Record of Decision

ROGUE NATIONAL WILD and SCENIC RIVER:

Hellgate Recreation Area

RECORD OF DECISION

BLM

Medford District Office

July 2004

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United States Department of the Interior

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IN REPLY REFER TO:

8351(OR-117)

July 16, 2004

Dear Friend of the Rogue River:

We are pleased to release the Record of Decision (ROD) for the Hellgate Recreation Area Management Plan (RAMP) for the Rogue National Wild and Scenic River, Hellgate Recreation Section. The plan covers recreation activities in the Hellgate Recreation Area, which is the 27-mile stretch from the confluence of the Applegate River to Grave Creek.

The Recreation Area Management Plan sets forth a program design to manage the mix of river recreation uses and users in a developed, recreational setting, while managing and protecting the environment and the outstandingly remarkable values: natural scenic qualities, fisheries resources, and recreational opportunities.

The Rogue River was one of eight rivers identified as part of the National Wild and Scenic Rivers System when the Wild and Scenic Rivers Act was passed in 1968. The *Wild and Scenic Rivers Act of 1968* established the wild and scenic rivers system (Public Laws 90-542, as amended, and 99-590). The Wild and Scenic Rivers Act (WSRA) established a method for providing federal protection for certain remaining free-flowing rivers and preserving them and their immediate environments. The Hellgate section of the Rogue River is classified as a "recreational" river area. A recreational river is defined by Congress as a river that is readily accessible by road or railroad, may have some development on its shoreline, and may have been impounded or diverted in the past.

An interdisciplinary team of specialists from the BLM Medford District Office and the BLM Oregon State Office began the planning process for the Hellgate Recreation Area in 1991. Extensive public involvement has occurred since the planning process began.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any parties adversely affected by this decision have the right to appeal within 30 days of publication of the Notice of Availability (see Form 1842-1, page 21 at the end of this document).

We want to thank the planning team for their hard work and thank the local government and interested friends of the Rogue National Wild and Scenic River for input in preparation and review of the plan.

Sincerely,

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Field Manager
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Record of Decision for the Recreation Area Management Plan for the Rogue National Wild and Scenic River Hellgate Recreation Area

1.0 Introduction

In this Record of Decision (ROD), the BLM Medford District Office, Grants Pass Resource Area, adopts and approves for immediate implementation the Hellgate Recreation Area Management Plan (RAMP).

Management of the Hellgate Recreation Area is guided by numerous legal requirements and by established management direction. This Record of Decision is supported by and consistent with the *BLM Medford District Record of Decision and Resource Management Plan* (USDI 1995) and the *Final Supplemental Impact Statement (FSEIS) on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl* (USDA, USFS; USDI, BLM 1994).

The Hellgate Recreation Area Management Plan (RAMP) is designed to provide for a mix of river recreation uses and users while managing and protecting the environment and the outstandingly remarkable values: natural scenic qualities, fisheries resources, and recreational opportunities. This Record of Decision adopts the RAMP and replaces the *Rogue National Wild and Scenic River Activity Plan Hellgate Recreation Section* (USDI 1978). The *Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan* (1972 Plan) (Federal Register Vol. 37, No. 131, 13408-13416) is still valid and is not changed or amended by the Recreation Area Management Plan. The Hellgate RAMP contains the decision selected from Alternative E, as analyzed in the Final EIS, as well as, guidance and direction from the *Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan* of 1972, the *Prohibited Acts in Rogue National Wild and Scenic River Area* of 1992 (Federal Register Vo. 57, No. 110, 24271-24274), and the *BLM Medford District Record of Decision and Resource Management Plan* of 1995.

The ROD is based on the need to protect and enhance the outstandingly remarkable values of the Rogue River pursuant to the Wild and Scenic Rivers Act of 1968, as amended. All known issues, competing interests, opinions, and values of the public were considered during the planning process. While the ROD decisions will likely not completely satisfy all individuals or groups, we believe the decisions are reasonable and provide the best balance of protecting and enhancing the river and recreational values. The decisions provide a beneficial mix of values for the public within a framework of the existing laws, regulations, policies, public needs and desires, and capabilities of the land, while meeting the stated purpose and need for this river plan.

2.0 Alternatives Considered

Alternatives were developed by the interdisciplinary team in response to the issues gathered at internal and public scoping meetings. Alternatives were also submitted by special interest groups for consideration in the alternative development process and were analyzed in the Draft and Final EISs.

Five alternatives were analyzed in the Final EIS. The alternatives were designed to achieve the purpose and need for action, management goals and standards, desired future conditions, and protection and enhancement of the outstandingly remarkable values.

Additionally, a monitoring plan was developed to track the implementation and effectiveness of the proposed action. The purposes of monitoring are to: ensure the protection and enhancement of the outstandingly remarkable values, provide a mechanism to address user capacities, ensure activities are occurring in conformance with the plan, determine if activities are producing the expected results, and determine if activities produce the effects identified in the RAMP/FEIS.

2.1 Alternative A: Fewer Watercraft and Less Visitor Use

The goals of Alternative A are to improve and manage natural resource conditions, significantly reduce watercraft use levels, and provide recreational opportunities in a less crowded setting while protecting the environment and the outstandingly remarkable values. The sights, sounds, and overall level of interaction between individuals or groups would be low to moderate. The watercraft use levels would be managed at the level that existed in 1985, before the user conflicts began. No new facilities would be developed. Management of visitor use would occur on-site and off-site through fees, regulations, and limitations. Special Recreation Permits (SRP) and fees would be required for commercial outfitters. User fees and permits would be required for commercial and private watercraft users and the number of permits would be limited. On-site management and controls would fit into the natural landscape to the greatest degree possible. This alternative reflects a time with less visitor use than exists today.

2.2 Alternative B: No Action or Current Management

The goals of Alternative B are to continue present levels of management while protecting the environment and the outstandingly remarkable values. Alternative B, the No Action Alternative, is required by the National Environmental Policy Act of 1969 and is the baseline to which the other alternatives are compared. Special Recreation Permits (SRP) and fees would be required for commercial outfitters. Motorized tour boat and commercial motorized angling permits would be capped; overall recreation use levels would be unregulated. User fees and permits would not be required. The sights, sounds, and interactions between individuals and groups would be moderate to high. For analysis purposes, the number of watercraft trips is assumed to remain constant through 2006. On-site management and controls would be evident in some areas and lacking in others.

2.3 Alternative C: Angler and Floater Enhancement/More Watercraft and Visitor Use

The goals of Alternative C are to enhance and manage the angling and floating experience while protecting the environment and outstandingly remarkable values. The alternative is designed to minimize potential impacts to the fisheries resource and increase fishing opportunities while enhancing the fishing experience. This alternative maximizes floating opportunities and enhances the floating experience. Facilities to serve the angling and floating public would be developed. Special Recreation Permits (SRP) and fees would be required for commercial outfitters. User fees and permits would be required and the number of permits would be limited for all watercraft users, if use limits are reached. Except for commercial motorized tour boats and commercial motorized angling, overall recreation use levels would continue to increase until use limits are reached. The sights, sounds, and interaction between individuals and groups would be moderate to high.

2.4 Alternative D: Maximum Watercraft and Visitor Use

The goals of Alternative D are to maximize and manage the level of recreational use while protecting the environment and the outstandingly remarkable values. The sights, sounds, and interactions with other individuals or groups would often be high. Facilities to enhance recreational opportunities, such as camping, boating, angling, and vehicle-oriented activities, would be developed. On-site management and controls would be obvious, but limited to those necessary for public health and safety as well as to accommodate increased numbers of visitors. Special Recreation Permits (SRP) and fees would be required for commercial outfitters. User fees and permits would be required for all watercraft users. Commercial motorized tour boats and commercial motorized angling would be regulated, but at a higher level of use than the other alternatives.

2.5 Alternative E: The Selected Action

The goals of Alternative E (Selected Action) are to manage the level of recreational use while protecting the environment and the outstandingly remarkable values. The sights, sounds, and interactions with other individuals or groups would often be high. The Selected Action is designed to minimize potential impacts to the fisheries resource and increase fishing opportunities while enhancing the fishing experience. This alternative also maximizes floating opportunities and enhances the floating experience. The Special Recreation Permits (SRP) and fees would be required for commercial outfitters. User fees and permits would be required and the number of permits would be restricted for all watercraft users, if use limits are reached. Except for commercial motorized tour boats and commercial motorized angling, overall recreation use levels would continue to increase until use limits are reached. Once use limits are reached, an amendment to the plan would occur.

3.0 Management Considerations and Rationale for Decisions

3.1 Purpose and Need

The Bureau of Land Management's purpose in preparing this plan is to replace the *1978 Rogue National Wild and Scenic River Activity Plan for the Hellgate Recreation Section* of the Rogue National Wild and Scenic River, and to: (1) provide direction and guidance on the management of the Hellgate Recreation Area pursuant to the Wild and Scenic Rivers Act (Public Law 90-542, October 2, 1968, as amended), (2) conform with management direction contained in the *1995 Medford District Record of Decision and Resource Management Plan*, and (3) maintain a mix of river recreation uses and users common to the river since its designation in 1968 as a National Wild and Scenic River to the extent consistent with the Wild and Scenic Rivers Act.

The need is to insure that river management into the future continues to meet the objectives and requirements of the Wild and Scenic Rivers Act (WSRA), and particularly the protection of the outstandingly remarkable values that led to its congressional designation. There has been a substantial increase in river use in the Hellgate Recreation Area and a change in the mix of types of river recreation has occurred since the completion of the *Rogue National Wild and Scenic River Activity Plan Hellgate Recreation Section* (USDI 1978). This has resulted in increased conflicts among river users, particularly between jet boaters and floaters during the summer months and between jet boaters and anglers during the fall fishing season.

3.2 Management Goals (Planning Criteria)

Management goals are statements that describe a desired condition to be achieved. They are expressed in broad general terms and are timeless in that they have no specific date by which they are to be completed during the planning period. The goals for the Hellgate Recreation Area (HRA) are:

- Emphasize the protection and enhancement of the outstandingly remarkable values, while providing quality river-related outdoor recreation opportunities.
- Provide for diversified recreational opportunities while minimizing conflict between the desires of recreational user groups and their potential effects on other ecological components within or adjacent to the Hellgate Recreation Area.
- Emphasize in the Applegate Reach a quality recreation experience for motorized boaters, float anglers, and bank anglers in a setting with higher densities of development on the shorelines due primarily to the amount of private land ownership.
- Emphasize in the Dunn Reach a quality recreation experience for floaters in a setting with lower densities of development on the shorelines due primarily to the amount of public land ownership.
- Emphasize scenic easement objectives to protect the scenic qualities.
- Minimize impacts on state or federally-listed threatened or endangered flora and fauna, cultural resources, Native American religious sites, or historical sites.
- Cooperate with other landowners and regulatory agencies within the Hellgate Recreation Area.

In 1968, the Rogue River was one of the original eight rivers that received "instant" designation under the Wild and Scenic Rivers Act. The outstandingly remarkable values for the Rogue River, as identified by Congress (HR 1917 September 24, 1968 and HR 1623 July 3, 1968); and as described in the *Master Plan for the Rogue River Component of the National Wild and Scenic Rivers System* (USDI 1969); and as described in the 1972 Plan, the *Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan* (*Federal Register* Vol. 37, No. 13, 13408-134116), include the natural scenic qualities, fish, and recreation. Other river-related values that are important, but were not considered outstandingly remarkable at the time include wildlife and cultural resources.

3.3 Planning Issues

The following planning issues were identified through internal and public scoping and were analyzed in the Draft EIS (November 2000) and in the Final EIS (March 2003).

* Conflicts among recreational users, including motorized and non-motorized boaters, motorized boaters and anglers, and non-motorized floaters and anglers. Most conflicts are related to safety, noise, encounters, wakes from motorized boats, and competition for use areas.

* Conflicts between recreational users and private landowners concerning noise, encounters, and trespass.

* Concerns about the potential impacts to fish species and possible bank erosion from motorized boats and other uses.

* Demand for improved or additional recreation facilities, such as visitor centers, parking areas, fishing access, boat launch sites, campsites, and day-use sites.

* Demand for diverse recreation opportunities, such as jetboat racing, multiple-use trails, rock hounding, recreational mining, historic site exploration, and wildlife viewing.

* Demand for increased visitor services, such as river patrols, law enforcement, and educational activities.

4.0 Environmentally Preferable Alternative

The Environmentally Preferable Alternative is judged using the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which is guided by the Council on Environmental Quality (CEQ). The CEQ has stated, "the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Generally this means the alternative that causes the least damage to the biological and physical environment. It also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." (Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (40 CFR 1500-1598), Federal Register Vol. 46, No. 55, 18026-18038, March 23, 1981: Question 6a.). NEPA's Section 101 establishes the following goals:

1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2) Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, whenever possible, an environment which supports diversity and variety of individual choice;
5) Achieve a balance between population and resource use which will permit high standards of living while sharing of life's amenities; and
6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Based on these criteria, identification of the most Environmentally Preferable Alternative involves balancing current and potential resource uses with that of resource protection. The following table depicts the application of the Section 101 goals to management decisions in the Hellgate Recreation Area Management Plan. Each alternative was considered in varying degrees of compliance with each goal. Overall, the alternative that met the goals to the highest degree was determined to be the Environmentally Preferable Alternative.

Alternative E provides the best overall direction in support of protecting the environmental resources and the outstandingly remarkable values while allowing the widest range of public uses in the Hellgate Recreation Area, and is the Environmentally Preferable Alternative. This alternative meets each goal to the highest degree by: emphasizing through management direction the protection of the water quality, the riparian vegetation, and the fisheries resource (goal 1); protecting and enhancing the scenery along the river through the development and maintenance of safe, quality recreation sites and experiences, through the implementation of scenic easement objectives minimizing the visual intrusion of residences, and through management direction to protect the natural resources from negative human impact (goal 2); providing the widest range of current and future public uses including water-based activities,

Table 1. Comparison of Alternatives to Section 101 Goals

Section 101 Goals	Alternatives				
	A	B	C	D	E
1) Fulfill the responsibility of this generation as trustee of the environment for succeeding generations;	+++	++	+++	+	+++
2) Assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;	+++	++	+++	+	+++
3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;	++	++	++	+	+++
4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, whenever possible, an environment which supports diversity and variety of individual choice;	+++	++	+++	++	+++
5) Achieve a balance between population and resource use, which will permit high standards of living while sharing of life's amenities; and	++	++	+++	+	+++
6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.	+++	++	+++	++	+++

+ Complies with the CEQ goal to the least degree.
+++ Complies with the CEQ goal to the highest degree.

shoreline activities, and private land activities while still providing management direction that will minimize social conflicts and protect the environmental resources from all uses (goal 3); protecting the historic, cultural, and natural features through management direction that provides a strong emphasis in education and interpretive outreach to the users that benefit from these resources (goal 4); balancing resource protection while providing the widest range of public uses including the economic gain through commercial ventures while still minimizing the potential for social conflict (goal 5); and protecting and enhancing the fisheries resource through management direction that minimizes disturbance to spawning Fall Chinook (goal 6).

Alternative A focuses on improving the environmental resources by limiting the public's use within the river corridor. In contrast with Alternative E, this alternative meets goals 1, 2, 4, and 6 to the highest degree, and to a lesser degree in goals 3 and 5. This alternative does not fully realize these goals because of the limits placed on development in the corridor, access to the corridor, and the publics use within the corridor.

Alternative B represents the current management direction for the river corridor. This direction is based on the 1978 *Rogue National Wild and Scenic River Activity Plan Hellgate Recreation Section*. In contrast with Alternative E, this alternative meets all goals to a lesser extent. This is based solely on the additional management direction in Alternative E that is designed to protect the environmental resources while providing for and balancing the public use and by establishing the means to further limit public uses in order to do so.

Alternative C promotes enhancing the angling and river float use while still allowing for more public use. In contrast with Alternative E, this alternative meets goals 1, 2, 4, 5, and 6 to the highest degree, and to a lesser degree in goal 3. This alternative does not fully

realize this goal because of the limits placed on some recreational use within the river corridor which provides more opportunities for some and less for others.

Alternative D strives to maximize all uses within the river corridor. In contrast with Alternative E, this alternative meets goals 4 and 6 to a lesser degree, and goals 1, 2, 3 and 5 to the least degree. This alternative does not fully realize any of these goals because while still providing for a wide range of public uses, it provides the least amount of protection for the environmental resources and has the greatest potential for social conflict.

5.0 Decision

5.1 Introduction

The implementation of the Selected Action, Alternative E, with minor decision changes resulting from public comments on the FEIS (see Table 2 for a brief summary of the decisions) for the Rogue National Wild and Scenic River, Hellgate Recreation Area, will be through the Rogue National Wild and Scenic River Hellgate Recreation Area Management Plan of July 16, 2004. Some of the comments on the Final EIS were new or resulted in modifications to the Selected Action; the changes are indicated by * in Table 2.

These decisions reflect the Rogue River studies, public comments, and interdisciplinary team analyses. Decisions are also based on information in the Visitor Use Background Paper, which reflects patterns in a survey conducted in 1991, with resampling conducted in 1995 and 2000. Visitor use patterns were found to vary during the year, but generally fall within three seasonal periods. The period of highest visitor use typically occurs from May to mid-September. This is the peak time period for float craft and motorized tour boat use. The next highest use is January to May, when there is increased boat angling activity associated with the winter steelhead and spring salmon runs. The least amount of use is from mid-September through December. During the peak times, interactions among river users are often high, but a user perceptions study conducted in 1993 (Shindler and Shelby 1993) found that visitor satisfaction is still moderate to high during these time periods.

Research performed in the Rogue, Chetco and Illinois Rivers (Satterthwaite 1995) indicate juvenile anadromous salmonid survival and distribution is not significantly hindered by boating activity to warrant major changes in boating operations. Research performed in Alaska (Horton 1994) concluded turbulence from boats and subsequent gravel movement has a negative effect on fish eggs; consequently, operations are limited during spawning.

Additional studies and background papers were utilized when formulating the specific decisions noted below. The majority of the information was compiled for the Hellgate Recreation Area between 1991 and 1995. When new information was available and/or provided, decisions reflect that analysis.

Table 2. Management Decisions to be Implemented

Type of Use	Decisions
All Watercraft Use	• Eight angling enhancement zones. • Fourteen Fall Chinook spawning areas. • One three-mile sound sensitive area.
Non-Motorized Floating and Boat Angling	• Season of use is year-round. • Use levels would be limited in the future based on safety, user conflicts, and visitor satisfaction.
Private Motorized Boating	• Season of use is year-round. • Use levels would be limited in the future based on safety, user conflicts, and visitor satisfaction.
Commercial Motorized Angling	• Season of use in the Applegate Reach is December 1 – September 30. • Season of use in the Dunn Reach is September 1 – May 31. • Three permits. • Two trips per day per permit. • Up to six passengers per boat.
Commercial Motorized Tour Boating	• Season of use is May 1 – September 30. • Two Permits. • Nineteen trips per day in the Applegate Reach. • Eight trips per day in the Dunn Reach, except on weekends and holidays in July and August when it is four trips per day. • * Required to be out of the Dunn Reach by 1:15 on weekends and holidays in July and August. • Separation time of less than two minutes between boats in a group. Six or fewer groups per day. • * One boat up to 43'x14'; all others up to 36'x12'6". • Boat sequence signing required. • Off-plane procedures in Hellgate Canyon. • Daily schedule required. • Daily use window May through August is 9:00 a.m. – 8:30 p.m.; September is 9:30 a.m. – 8:30 p.m. • Two-way radio communication required. • Safety sites of concern addressed; * land or lead boat spotters could be required. • * One no-wake zone designated; no-wake zones at designated boat ramps, near people working at water level, and at designated swim areas. • Thrill power maneuver areas designated. • Four current erosion sensitive areas identified.
Special Boating Events	• Season of use is year-round. • Existing events authorized for five years (Memorial Day and Labor Day events). • New events considered. • River closure limited to two hours or less.
Boater Fees, Permits, and User Fees	• Special Recreation Permits (SRP) and fees are required for commercial uses. • Permits and fees for private use are not required, but could be in the future based on safety, user conflicts, and visitor satisfaction. • Fees for vehicle access are not required, but could be in the future based on safety, user conflicts, and visitor satisfaction.

Day-Use Only Areas	• Day-use only on all BLM-administered lands in the Applegate Reach; two BLM sites developed. • Day-use only on BLM-administered lands at four developed sites and three primitive sites in the Dunn Reach. • One Backcountry Byway.
Watchable Wildlife Areas	• Three watchable wildlife sites designated.
Camping	• Camping prohibited on all BLM-administered lands in the Applegate Reach. • Camping allowed on all BLM-administered lands in the Dunn Reach, except at Day-Use only sites; nine BLM sites developed.
Public Access	• Five existing trails improved or expanded; two new trails developed. • All trails designated as hiker-only; entire corridor is closed to off-highway vehicles. • Ten boat ramps maintained or improved; two undeveloped boat access points improved; no new BLM boat ramps developed. • Two existing fishing access sites maintained; one universally accessible fishing access site considered. • Five gravel bars open to vehicle access.
Visitor Services	• Expand the Smullin Visitor Center at Rand.

6.0 Rationale

Alternative E, as analyzed in the FEIS, with minor decision changes* as noted in Table 2, has been selected as the decision to be implemented in the Hellgate Recreation Area Management Plan. The decision best meets the purpose and need; management goals; section 101 of the National Environmental Policy Act of 1969; the Wild and Scenic Rivers Act of 1968, as amended; and other policies, plans and programs.

This selection resulted from careful analysis of available data by an interdisciplinary team comprised of specialists representing each resource, and the consideration of laws and policies that apply to lands within a National Wild and Scenic River Corridor. It responds to issues raised during scoping, the public comments received during the planning process, and the Rogue River independent studies. The selected management direction provides a beneficial mix of values for the public within a framework of the existing laws, regulations, policies, public needs and desires, and capabilities of the resources, while meeting the stated purpose and need for this river plan. The decisions in this selection are: beneficial to the planning area; the natural resources and conditions are maintained, improved, and enhanced; and each user group's preferred recreational activity and/or experience is maintained and/or enhanced, while designed to not interfere with the protection and enhancement of the outstandingly remarkable fish and natural scenery values, as well as, other forms of recreation.

In contrast, management under Alternatives A-D, though meeting the purpose and need at various degrees, contained elements that would negatively affect the recreational outstandingly remarkable value, such as: limiting (reduce or maximize) watercraft and activity type, placing a higher emphasis on one recreational activity type over another, and setting limits on the number and type of watercraft per day. These elements would potentially have a negative effect on the quality of recreational experience for most users. Where reductions or limits on use are prescribed, these elements would have a negative effect on the economic activity in communities associated with the dominant recreational use, boating.

The decision: (1) provides protection and enhancement of the outstandingly remarkable values while concurrently attaining a range of neutral and beneficial uses of the environment without degradation; (2) maintains an environment that supports diverse recreational opportunities; (3) integrates resource protection with an appropriate range of visitor uses; (4) is a management plan that contributes economically to the

local communities; (5) provides multi-resource standards and direction found in other legislation, policies, or management plans designed to comply with applicable State and Federal laws; and (6) provides protection of the river's aesthetic, scenic, historic, archaeologic, and scientific features.

The decision includes a comprehensive monitoring plan developed to provide a process by which management accomplishments, trends, and needs for the river corridor are reported and evaluated. An integral part of this monitoring is the continual assessment of recreation and human impacts and user perceptions on the river resources and the outstandingly remarkable values. These assessments, individually and in combination, would serve to indicate the level of management effort needed to ensure the protection and enhancement of these values. Appropriate management actions would be implemented when data gathered through the implementation of the monitoring plan indicates recreation impacts or other human impacts are adversely affecting the outstandingly remarkable values or recreation uses. Monitoring items include: reduction of native vegetation, noxious weed spread, disturbance to Fall Chinook during spawning, landowner perceptions on river use (type of craft/activity), disturbance to wetlands, soil erosion, vehicle traffic, recreational user perceptions (ecological and social), recreation use, impacts on visual resources, impacts to water quality, bald eagle success, blue heron nesting, osprey nesting, and pond turtle population. Interim management actions would include a mix of management considerations analyzed in the Final EIS until an amendment to the plan can occur. These actions could include: a user education program for all users, low impact use ethics, no wake zones, angler enhancement zones, permits or user fees requirements for private users, access control fees, or limiting the amount of watercraft (e.g., limiting private motorized boating to a maximum of 5 craft per day, private non-motorized floating to a maximum of 500 craft per day, and private non-motorized angling to a maximum of 30 craft per day). Additional constraints to commercial uses may also be implemented, and could include reducing the number of permits or the number of trips per day.

Additionally, to ensure the protection and enhancement of the outstandingly remarkable values, natural resource management programs will continue to be guided by established legal requirements, in cooperation with a host of local, regional, state, and other federal agencies, such as: Josephine County, Oregon Parks and Recreation Department, Division of State Lands, Department of Land Conservation and Development, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Oregon State Marine Board, Oregon Department of Environmental Quality (State water quality standards), Oregon State Historic Preservation Office, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

6.1 Rationale for Motorized Boating, Non-Motorized Floating, and Non-Motorized Boat Angling Decisions

The Hellgate Recreation Area is divided into two reaches, the Applegate Reach and the Dunn Reach. The management direction provides guidance for the setting and primary use that occurs in each reach. The Applegate Reach begins at the confluence of the Applegate River and ends at Hog Creek; this reach is used primarily by motorized tour boaters and boat and bank anglers. The Dunn Reach begins at Hog Creek and ends at Grave Creek; this reach is primarily used for white water rafting, though a small amount of power boat and boat angling use occurs there.

Management under this decision is designed to reduce conflicts among river users, particularly between commercial jet boaters and floaters during the summer months and between motorized tour boaters and boat and bank anglers during the fall fishing season. Additionally, direction is identified to eliminate any potential negative effects to the fisheries resource. Therefore, the decision enhances the recreational experience of all users and protects the fisheries resource.

6.1.1 Commercial Motorized Angling

Season of Use

Applegate Reach. The season of use for commercial motorized angling in the Applegate Reach is December 1 – September 30. This decision will enhance the commercial motorized angling opportunity by focusing the use during the primary winter steelhead and spring salmon runs, while limiting use to help protect active adult Fall Chinook spawning behavior, redds, and sac-fry. Additionally, BLM may halt the commercial motorized angling activity before September 30 to ensure the protection of the fisheries outstandingly remarkable value if monitoring indicates Fall Chinook are spawning earlier (BLM Manual 6840-Special Status Species Policy).

Dunn Reach. The season of use for commercial motorized angling in the Dunn Reach is September 1 – May 31. This decision will allow the commercial motorized angling to occur during peak fish runs and low non-motorized floater use, while enhancing the non-motorized floater and angler opportunity by eliminating commercial motorized angling use, thus reducing boating conflicts, when the high non-motorized boat use occurs in June – August.

Permits and Use Levels

The number of commercial motorized angling permits (3) and the number of trips per day (2) will be maintained at the current level. The 1993 user perception study found the majority of non-motorized angling trips were less enjoyable when there was contact with motorized users. By limiting the commercial motorized angling use, both the bank angling and non-motorized angling opportunities are enhanced.

6.1.2. Commercial Motorized Tour Boats

Season of Use

The season of use for commercial motorized tour boats (MTBs) is May 1 to September 30 in both reaches. This season of use reflects the findings in the user perception study (Shindler and Shelby 1993) where visitor use associated with motorized boating occurs during the warm weather months, thus maintaining and/or enhancing the MTB passengers' opportunity. The season of use is also centered on the months when peak angling is at it lowest, except during the months of May and September when salmon fishing occurs. Additionally, BLM may halt the commercial motorized tour boat activity before September 30 to ensure the protection of the fisheries resource if monitoring indicates Fall Chinook are spawning earlier (BLM Manual 6840-Special Status Species Policy).

Use Levels

Applegate Reach. In the Applegate Reach, the number of MTB runs is 19 trips per day. The user perception study indicated overall user satisfaction was still high with 19 trips. There have been no increase in complaints since 1993 to indicate those conditions have changed. Since the focus of management in this reach is to enhance the MTB passengers' experience, reducing the number of trips would diminish the experience. There have been no significant changes or information that would indicate any new or unanticipated impacts from this level of use.

Dunn Reach. In the Dunn Reach, the number of trips per day is eight on weekdays (reduced from 19); in addition, on weekends and holidays in July and August, the number of trips per day is four (reduced from six). The MTBs would be out of the Dunn Reach by 1:15 p.m. Since the focus of management in this reach is to enhance the float boaters' experience, these decisions reduce the on-river social conflicts (encounters/

crowding) while enhancing the non-motorized floating and angling opportunities. Additionally, the Boating Safety and Conflict Study (WRC 1995) found that by reducing the number of MTB trips during peak non-motorized float craft use, the result is a decrease in safety issues and potential for conflicts.

Boat Size

The sizes of commercial motorized tour boats (MTBs) will be up to 36'x12'6" and one MTB up to 43'x14'. Use of the 43' boat will reduce the number of encounters when it is used instead of two smaller boats.

Permits

The number of commercial motorized tour boat permits (2) will not increase. Current allocations do not result in any adverse impact to the outstandingly remarkable values or other river resources. Maintaining this use as two separate permits provides both the agency and the operator flexibility for future actions.

Launch Times, Boat Separations/Groups and Daily Schedule

The commercial motorized tour boats have adjusted launch times to reduce the encounter period between motorized and non-motorized traffic. The later entry time for motorized tour boats in September reduces conflicts with anglers and landowners; the earlier entry time through August eases congestion at Hog Creek and downstream points during peak float times. In addition, annual operating plans will require boat separation times of less than 2 minutes between boats within an MTB group, reducing conflicts (encounters) with other users by compressing encounter time. A daily schedule and the number and order of boats in a group posted on each boat will alert other river users to how many boats are in a group. Two-way radios, land or lead boat spotters, and safety sites of concern benefit the safety of all river users.

No-Wake Zones

All motorized boats are required to operate at no-wake at boat ramps, county-designated swim areas, and near people working at water level (OAR-250-010-0025); motorized tour boats are required to be off-plane in the Hellgate Canyon. The Hellgate Canyon is a narrow area containing float craft congestion, and requiring motorized tour boats to be off plane benefits boater safety. No-wake zones will be established at identified erosion sensitive areas. However, in some areas, boats may be unable to operate at no-wake due to river conditions, such as channel depth. At this time, one of the four current areas allows boats to operate safely at no-wake. If winter high-waters change river conditions to allow safe passage in identified areas, then no-wake operations would be established. The Erosion/Deposition Study (Klingeman 1993) found the main causes of bank erosion are winter high-water scour caused by currents and by bank saturation due to the high waters and local seepage from rain; motorized watercraft traffic generally has little impact on streambank condition.

6.1.3 All Watercraft

Sound Sensitive Area

The 3-mile sound sensitive area is from Flanagan Slough to Dory Eddy. Thrill power maneuvers will not be allowed in the sound sensitive area, which addresses landowners' concerns about noise from the MTBs (USDI 1994 – Sound Inventory Background Paper; and York et al. 1994).

Fall Chinook Spawning Areas and Angling Enhancement Zones

Fall Chinook spawning areas and angling enhancement zones are located in the Applegate Reach; they are designated to protect the fisheries resource outstandingly remarkable value and to enhance the boat and bank angling recreation opportunities outstandingly remarkable value. Potential management actions in the Fall Chinook spawning areas could include shoreline signing and river patrols to educate the public. The objective of angling enhancement zones is for the maximum number of anglers to have an opportunity to use prime fishing holes. Potential management actions in the angling enhancement zones could include: improving access for bank anglers, posting no-wake signs and no-anchoring zones, and prohibit haul-back. Coordination with these actions would occur with Ooregon State Marine Board (OAR Chapter 250, Division 10).

6.1.4 Private Motorized Boats, Non-Motorized Floating, and Boat Angling

Use Levels

There are no use limits on private motorized boats since this use is very low (USDI 1995 – Visitor Use Study). These decisions were based on the Visitor Use Background paper, which reflects patterns in a survey conducted in 1991, with re-sampling in 1995 and 2000. Additional field observations since 2000 still indicate that private motorized use levels remain low. There are no use limits on (private and/or commercial) non-motorized floating since field observations indicate that floaters' satisfaction remains moderate to high as compared to the user perception study (Shindler and Shelby 1993). Placing restrictions on non-motorized floating would partially diminish the opportunity for this popular recreational activity and would also have a negative effect on the economic activity in the communities. Use limits would be established based on unacceptable social, ecological, or environmental impacts in relation to the river and its resources, specifically the outstandingly remarkable values, as determined through the implementation of the monitoring plan. Appropriate management actions (e.g., user education, low impact use ethics, permit requirements, user fees, access control/fees, further commercial restrictions, use limits, etc.) would be implemented when monitoring indicates that the protection and enhancement of the outstandingly remarkable values are being jeopardized.

6.1.5 Special Boating Events

To support the diverse types of use that are unique to the Rogue River, the existing special boating events will continue and new events, which may or may not include motorized watercraft, will be considered on a case by case basis. When appropriate, additional environmental documentation would be required for new events. Current and previous analyses of existing events indicate all mitigation measures are currently adequate. The season of use is year round. Special events that require river closures will be limited to two hours/day, allowing special events exclusive use of the river to provide for users' safety. Special boating events are permissible in both reaches and are in compliance with specific consultation under ESA. Special boating events enhance the recreational opportunities outstandingly remarkable value for special interest groups or individuals who participate in other river-related activities, which contribute to the diverse recreational experiences that occur within the planning area.

6.2 Rationale for User Fees Decisions

Fees and permits are not required for private watercraft users; fees are not required for vehicle access. Appropriate management actions (e.g., permit requirements, user fees, access control/fees) would be implemented when monitoring indicates that the protection and enhancement of the outstandingly remarkable values are being

jeopardized and if recreational use levels are adversely affecting the outstandingly remarkable values. This could include reducing the amount of watercraft to the levels analyzed in the FEIS until an amendment to the plan can occur.

Special Recreation Permit (SRP) fees and permits are required of commercial users. Fees for commercial use permits are intended to provide a fair return to the government for the opportunity to operate a commercial business on public lands.

6.3 Rationale for Recreational Opportunities: Camping, Day-Use Areas, Public Access, and Visitor Services Decisions

Other activities that occur in the planning area include, but are not limited to, camping, driving for pleasure, recreational mining, wildlife observation, rock hounding, picnicking, sight-seeing, photography, sunbathing, hiking, swimming, and hunting. Management under these decisions allows these recreation experiences to occur within the planning area without substantially interfering with the protection and enhancement of the outstandingly remarkable river values.

The Hellgate Recreation Area offers a variety of recreation areas, both developed and primitive. Josephine County Parks Department is a significant contributor of outdoor recreation opportunities within the planning area.

6.3.1 Camping and Day-Use Areas

The County manages four major developed campgrounds and eight developed boat ramp sites. The BLM and the County assist each other in maintaining several of the county boat ramps. In contrast, BLM manages primarily developed day-use sites and primitive campsites in the Dunn Reach. However, camping within the planning area along the Applegate Reach on BLM-administered lands is prohibited due to the high level of mixed ownership and the lack of identifiable boundaries. This minimizes the potential for public trespass on private property, and protects the shoreline vegetation from potential impacts from the establishment of campsites. Primitive camping is allowed (unless otherwise posted) in the Dunn Reach on BLM-administered lands since there is minimal private ownership along this reach. These recreation sites (boat access sites, day-use, and camp areas) will continue to be maintained by BLM and the County; the sites are used year-round, especially during the high season of use. Camping group size (30) coincides with camping group size for the wild section.

Regulations. Regulations are in place for firearm discharge (43 CFR 8351.2-1 and Federal Register Vol. 57, No. 110, 1992, 24271-24272), length of stay for camping (Federal Register Vol. 57, No. 110, 1992, 24271-24272), and campfire use (Federal Register Vol.57, No. 110, 1992, 24271-24272). Additionally, human waste disposal presents a unique problem since use is on a narrow strip of land within the river corridor. When restrooms are not available for use, visitors are required to packout their human waste (Federal Register Vol. 57, No. 110, 1992, 24271-24272). These regulations are designed to provide a safe, quality recreation experience for the visitors to the planning area.

6.3.2 Access

Existing developed and undeveloped boat access sites will be maintained and improved to maintain and enhance river access. These access sites will remain at existing designated areas; development of new boat access points is not needed on public lands.

A universally accessible fishing access site will be considered to provide access for those individuals with disabilities. An appropriate site location will be identified, if the site analyzed in the FEIS is not feasible for development.

While vehicular access is provided throughout the area at designated sites, off-road vehicle access is limited to five designated gravel bars (Federal Register Vol. 57, No. 110, 1992, 24271-24272). Public use of the trail system is restricted to hikers only (USDI 1972). Two new trails will be developed and existing trails will be improved or expanded. These maindained trails will improve public access. These decisions ensure the protection of the vegetation within the planning area while maintaining or enhancing the natural scenery along the river.

Visitors have access to several scenic viewpoints from the river and the shoreline, which include three watchable wildlife sites and the previously designated Galice-Hellgate National Back Country Byway (USDI 1995). These are beneficial to recreationists who choose to experience the Hellgate Recreation Area by means other than boating (e.g., bicycling, driving for pleasure, hiking), which enhances and maintains the diverse recreational opportunities outstandingly remarkable value.

6.3.3 Visitor Services

Expansion of the Smullin Visitor Center at Rand will improve customer and administrative services, providing information and services on outdoor recreation opportunities, guided and outfitter services, local natural and cultural history, regulations, use guidelines, safety, and emergency/law services. While the primary function of the Smullin Visitor Center at Rand is permit issuance for Rogue River Wild Section boaters, the visitor center accommodates a broad range of recreationists engaged in activities (e.g., driving for pleasure, wildlife viewing, hiking, picnicking, etc.). BLM outreach and interpretive methods will be used to educate users about protecting and enhancing the Rogue River corridor. Modifying the Smullin Visitor Center at Rand will also make it compliant with the Americans with Disabilities Act of 1990.

7.0 Mitigation and Monitoring

All protective measures and other management direction identified in the RAMP will be taken to avoid or mitigate adverse impacts. These measures will be taken throughout implementation. All practical means to avoid or reduce environmental harm will be adopted, monitored and evaluated, as appropriate. Some of these measures or management direction might include: the implementation of a user education program, low impact use ethics, permit requirements, user fees, access control/fees, further commercial restrictions, and use limits.

River activities and conditions (resources and social) will be monitored to provide data for use in evaluating the effect of management activities and human impacts upon the environment and the outstandingly remarkable values in the corridor. Evaluations will measure compliance in achieving the goals and objectives of the Hellgate Recreation Area Management Plan; the effectiveness in protecting and enhancing the outstandingly remarkable values of the river corridor; and the ability to achieve and maintain the standards, objectives, and desired future conditions.

The monitoring plan provides a process by which management accomplishments, trends, and needs for the river corridor are reported and evaluated. Monitoring will be conducted as identified in the Recreation Area Management Plan.

8.0 Public Involvement

The planning process involved many steps with public participation, as well as consultation and coordination with many agencies and organizations. Federal and State agencies, local government and other governmental bodies, organizations, businesses, and special interest groups were involved throughout the planning process.

An interdisciplinary team of specialists from the BLM Medford District Office and the BLM Oregon State Office began the planning process for the Hellgate Recreation Area in 1990. Extensive public involvement has occurred since the Hellgate planning process began in 1991.

8.1 Scoping Processes

The environmental assessment scoping occurred May 28, 1991 – December 1992, during which the BLM: issued news releases, provided 20 briefings and/or presentations to a variety of special interest groups, and mailed the preplan analysis document and the visitor use inventory background paper to approximately 490 people.

The informal environmental assessment scoping occurred January 1993 – September 1994, during which the BLM: issued news releases, provided nine briefings and/or presentations to a variety of special interest groups, mailed three background papers (Rogue River Studies, Fisheries, Scoping) to approximately 1,000 people, mailed two Rogue River studies (Visitor Attitudes, Economic Effects) to approximately 370 people, and mailed the preparation plan to prepare an EIS to approximately 500 people.

The EIS scoping occurred October 1993 – January 1994, during which the Notice of Intent was published in the Federal Register on October 1, 1993. The BLM provided nine briefings and/or presentations to a variety of special interest groups, and mailed one background paper (Agency Responsibility) to approximately 170 people.

During May – September 1994, the BLM: mailed the Issues and Alternatives document to approximately 900 people, issued news releases, provided nine briefings and/or presentations to a variety of special interest groups, held two open houses, mailed two Rogue River studies (Juvenile Salmonids, Erosion) to approximately 220 people, and mailed one background paper (MTBs) to approximately 117 people.

During September 1994 – January 1999, the BLM: provided two briefings and/or presentations to two special interest groups, mailed three background papers (Sound Inventory, Fall Chinook Impacts, Final Visitor Use) to approximately 230 people, mailed three Rogue River studies (Landowners Attitudes, Boating Safety and Conflicts, Final Juvenile Salmonids) to approximately 445 people, and mailed a planning update to approximately 2,000 people.

During January 1999 – January 2002, the BLM: issued news releases, mailed the RAMP Draft EIS to 625 people, held two open houses, provided two briefings and/or presentations to two special interest groups, mailed an EA to 158 people, and mailed the second planning update to approximately 2,000 people. The Notice of Availability for the *Hellgate Recreation Area Management Plan/Draft Environmental Impact Statement* was published in the *Federal Register* on November 24, 2000. During the 90-day comment period, the BLM received 146 letters, consisting of approximately 246 comments. The comment period ended February 21, 2001. Comments on the Draft EIS resulted in modifications to the Final EIS's Preferred Alternative.

During February 2002 – April 2003, the Notice of Availability for the *Proposed Hellgate Recreation Area Management Plan and Final Environmental Impact Statement* was published in the *Federal Register* on March 21, 2003 and was available to the public for 30 days. The BLM received 10 letters, consisting of approximately 71 comments. The availability period ended on April 21, 2003. The majority of the comments received mirrored those between the Draft and the Final and were responded to in the Final and are available in that document for further review. However, some of the comments on the Final EIS were new or resulted in modifications to the Selected Action and are listed below.

Comment: Cannot locate a reference to the Almeda Mine.

Response: Reference to the location of Almeda Mine has been added to Map 1-1 of the RAMP.

Comment: Hellgate Jetboat Excursions depart at 10 a.m. in the beginning of the season (May and June) due to fewer passengers. Leaving at 10 a.m. does not allow enough time to be out of the Dunn Reach by noon. During the rest of the season, there is an increase in the number of passengers and boats; therefore, the lunch stops make the trips longer (brochures say 5-5.5 hrs.). In addition, having a window of time addresses user conflicts (encounters and safety) because the MTB drivers would not be "pushed" to meet a time deadline and a majority of the nonmotorized users launch from Hog Creek in the mid-morning.

Response: The window of time will be 12:45 – 1:15; MTBs will be out of the Dunn Reach by 1:15.

Comment: The FEIS PA says that safety sites of concern would be designated annually and a lead boat or spotters "would" be required. Spotters are not always required every year or all year due to low or high water flows.

Response: Safety sites of concern will be re-designated annually by the permittee and will be identified in the operating plan. Land or lead boat spotters could be required.

Comment: TPMs should be allowed in the lower portion of the four-mile sound sensitive area, as analyzed in the FEIS, because there are no homes in this lower stretch.

Response: The sound-sensitive area was reduced by one mile because there are no homes in this lower stretch. The three-mile sound sensitive area is from Flanagan Slough to Dory Eddy. Thrill power maneuvers will not be allowed in the sound sensitive area, which addresses landowners' concerns about noise from the MTBs (USDI 1994 – Sound Inventory Background Paper; and York et al. 1994). Thrill power maneuver areas will be identified on an annual basis, as appropriate; areas would be modified, if necessary, throughout the season.

9.0 Consultation

Consultation with the U.S. Fish and Wildlife Service on the bald eagle *(Haliaeetus leucocephalus)* was conducted under Section 7 of the Endangered Species Act of 1973. Consultation provided that it is the Service's biological opinion that the proposed action, as analyzed in the FEIS, is not likely to jeopardize the existence of the eagle. Consultation with the USFWS provided mandatory terms and conditions set forth in FWS Ref. #1-15-03-F-112 (USFWS 2002).

As of the date of this Record of Decision, no occurrences of *Fritillaria gentneri* have been found in the project area. The EIS states, "since any new development projects will be covered by site-specific NEPA analysis", any effects will be handled under separate documentation and will ensure that projects will be Not Likely to Adversely Affect the species.

The fisheries assessment of the proposed action, as analyzed in the FEIS, is supported by research and indicates no significant adverse effect to salmon or habitat. There is no effect to threatened species or critical habitat (USDI 2004).

There are no known Native American religious sites or traditional use areas within the planning area.

10.0 Recommendation and Approval

10.1 Recommendation

After careful examination and consideration of public input, existing laws, regulations, policies, guidance and planning decisions, I recommend adoption of the Rogue National Wild and Scenic River River: Hellgate Recreation Area Management Plan. This plan does not amend but conforms to the Medford Resource Management Plan (USDI 1995). This Record of Decision replaces the *Rogue National Wild and Scenic River Activity Plan Hellgate Recreation Section* (USDI 1978). The Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan (1972 Plan) (Federal Register Vol. 37, No. 131, 13408-13416) is still valid and is not changed or amended by the Hellgate Recreation Area Management Plan. The Hellgae RAMP has been prepared consistent with rules and regulations based on the National Wild and Scenic Rivers Act of 1968, as amended; the Federal Land Policy and Management Act of 1976; the National Environmental Policy Act of 1969 and the Council of Environmental Quality's National Environmental Policy Act regulations; the Endangered Species Act of 1973; the Americans with Disabilities Act of 1990; the Archaeological Resources Protection Act of 1979, and the Endangered Species Act of 1973.

Abbie Jossie
Grants Pass Field Manager
BLM Medford District Office

10.2 Approval

I approve the Record of Decision for the implementation of the Rogue National Wild and Scenic River: Hellgate Recreation Area Management Plan as recommended.

Timothy B. Reuwsaat
District Manager
BLM Medford District Office

11.0 Appeals Procedures

Organizations or persons have the right to appeal to the Authorized Officer of the Medford District Office and to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (IBLA). In order for your appeal to be considered complete, it must be in accordance with the regulations contained in 43 CFR Part 4 and USDI Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Medford District Office Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504) within thirty (30) days of publication of the Notice of Availability of the Record of Decision in the *Federal Register*. The appellant has the burden of showing that the decision appealed is in error.

Form1842-1
(April 2002)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ Within 30 days file a Notice of Appeal in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE NOTICE OF APPEAL _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

U.S. Department of the Interior
Bureau of Land Management
Medford District Office
3040 Biddle Road
Medford, OR 97504

SOLICITOR ALSO COPY TO _ _ _ _ _ _ _ _ _ _ _ _ _ _

Regional Solicitor, Pacific Northwest Region
U. S. Department of the Interior
Lloyd 500 Building, Suite 607
500 N. E. Multnomah Street
Portland, OR 97232

3. STATEMENT OF REASONS _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior. Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary.

SOLICITOR ALSO COPY TO _ _ _ _ _ _ _ _ _ _ _ _ _ _

Regional Solicitor, Pacific Northwest Region
U. S. Department of the Interior
Lloyd 500 Building, Suite 607
500 N. E. Multnomah Street
Portland, OR 97232

4. ADVERSE PARTIES _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE _ _ _ _ _ _ _ _ _ _

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 4 3 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 Office hours of State Offices. (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

* * * * *

See 43 CFR Sec. 4.21 for appeal general provisions.

Bibliography

Economic Strategies Northwest. 1994. *Economic Effects Study Summary Report.* Lake Oswego, OR.

Horton, G.E. 1994. *Effects of Jet Boats on Salmonid Reproduction in Alaskan Streams*. Master thesis. Alaska.

Klingeman, P.C., L.M. Cordes and I. Nam. 1993. *Rogue River Erosion/Deposition Study*. Civil Engineering Department, Oregon State University. Corvallis, OR.

Satterthwaite, T.D. 1995. *Effects of Boat Traffic on Juvenile Salmonids in the Rogue River.* Oregon Department of Fish and Wildlife. Portland, OR.

Shindler, B. and B. Shelby. 1993. *Rogue River Study: Assessments of Recreation Impacts and User Perceptions on the Bureau of Land Management Recreation Section.* Department of Forest Resources, Oregon State University. Corvallis, OR.

United States Congress. House. 1968a. Report No. 1623. *Providing for a National Scenic Rivers System and for Other Purposes.* 90th Congress. 2d Session.

United States Congress. House. 1968b. Report No. 1917. *National Wild and Scenic Rivers System: Conference Report.* 90th Congress. 2d Session.

United States Department of Agriculture, U.S. Forest Service, and United States Department of the Interior, National Park Service. 1982. *Wild and Scenic Rivers Guidelines.* Federal Register Vol. 47, No. 173. September 7, 1982.

United States Department of Agriculture, U.S. Department of Forest Service, and United States Department of the Interior, Bureau of Land Management. 1994a. *Final Supplemental Impact Statement (FSEIS) on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl*. Portland, OR.

United States Department of the Interior, Bureau of Land Management. 1969. *Master Plan for the Rogue River Component of the National Wild and Scenic Rivers System*.

United States Department of the Interior, Bureau of Land Management. 1972. *Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan.* Federal Register Vo. 37, No. 131, 13408-13416. Washington, D.C.

United States Department of the Interior, Bureau of Land Management, Medford District Office. 1978. *Rogue National Wild and Scenic River Activity Plan Hellgate Recreation Section.* Medford, OR.

United States Department of the Interior, Bureau of Land Management. 1986. *BLM Manual Handbook: H-8431-1 – Visual Resource Contrast Rating.* Washington, D.C.

United States Department of the Interior, Bureau of Land Management, Medford District Office, Grants Pass Resource Area. 1991. *Visitor Use Background Paper for Revising the Hellgate Recreation Area Management Plan*. Medford, OR.

United States Department of the Interior, Bureau of Land Management. 1992. *Prohibited Acts in Rogue National Wild and Scenic River Area.* Federal Register Vo. 57, No. 110, 24271-24274. Washington, D.C.

United States Department of the Interior, Bureau of Land Management, Medford District Office, Grants Pass Resource Area. 1994. *Sound Inventory Background Paper for Revising the Hellgate Recreation Area Management Plan.* Medford, OR.

United States Department of the Interior, Bureau of Land Management, Medford District Office. 1994. *Final Medford District Resource Management Plan and Environmental Impact Statement*. Medford, OR.

United States Department of the Interior, Bureau of Land Management, Medford District Office, Grants Pass Resource Area. 1995. *Revised Visitor Use Background Paper for Revising the Hellgate Recreation Area Management Plan*. Medford, OR.

United States Department of the Interior, Bureau of Land Management, Medford District Office. 1995. *Record of Decision and Resource Management Plan and Environmental Impact Statement*. Medford, OR.

United States Department of the Interior, Bureau of Land Management, Medford District Office, Grants Pass Reource Area. 2000. *Rogue National Wild and Scenic River: Hellgate Recreation Area Management Plan/Draft Environmental Impact Statement*. Medford, OR.

United States Department of the Interior, Bureau of Land Management, Medford District Office, Grants Pass Reource Area. 2003. *Rogue National Wild and Scenic River: Hellgate Recreation Area Proposed Management Plan/Final Environmental Impact Statement*. Medford, OR.

United States Department of the Interior, Bureau of Land Management, Medford District Office, Grants Pass Reource Area. 2004. *Memo from Dale Johnson, District Fishery Biologist*. Medford, OR.

United States Fish and Wildlife Service. 2002. FWS ref. #1-15-03-F-112. Roseburg, OR.

Water Resources Consulting (WRC). 1995. *Rogue River Boating Safety and Conflicts Study*. Sacramento, CA.

York, R., P. Rowland, and K. Salley. 1994. *A Survey of the Attitude of Residents Along the Hellgate Recreation Area of the Rogue River Toward User Groups and Their Impact*. Department of Psychology, Southern Oregon State College. Ashland, OR.

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