reviewed a number of technical articles, text books, newspaper publications, and government reports dealing with the issues of noxious weeds. Nowhere do I find any reference that the elimination of livestock would have any significate affect on the control of noxious weeds.

John E. Vallentine in his text book titled "Range Development and Improvements," Page 49, third addition lists several causes of noxious weed or plant invasions. The various causes given include:

1. Grazing by domestic livestock.
2. Reduction of fire.
3. Seed transport by animals.
4. Dissemination by small animals.
5. Climatic fluxuations.
6. Cultivation and subsequent abandonment.
7. Local denudation.
8. Increase in commerce.

The only item which remotely suggests plant invasions caused by grazing animals is item 3 above. References made in that section concern sheep. Horses are not discussed.

Local concern at times appears to be related to the import of seed in feed hay. In most areas of Oregon where that is a concern, hay is typically processed during June and July. Noxious weed plants have not flowered or seeded at that time. Only hay harvested in late August or September are likely to contain noxious weed seeds. That type of hay originates in eastern Oregon, the very area where you are attempting to exclude users through the restriction of horses.

Noxious weeds can be spread also by various human activities, not involving horses. Should we, therefore, exclude all human activity for the concerns of noxious weeds? I think not.

In summary, I object strenuously to the exclusion of the use of horses for access into the lower Deschutes area. I respectively request that the committee modify their thinking with regards to noxious weed control, allow horses to the same extent that they allow any other user group, and modify the draft plan accordingly.

Sincerely,

LEE ENGINEERING, INC.

F. Duane Lee

F. Duane Lee, P.E.

FDL/jj

Enclosures - Bibliography of items reviewed.

cc: Oregon Equestrian Trails

Response to Lee Engineering

31-1 Of the 15 issues raised by the public and the Deschutes River Policy Group, 14 were addressed across the range of alternatives and analyzed in the EIS. One issue raised related to trespass on private land. The policy group determined that actions should be taken to resolve the trespass problem regardless of what other decisions were made. These actions were outlined on page 103 of the draft plan/EIS and have been incorporated in the final plan in the Law Enforcement and Information and Education sections, as well as Land Acquisition and Public Access Strategy.

31-2 See Purpose and Need for the Plan section of Draft Plan/EIS.

31-3 See Use Levels section of Draft Plan/EIS. The list of indirect or voluntary management actions that will be given a 3-year period to achieve use targets before a limited entry system is implemented has been expanded in the final plan. A limited entry system has been and continues to be a last resort to regulate use levels.

31-4 Restrictions on horseback use have been imposed to 1) address concerns about the dissemination of noxious weeds by horses and 2) closely monitor what, if any, effects horseback use has on noxious weed infestation on the Lower Deschutes River. If monitoring indicates no significant effect on noxious weed infestation, opportunities for horseback use will be expanded.

Gary Kish 29395 NW Reeder Road Sauvie Island Oregon 97231-6906

October 11, 1991

Deschutes River Coordinator
Oregon State Parks & Recreation
525 Trade Street SE
Salem Oregon 97310

RE: Draft Deschutes River Plan

To the planning committee,

After careful study, it is my opinion that the proposed Deschutes River Plan - Preferred Alternative is severely flawed and is not in the public's best interest.

The following are the issues that I deem to be most important:

GRAZING

I firmly believe that decades of riparian grazing is the chief element for causing this whole river planning process to occur. If the riparian areas were not suffering from the impacts of grazing it is likely that the riverbanks could withstand virtually any level of recreational use without significant degradation. What has brought us all to this management/planning juncture is the fact that the public is demanding recreational use from a severely compromised and damaged riparian zone.

A river guide who comes from a ranching background asserted to me that 1 cow does the damage of over 100 people to the river's banks.

Plan Weaknesses

32-1 1. The plan does not adequately address the negative effects of riparian zone grazing.

32-2 2. There is no economic analysis given to explain or support why riparian grazing on BLM land should continue. What revenue is collected from grazing fees on the BLM's Deschutes allotments?

32-3 3. The plan does not address at all, grazing on Deschute's tributaries. Tributary grazing severely impacts spawning areas and causes sedimentation of the mainstem. Any discoloration in the Deschutes can always be traced to sedimentation of the tributaries.

And the root cause of the erosion is nearly always cattle.

32-4 4. The data presented on the cost of fencing the riparian areas is obfuscatory. All that is shown is the "Total" cost and this includes both BLM and Tribal lands. In fact, only about 22 miles of fencing is needed to fully protect the mainstem public lands (BLM). The huge proportion of the fencing cost "Total" comes from the 40-some miles of Tribal-side lands that require fencing. Because the Tribes are not legally bound by this proposed agreement, it is inaccurate and a misrepresentation to include their lands in this manner.

Recommendations

It is absurd to limit and restrict public usage of the Deschutes without first eliminating cattle from the public riparian areas. The public should refuse to pay a user fee as long as cows are allowed to use the Deschutes for $1.96 per month.

1. Cattle must be eliminated from the public land (BLM) riparian areas through exclosure fencing.

2. Tributaries must also be included in an exclosure fencing plan.

3. Private landowners should be encouraged with incentives to restrict riparian grazing on their lands.

4. As a condition of their allotment permit, permittees who have Deschutes riverfront land should allow the public access across their land in return for being permitted to graze on the surrounding public land.

COMMERCIAL GUIDES & OUTFITTERS

I am adamantly opposed to giving guides and outfitters preferential treatment including the enactment of any allocation system that creates a private property right, commodity or marketable asset.

As individuals who reap monetary benefits form the resource, guides and outfitters should be held to the highest standards of conduct. Outfitter activities and operations should have minimal impact upon the resource and other publics. This is not the case now and I will cite two recent instances from recent personal experience to illustrate.

First, large groups organized by outfitters impact the resource in a disproportionate manner. Large groups concentrate boats and people on the river banks. Because they are a "group" they tend not to disperse for privacy as small unrelated groups would but instead congregate for the social aspect. This concentration magnifies the groups impacts leading to trampling and killing of the vegetation and denuding the banks by pulling large numbers of rafts over the banks repeatedly. Furthermore, outfitters tend to use the same

camps over and over through the season. At times they maintain almost a constant presence on a small area. Again this constant, focused use amplifies the damage.

A good example of this is in the Mecca Flat area immediately upstream of the parking lot. For various reasons, in the last two seasons rafting outfitters have begun using this spot as a staging area. Repeatedly I've returned to this spot at the end of the day and been shocked by a sudden transformation. Where there may have been one person camping in the morning a small village of 10 to 20 tents has appeared as an outfitter has brought their clients in. Of course, all dozen rafts have been pulled ashore damaging the vegetation. Intensive use by outfitters has quickly degraded this prime camping and fishing area. Also, these large groups negatively impact the non-outfitted public by depriving them of camping areas.

This next example illustrates how at least some guides think the river is "theirs" and impact the non-guided public. This July I had hiked upstream from the South Junction campground on the railroad tracks about two miles, gaining access to the river about a mile above the "Green Valley Farm". As I walked to the river bank I passed a guide who was setting up camp. He asked me where I was going and I pointed to the head of the riffle in front of us. He stated that I shouldn't go there saying, "we don't like people fishing in front of our camp when we have clients". A discussion revealed that his clients weren't due for about five hours. Still this guide tried to intimidate me from fishing a piece of water that I had walked nearly an hour in the hot sun to reach. I have heard of this situation happening on the lower river during the steelhead craziness but I never expected this during the relatively mellow trout season.

My point here, is that the Deschutes is a public resource supposedly managed for the public good. Thus, the river should be managed first for the enjoyment of the public and secondly for those who benefit commercially from it.

Plan Weaknesses

32-5

1. The plan does not hold guides to standards of conduct.
2. The plan makes no provision for the large groups that outfitters attract.
3. The plan with its proposed permit allocation creates a commodity for guides and outfitters at the public's expense.

Recommendations

1. Outfitters and their camps should be clearly identified so that they can be held responsible for their actions.

2. A set of low impact camping/usage rules for outfitter camps should be developed and the guides and outfitters held to these rules. These rules should include:

* Large camps should be made at least 30 feet from the waters edge.
* Boats should be anchored in the river rather than drug over the banks.

3. Hardened large group sites should be developed. Outfitters with large groups would be required to use only these special sites.

4. I fully support the concept of "Freedom of Choice" for river use permits and I am adamantly opposed to any system that sets aside a proportion or quota for commercial interests. The entire Deschutes user public should compete equally for use permits if limited entry is enacted. **Freedom of choice, for river permits, is the only option that treats all users fairly and equitably!**

ROADS & IMPROVEMENTS and ACCESS

I am completely opposed to the proposed plan to upgrade the roads with paving, guardrails etc. I encourage the planning committee to look towards the Park Service's management of Yellowstone Park roads. Improvements are minimal considering the 2.5 million annual visitors. Yellowstone's roads are generally maintained for slow speeds and guardrails are almost nonexistent.

The plan to upgrade the roads is ill conceived and unneeded. The result would be contrary to most of the plans stated objectives. We do not need more people driving faster on the access roads but this is exactly what proposed road "improvements" would cause.

32-6

The plan did not define objectives for acquiring new easements for public access across private lands. A goal should be to create an uninterrupted hiking trail along the East bank from Warm Springs to the confluence with the Columbia. Additional access for bank anglers could lessen the demand for float trips, reduce crowding among bank anglers, and would create an outstanding recreation trail for bikers, backpackers, and perhaps mountain bikers.

Additionally, a grave mistake was made when Section 1 was defined. The reality of river travel was not recognized. Section 1 should have stopped at Trout Creek, in light of the fact that the majority of anglers floating the river there use the Warm Springs to Trout Creek stretch for day trips.

Recommendations

1. Access roads should be maintained according to present service standards and schedules.

2. No new paving should be done in the river corridor.

3. No guardrails should be installed anywhere.

4. Vehicle pullouts should not be mandated or built.

5. Easements should be negotiated with landowners to allow for public passage on the banks.

6. The proposed management plan should have as an objective the creation of an uninterrupted foot along the East bank and a mechanism for funding acquisitions and easements.

7. Recognize, for the purpose of issuing use permits, Section 1 as Warm Springs - Trout Creek.

POWER BOATS

Without doubt, power boats have been the source of greatest controversy on the Deschutes. I believe that the uproar over power boats was an initiator for this planning process. I feel that without exception never have so few (power boat operators) inconvenienced, harassed, threatened, and generally created ill-feelings among so many.

Recommendations

1. The Deschutes should be managed exclusively for wild trout, salmon and steelhead.

2. To sustain the quality of the fishery catch & release regulations must be maintained on wild trout and steelhead.

3. Action should be taken to halt the decline of the river's wild steelhead.

4. Emphasis should be placed on acquiring easements to allow angler access through private lands. A funding mechanism should be created to support a program of acquisition and easements.

I hope that the Planning Committee will give these and other comments careful consideration before finalizing such a far-reaching plan as that which has been proposed.

Sincerely,

Gary Kish

Plan Weaknesses

The proposed plan does not adequately recognize the fact that the non-motorized public is fed up with the presence of the power boats on the Deschutes, the arrogance of their operators and that as well of their lobbyists and promoters such as the Oregon State Marine Board.

Recommendations

1. Power boats should be banned entirely from the Deschutes below Pelton/Round Butte. Power boats are incompatible with Deschutes Wild & Scenic designation. Power boats have proven to be incompatible with other river users, impacting everyone they come into contact with.

FISH & WILDLIFE

Few would argue that the Deschutes is a real treasure. We must guard this treasure jealously and not allow it to slip through our grasp.

Individuals:

Response to Gary Kish

32-1 The plan does adequately address the adverse impacts of improper livestock grazing in riparian areas. However, more importantly, it also addresses the beneficial impacts on riparian areas that can be achieved with proper management of livestock grazing. In addition, all BLM managed lands and the majority of private lands are subject to BLM livestock grazing decisions through the Two Rivers Resource Management Plan and subordinate allotment management plans. The NEPA analysis associated with these decisions and agreements addresses impacts to riparian zones from livestock grazing. Also see pg 176-179 in the Draft Plan/EIS.

32-2 The grazing fees collected on the BLM's Deschutes River allotments were $5,480.00 for the 1991 grazing year. Alternative 4 analyzes the effects of having no grazing on BLM, State and Tribally-owned land along the Deschutes River.

32-3 The lower Deschutes River Plan addresses grazing on Deschutes River tributaries to the extent they are included within the planning area.

32-4 The fencing costs presented on Table 20 pertain only to BLM lands. The costs were arrived at by estimating total miles of riparian area, including Deschutes River tributaries within the planning area which would require fencing to exclude livestock. Those miles were multiplied by the average cost of contracted fence construction in the Deschutes River Canyon to come up with a total figure. These costs are estimates.

32-5 See Guided and Outfitted Services section. Guides are required to comply with standards of conduct.

32-6 An acquisition and public access section is included in the Final Plan.

33

RECEIVED
OCT 01 1991
STATE PARKS AND
RECREATION DEPARTMENT

Lower Deschutes Management Plan Issues 9-9-91

Pertaining to Kaiser Private Property

3-1 Location of approved camping areas on Map 3 as described on Page 370 appendix D undeveloped campsites open/closed by alternative. Campsite I142, I143, I144 are listed as BLM owned but is actually on private land. I135 which is shown on the map as a campsite on private land but closed is not a campsite. Also described on pages 71&72

33-2 User fees on page 88 do not address landowner access pass and landowner passes that are currently being issued on an annual basis

33-3 What is the scenic River boundary description? Map 1 has a different boundary than map 13

33-4 The section on vehicle use on page 43 states that vehicle routes not designated would be closed. Map 7 does not show vehicle routes on kaiser private property.

Power line crossings in Nena area are not shown on map 5 or described on page 154. Agriculture land on Kaiser private property is not shown on Map 5 or described on page 154. Table 4) on page 201 section 3 provides for continued use of private lands for Agriculture.

33-5 Motorized boat use as described on page 63 would allow use to access private lands. How will the landowner access be managed.

Nick Kaiser

Nick Kaiser

Landowner

Response to Nick Kaiser

33-1 We agree, the sites shown are on private land. The map has been corrected.

33-2 See revised User Fee section.

33-3 Maps 1 and 2 show the combined State Scenic Waterway and National Wild and Scenic River boundary. This represents the entire planning area covered by this plan. Maps 13 and 14 showed just the National Wild and Scenic River boundary as required by Congress.

33-4 Maps 5 and 6 showed developed areas which affect scenic quality. Maps 7 and 8 showed existing roads and trails. The maps were not intended to be all inclusive showing every development, or road and trail. The features you mentioned have been noted and will be included in the more site specific inventories that will be done as the plan is implemented.

33-5 See revised Boating: Motorized section.

34

RECEIVED
AUG 23 1991
STATE PARKS AND
RECREATION DEPARTMENT

August 20, 1991

Jacqueline Greenleaf
Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street, S.E.
Salem, OR 97310

Dear Ms. Greenleaf:

I would like to make the following comments on the Lower Deschutes River Management Plan:

34-1 1. The Plan as a data base utilizes boating statistics from 1988. I question the validity of the statistics and wonder if the committee wouldn't be well-advised to utilize boater day statistics from an average planning period of three to five years rather than a single year. Certainly, with this year as an indicator, boater days are significantly less than those reported in the plan for the same time period in 1988.

34-2 2. All four segments of the river are considered in the plan for the same planning period. Proposed restrictions encumber all four segments. The river is used for different purposes in those four segments, and it seems onerous to me to treat all four segments in common. A better approach would be to treat segment 1, a trout fishery, different than segment 2, whitewater boater use, with segment 3, combined trout and steelhead, and finally, segment 4, primarily steelhead fishing use separate and distinct.

3. The Plan indicates certain improvements would be made. I am most concerned about improving the access which would result in additional user days. Improving the access road north of Shears Falls would result in significantly higher use, creating additional user conflicts and increasing enforcement requirements.

   Why open the west side of the river at Ferry Canyon to public access, damaging the fragile riparian zone, and increasing the impact of users on wildlife habitat with an access road directly across the river?

Response to Craig J. Rhea

34-1 The Policy Group agreed to use the more current and accurate 1990 Boater Pass data.

34-2 See revised Management Goals and Standards section.

4. A detailed plan and survey of campgrounds on the lower river in segment 4 has been completed. The plan indicates a need to harden in permanent campground locations and closing others. Hardening in campsites (hardening is not defined) on the lower river will only serve to do more damage to riparian areas concentrating the use. The overall impact of this strategy will be negative.

I would encourage the committee to examine the data they are using as a basis for preferred alternatives represented in the Deschutes River Management Plan. I hate to recommend spending additional user fees for completing studies, but I really feel that the data base is too limited in scope and unreliable to make the kinds of decisions outlined in the plan. Enhancing user access seems counter productive, creating additional access from the west side to Ferry Canyon will have a major impact. Improving the Deschutes River access road could create significant enforcement problems. At this time, based on the user day data contained in the plan, a limited entry system is not warranted in my opinion.

Best regards,

Craig J. Rhea
27510 S.E. Haley Road
Boring, OR 97009

RECEIVED
OCT 14 1991
STATE PARKS AND RECREATION DEPARTMENT

35

October 10, 1991
9504 NW Columbia Dr.
Madras, OR 97741

Deschutes River Coordinator
Oregon State Parks and Recreation Dept.
525 Trade Street S.E.
Salem, OR 97310

Development of the Deschutes Management Plan has been of considerable interest, as I am a land owner there with a life-long appreciation for the canyon as a whole, including both the high desert terrain and the riparian zone, with all the diversity of plant and animal life therein.

The main focus of my concern is the area between Warm Springs and Trout Creek, since that is where my property is located. I believe the suggestion voiced at the Portland hearing that this area be managed as a sub-segment has merit and should be considered. Perhaps the very recent decision by the Fish and Wildlife Commission to close winter fishing adjacent to Reservation land below the bridge at Warm Springs makes that whole area worthy of distinct consideration, since it will be exempt from the year-round fishing pressure on the remainder of the management area.

35-1 Even under recent conditions, the Warm Springs-Trout Creek section is somewhat different from the rest of segment 1. Because rafts drift through the area so quickly and there are no major rapids, it is a pass-through area for them. Fishermen drift through for take-out at Trout Creek, or hike in from camps or parking at Mecca or Trout Creek. It is primarily a day-use area.

35-2 The management plan nearly ignores bicycle use in the area. During the past two years, there has been an increase in mountain bike traffic, which has caused the majority of our trespass problems. These individuals are not fishermen (although there are fishermen who use bicycles and cause no problems) and are not interested in staying on the river trail. This breed seems to feel the whole canyon is a park designed for their use, and they do not respect fences and closed gates. I would urge you to be pro-active with your Plan by designating areas suitable for mountain bike use, rather than having to be reactive later when other river users complain about being bumped off trails and seeing bicycle tracks chewed into hillsides, with the resulting disturbance to plant and animal life.

The expenditure of funds for roads and campgrounds in the area which will not be open for year-round fishing should be re-examined. For example, will use in the Mecca area justify expenditure of between $600,000 and $700,000 for roadwork, boat launch and twenty campsites that will really only be occupied from the April opening until November 1? Since the Commission's announcement of winter closure has been made before your final deliberations, there is time to make adjustments in the Plan. The need for campground improvement on the lower sections of the river was frequently mentioned at the hearings, so there are undoubtedly other uses for the funds.

Sincerely,

Jan Luelling

Jan Luelling

Response to Jan Luelling

35-1 See revised Management Goals and Standards section.

35-2 See revised Access: Roads, Trails and Launch Sites section.

36

COMMENTS ON THE DESCHUTES RIVER MANAGEMENT PLAN

OCT 11 1991
STATE PARKS AND RECREATION DEPARTMENT

Dear Sirs:

The following are a few concerns that I have with the management plan.

ENVIORNMENT

This plan has no provisions for any kind of hazardous spill, whether caused by a railroad car,truck, or from a source upstream from the wild and scenic section.

36-1 The plan does nothing to regulate tank cars hauled by the railroad or by truck. There is nothing to prevent a spill similiar to the one on the Sacramento River.

There are no provisions to clean the garbage caused by the railroad.

The overall water quality is excellent, even when compared to the Wild and Scenic section of the Rogue River. Whitewater activities are not in itself detrimental to the enviornment. The most heavily boated river in Oregon is the McKenzie, and its water is crystal clear. What does effect the quality is some of the associated activities like camping. At present, we have too few campsites,toilets, and trash receptacles for the number of people.

The single most damaging human impact to the riparian zone is the overgrazing of cattle. In areas wher the cattle have been excluded,even with large amounts of camping, the riparian zone has been growing back.

SAFETY ISSUES

As a kayaker, fisherman, and rafter, the problem of jetboats is to me, primarily a safety issue. What is different from any other user is that jetboaters are not only a danger to the operater, but also to anyone else using the river. As was pointed out in the Portland meeting, anyone can buy a boat and be on the river today without any skills or license to prove that he has these skills.

The other safety issue is the use of alcohol when boating. This is the most dangerous activity on the river.

Finally, It must be recognised that whitewater boating is an assumed risk sport. Each of us are responsible for own actions, not the State, BLM, or any other government agency.

ACCESS

It is stupid to initialize a permit program that would only affect three weekends out of the year. This plan woul do nothing to reduce enviornmental damage, which would be the main reason for a permit system. I agree that the plans for a permit system should be read if overcrowding becomes excessive. 1500 people translates into approximately 300 paddle rafts. The people at Whitewater Pics have recorded days with over 600 rafts at Boxcar and those days while crowded, weren't untolerable. A limit of 3500 for 4 consecutive weekends could be such a starting point for limitations. The only fair permit system is the freedom of choice system.

36-2 The reason the Deschutes gets crowded is because all other streams with decent whitewater are pretty much dried up in the summer. This is the only reason we are tolerant of crowds, and why we do not want the kind of limitations placed on this stream found on other streams.

If limitations are placed on this river, the crowds will probably go to other streams like the White Salmon, which cannot take anywhere near the kind of traffic the Deschutes can handle, and is considerably more dangerous than the Deschutes.

CAMPING

The single factor that limits the number of people is the space availible for campsites. This is especially true in section 1. As much as possible, campsites should be moved away from the riparian zone. No campsite should be closed wihout another one replacing it. I would rather see a campsite reservation system used before a permit system is initiated. The state parks system already has one in place and could be used here without any additional cost.

36-3 The use of Surf City (section 2) as a day use only facility is an excellent one that provides more access for everyone.

Section 2 needs several sites to be developed like Beavertail or Macks Canyon. These could be away from the river, or on top of the canyon.

<u>Toilets are badly needed at Oak Springs</u>

FEES

Access Fees, if charged, should be equitably charged to everyone. The easiest to enforce method would be to institute a Sno-Park type of vehicle permit. Any vehicle parked along an access road would be subject to the permit. The money should be used to pay for road maintenence,fire fighting, emergency services and any other services required on public land.

Jeffrey Bohren

Response to Jeffrey Bohren

36-1 See revised Emergency Services section.

36-2 See revised Use Levels and Allocation sections.

36-3 See revised Camping section.

October 11, 1991

Deschutes River Policy Group
Oregon State Parks
Dept. 525
Trade Street SE
Salem, OR 97310

Chairman:

I am writing to express my comments as you act toward your final recommendations about the Deschutes River Management Plan, in particular concerning Segment 4 and livestock grazing.

Your proposed Lower Deschutes River Management Plan and Environmental Impact Statement thesis states on page 41 that you intend to set a grazing period of November 1 to May 1 in order to accelerate ecological improvement while minimizing conflicts between recreational demand and grazing management during that time period. I would strongly recommend against this proposal and I do so under the following observations.

I am the current operator of a farm along the Deschutes River in Wasco County, M.P. 7-11, Segment 4. During the 1930's, my grandfather tried early grazing in February one year and that event impressed him not to ever try it again. If you have seen how steep the canyon hills are, perhaps you can visualize what happened. The sidehills were scarred up as a result from cattle sliding in the wet soil. Also, the grass was "washy" and contained very little harvest value. Practical experience from this attempt to nudge the ecosystem proved unsatisfactory and the theory of winter grazing was rejected for our area. Alternate grazing patterns should take into account historical observations. 37-1

Not long after the State of Oregon acquired the Deschutes, I invited Dr. Tom Bedell (OSU Extension Rangeland Resources Specialist), Earl McKinney (BLM Range Specialist), Sandy Macnab (Wasco County Extension Agent), and Del Sanford (then with Fish and Wildlife, retired) to discuss grazing alternatives compatible with Fish and Wildlife objectives. The conclusions drawn by these professionals were that our current grazing system (May 15 thru September 1) showed no soil erosion and adequate cover existed, given the frequency of river fires over the years and the land topography itself. Essentially, Bedell and McKinney recommended no change in grazing patterns and to continue monitoring. Stream enclosures with water gaps were installed along the river to protect the riparian zone.

You mention the desire to minimize conflicts between recreational and grazing interests. Your terminology assumes that the two demands are substitutes (more of one and less of another, given a fixed resource) when we have seen that they can be complementary. The water gap fences have gates built in to allow access by fishermen walking along the river bank. They open the gate and close it behind them. More times than one we have had to go down to close gates left open by hikers/fishermen to prevent cattle from wandering into enclosed areas. When we have talked to nearby fishermen as to why the gates are open, they claim that the grass is too much along the bank and needed mowing in order to enhance their fishing experience. While we hear folks talk negatively about cattle, we manage to find as many that can see their advantages.

As natural resource managers, we carefully consider the benefits and costs in reaching decisions to guide our business and to make a living, just as you do with the resources you have at hand in making policy. Since my family lives and works in the Deschutes River area, we are directly affected with our decisions and their outcomes.

Respectfully,

David E. Wagenblast

David E. Wagenblast
6330 Kelly CutOff Road
The Dalles, OR 97058

Response to David E. Wagenblast

37-1 Management strategies and applications change over time as new information becomes available. A number of benefits occur with the November to May use timeframe that don't occur in the warmer months. Livestock spend less time at watering locations and tend to range further in cooler weather, seeking out forage which is greening up, highly palatable and nutritious. Because of the reduced tendency by livestock to group up, damage to riparian areas is reduced or avoided. Riparian shrubs and trees are dormant or just coming out of dormancy, and far less palatable than the early greenup of grasses, so the incidence of livestock browsing in these areas is drastically reduced between November and May. Because use occurs when plants are dormant, any grazing use which does occur would have little or no effect on the plant's growth cycle.

Ronald W. Rogers
6827 Creekside St.
Redding, CA 96001

38

July 29, 1991

Deschutes River Coordinator
Oregon State Parks & Recreation Dept.
5225 Trade Street S.E.
Salem, OR 97310

Dear Coordinator:

Below are my comments on the Draft Lower Deschutes River Management Plan and EIS.

38-1 page 67 Please define "floating craft", as this term is not in the glossary. A "Floating craft", I take it, is not the same as "boat" in the glossary? The term "floating craft" should include all tubes, toys, air mattresses, and these would require permits if "boats" would be required to display permits. It would be unfair, arbitrary and capricious to discriminate between one type of recreational non-motorized floating craft and another.

page 196 For allocation purposes only, Alt.4 should be the selected alternative since it rates a "+M" and the preferred alternative only a "+L".

I support and endorse the implementation of the 100% common pool allocation method as best meeting the 11 public criteria developed by the Deschutes River Policy Group. An analysis of Table 27 clearly shows that Alt 4 is much more consistent with the established criteria. A point assignment of 1, 2, or 3 to +L, +M, and +H (and corresponding negative numbers to -L, -M, and -H), shows that Alt 4 rates an "18", while the preferred alternative only rates a "4". Using your established criteria, the selected alternative must be Alt 4.

I suspect that the decision not to make the 100% common pool the preferred alternative was based purely on the desire to protect the reality of the private property rights created by a split allocation system.

page 393 Hunting guides seem to function well and prosper across the country and there are no split allocation systems for hunting licenses or special game tags. Why wouldn't the same 100% common pool system work for commercial river runners?

There appears to be a perception by the board that noncommercial boaters don't play a critical role in supporting the local economy also. I would venture to say that if the noncommercial river runners decided to boycott the Deschutes River in response to an unfair permitting system, that the board and local businesses would change their minds on this matter rather quickly.

Thank you for receiving my comments.

Ronald W Rogers

Response to Ronald W. Rogers

38-1 The definition of "floating craft" is the same as for a "boat". See below:

Boat - Watercraft used or capable of being used as a means of transportation on the water, but does not include aircraft equipped to land on water, boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

RECEIVED
39 SEP 30 1991
STATE PARKS AND RECREATION DEPARTMENT

9-25-91

To: Deschutes River Coordinator
I have some concernes about the Deschutes River Management plan.

39-1 (1) Why wasn't there a ~~an~~ economic impack statement done for the communitys being afected by this plan The Deschutes River Management plan should be working with these communitys to help boost there economy.
I've seen No prof of that.
All Ive seen is some power hungry people who put the management plan together who have set forth rules and regulations That will Not effect them, And they do Not care How They will effect The River Users.

(2)

9-25-91

39-2 (2) Private Property being Managed By the BLM

I would like to know How many pices of Private Property will be Managed by the B.L.M. It is my understanding that the Sherars bridge site owned by the Confederated Tribes would be Managed by The B.L.M.
I Do Not want My Tax dollars going to pay for the Management of Private property!
The BLM Management of the Sherars Bridge site, and any other private property would be unjustly enriching the Cofederated Tribe, and all other priate property owners, and There propertys.
It is the responsibility of all private property land owners to maintain their own land, as for The Sherars Bridge site, The BLM

(3)

9-25-91

Had a chance to Buy the Sherars Bridge site when the Confederated tribes equired it. If it was so important for The BLM to manage this property they should have bought it.

(3) I Do Not support the Lower Des. River Management plan because (1) it limets access to the River (2) it starts an entry process that Benifits the Ritch because They can afford to take time off work to visit the River seven days a week, whereas the poor working stiff can only afford to apply on weekends when the Bulk of the people will be applying lessening their odds.
I Think The whole plan should Be Thrown out, and started over from scratch!

(4)

9-25-91

I hope that the Des. River Coordinator and the Oregon State Dept. of parks and Rec. have invited us all to submit our views in good faith to hear Our concerns and use our testomony, and Not to have some predetermined outcome for all of this, we shall soon see when the management plan is completed Remember All concered are waiting for the outcome!

Jim Herring
5063 S. Hwy 97 #34
Redmond Ore 97756

RECEIVED
OCT 1 8 1991

40 10-10-91

Deschutes River Policy Group
525 Trade ST.
Salem, Oregon 97310

Dear Policy Group Members,

I have been waiting to write the committee, in response to the Proposed DRAFT Plan, because I wanted to evaluate the comments that my friends + clients had. The most common thing that I heard is that the B.L.M. should not take control of the overall management of the lower 100 miles of the Deschutes River. As someone who worked to Pass HB 3019C I believe this concern is justified. The next most common concern is the proposed Limited Entry Permit System + Allocation System, many feel that these proposed alternatives are not warranted, ~~[illegible]~~

My concerns are more direct. the Proposed Draft Plan is cumbersome and hard to understand. Every proposed preferred alternative, is given a written positive note, and the others a very negative note. This gives the reader the impression that the only alternative proposed, with positive impacts is the preferred alternatives. Yet this evaluation by the writer, is his or her opinion. For instance, on Page 38. Alternative 1 is

described as the Alternative, that would cause higher use levels, while the proposed alternative provides lower Peak levels. Apparently, the Policy Group feels that a Limited Entry Permit System is the preferred System to be used to manage the lower 100 miles, As the preferred alternatives if adopted would force this system to automatically be out in to affect.

HB 3019C directs the committee to do everything possible before restricting use. Unfortunately, the proponents of a Limited Entry Permit System have taken over control of the Process. Ignoring 3019C and convincing the Politicians, and Federal Managers, that this is the only system that can be used manage the Deschutes River. The Purpose of HB 3019C was to have the managers, users, and private landowners, compromise and find solutions. Before the policy group adopts a limited Entry permit system, they should re-examine HB 3019C and work with the users to solve any problems.

Speaking of compromise, I believe the Jetboaters and Guides have been willing to do so. Yet you have again ignored this and proposed drastic management steps to assure there demise. I generally run most of my trips in Segment 4, So I will address this issue for this Segment. Power Boat use started in the 1950s, It wasn't until the early 80's that the Phantoms started to increase in great numbers. As the

purchase of the lower 12 miles became public, and the Steelhead run was increasing all users increased, as did the conflicts. The Jetboaters and Guides received the brunt of the complaints because they are very mobile and can move about the river with ease. The conflict is not noise, or wakes coming over the waders. The conflict is that a Jetboater has an advantage over a hiker, or Floater. The hikers and Floaters will not be happy until this advantage is eliminated.

We are often referred to as a strong lobby of selfish interests, by the hikers and Floaters, as well as by some of the managing agencies. The fact is the Policy Group has been lobbied by Anti Jetboaters, and has adopted an Anti Jetboat stance. If one reads the comments made be the Anti Jetboaters carefully, they will see that they feel there way, is the only way. I find this selfish and unwarranted. I don't believe that the policy group has recognized the Jetboat use, as a legitimate use and a use that many, many, people enjoy.

Our Compromises are many and should be taken as a good jesture. We are giving up some of our use, in order assist those who want an experience without Jetboat. Listed below are my recommendations only. Any other regulations are not acceptable until others uses are also restricted.

Jet boat Use Restrictions Acceptable.

1. No dropping off people from Moody Rapids to Rattlesnake Rapids from July 4th thru September 15th

2. No more than Two Trips Per day from Heritage landing or Macks Canyon.

3. No camping at Kloan on the west bank from Freebridge downstream at markers, (approx 1000 Feet.) (There is not a need to restrict powerboat use 1 to 1/2 miles below Freebridge as the hikers who come into Kloan do not camp that far down.)

4. No Jetboat Use from Friday to Sunday every other week from July 4th to Labor day weekend.

Jetboat Guide Use

1. Same as Above.

2. All Guides + Outfitters will be regulated by the B.L.M. Fee's collected from Guides + outfitters by the B.L.M. in the lower 12 miles on state owned lands, will be put in a special account to be used by the State of Oregon, on the Lower Deschutes River.

3. The B.L.M. will AVAluate the current number of Guides + Outfitters, There services, time of use, and type of use. After this AVAluation the number of Guides using Segment 4 will be limited by services provided and time of year.

4. Jetboat Guides will be allowed to use one jetboat of up to 6 passengers, only.

5. Jetboat Guides + Outfitters will not be allowed to camp on Friday + Saturday nights, than September, (on the opening of the general deer season).

The B.L.M. should meet with all of the Guides + Outfitters now Permitted in Segment 4, to discuss these proposals and come up with solutions to lessen the conflict.

40-1 In closing I would like to make one more point. The Proposed DRAFT Plan fails to Explain ~~the Explain~~ the differences in the designation of a Recreational River verses a Wild or Scenic River. I think this would help the user understand the planning process. As proposed in the DRAFT Plan, this would be the only Recreational River that proposes a Limited Entry Permit System for its total length.

There needs to be a Re-AVAluation of the proposed plan, that would better fit each segment and its current uses. Instead of automatically restricting recreationalists on a Recreational River, perhaps the Policy Group should use the recreationalists, to assist the restoration of the natural resources along the River.

Thank You,
Michael D. Sallee

Response to Jim Herring

39-1 An economic analysis was done as part of the Draft Plan and Environmental Impact Statement. Various meetings and personal interviews were conducted with residents and business people from Maupin, The Dalles, Biggs Junction, Madras, Tygh Valley, Dufur and Warm Springs.

The final plan recognizes the economic dependency these communities have on the Deschutes River.

39-2 The Bureau of Land Management does not manage private land along the Deschutes River. The Sherars Bridge site is owned and managed solely by the Confederated Tribes of the Warm Springs Reservation. They have an agreement with private parties concerning facilities and public use. Use of appropriated funds by BLM will continue to focus on areas where the public owns an interest in the land or related waters.

Response to Michael Sallee

40-1 Recreational rivers are defined by the Act to be "...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."

Wild rivers are defined by the Act to be "...Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America."

The management objectives for a wild river emphasize protecting the values which make it outstandingly remarkable while providing river-related outdoor recreation opportunities in a primitive setting. While the objectives for a recreational river emphasize providing a variety of opportunities for engaging in recreation activities, the mandate to protect and enhance the outstandingly remarkable values also exists.

Agencies and Organizations Commenting on the Supplement to the Draft Plan/EIS.

The following agencies and organizations responded to the Supplement to the Draft Plan/EIS:

Environmental Protection Agency
National Park Service
Bureau of Reclamation
Bureau of Indian Affairs
Confederated Tribes of the Warm Springs Reservation
Members of Congress (Les Au Coin, Ron Wyden, Peter De Fazio, Mike Kopetski)
Oregon Secretary of State
Oregon State Treasurer
Oregon State Marine Board
Wasco County Court
Jefferson County Court
Mayor of the City of Portland
City of Maupin
Oregon Cattlemen's Association
National Wildlife Federation
The Wilderness Society
Northwest Rafters Association
Oregon Rivers Council
National Organization for River Sports
Anglers Club of Portland
Oregonians in Action
Willamette Kayak and Canoe Club
Santiam Whitewater Association
Santiam Flycasters
Deschutes Homeowners Association
The Dalles Rod and Gun Club

Introduction

The contents of this report summarize public comment, received by the Bureau of Land Management in response to the Supplement to the Lower Deschutes River Management Plan and Environmental Impact Statement (the Supplement). The Supplement was released for a 60-day public review period beginning in early June 1992. This was in response to the Executive Review Board's direction to BLM to study the possibility of securing off-season vehicle access upstream from the Deschutes Club locked gate. The report profiles the type and frequency of responses from individuals, organizations and various government agencies.

Public Responses

A total of 264 separate responses were received by the Prineville BLM District Manager in reaction to the public's concern over the issue of public access upriver from the Deschutes Club locked gate.

Overall, individual written responses (198) accounted for 75% of the opinions received. These were written letters with urgent and often emotional messages. Hearing testimony (39) accounted for 15% of the public comment with letters from 27 agencies and organizations comprising the remaining 10%. Most of those testifying at one of the hearings also submitted written comments. A small number of responses (9) came from a form letter.

Due to the single issue focus of the supplement, nearly every respondent addressed the preferred alternative (Alternative 5) in one way or another. A total of seven people and two government entities supported the preferred alternative with 139 (119 writing and 20 testifying) specifically opposed the preferred alternative and the potential vehicle access condemnation elements associated with it. An additional 74 people (64 writing and ten testifying) specifically supported Alternative 2 with the 'no public easement and ban on motorboat use in the area'. Another 28 people (23 writing and five testifying) favored Alternative 3 and an additional 12 people (11 writing and one testifying) favored Alternative 1. Alternatives 1 and 3 provide for motorboat use to continue either on a year-round or seasonal basis in this area.

Table 1 displays public responses to the alternatives.

It should be noted that the total number of comments supporting or opposing a particular alternative exceed the total number of letters and testimony received. This is because several commentors specifically supported or opposed more than one alternative and some did not specifically support or oppose any alternative.

Specific Public Reaction to the Preferred Alternative

Of the 264 letters and individual testimony received, 248 recommended a decision different than the preferred alternative. Seven individuals supported the preferred alternative while nine letters did not recommend any course of action.

Of those supporting the preferred alternative, the rationale included:

Table 1
Public Response to the Alternatives

Number Specifically Supporting Alternative	Number of Comments
1 (no action)	12
2 (no easement, motorboat ban)	74
3 (no easement, limited motorboat use)	28
4 (easement for nonmotorized use, motorboat ban)	6
5 (preferred alternative - easement for limited motorized use, eventual motorboat ban)	7
6 (easement with motorboat use)	5
7 (no easement with perpendicular access road)	0
8 (no easement with perpendicular access road and trail)	1
Number Specifically Opposing Alternative	
1 (no action)	2
2 (no easement, motorboat ban)	5
3 (no easement, limited motorboat use)	5
4 (easement for nonmotorized use, motorboat ban)	12
5 (preferred alternative - easement for limited motorized use, eventual motorboat ban)	139

1) *"As a citizen of the United States, I consider our public lands to be the property of the citizens of this country, and have always considered it an injustice when a few landowners can deny me access to my public property just because the only reasonable access crosses private property."*

2) *"Your preferred Alternative is a reasonable balance between the need for access and solitude on the Deschutes. This stretch of the river does not provide a wilderness experience anyway, and I don't think Alternative 5 will substantially change the character of the river trip experience. I particularly like your idea of allowing mountain bike use on the road."*

3) *"I have fished the river for many years, but have not had the opportunity to see that section of the river. A few years ago I rode my bicycle in but was rudely told to turn around and get out with my bike. I just don't think it is right that only a select few have access to the section of river, when much public BLM land is included in this section."*

4) *"Unless there are compelling reasons that would negatively affect the public at large, I see this proposal as enhancing access to the public."*

5) *"In my opinion, public land is not public without access."*

6) *"In this area, the road bed is already established, a pattern of controllable recreation activity is established and the bulk of this use is seasonal. It seems reasonable to me for the BLM to guide these uses more actively in the future so that wildlife habitat and recreational opportunities can be balanced."*

Those opposing the preferred alternative generally did so for one or more of the following reasons:

1.) *"Condemnation of private land, even for public easements, contradicts assurances given private landowners when the Oregon Omnibus Wild and Scenic Rivers Act was enacted. It violates the longstanding federal and state policy of only acquiring land from willing sellers, a policy ratified throughout the Deschutes River planning process."*

2) *"Resource values would be degraded by increased motor vehicle access, bicycle access and boat launching. I value the river section above the existing gate for its remoteness. This is*

the only remaining river section largely inaccessible to motor vehicles. Access to public land is already available for hikers and boaters seeking to escape crowds. Opening the gate for increased motor vehicle access is contrary to the public planning goals of protecting this section of the Deschutes River from further development."

3) *"Costs vastly exceed benefits. Condemning the road and upgrading it for public use would cost millions. The BLM would have to pay for the land it takes, rebuild the road and tunnels, compensate landowners for loss of privacy and then pay ongoing operation and maintenance costs. All this for a relatively small number of off-season motor vehicle users? The BLM has not had adequate funds to take care of the lands it manages now. Taxpayer money would be much better spent protecting the resources."*

4) *"Trespass, vandalism and fire, already too common, would increase. These are serious problems. The plan was intended to resolve them, not increase them by putting more private land at risk."*

5) *"Landowners in this section of the Deschutes have reciprocated by allowing BLM to use the existing road for administrative purposes without charge. Private lands between the existing gate and Maupin are open to public recreation. Hikers are allowed to walk in and fish on private property south of the gate. Landowners have worked with BLM and state agencies on riparian and wildlife enhancement projects and have pursued wildlife enhancement projects independently."*

6) *"As acknowledged in the Two Rivers Resource Management Plan ("RMP"), public land adjacent to the Deschutes is legally and physically accessible now. The river is a public highway for boaters. A standard common to all alternatives in the Draft Plan and contained in the RMP is that access will be acquired only from willing sellers. After the Executive Review Board met in February, the BLM should have simply asked landowners in the area if they would be willing to sell easements. If the answer was "no", acquisition of access should have been dropped from further consideration."*

7) *"The BLM should return to the fundamental objectives of the Deschutes River planning process: cooperation with private landowners and other responsible management agencies, management of this section of the river for dispersed recreation, reduction of user conflicts and reduction of environmental impacts."*

8) *"We are ruining the atmosphere. We are polluting the water. We are destroying the forests. We are killing off entire species left and right. Opening the Deschutes Club locked gate is one more step in that direction."*

9) *"The present inaccessibility to wheeled vehicles is an extremely important aspect of the quality of enjoyment had by those with the ambition to hike in that region. At present, access to that area is available to anyone with the ambition to hike or to drift down the river in a boat. Although there is limited motorized traffic, one can still gain a sense of solitude from the quietness of the region. There are too few locations left in the northwest that provide even this limited amount of solitude and freedom from excessive noise pollution caused by increased traffic."*

10) *"Opening this stretch of water to public travel will devastate the native trout fishery we have all worked too hard to protect. It will also cause major damage to private and public property along the roadway. With the budget constraints that the BLM is operating under, where do you get the people to patrol, clean up the public mess and maintain the road?"*

11) *"The non-public road access has kept that section of the river the most productive, natural and valued section by hikers and boaters alike. Opening of the gate would lead to degradation of the fish habitat, poorer water quality, destruction of nature, increase of fire hazard, vandalism and trespassing on private lands. The BLM land is presently being utilized by fisherman rafters from the river, and public road access would further increase the competition that already exists for its use."*

12) *"Even though this is being considered for off-season access, it is the first step in opening it up all year. After all the money BLM would have to spend to purchase condemned private land and do road improvements it would only be a matter of time before pressure would exist for year-round access. Off-season use only would not justify the expense to pursue this."*

13) *You have a stretch of river that is exceptional and currently open to the public. You have owners along the east side of the river who are truly interested in preserving the nature of this area for*

all to enjoy. This at little or no cost to the public coffers. There is too little of this special-experience land left in this increasingly crowded country. Making something too easy to enjoy ruins it for those willing to make the small sacrifices it takes to expose themselves to something as special as this unspoiled stretch of the Deschutes."

14) *"By opening the road to additional vehicular traffic and building a new boat launch ramp, you will open an additional portion of that fragile and already overused system to additional human traffic, thereby further damaging the banks and the protected portions of the river. The protection that it currently receives through limited access benefits everyone (up and down river) by serving as a preserve and nursery ground, supplying the majority of the river with young fish and invertebrates."*

15) *"It has generally been my experience that the more easily people are able to acquire things (whether they be material goods or access to places), the less they tend to value them and the more likely they are to squander or degrade them."*

16) *"Due to public vehicle access, much of the Deschutes River has already been overused and over-fished and has been spoiled from an environmental standpoint. On the contrary, that stretch of the Deschutes, which you propose to open for public vehicle access, has remained unspoiled since the railroad pulled up its track and sold the right of way. It is a monument to the good environmental efforts of the private property owners and the Warm Springs Indian Tribe. You are going in the wrong direction. You should be applauding their efforts, not impeding them. You are running counter to the very definite trend throughout the country to preserve the naturalness and beauty of our country. The million and a half dollars you intend to spend on this project can be much better spent in a positive effort to preserve, not destroy."*

17) *"The difference between the private area and that now open to the public is striking. The private land has been preserved in its natural state and native plants extend to the edge of the river. In the area north of the gate, the whole access to the river has been severely damaged by motor vehicles and is essentially a parking lot. The Deschutes Club has a long history of responsible stewardship of the land and should be allowed to continue in this capacity."*

Specific Public Reaction to the Other Alternatives

Of those specifically commenting on other alternatives, the greatest support was expressed for Alternative 2 (no easement, motorboat ban), followed by Alternative 3 (no easement, limited motorboat use) and Alternative 1 (no action). Alternatives 4, 6, 7 and 8 received little or no support.

The reasons expressed for supporting Alternative 2 were the same as those given for opposing the preferred alternative as well as Alternatives 4, 6, 7 and 8. Reasons given for supporting Alternatives 1 and 3 were similar and centered around the continuation of motorboat use in this area. They included:

1) *"Without access, the action by the Executive Board increased the personal value of a select river user group at the expense of the public. The Deschutes Club has denied access to public lands to the North Junction residences thus without some modification of the current plan for all practical purposes this 20-miles stretch of the river becomes the exclusive use of a few people."*

2) *"If motorboats get banned, I and the river will survive, but that sure doesn't make it right. It sure is going to gall me that I will be denied access to my favorite hunting and fishing places, places which are on public land and public water, while those rich or lucky enough to have a key to the locked gate will have it all to themselves."*

3) *"I have never noticed crowding in this section of the river during the off-season. I find it hard to believe that the occasional motorboat use in these sections presents any serious problem to the landowners. The limited motorboat use permitted under Alternative No. 3 would seem to allay even these concerns. Further, it would continue to provide adequate off-season access to segments of the river without the expenditure of any public funds."*

4) *"The most intense riparian impact is by those user groups that just walk up and down the streambanks, camp on the riverbank, etc. This includes especially car access fishermen, dirt bikers and even driftboaters. I appreciate with my own eyes the tremendous degradation I have seen over the last 20 years. The least impact is by a motorboat user who rides to their fishing site, gets out and fishes, and moves on. In many cases, especially in the winter, the motorboat user would chose to return downstream and stay in a motel or camp near their car."*

5) *"We feel once again you have singled out the jetboats for a ban. If there is to be a ban, then every one and, we said everyone, should be barred. God created this river for everyone to enjoy, not just a few drifters and mountain bikers."*

List and Summary of Comments Submitted by Various Agencies and Organizations

Agencies -

Environmental Protection Agency: "Based on our review, we are rating the preferred alternative in the supplemental draft EIS LO (Lack of Objectives). This alternative identifies no adverse environmental effects from the access component of the management plan."

National Park Service: "We are submitting a "no comment" response.

Bureau of Reclamation: "We have reviewed the subject document and feel that there would be no significant impacts on Bureau of Reclamation projects within the Lower Deschutes River drainage area resulting from implementation of any of the alternatives."

Bureau of Indian Affairs (Portland): "The Bureau of Indian Affairs is concerned with the inconsistency regarding access that occurs between the DEIS and the Supplement. We are not aware of any process that has occurred within the Executive Review Board or the Policy Group that allows for this unilateral change in policy. Our preferred alternative is the "Preferred Alternative" as described in the Draft Environmental Impact Statement (DEIS)."

Bureau of Indian Affairs (Warm Springs): "The Bureau of Indian Affairs, Warm Springs Agency as a participant in the planning process and as a Federal agency with a fiduciary trust relationship with the Confederated Tribes of Warm Springs feels that the access proposals set up in this *Supplement* to the original *Draft Plan and EIS* go far beyond the scope of the authority of the Executive Review Board (ERB) as set up in the Memorandum of Understanding signed by the participating agencies (the Policy Group).

To put it briefly, the BIA feels that it was never our intent that the ERB could modify such basic agreements on which there was unanimous consensus such as the Management Common to All Alternatives. All of the alternatives presented, with the exceptions of Alternatives 1 and 2 violate the cited provision. The Preferred Alternative as outlined in the original *Draft Plan and EIS* is the preferred alternative of the Bureau of Indian Affairs, Warm Springs Agency."

Confederated Tribes of the Warm Springs Reservation: "The Supplement is unnecessary. There is no need or mandate for the BLM to achieve different means of access to this segment of the river by an easement across private land or road construction through the canyon. Simply put, there is adequate access at this time. The banning of motorized watercraft will not significantly impact access and will improve the recreational opportunities on this segment of the river.

The Supplement fails to consider in any depth the impacts to water quality, fisheries, wildlife, cultural resources and recreation. The BLM has failed to take a hard and long look at the impacts of the Alternatives 3, 4, 5, 6, 7 and 8 on the human and natural environment."

Members of Congress (Les AuCoin, Ron Wyden, Peter DeFazio, Mike Kopetski): "In drafting and debating the Oregon Omnibus Wild and Scenic Rivers Act, the Oregon Congressional delegation repeatedly stated the view that condemnation from unwilling sellers should not result from this legislation.

While we understand the need for the Bureau to manage their lands and to provide public access to these important resources, we also strongly encourage the BLM to pursue alternatives which do not adversely impact the private property owners along the Deschutes River. We also believe that agency language which raises the specter of condemnation will make planning, management and future additions to the wild and scenic system nearly impossible.

Implied or otherwise, the possibility of condemnation now confronts property owners along this stretch of the Deschutes. We urge you to make alterations in the DEIS so as to remove this troubling prospect."

Oregon Secretary of State, Phil Keisling: "I believe it critical that we strike a careful balance between providing public access to precious natural resources and protecting them from intrusion. The relatively secluded stretch of river in question can already be reached easily by boat or by foot. To spend millions of dollars to purchase private land (from possibly unwilling sellers), condemn and upgrade a road, and pay ongoing operation and maintenance expenses, simply to provide access to an estimated additional 30 persons per day, violates this sense of balance, and at unjustifiable cost."

Oregon State Treasurer, Anthony Meeker: "Alternative 5 is a very public-oriented alternative, however it has major drawbacks. They are:

1) increased vehicle traffic into this relatively undisturbed area during the fall, winter and spring (ecologically fragile periods);
2) increased costs of land management e.g. easement acquisition, caretakers, road building and maintenance and tunnel repair and bypass costs; and,
3) increased public use of area and thus increased chance for user conflicts.

For these reasons, I oppose Alternative 5 and any alternative that allows vehicular traffic and requires extensive use of BLM funds. In these times of budget uncertainty, funds could be better spent elsewhere for a greater number of people."

Oregon State Marine Board: "After considering all of the alternatives in the draft, we keep coming back to the same conclusion we arrived at in the planning process: there is no compelling reason to remove motorboat access during the off season.

The issue addressed by this EIS is very real. During the off season (fall-winter-spring), the locked gate prohibits access to public lands along the Deschutes River since for practical reasons, persons aren't going to float the entire river to gain access to the lands just above the locked gate. Although walking provides one means of access to the east bank, there is no access by boat to the west bank.

The proposed management action of prohibiting motorboat use in three years would preclude a legitimate means of public access above the locked gate. There are no compelling environmental or social reasons given for a ban on this form of public recreation access in the original EIS or this supplement.

Although there is a clear social problem between motorized and nonmotorized users during the peak summer season, there is very little conflict during the off season. There are no social, environmental or safety problems with the limited use of motorboats during the off season.

Motorboats provide a legitimate means of recreation access to public lands and waters without additional taxpayer expense for acquisition of easements and expensive capital improvements. We believe that Alternative 3 represents a very workable compromise to this access issue. Similarly, Alternative 1, the no action alternative, is acceptable. However, a ban on motorboats in three years without some equivalent form of public access is not acceptable."

Wasco County Court: "Now, therefore, it is hereby resolved: That the Wasco County Court supports the Bureau of Land Management's staff recommendation to open the "locked gate" above Maupin, Oregon, if public access to public land by jetboat is eliminated under the Lower Deschutes River Management Plan and Environmental Impact Statement."

Jefferson County Court: "Off season access should be provided by jetboat use as outlined in Alternative 1 or Alternative 3. To do anything else is a waste of time and energy. However I will qualify this with the fact that public road access should be the preferred alternative if jetboat use is banned.

A few motorized boats in the off season will have little impact either socially or environmentally on the river corridor. Currently private subdivisions like Dant, North Junction and the Deschutes Club all operate motorized vehicles along the river. Burlington Northern operates motorized trains along the river. You would be hard pressed to find any problems caused by off-season motorized boats."

Mayor of the City of Portland, Bud Clark: "I feel strongly that regulations should remain unbroken and the private road on the eastside of the river south of Maupin should remain closed to motor vehicles for off-season access to public lands behind the existing gate. The status quo is working.

The Deschutes River Management Plan should also continue to protect the river from being turned into a place where only those with money can use it. This is a state of democracy — let the people use and preserve the resources here.

I urge you to make no changes at this time and only to move very cautiously with clearly defined goals in the future."

City of Maupin: "The City adopted this resolution in support of the BLM staff recommendation to open the road above the Deschutes Club's locked gate to ensure public access upriver of Maupin.

It is hereby resolved that the City of Maupin support the Bureau of Land Management staff recommendation for the Deschutes River Plan to open the "LOCKED GATE" of the Deschutes Club for public access to public land on the Deschutes River above Maupin, Oregon."

Organizations -

Oregon Cattlemen's Association: "The members of the Oregon Cattlemen's Association go on record

opposing the condemnation of the private road on the eastside of the Deschutes river south of Maupin to motor vehicles in order to gain off-season access to public lands behind the existing gate.

Condemnation of private land, even for easements, contradicts assurances given private landowners when the Oregon Omnibus Wild and Scenic Rivers Act was enacted. It violates the longstanding federal and state policy of only acquiring land from willing sellers, a policy ratified throughout the Deschutes River planning process.

Resource values could be greatly impaired with motor vehicle and bicycle access. Degraded fish habitat, poor water quality and riparian vegetation destruction could also occur. Trespass, vandalism and fire, already too common, would increase. These are serious problems. The plan was intended to resolve them, not increase them by putting more private land at risk.

The costs for upgrading the road and buying the land would place an extra burden on an already financially burdened government."

National Wildlife Federation: "NWF believes the Preferred Alternative in the Draft Management Plan// EIS provides adequate access to the river resource, while ensuring that the qualities which make the Deschutes a Wild and Scenic River will be preserved. Further, this alternative also bans motorboats, which NWF considers imperative to the future well-being of the Deschutes River."

The Wilderness Society: "Because walk-in and bike-in access would be compatible with continued recovery of degraded fish habitat in Segment 1, because fish are an outstanding resource of the river and because no need for motorized vehicle access and a new launch have been shown, a management plan incorporating Alternative #2 would best meet the enhancement policy of the National Wild and Scenic River Act and the management goals stated in the DEIS."

Northwest Rafters Assn: "The NWRA supports Alternative 2 - for a number of reasons. They are as follows:

1. Power boats are banned in three years, so why create a launch that will be useless in a short period of time.

2. Deschutes River users have "voiced" their concerns about motorized use in the river corridor. So, why remove powerboats and replace them with cars, trucks and motorized road vehicles.

3. A number of people have also raised concern about levels of use on the river. This would seem to encounter increased use.

4. The Wild and Scenic Rivers Act and the State Scenic Waterway program already have a difficult enough time selling the merits of river protection programs without fighting a Federal agency and condemnation proposals. This is one of the public's greatest fears when it comes to environmental protection issues.

5. $1.5 million dollars could be better spent by improving other river access points between the "Locked Gate" and Maupin, including development of a river information and education center at the old train depot currently owned by the BLM."

Oregon Rivers Council: "The primitive and remote nature of this area of the Lower Deschutes wild and scenic corridor is integral to the recreational value. Increasing the number of visitor days to over 4,000 during the 7-month off-season will have a detrimental effect on the resource. Additionally, we are concerned that the fisheries resource was not directly addressed in the Supplement.

According to BLM estimates, the cost of the land acquisition and subsequent road maintenance will be approximately $1.5 million. This is an inappropriate use of limited public money. BLM funds are finite and should be spent on protecting and enhancing the outstandingly remarkable values, not on increasing access for a specific group of motor vehicle users.

For these reasons, ORC recommends that the BLM not pursue acquiring easement south of the locked gate near Maupin and choose Alternative 2."

National Organization for River Sports: "The BLM is one member of the managing agencies group in a cooperative agreement to develop plans for the Deschutes River. They have clearly overstepped their authority by not following the agreed upon process for decision making.

For the BLM to attempt to circumvent the public process that has been ongoing for over 4 1/2 years casts a shadow on the entire process. To continue such a policy in the face of overwhelming opposition and with no organized public effort to support its position, will certainly raise questions about the agency's motives. The BLM should, as gracefully as possible, back away from this ill-conceived effort.

We wish to go on record in support of the original ERB decision to adopt Alternative 2. The preferred alterna-

tive, number 5 in the Supplement, would create adverse consequences never anticipated in the original process."

Anglers Club of Portland: "The Anglers' Club supports Alternative 2. Our reasons are as follows:

a) The present proposed management plan will limit use to the 1990 user level. Based on use in 1991 and 1992, this means there will need to be management plans created that will decrease present use levels to those of 1990. The BLM should be concentrating on determining how decreases in user levels will be accomplished rather than on increasing access.

b) The present estimate of $1.5 million does not include severance costs or costs associated with pursuing access in court. The Deschutes Landowners Committee has already made known their willingness to challenge the easement acquisition on legal grounds. As a result, acquisition of the easement will in all likelihood be far more expensive than is presently being estimated. The BLM would, under the preferred alternative, use federal money to litigate their way to implementing this alternative and use federal funds for construction, to provide access for only five cars per day. This is not effective use of federal tax dollars.

c) The new preferred alternative will change the nature of section one of the river. Presently floating that section of river requires a commitment to at least floating from Trout Creek to the locked gate. This in turn helps decrease user levels without active management intervention. Increased user levels in the winter will change the atmosphere of isolation presently enjoyed in this area in the off season. Decreasing user levels between October 15 and May 15 helps the riparian zone recover from the summer users' abuses.

d) If any further federal dollars are to be spent, they should be spent on acquiring grazing rights to decrease riparian damage by cattle. BLM seasonal grazing should provide only limited access to the river through the use of fenced exclusions.

e) The BLM claims a financial benefit of $58,000 per year to the town of Maupin by adopting the new preferred alternative. This estimate is based on expenditures of $55 per day by 1,050 visitors during the off season. These figures are not derived from any referenced data in the text. It is doubtful that one day visitors not hiring commercial guides would spend $55 per day. We conducted an informal poll of regular river users and found that their annual expenditures were under $55 per year, and that their average expenditure per trip was more on the order of less than $5 per day. Many visitors spend no money in Maupin. The financial benefit to Maupin, a town where the tourist facilities are typically closed in the off season, has at best been grossly over-estimated.

f) We support the banning of powerboat use."

Oregonians in Action: "Condemnation would contradict assurances given private landowners when the Oregon Wild and Scenic Rivers Act was enacted. Such public acquisition and condemnation should only be employed when there are strong and compelling reasons for doing so. Our review of the Environmental Impact Statement indicates lack of justification for such action.

Apparently little attention was given to the adverse impact on private property from trespass, vandalism and fire. Providing vehicular access would increase such risks.

The proposal is wholly at odds with the fiscal nightmare the federal government is in. The estimated $1,425,000 of federal funds needed to acquire the road and rebuild or repair the road, and tunnels, etc. does not include severance damages which could be very substantial.

Access to public lands is already available for hikers and boaters. The high costs involved vastly exceed the benefits from the increased access it would provide. Worse yet, the increased access will likely degrade the resource values in the area."

Willamette Kayak and Canoe Club: "We feel that Alternative #2 is the most reasonable plan for several reasons:

1) Alternative #2 will maintain a high quality recreational experience for those who float the river above Maupin, without incurring the ridiculously high costs associated with the Preferred Alternative (#5). Under Alternative #2, the current uncrowded conditions that most river runners experience above the Deschutes Club locked gate would be maintained and enhanced by the absence of motorboats and crowds.

2) The section of river from Two Springs Ranch to the Deschutes Club Gate is currently a nice tranquil place to camp, particularly in the early spring and late fall. This tranquility would be lost

with the adoption of the Preferred alternative, which would allow up to five cars/day to come up the road next to these campsites, and put up to 30 more people on this river segment.

3) The WKCC is opposed to the Preferred alternative (#5) because the cost of this proposal vastly exceeds the benefits to the public. We feel that the million and a half dollars that the BLM proposes to spend on acquisition and maintenance of vehicular access to this section of river, could be put to much better use. The benefits of this expenditure would also go to a very small segment of the public that managed to be one of the five/cars/day allowed above the Deschutes Club gate. We suspect that the people most likely to take advantage of this access on a "first come-first served basis," would be commercial outfitters from the Maupin area. Use of this area for commercial day trips during the off-season months is sure to create political pressure to open up this area for day trips during the summer months. The eventual result of this process may be the extension of the over-crowded, circus-like atmosphere that exists below the Deschutes Club locked gate, upstream to Two Springs Ranch."

The Santiam Whitewater Association: "This access will extensively diminish the quality of our experience on this river by extending the crowded condition that is currently the norm on the river below the locked gate. Thus, we feel that access SHOULD NOT be increased from the present time. The locked gate should remain in its current location."

Santiam Flycasters: "The most cost effective alternative would be Alternative 4, an access easement through the Deschutes Club to BLM properties. This guarantees public access would never be cut off."

Deschutes Home Owners Association: "The Deschutes Home Owners Association ("DHOA") opposes the preferred alternative (Alternative #5) in the Supplement to the Draft Lower Deschutes River Management Plan and Environmental Impact Statement. The DHOA's position is that:

- Acquisition of an easement can only be by condemnation in this case, because there is no "willing seller". Condemnation of private property should be a last resort of the government and should be based upon a great public need and benefit.

- Acquisition of a road easement is unjustified in this case because most of the BLM land is on the west side of the river and access to these lands has always been available by downstream boating access. There is no public need to condemn the private road on the east side.

- The cost of the easement acquisition and tunnel repair ($1,425,000) far outweighs far outweighs any possible public benefit.

The DHOA is also particularly opposed to public automobile access because of the very real possibilities of trespass and vandalism to our homes. The area where our homes are located is extremely remote and accessible only by a cable operated boat. The BLM has said it would be able to identify public users by license plates or some other method. However, the homeowners are often away from their cabins for weeks or months at a time, especially during the winter. Any theft or vandalism would be extremely difficult to track down as to exact date.

Another concern unique to the Dant community is the very real possibility of public use of our cable operated boat, if the public were allowed automobile access on the east side. The cable-operated boat was installed in about 1945 as a means of access for the mine workers to the perlite mine on the west side of the river. The curious public user will undoubtedly see the cable boat as an easy, direct way to get access to the west side public lands. There is a minority of the public who always ignores any signs. Such a user could seriously harm himself or the boat by improper use."

The Dalles Rod and Gun Club: "With more access, during the off season, the Club feels there would be an increase in Vandalism, Trespass and Fire on our properties at Davidson Flats. The Club voted unanimously to support Alternative 2."

Bureau of Land Management Response:

A number of concerns and challenges were raised through the public comment period on the Supplement. A description of how the major concerns were addressed follows. A full set of the written public comments and the hearings record is available at the BLM office in Prineville.

The value of public access: The importance of general public access to public land is recognized. The analysis of this issue was conducted in the Supplement in the context of the resource and management goals for this segment of the river.

Condemnation: Condemnation, by Federal policy, is a last resort to resolve public land management or access issues. While it is a tool which could fit under one or more of the alternatives analyzed in the Supplement, it is not the preferred approach.

Effect of changes in access on resource values: The alternatives analyzed in the Supplement would yield up to a maximum of six percent change in use on Segment 1. Changes would occur in the off-season when use is presently low. The density of use during this period would continue to be low. Significant adverse impacts to soils, vegetation, cultural resources, visual quality and opportunities for recreation would not occur under Alternatives 2, 3, 4, 5, 6 and 8. Some impacts would occur with construction of a new road segment under Alternative 7.

Costs of implementation: This is a significant factor in selecting the Final Plan decision and is analyzed in the Supplement. Approximate costs and benefits have been identified for each alternative.

Legal access: Portions of the road alignment upstream from the locked gate are covered by a publicly owned right-of-way. However, no legal public access exists immediately upstream from the locked gate to connect to a publicly-owned road or land between the locked gate and the current jetboat deadline.

Fishing pressure: Significant changes in fishing pressure are not expected under any of the alternatives with possible exception of Alternative 1 (No Action). Should unexpected problems arise, the managing agencies would have additional mechanisms available to manage the amount and timing of fishing.

Expansion of off-season access to year-round access: No alternative under the Management Plan or the Supplement would allow year-round road access to the general public between the locked gate and the current jetboat deadline.

Comparison with areas below the locked gate: It is true that use levels are higher below the locked gate than above. The differences between these areas were recognized in the Final Plan. Both areas include public land managed by the Bureau of Land Management. Much of the natural resource management above the locked gate has been jointly implemented by BLM and the private landowners. The Confederated Tribes of the Warm Springs own a small portion of the area analyzed in the Supplement. Examples of the changes in management that have been made include a bank stabilization project and changes in grazing management (including livestock exclusion).

Access for homeowners: The Final Plan grants an exception to the ban on motorized boats for residents using them for access. This would be continued under any of the alternatives analyzed through the Supplement.

Selection of the Preferred Alternative: Alternative 5 was the proposal developed by the Executive Review Board for the area between the locked gate and the current jetboat deadline. It was not developed unilaterally by the Bureau of Land Management. Also on the Board were representatives from the State of Oregon, the Confederated Tribes of the Warm Springs and local government. The level of interest, the public comment received and the analysis developed verifies that the Supplement was necessary before a final decision was made. The analysis and the opportunities for public comment on this issue were not adequate through the Draft Environmental Impact Statement.

Relationship of changes in use to use levels in the Final Plan: Use levels in the Final Plan are based on the primary boating season, not the off-season. None of the alternatives analyzed in the Supplement affect use in the primary boating season.

Vandalism, fire and trespass: These are valid concerns. Only the no action alternative would allow continued use without controls identifying the individuals using the area in the off-season.

Environmental Impact Statement Text Revisions

Public comments on the Draft Lower Deschutes River Management Plan and Environmental Impact Statement resulted in several changes to the Preferred Alternative as the proposed decision was developed in the final plan.

Some changes to the text of the environmental impact statement are also necessary as a result of public comment. They are as follows:

Under Related Federal, Tribal, State and Local Planning and Management Responsibilities on page 17, add the following:

Oregon Water Resources Department

The Oregon Water Resources Department is responsible for the management and allocation of the State's water resources. The Water Resources Department reviews and grants instream water rights to protect streamflows for public purposes. Instream water rights can be granted in two ways: (1) conversion from minimum perennial stream flows and (2) application from the three state agencies that can apply: Department of Fish and Wildlife, Parks and Recreation Department, and Department of Environmental Quality. The Scenic Waterways Act requires Water Resources

Dept. concurrence on proposed land condemnations, new scenic waterway management plans and scenic waterway additions proposed by State Parks and Recreation Department for designation by the governor. The Water Resources Dept. must also assure its actions have no adverse effects to fish, wildlife and recreation.

Oregon Division of State Lands

The Division of State Lands (DSL) is the administrative arm of the State Land Board (the Board), composed of the Governor, Secretary of State and State Treasurer. Under constitutional and statutory guidelines, the Board is responsible for managing the assets of the Common School Fund. These assets include the beds and banks of Oregon's navigable waterways and are to be managed for the greatest benefit of the people of this state, consistent with the conservation of this resource under sound techniques of land management. Protection of public trust values of navigation, fisheries and public recreation are of paramount importance, too.

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

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