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final wild and scenic river study

september 1979

JOHN DAY RIVER



OREGON

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 interests 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.

U. S. DEPARTMENT OF THE INTERIOR
Cecil D. Andrus, Secretary

National Park Service
William J. Whalen, Director

177/D-83

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september 1979

JOHN DAY RIVER

OREGON

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I. INTRODUCTION

Purpose

On October 2, 1968, the Congress of the United States enacted the Wild and Scenic Rivers Act, Public Law 90-542. In this Act, the Congress declared it:

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

The Act established the National Wild and Scenic Rivers System, designated eight rivers as initial components of the system, identified 27 rivers for study as potential additions to the National System, and prescribed methods and standards by which additional rivers could be added to the system from time to time. In subsequent amendments to the Act, a total of 75 rivers or river segments have been identified in the study category, one of which is the John Day River, Oregon.

The amended Act calls for a determination of the suitability of the main stem of the John Day River from Service Creek downstream to Tumwater Falls for inclusion in the National System and, if suitable, recommendations and guidelines pertaining to the administration and management of the river and its environment. This river segment is a component of the Oregon Scenic Waterways System.

This report contains basic data pertaining to the study area (defined as the river and its associated land environment from Service Creek downstream 147 miles to Tumwater Falls), study findings and recommendations.

The study incorporates the Principles and Standards for Planning Water and Related Land Resources prepared by the Water Resources Council pursuant to Section 103 of the Water Resources Planning Act (Public Law 89-80), as amended. The environmental and socioeconomic impacts of the recommended plan and of each identified alternative are displayed under the four accounts of National Economic Development, Environmental Quality, Regional Development, and Social Well Being.

In accordance with the requirements of the National Environmental Policy Act of 1969, the impacts on the human and natural environment of the recommended plan, and the alternatives considered, were assessed and are discussed in this report.

Conduct of the Study

The Department of the Interior's responsibility for studying rivers named in the Wild and Scenic Rivers Act originally was delegated by the Secretary of the Interior to the Bureau of Outdoor Recreation. On January 25, 1978, it was redelegated to the National Park Service.

A John Day study team composed of representatives of Federal, State, and local governments was organized in January 1977. Federal agency representatives on the team included Eugene Wheeler, U. S. Forest Service; Larry Rasmussen, Fish and Wildlife Service; Brian Cunninghame, Bureau of Land Management; Jack Mosby and Gordon Atkins, Bureau of Outdoor Recreation; Chuck Koski, National Marine Fisheries Service; and Steven Stevens, Corps of Engineers. State of Oregon agency representatives were Robert Potter, Parks and Recreation Branch of the Department of Transportation; Dan Stack, State Marine Board; Tom Kline, Water Resources Department; Mike Fleschner, Land Conservation and Development Commission; and Bill Pitney, Department of Fish and Wildlife. County representatives on the study team included Gary Shaff, Sherman County; Roy Huberd, Wasco County; Stanley Musgrave, Grant County; and Zack Keys, Wheeler County. Participation from Jefferson and Gilliam Counties was invited, but declined. Principal contributors in the conduct of the study and preparation of the study report from the National Park Service were Stanford Young, Peter Klint, Joyce Brooks, and Carol Whitten.

The initial tasks of the study team were (1) to determine the eligibility of the river for inclusion in the National Wild and Scenic Rivers System, and (2) if found eligible, to classify the river as wild, scenic, or recreational. In addition, the study team aided in the preparation of this report by providing information and data and by reviewing draft proposals of alternatives identified during the study.

Public meetings were held in The Dalles and Fossil, Oregon, in March 1977 to explain the Wild and Scenic Rivers program, to seek public opinion about the future of the river, and to identify problems, issues, and opportunities associated with the study area.

In May 1977, the study team made a float trip and air reconnaissance of the study segment to evaluate the river against eligiblity criteria.

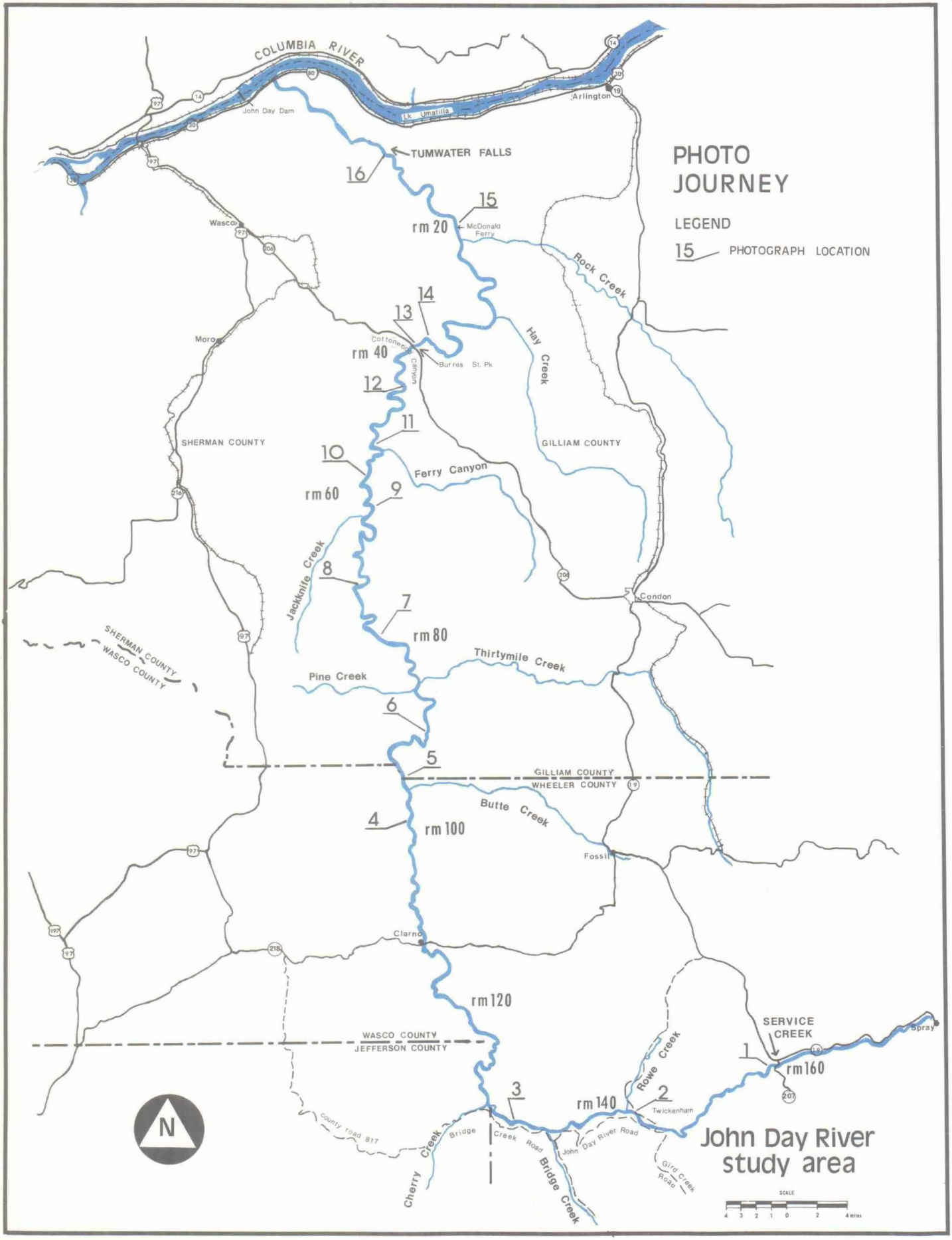
A second round of public meetings was held in August 1977. Meetings in Fossil, The Dalles, and Portland gave citizens an opportunity to

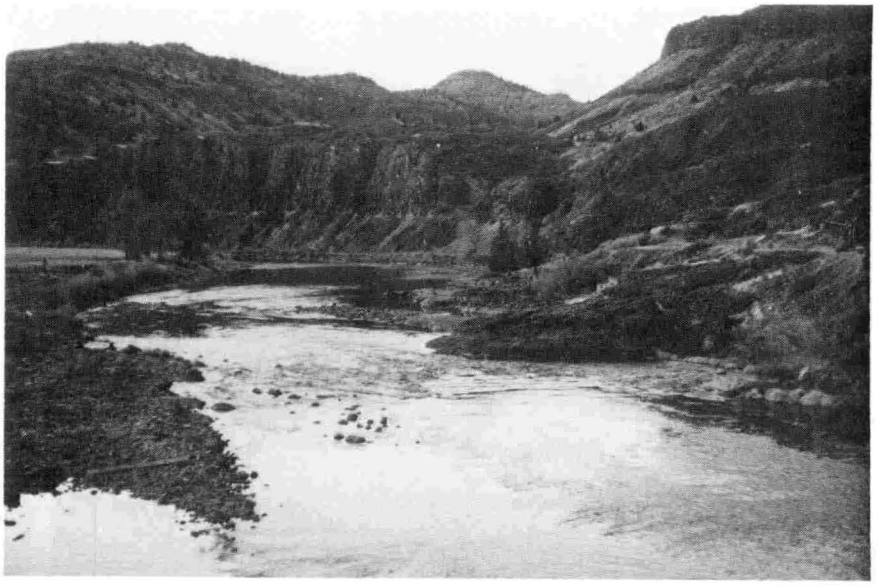
voice their preferences for alternative uses of the river. Comments and suggestions offered at these meetings and those received from written responses submitted by individuals and organizations played an important role in formulating a recommended proposal.

Both series of public meetings revealed that most landowners living in and near the study area opposed national designation. Local opposition was based on concerns that national designation may lead to (1) loss of water rights; (2) loss of real property rights; and (3) increased recreation use with attendant problems of trespass, vandalism, and fire. Some landowners in the study area favored dams on the main stem for hydro-electric generation. Many felt that the river is already adequately protected through the State's Scenic Waterways Program.

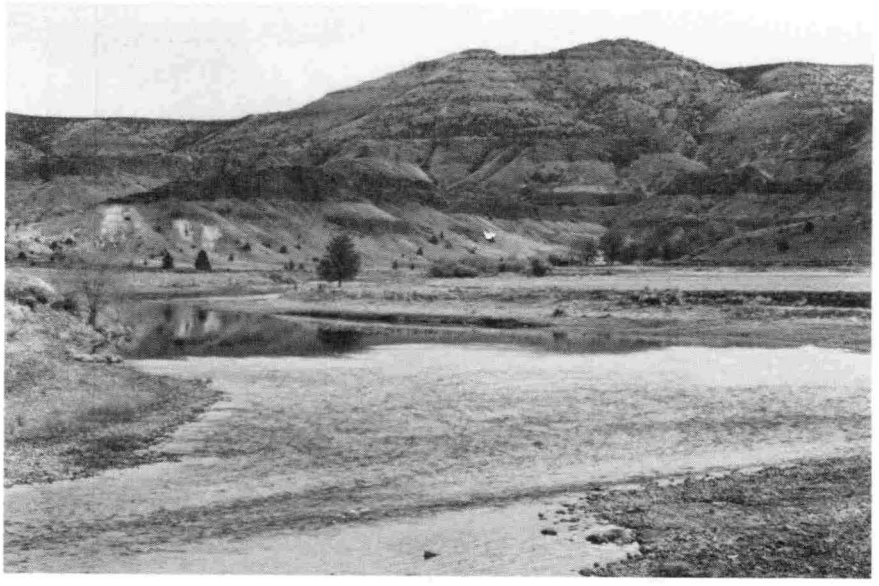
Recreation users and conservationists favored inclusion in the National System as a means of maintaining the river in its free-flowing condition and of protecting the river environment and the quality of the recreation experience.

II. PHOTO JOURNEY DOWN THE RIVER


COLUMBIA RIVER
John Day Dam
Lk. Umatilla
Arlington
TUMWATER FALLS
16
15
rm 20
McDonald Ferry
Rock Creek
Wasco
14
13
Moro
Cottonwood Canyon
rm 40
Burres St. Pk
Hay Creek
12
11
SHERMAN COUNTY
GILLIAM COUNTY
10
Ferry Canyon
rm 60
9
Jacknife Creek
8
Condon
7
rm 80
SHERMAN COUNTY
WASCO COUNTY
Thirtymile Creek
Pine Creek
6
5
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
4
rm 100
Fossil
Clarno
rm 120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
Spray
1
rm 160
Rowe Creek
3
rm 140
2
Twickenham
County road 817
Cherry Creek
Bridge
Creek Road
John Day River Road
Bridge Creek
Gird Creek Road
N
PHOTO JOURNEY
LEGEND
15 PHOTOGRAPH LOCATION
John Day River study area
SCALE
4 3 2 1 0 2 4 miles



1. River Mile 157 - The trip downriver begins at Service Creek, the upstream boundary of the study area.



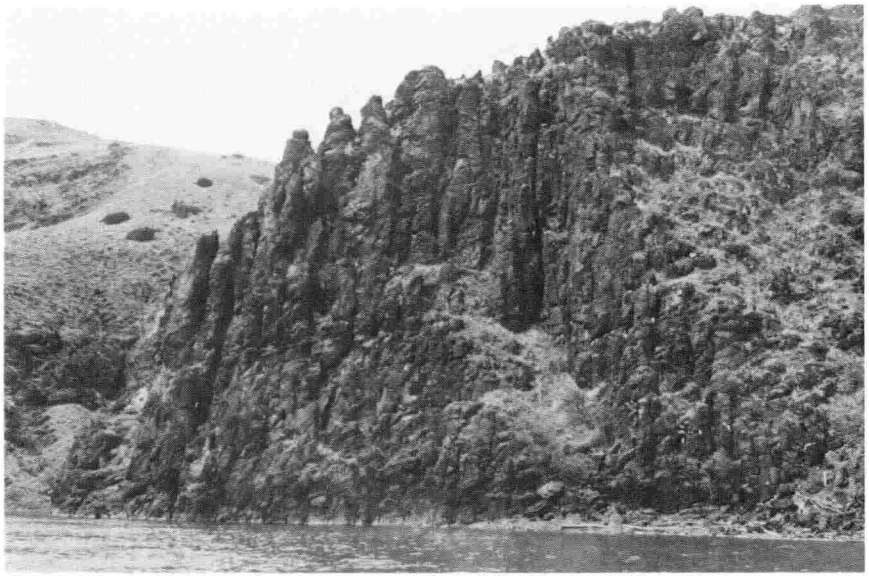
2. River Mile 144 - Nearing Twickenham, the valley widens before narrowing again downstream.



3. River Mile 131 - Byrds Rock dominates the vista as the valley begins to reach its widest point.



4. River Mile 98 - Livestock ranches have developed as a significant land use along this river segment.



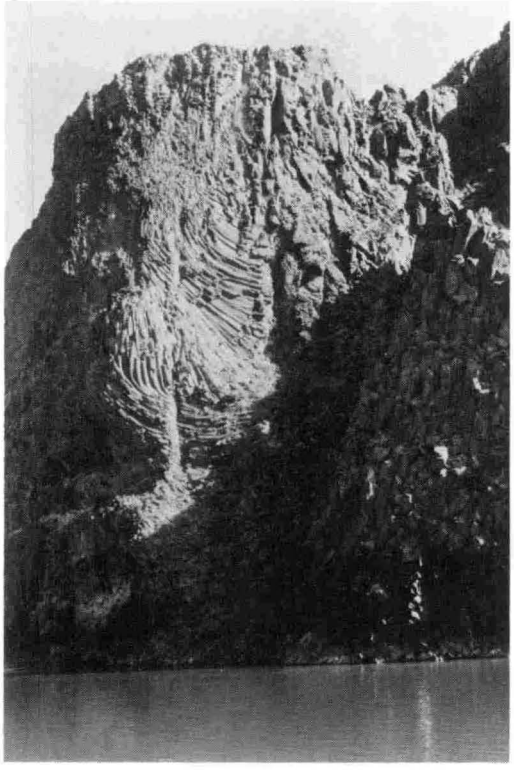
5. River Mile 96 - Jagged cliffs rise above the river.



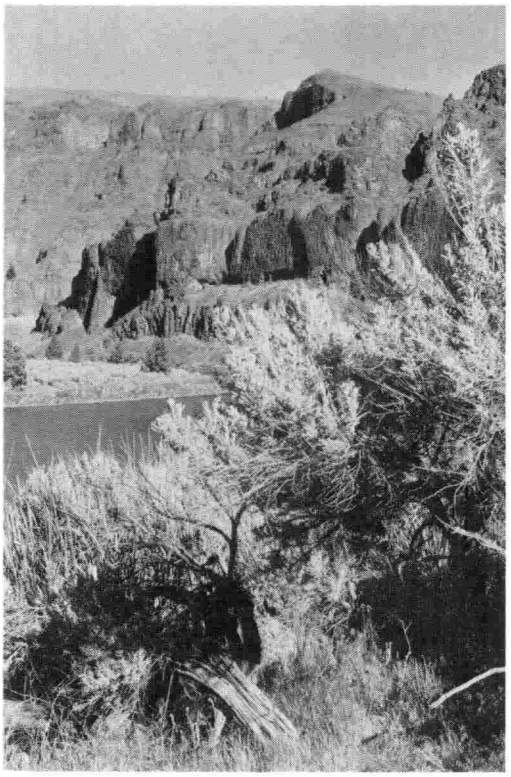
6. River Mile 90 - A scene from one of the caves along this river reach.



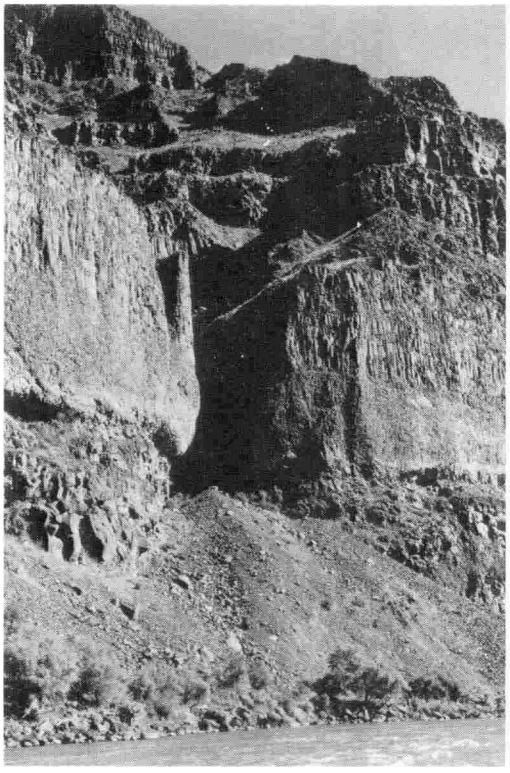
7. River Mile 76 - Recreationists below Horseshoe Bend pass salmon and steelhead migrating upstream.



8. River Mile 71 - A massive balsaltic formation is of interest both to the sightseer and the scientist.



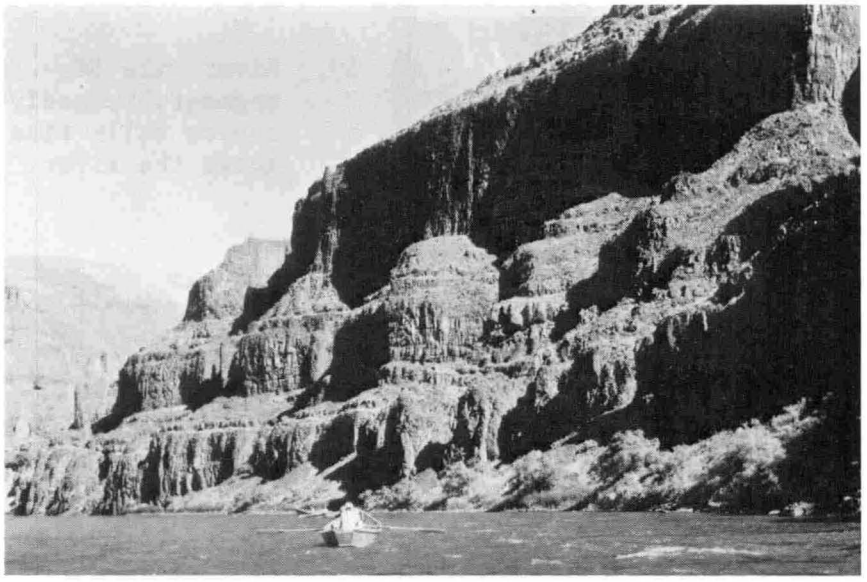
9. River Mile 60 - Sagebrush-grass is the predominant plant community in the study area.



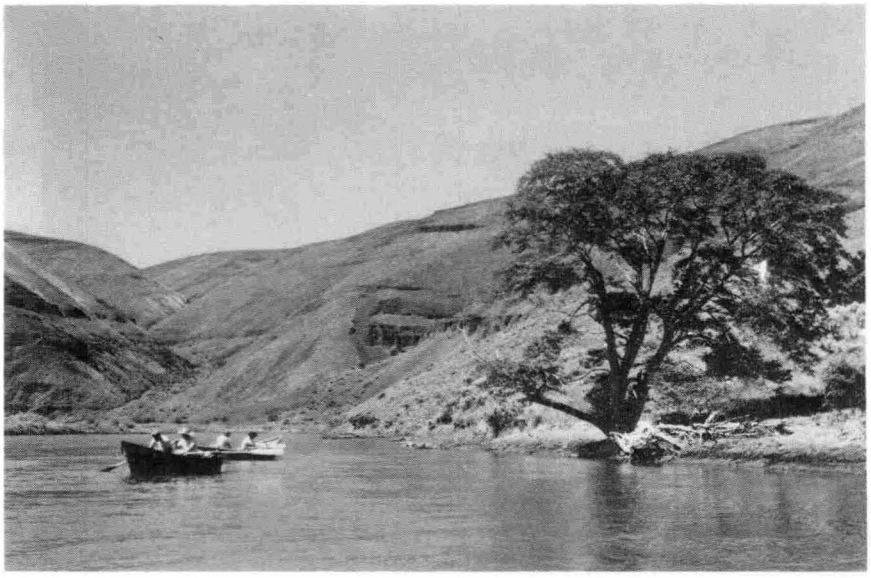
10. River Mile 58 - In this segment, ruggedly eroded canyon walls rise far above the river.



11. River Mile 53 - Columnar Basalt provides a scenic diversion to the river floater.



12. River Mile 44 - Terraced rock formations dominate views in this river stretch.



13. River Mile 40 - A lone cottonwood stands guard at the river's edge.



14. River Mile 38 - Shallow pools and exposed shoreland and rocks characterize this river segment.



15. River Mile 20 - At McDonald Ferry, there is access to the river as well as a developed recreation site nearby.



16. River Mile 10 - At Tumwater Falls, the downstream boundary of the study area, the canyon once again widens.

III. FINDINGS AND RECOMMENDATIONS

Findings

The study found that the John Day River from Service Creek to Tumwater Falls meets the criteria for inclusion in the National Wild and Scenic Rivers System as set forth in the Wild and Scenic Rivers Act and the Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System Under Section 2, of the Act, as adopted by the Secretaries of the Interior and Agriculture. These criteria are that a river must:

1. Possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values;

2. Be in a substantially free-flowing condition;

3. Be long enough to provide a meaningful recreation experience;

4. Contain a sufficient volume of water during the recreation season to provide full enjoyment of water-related outdoor recreation;

5. Contain high quality water or be restorable to that condition.

The principal elements contributing to this finding are the river's free-flowing and undeveloped condition; the pleasant scenic qualities along much of the 147 miles; the potential for wilderness-type float trips, camping, fishing, hunting, nature study, and photography; and the existence of important archeological and geological values.

The study also found that the appropriate classification for the entire study segment is "scenic." If a river or river segment is found qualified for the National System, it must be classified as one of the following:

1. Wild River Areas - Those areas or sections of rivers that are free of impoundment and generally inaccessible except by trail with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

2. Scenic River Areas - Those rivers or sections of rivers that are free of impoundments with shorelines or watersheds still largely primitive and shorelines largely undeveloped but accessible in places by road.

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

Some consideration was given to classifying the Butte Creek-Cottonwood Canyon segment "wild," but it was felt the water quality of the river was not of a sufficient high standard to meet the wild classification at this time. It is likely that water quality will improve in the future. When this occurs, it would be appropriate to classify this river segment as "wild."

Recommendations

Designation

The study recommends that the John Day River from Service Creek to Tumwater Falls be added to the National Wild and Scenic Rivers System. Such action will recognize the outstanding scenic and recreational values of this 147-mile segment and serve to protect the river and its immediate environment from uses which will diminish those values. No dams or other major water development projects could be constructed, the development or use of adjoining lands for other than agricultural or livestock purposes would be carefully controlled, and the kinds and extent of recreation use would be managed so as to conform with the area's recreation carrying capacity. Lateral boundaries for the river segment will be determined when a management plan is developed for the area. The entire 147-mile segment would be designated as "scenic."

Qualified rivers may be added to the National System in either of two ways. Under Section 2(a)(i) of the Wild and Scenic Rivers Act, Congress may enact legislation to add a river. Under Section 2(a)(ii), a river may be added by the Secretary of the Interior upon application from the Governor.

The same degree of protection is provided whether the river is added by Congress or by the Secretary of the Interior. There is a prohibition on licensing by the Federal Energy Regulatory Commission, the curtailment of Federal water development projects, the imposition of stricter mining and mineral leasing regulations, and a mandate that Federal agencies manage their lands in accordance with the purposes of the Wild and Scenic Rivers Act.

In 1971, the Governor of Oregon wrote to the Secretary of the Interior requesting addition of the 147-mile segment to the National System under the provisions of Section 2(a)(ii). The request was denied at that time because the Wild and Scenic Rivers Act then specified that Section 2(a)(ii) could be utilized only when no cost to the Federal Government would be incurred. Because 47 percent of the lands along the 147 miles were administered by the Bureau of Land Management, the "no expense" requirement could not then be met. In 1978, Congress removed the "no expense" obstacle when it amended the Wild and Scenic Rivers Act to permit the use of Federal funds as necessary to administer and manage Federal-owned lands. An additional 1978 amendment

specifically directs Federal agencies administering lands adjacent to a river which has been added to the National System by the Secretary of the Interior to manage and protect the river in accordance with the purposes of the Wild and Scenic Rivers Act. The Governor of Oregon is invited to again apply to the Secretary of the Interior to have the 147-mile segment added to the National System as provided under Section 2(a)(ii) of the Wild and Scenic Rivers Act. At that time, plans should be made for additional public educational programs to address the issues of water rights, land acquisition, and trespass problems.

The Governor's application to the Secretary of the Interior would need to:

1. State that the 147-mile segment is already a unit of Oregon's System of Scenic Waterways, pursuant to an act of the State Legislature.

2. Discuss the plans of the State to manage and protect the scenic and recreational qualities of the river for public use and enjoyment, and the steps that have already been taken by the State toward this objective.

The Secretary, in turn, would evaluate those plans as to their adequacy, obtain the comments of the other affected Federal agencies, and, upon approval of the Governor's application, publish notice in the Federal Register that the river has been added to the National System. The determination has already been made that the 147-mile segment meets the five criteria for inclusion in the National System.

Management Guidelines

Addition of the John Day to the National System as provided in Section 2(a)(ii) would involve a sharing of responsibilities by the Oregon Parks and Recreation Branch, which administers the State's Scenic Waterways System, and the Bureau of Land Management, which has jurisdiction over 47 percent of the lands adjoining the 147-mile segment. Also, the State Water Resources Department and the Division of State Lands have responsibilities to manage their programs on scenic waterways consistent with the State Act. In addition, the State Marine Board has jurisdiction over boating activities on the surface of the water.

Under the Oregon Scenic Waterways System, any developments or changes of use on non-Federal lands within a quarter mile on either side of the river are regulated. Plans for construction, tree cutting, prospecting, mining, or other changes of land use must be submitted to the State Scenic Waterways Coordinator. If the State determines that a proposal would substantially impair the natural and scenic beauty of the waterway, the landowner may not proceed for 1 year. During that period, the State may negotiate modification of the unacceptable

plan or, if this is not possible, acquire the land involved, by condemnation if necessary. If the State does not acquire the land, the landowner may proceed with his plan after 1 year. Copies of the Oregon Scenic Waterways System Act and the "Rules and Regulations" pertaining to the System are included in Appendices A and B.

Oregon's approach to protecting rivers included in the Oregon Scenic Waterways System is unique in the United States. It has proven to be an effective way to prevent adverse kinds of development on non-Federal lands which lie within one-quarter mile of the banks of rivers, with only a minimum amount of land acquisition necessary. As of 1978, the State System included eight rivers and a total of 530 river miles. Of approximately 85,000 acres of privately owned lands within one-quarter mile, only 554 acres have had to be acquired at a cost of $595,835. Of this, 11 acres have been returned to private ownership with deed restrictions which prevent adverse development.

The Bureau of Land Management and the State of Oregon have sufficient authority to manage or protect the lands under their jurisdiction along the John Day. As discussed under method of designation, the Wild and Scenic Rivers Act specifically would require the BLM to manage and protect the river in accordance with the purposes of the Act.

The overall management objective would be to protect and enhance the values which qualified the river for inclusion in the National System, without limiting other uses which do not substantially interfere with public use and enjoyment of these values. Primary emphasis will be given to protecting the river's aesthetic, scenic, historic, archeologic, and scientific features.

Specific management recommendations necessary to achieve this objective are:

Recreation

1. Optimum visitor use levels which do not endanger the scenic, cultural, and natural values of the river area would be determined. Access sites and float camps would be developed and distributed in accordance with the type and amount of use each area can support without causing an unacceptable change in either the physical environment or the quality of the recreational experience.

2. The administering agencies would establish a method of visitor control to be initiated before visitor capacity is reached and expeditiously implemented when such controls are deemed necessary. Only in this manner can there be some assurance that the desired visitor enjoyment will be obtained without posing a threat to the natural values vital to the river area.

3. A variety of recreational opportunities would be maintained to the extent practical. Recreation activities presently occurring in the corridor which would continue include canoeing/kayaking/rafting, hunting, fishing, nature study, and camping.

4. New facilities would be designed to minimize detraction from the quality of the river scene. Development generally would be back from the river's bank and screened from view of the river user.

5. Regulations requiring float campers to carry out their garbage and litter would be established, widely advertised, and enforced.

6. A program would be developed for the protection and, where appropriate, the interpretation of historic and archeologic sites and sensitive plant and animal habitats. Interpretive devices and signs would be relatively unobtrusive or complementary to the natural and historic scene. To protect these cultural resources, portions of the inventories may need to be kept confidential.

Fish and Wildlife

1. Habitat management for fish and wildlife would consider both game and nongame species, and all practices employed would be in conformance with maintenance of the natural qualities of the riverway.

2. Special measures will be taken to identify and protect any threatened or endangered species.

Land Resource Use

1. Maintenance of soils and protection of the watershed adjacent to the river are essential. Because much of the recreation activity and development would take place near the river's edge, special emphasis would be placed on preventing and controlling soil erosion. This is true for both natural and man-caused deterioration. Soil stabilization measures and revegetation would be carefully designed so as not to have adverse impacts on the ecological and scenic values of the river corridor.

2. Present agricultural and livestock uses along the river would be recognized as compatible. The continued use of public lands for such uses would be based on good multiple resource use practices consistent with the natural river environment.

3. Efforts would be made to encourage local units of government to maintain zoning controls on lands adjacent to the riverway and in nearby developed areas which will complement the efforts of the BLM and the State to protect the river environment.

4. Special regulations governing mining would be instituted by the Bureau of Land Management. These regulations would provide safeguards against pollution and impairment of the scenery.

Water Resources

1. Appropriate State and Federal agencies would take the necessary actions to ensure optimum water quality throughout the John Day basin by enforcement of water quality standards and the encouragement of compatible soil and water conservation practices.

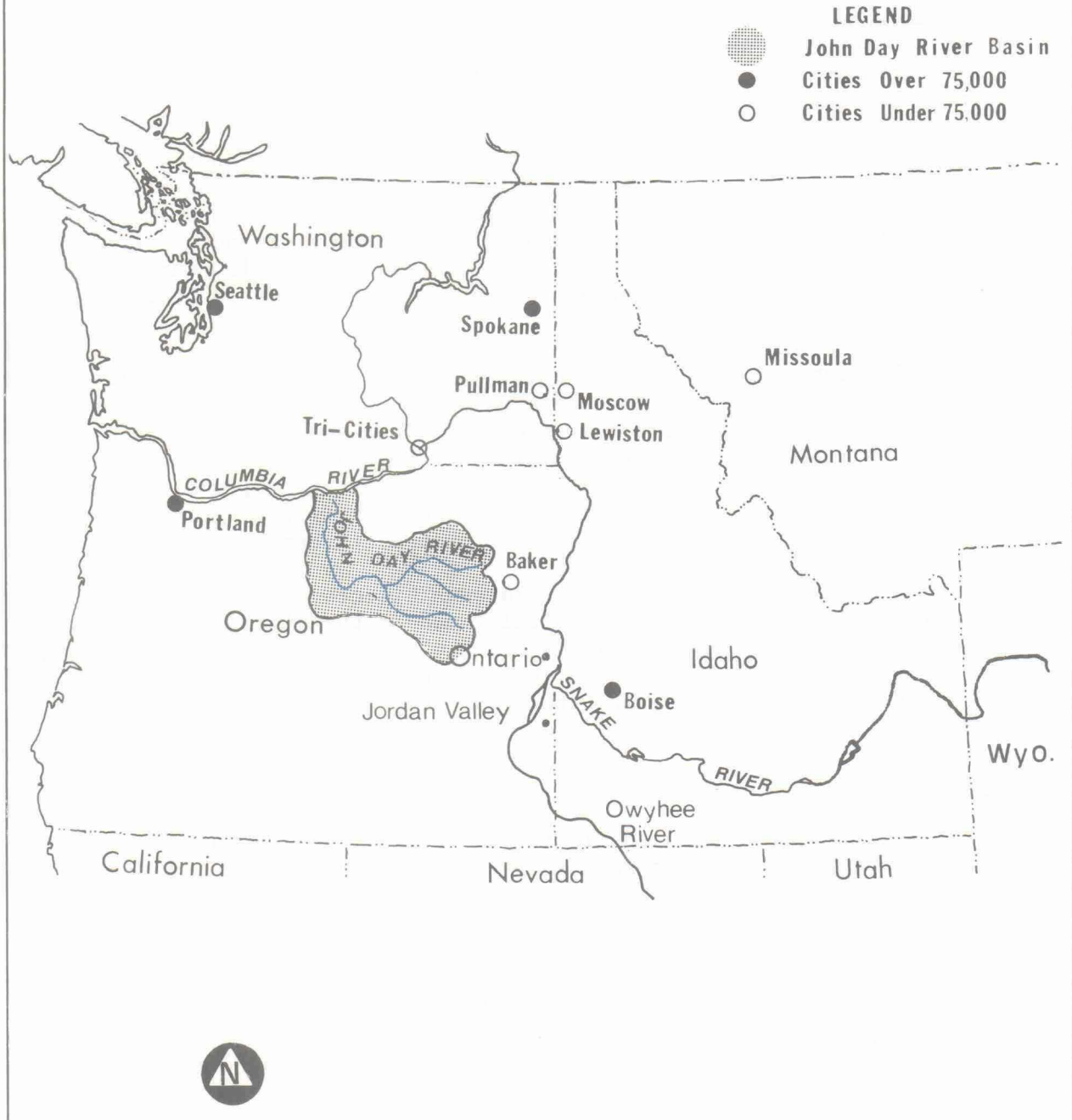
2. Efforts to reduce siltation through land conservation measures throughout the watershed would be intensified.

Utilities and Roads

1. Any construction of highways and new bridge crossings, renovation of existing structures, or power or pipeline crossings would be reviewed and approved in advance by the managing agencies. If crossings cannot be avoided, the managing agencies and the utility company would jointly select the location which will have the least impact on the river environment. Existing power and pipeline crossings would be adequately screened where possible.

2. All new public bridges constructed across segments of the river in the National System would be designed to minimize their intrusion into the river area and to maximize their recreation utility. Special consideration would include the view of the water from the bridge, how well the bridge blends into the natural setting as observed from the water, access to the water from the roadway, and provision for nonmotorized travel on the bridge. The relevance of these and other considerations would be determined by the agencies managing the affected river segment.

MAP 1
LOCATION



IV. AFFECTED ENVIRONMENT

Region

Physical Setting

The region includes the entire basin drained by the John Day River, an area of approximately 8,000 square miles, located in north central Oregon (see Map 1). The basin includes major portions of Grant, Wheeler, and Gilliam Counties, and small sections of Harney, Crook, Jefferson, Wasco, Sherman, Morrow, Umatilla, and Union Counties. The Blue Mountain range and its spurs form the northern, eastern, and southern boundaries of the basin while the crest of the Ochoco Mountains and the divide between the lower Deschutes and the John Day Rivers form the western boundary.

The main stem of the John Day extends 281 miles from its source in the Blue Mountains to its mouth in the Columbia River. Its major tributaries include the North and South Forks, Rock Creek, and Canyon Creek, all of which head in the Blue Mountains or the spurs extending west from the main range. There are about 1,200 named and 3,150 unnamed streams in the basin, totaling approximately 9,500 miles in length.

The John Day basin is roughly divided into two general topographic areas. The upper portion of the basin includes the Ochoco Mountains on the southwest and the Blue Mountains on the south and east. These rugged mountainous areas are characterized by heavy timber and occasional open meadows where early settlers attempted cultivation. The foothills are covered with native grasses, juniper trees, and sagebrush. Most habitation occurs along the streams where irrigated agriculture has developed and saw and planing mills process timber.

The lower basin is an area of high plateaus bisected by the main stem and tributaries. Some timber is still found in the higher elevations. The major use of the lower basin is for dryland farming and stock range. Ninety percent of the lower basin is privately owned, most as farms and ranches. Many of these enterprises in the valley bottoms are dependent on irrigation.

Climate

The climate ranges from sub-humid in the higher basin to semi-arid in the lower basin. Mean annual temperature in the upper basin is 38°F and is 54°F in the lower basin. Actual temperature varies from subzero during winter months to over 100°F during the summer. Seventy percent of the annual precipitation falls between November and March. Only 5 percent occurs during July and August. The lower elevations receive about 12 inches of precipitation annually, while 50 inches fall in the upper elevations. The average frost-free period is 50 days in the upper basin and 200 days in the lower basin. The growing season ranges from 120 to 180 days.

Socio-economic Characteristics

Statistics for the three major counties--Grant, Wheeler, and Gilliam--are used to represent the basin, even though there are small portions of eight other counties within the basin. County populations as shown in Table 1, are declining, after some upward fluctuations during the 1950's and 1960's. The population of the major towns is declining, as shown in Table 2. Total basin population is about 15,000, which gives an average density of about 2 persons per square mile.

Table 1. County Population Trends

County	1950	1960	1970
Grant	8,329	7,726	6,996
Wheeler	3,313	3,069	2,342
Gilliam	2,817	2,722	1,849

Table 2. Population of Major Towns

Town	1950	1960	1970
Condon, Gilliam Co.	968	1,149	973
Arlington, Gilliam Co.	686	643	375
John Day, Grant Co.	1,597	1,520	1,566
Canyon City, Grant Co.	508	654	600
Fossil, Wheeler Co.	645	672	511

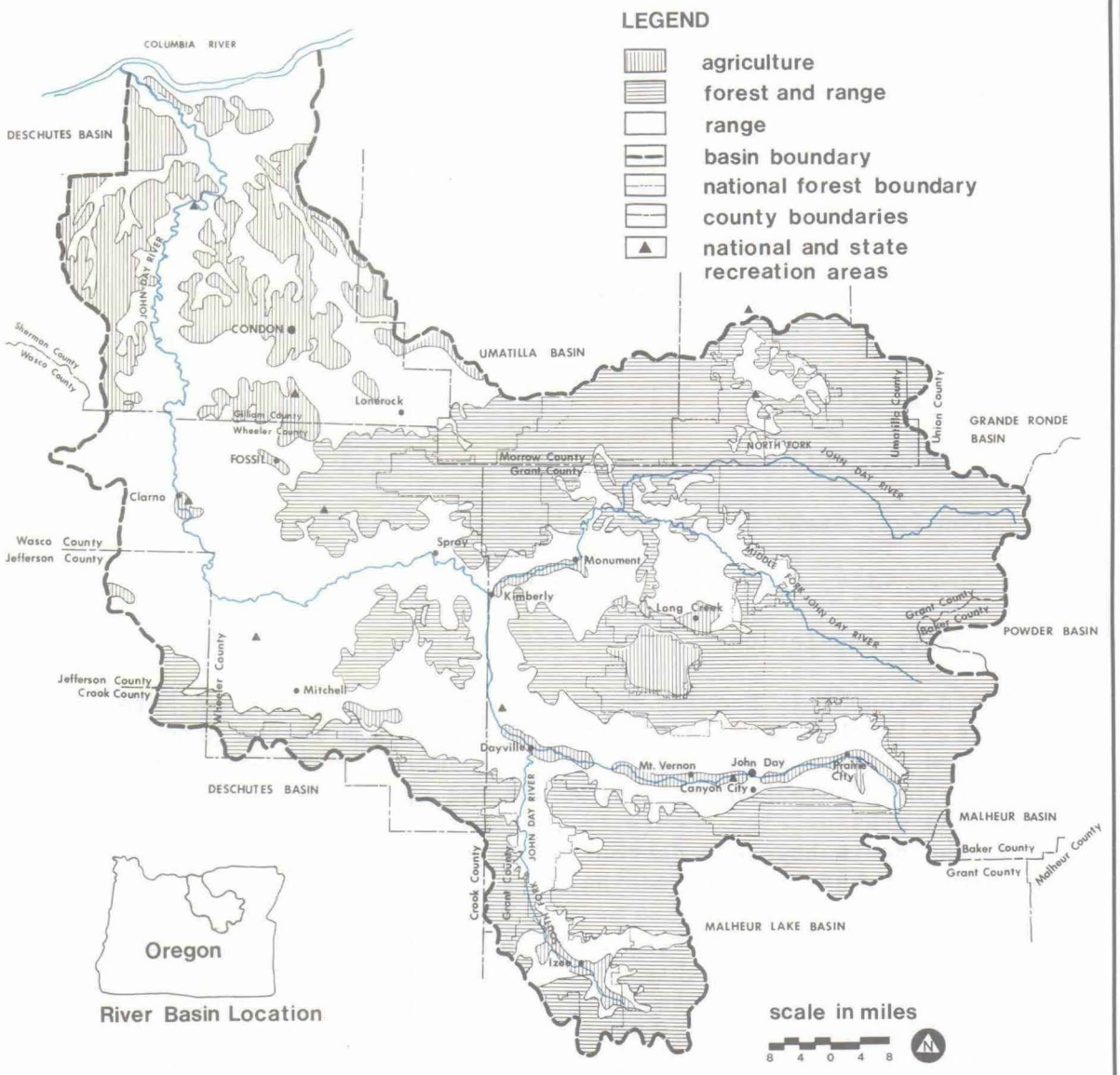
The basin economy is heavily dependent upon agriculture and forest products. In the lower basin, the major activity is the production of dryland grain, predominately wheat. Timber and livestock production are the predominant activities in the upper basin. Production of hay and grasses also occurs in the basin. The number of farms within the basin has been decreasing in recent years, while the average farm size has been increasing.

Overall employment within the basin has decreased during the period from 1950-1970. Most of this loss can be attributed to a reduction in the number of farms in the area and a decrease in the timber industry. There has been a small increase in employment in service jobs associated with the boom in recreation travel. Generally, the decline in jobs is expected to continue. In 1975, Grant County had an annual unemployment rate of 14.4 percent; Wheeler County 13.4 percent; and Gilliam County 6.7 percent.

John Day River Basin

Land Use

Map 2



Per capita personal income for the three counties has shown an average annual increase of about 10 percent between the years 1971 and 1974. In 1974, Wheeler County was lowest with a figure of $4,084, Grant next with $4,281, and Gilliam highest with $8,821.

Land Use

Much of the land in the John Day River basin is used for agriculture, mainly livestock, ranching, and wheat farming. Eleven percent of the basin is classified as cropland. Most of the irrigated cropland is used for production of winter forage for domestic livestock; wheat is the most common dryland crop. Forty-four percent of the basin is open range and is used for production of domestic livestock and wild game.

Forty-four percent of the basin is forest land. Thirty-nine percent is commercial forest land (land used for commercial production of merchantable timber). Four percent is noncommercial forest land (land of such poor productive capacity that it will not produce commercial crops of timber). Less than 1 percent is reserved forest land. This land, which includes Federal and State reserves, is dedicated primarily to recreational use. In addition, much of the forest land is used for domestic livestock grazing, public recreation, wildlife habitat, and many other purposes.

Towns, lakes, and streams make up the remaining 1 percent of the area. Land use in the John Day River Basin is shown on Map 2.

Land Ownership

Approximately two-thirds of the basin is privately owned. Most of this land is owned by farmers, ranchers, and a few large timber companies. One-third of the basin is in Federal ownership. Eighty-four percent of the Federal land is in national forests administered by the Forest Service. The remaining Federal land includes public domain, Reclamation withdrawals administered by the Bureau of Land Management, and the John Day Fossil Beds National Monument administered by the National Park Service. State, County, and municipal land constitutes less than 1 percent of the basin. Most of this land is in State ownership and is scattered in small blocks throughout the basin.

Regional Transportation System

U. S. Highway 395 is the primary north-south route for the basin while U. S. 26 runs east-west. Parts of State Highways 19, 74, and 207 run north-south in the eastern section of the basin, while Interstate 80 N, paralleling the Columbia River, crosses the northern boundary of Gilliam County. A portion of U. S. 97 is found in the western part of the basin. No scheduled airline operates within the basin, although there are several small municipal airfields. Railroad transportation is limited to a mainline transcontinental route along the Columbia

River and a spur line to the town of Kinzua in Wheeler County. Much of the basin's commerce travels by truck. Shipments of grain harvested in the basin are barged down the Columbia River. The regional transportation system is shown on Map 3.

Recreation Resources

The John Day basin provides abundant outdoor recreation opportunities for residents and visitors. In addition to river boating, the fishery within the basin is quite diverse. Steelhead, trout, whitefish, and warm-water species occur, along with spring chinook.

The geological formations of the John Day River basin offer opportunities for both scenic viewing and fossil hunting. The John Day Fossil Beds National Monument, and other large areas, contain outstanding fossils; however, on public lands, these fossils are protected under the Antiquities Act and collection is not permitted.

Five state parks and four roadside rest areas are located in the basin. However, county and town parks are few in number and small in size.

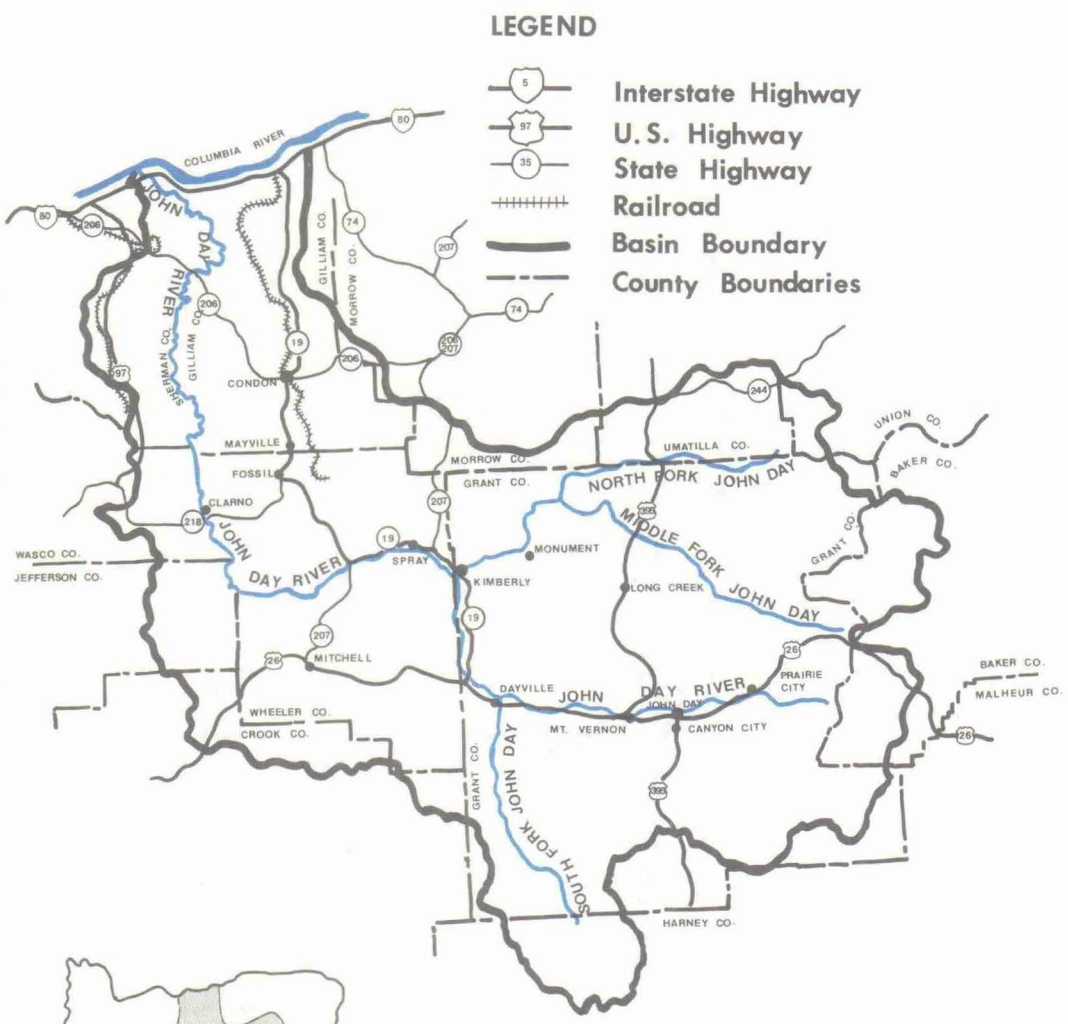
History and Archeology

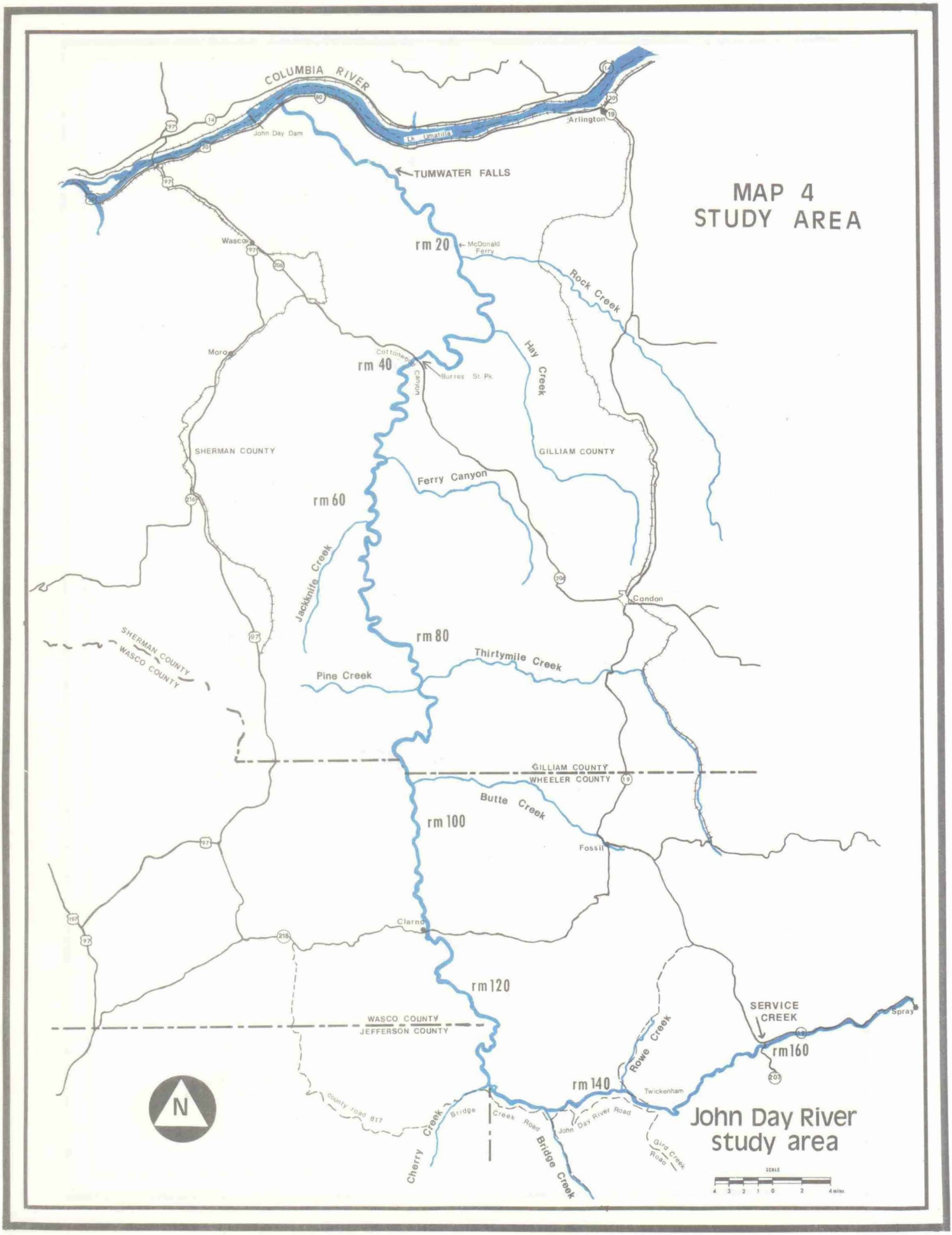
The John Day River was named for a member of an expedition crossing the area in 1811 to establish a fur trading post on the Columbia River. John Day and a companion escaped after being attacked and robbed by a group of Indians near the mouth of the river.

The John Day basin was used by nomadic Indians prior to settlement by white man in the 1860's. Many historic and prehistoric sites have been identified within the area during archeological investigations; they indicate that the area was a disputed land subject to numerous intertribal skirmishes and, with the exception of certain stream-side sites, was not occupied on a year-round basis.

The 1860's saw the introduction of cattle into the basin, the beginning of irrigation, and the discovery of gold in Canyon Creek. Placer mines, at their height during this time, supported a population of 10,000, including a large number of Chinese, but the population declined as the mines played out. Farms and ranches then became predominant areas of settlement. Dryland wheat farming and cattle production became the most prevalent occupations in the lower portions of the basin, while timber and limited mining activities continued in the upper region. Beef production, dryland wheat farming, and the lumber industry now are the main endeavors.

MAP 3
JOHN DAY RIVER BASIN
REGIONAL TRANSPORTATION




MAP 4
STUDY AREA
COLUMBIA RIVER
John Day Dam
Lk. Umatilla
Arlington
TUMWATER FALLS
rm 20
McDonald Ferry
Rock Creek
Wasco
Moro
Cottonwood Canyon
rm 40
Burres St. Pk.
Hay Creek
SHERMAN COUNTY
GILLIAM COUNTY
Ferry Canyon
rm 60
Jackknife Creek
Condon
rm 80
Thirtymile Creek
Pine Creek
SHERMAN COUNTY
WASCO COUNTY
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
rm 100
Fossil
Clarno
rm 120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
Spray
rm 160
Rowe Creek
rm 140
Twickenham
County Road 817
Cherry Creek
Bridge
Creek Road
John Day River Road
Bridge Creek
Gird Creek Road
N
John Day River
study area
SCALE
4 3 2 1 0 2 4 miles

Study Area

Location

The study area is the main stem of the John Day River and its adjoining lands from Service Creek downstream to Tumwater Falls, a distance of 147 miles. Map 4 shows the river corridor. The Service Creek terminus, at river mile 157, is in central Wheeler County. The river flows west from there to the Jefferson County line and then north, forming the boundary of Wheeler, Wasco, Sherman, and Gilliam Counties. Tumwater Falls, at river mile 10, is the lower boundary of the study segment and also the point at which the John Day merges with the waters of Lake Umatilla on the Columbia River.

Topography

The study area is situated within two distinct physiographic areas. The river downstream from the Gilliam-Wheeler line is in the Deschutes-Umatilla plateau; the upstream portion lies in the Blue Mountains physiographic province. The study segment lies in an area of ruggedly eroded lava beds and is generally characterized by deep, steep-walled canyons and statuesque rock formations. Elevations range from 300 feet above sea level to well over 3,000 feet. In some locations, the river is entrenched more than 1,500 feet below the surrounding plateau farmland. The average river gradient is 2.6 feet per mile.

The river valley is moderately incised and narrow from Service Creek downstream 13 miles to Twickenham. The valley widens at Twickenham only to narrow again 33 miles downstream. Near Clarno, the valley reaches its widest point and continues wide for 12 miles to Butte Creek. There the canyon closes in and is deeply entrenched for 57 miles to below Burres State Park at the State 206 bridge crossing. The canyon widens once again on its approach to Lake Umatilla on the Columbia River.

Geology

The oldest exposed rocks in the study area comprise the Clarno Formation of Eocene age. The Clarno Formation consists of sediment deposits of shales, sandstones, and conglomerates, interbedded with volcanic tuffs and lavas. The sequence may be as much as 2,000 feet thick locally.

Overlying the Clarno Formation is the Oligocene John Day Formation, known for its vertebrate fossils. These variegated tuffs and shales outcrop thickly in several areas along the John Day River.

The Columbia River Basalts overlie the John Day Formation. These are distinctive flood basalts deposited during the Miocene, and are still essentially horizontal in the study area.

During the Pliocene age, tuffaceous sedimentary rocks and tuffs were deposited in the northernmost area of the John Day River.

Landslide and debris flow deposited during the Pleistocene age occur as unstratified layers comprised of mixtures of basaltic, andesitic, tuffaceous, and sedimentary bedrock. Recent rock and gravel deposits form bars and beds along the canyon. (See Geologic Map 5.)

Soils

The soils of the study area consist of two broad groupings--soils of the uplands and soils of the flood plain. The upland soils are derived from a wide variety of underlying rock types. They characteristically support a bunchgrass vegetation which is adapted to the arid condition. The flood plain soils are generally finer textured, deeper, and less stony than the upland soils. These soils are primarily used for agriculture wherever drainage is sufficient to allow irrigation. Pockets of excessively wet, alkaline soils also exist which are not farmable.

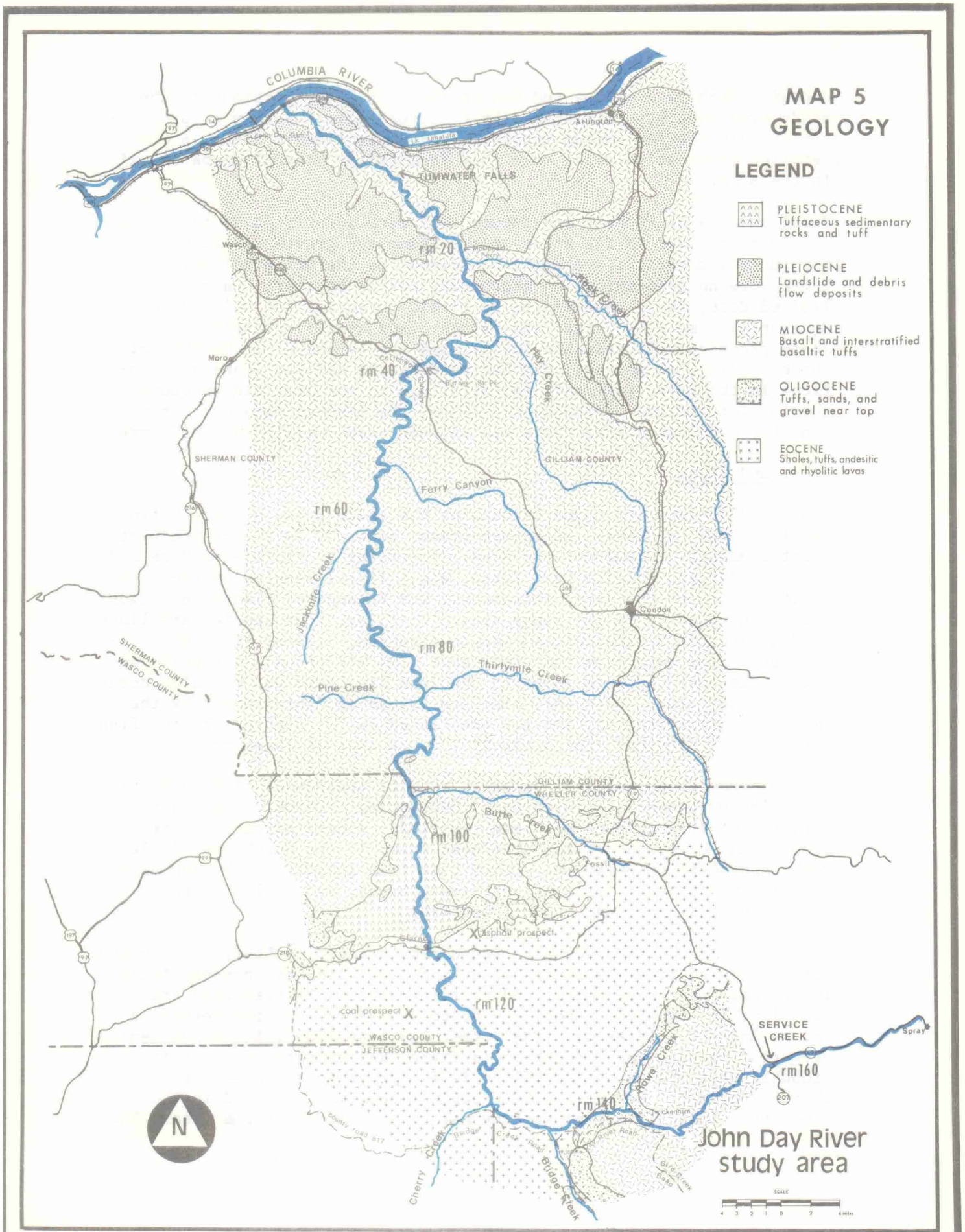
The Soil Conservation Service has a practical way of grouping soils for agricultural uses called "Land Capability Classification." Soil characteristics such as permeability, waterholding capacity, depth, inherent fertility, texture, structure, wetness, acidity or alkalinity, overflow hazards, and slope, and climatic conditions as they influence use, management, and production of land were taken into consideration in grouping soils into eight land capability classes. The agricultural limitations of the groups increase as the class number increases. Class I land has few limitations, whereas Class VIII land is so limited that it is unfit for any cultivation, grazing, or forestry.

According to this generalized land capability classification, most of the soils in the study area are in Class VII, indicating that they have severe limitations for cultivation while being adapted for grazing, woodland, or wildlife uses. Exceptions are areas of Class III alluvial soil found along the floodplain at such locations as Clarno and Twickenham. These areas are suitable for cultivated crops and pasture land.

Mineral and Other Resources

The Bureau of Mines examined parts of the John Day River study area during July and October 1976 to determine if mineral resources or mining activities would affect, or be affected, if the segment were to be added to the National System. No mining claims were identified in the study area, nor were potentially minable metallic or nonmetallic mineral deposits found to exist.

However, Bureau of Land Management geologists point out that the John Day Formation in other areas contains potentially minable industrial


MAP 5
GEOLOGY
LEGEND
PLEISTOCENE
Tuffaceous sedimentary rocks and tuff
PLEIOCENE
Landslide and debris flow deposits
MIOCENE
Basalt and interstratified basaltic tuffs
OLIGOCENE
Tuffs, sands, and gravel near top
EOCENE
Shales, tuffs, andesitic and rhyolitic lavas
COLUMBIA RIVER
TUMWATER FALLS
rm 20
rm 40
rm 60
rm 80
rm 100
rm 120
rm 140
rm 160
Rock Creek
Hay Creek
Ferry Canyon
Jackknife Creek
Thirtymile Creek
Pine Creek
Butte Creek
Rowe Creek
Cherry Creek
Bridge Creek
SERVICE CREEK
SHERMAN COUNTY
GILLIAM COUNTY
WHEELER COUNTY
WASCO COUNTY
JEFFERSON COUNTY
Moro
Wasco
Condon
Arlington
Spray
Fossil
Clarno
Asphalt prospect
coal prospect
John Day River
study area
N
SCALE

deposits such as zeolites and bentonites. In fact, portions of the study area have been classified by U. S. Geological Survey as prospectively valuable for sodium (possibly sodium zeolites). Thus, a more detailed examination might show that nonmetallic mineral deposits exist in the area.

Small amounts of asphalt and impure coal were identified by the Bureau of Mines to occur in the study area. Stone and gravel occur, but better quality materials are available closer to the principal markets. There were no indications of geothermal energy sources. Based on limited data, there appeared to be little potential for oil and gas. However, almost all of the land in the study area is classified as lands prospectively valuable for oil and gas by the U. S. Geological Survey. Also, at present, BLM has pending oil and gas lease applications in the area, and past deep drillings in the area did encounter showing for gas and hydrocarbons. Thus, the limited data may not warrant the conclusion that there are no such resources in the study area.

Flora and Fauna

Scattered juniper are found throughout the study area, primarily from Service Creek to Clarno; sagebrush-grass, however, is the predominant plant community throughout the area. According to the Oregon Rare and Endangered Plant Species Task Force, eight floral species on the "Provisional List of the Rare, Threatened, and Endangered Plants in Oregon" are known to exist in the study area. Of these, four species are listed as "threatened" by the Smithsonian Institution. Two of the eight species are known only from the study area. An additional 24 species on the Provisional List are found in the John Day basin and may also occur in the study area. Of these, nine are listed as "threatened" by the Smithsonian Institution, and two are listed as "endangered" by the Fish and Wildlife Service. See Appendix C for a list of these species.

The John Day River supports valuable runs of anadromous fish estimated to be 15,000 summer steelhead and 5,000 spring chinook. Also, a remnant run of fall chinook has been reported. Ninety percent of the salmon and 70 percent of the steelhead spawn in the North and Middle Forks and their tributaries. Other game fish inhabiting the John Day are smallmouth bass; rainbow, cutthroat, brook, and Dolly Varden trout; whitefish; bullhead; and channel catfish.

Large mammals in the study area include mule deer, coyotes, and bobcats. Along with waterfowl, a number of upland game birds are present including chukar partridge, quail, and mourning doves. Rattlesnakes are prevalent in the area. Among the raptors observed are the peregrine falcon and the bald eagle. The former has been identified as an "endangered" species and the latter is listed as "threatened." It is probable that the peregrine falcon is a migrant to the area rather than a resident. However, a bald eagle's nest was reported in the study area indicating that species may be a resident of the area. The

Fish and Wildlife Service reports that about 20-30 bald eagles are known to winter along the John Day from Service Creek to Tumwater Falls. No concentration of eagles occurs, but rather they are dispersed throughout this reach of the river.

Streamflow Characteristics

There is essentially no flow regulation in the John Day River basin because of the lack of storage reservoirs. Low flows generally occur from July to November, and moderately high flows occur from December to June. Flooding occurs most years. In December 1964, a major flood took place as a result of combined heavy rains and snowmelt. The peak flows during that flood were 42,800 c.f.s. at the McDonald Ferry gaging station (river mile 20) and 40,200 c.f.s. at the Service Creek gaging station (river mile 160). The flood carried 3,800,000 tons of sediment past the McDonald Ferry station in one day.

During the late winter and spring, snowmelt increases the streamflow so that about 80 percent of the average annual runoff occurs during the months of March through June. The average annual runoff for the John Day River at McDonald Ferry for the years 1927 through 1977 was 1,999 c.f.s. However, USGS records show that there was no flow at this station on September 2, 1966, and at times during the months of August and September 1976. The minimum flow ever recorded at Service Creek was 6 c.f.s. on August 23 and 24, 1973. Table 3 shows the average monthly discharges at Service Creek for the years 1930-1977 and McDonald Ferry for the years 1927-1977.

Table 3. Average Monthly Discharge at Selected Stations Along the John Day River (cubic feet per second)

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	MEAN
Service Creek												
298	564	1154	1527	2105	3217	5067	4757	2338	497	157	152	1815
McDonald Ferry												
311	592	1160	1640	2425	3601	5604	5097	2677	615	178	161	1999

Water Rights

Oregon water law follows the appropriation doctrine. Permits to appropriate water for beneficial purposes from both surface and ground water sources are issued by the Oregon Water Resources Department. Water rights and permits are generally appurtenant to the land. Under the first-in-time, first-in-right principle, use under junior water rights may be curtailed during periods of shortage.

Policies governing future water use are established by the Oregon Water Policy Review Board. Program statements classifying waters and, in

some cases, setting minimum flows, have been established in most areas of the state including the John Day River basin. The classification for the John Day basin allows domestic, livestock, municipal, irrigation, power development (not exceeding 7-1/2 theoretical horsepower), industrial, mining, recreation, wildlife, and fish life uses from direct streamflow. Minimum stream flows established in the study segment are 30 c.f.s. at Service Creek and 20 c.f.s. at McDonald Ferry. This does not guarantee that these flows will always be maintained. However, if the water is present, these flows will be protected from diversion for other uses.

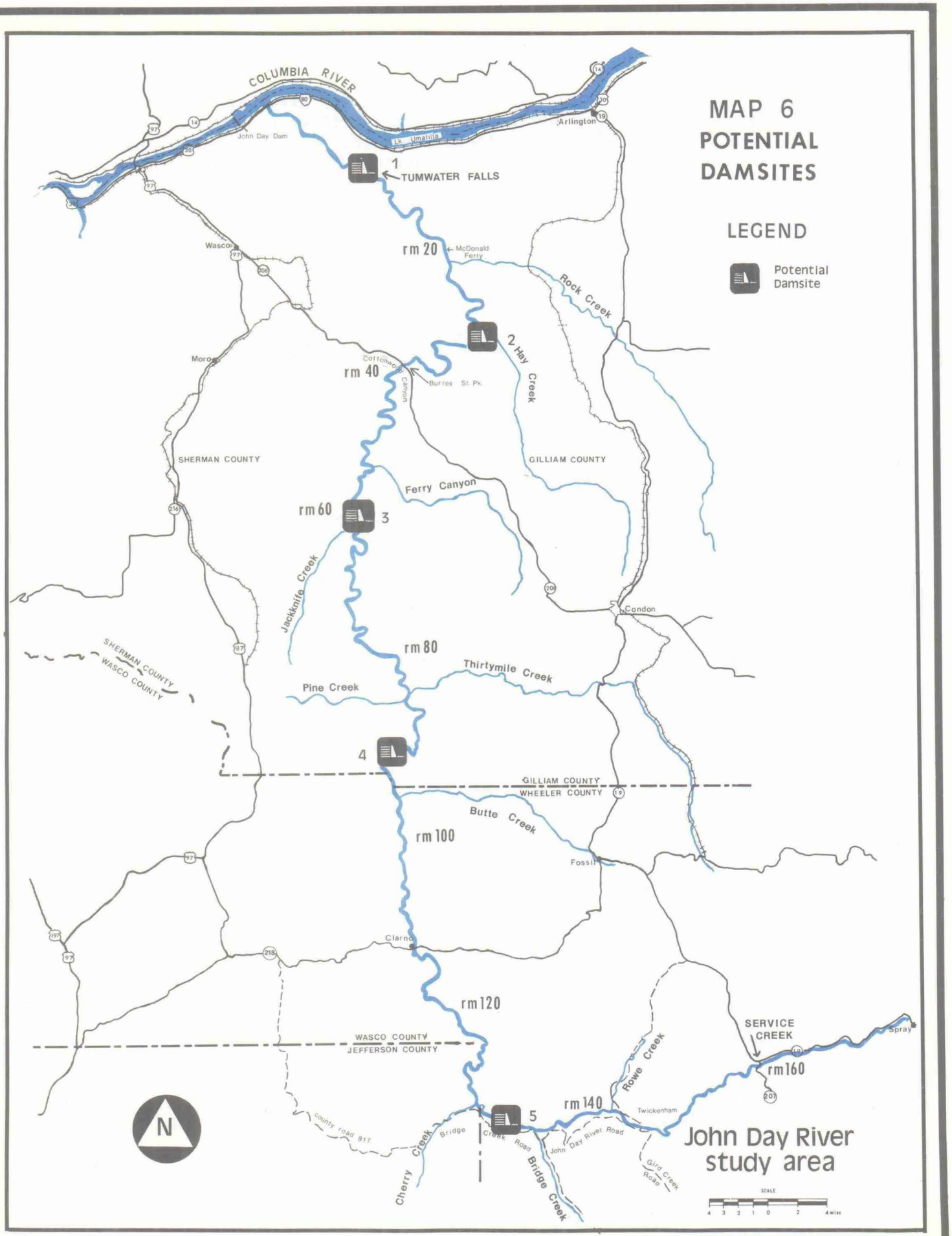
Rights, permits, and applications to appropriate water directly from the John Day River between Tumwater Falls and Service Creek total 81 c.f.s. and apply to 3,684 acres of land. All recorded rights from the main stem within the study section are for irrigation and supplemental irrigation water supplies. As a comparison, long established rights in the upper portion of the basin, in Grant County, total 925 c.f.s. and apply to 37,000 acres of land.

Federal and Federally Licensed Water Projects

There have been no specific sites identified in the study area subject to licensing by the Federal Energy Regulatory Commission. The Corps of Engineers, as part of the Columbia River and Tributaries Study, is presently inventorying potential dam sites for a variety of purposes (system storage, hydroelectric power generation, and other uses). Five conventional storage sites have been located in the study area: Tenmile Falls (river mile 10), Mikkalo (river mile 29), Jackknife (river mile 60), Butte Creek (river mile 93), and Twickenham (river mile 137). No detailed studies of these sites are in progress nor are any planned at this time. The five sites are shown on Map 6. The Corps of Engineers, in 1976, also completed an inventory of potential pumped storage sites within the Columbia Basin. That inventory identified four potential pumped storage sites on the John Day River located within the study segment. More recent investigations have concluded that because of their limited storage capacity, none of these pumped storage sites warranted further consideration at this time.

Water Quality

In the 1976 Proposed Water Quality Management Plan for the John Day River basin, the Oregon Department of Environmental Quality recommended a classification of "water quality limiting." This recognized that, despite utilizing the best possible treatment of point source pollution, certain water quality elements occasionally will not meet the water quality standards established for the basin. High fecal coliform bacteria concentrations have been recorded with about one-third of the readings exceeding the minimum allowable count (200/100 ml) acceptable for primary contact as required for classifying the stream as "wild."


MAP 6
POTENTIAL DAMSITES
LEGEND
Potential Damsite
COLUMBIA RIVER
John Day Dam
Lk. Umatilla
Arlington
1
TUMWATER FALLS
rm 20
McDonald Ferry
Rock Creek
Wasco
Moro
2
Hay Creek
rm 40
Cottonwood Canyon
Burres St. Pk.
SHERMAN COUNTY
GILLIAM COUNTY
Ferry Canyon
rm 60
3
Jackknife Creek
Condon
rm 80
Thirtymile Creek
Pine Creek
SHERMAN COUNTY
WASCO COUNTY
4
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
rm 100
Fossil
Clarno
rm 120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
Spray
rm160
Rowe Creek
rm 140
Twickenham
5
County Road 817
Cherry Creek
Bridge
Creek Road
John Day River Road
Bridge Creek
Gird Creek Road
N
John Day River study area
SCALE
4 3 2 1 0 2 4 miles

Water quality in the lower reach of the John Day River at river mile 39.7 was sampled in 1976 during daily average flows ranging between 210 and 9,300 c.f.s. Fecal coliform concentrations exceeded the maximum State standard on three occasions during the sampling period.

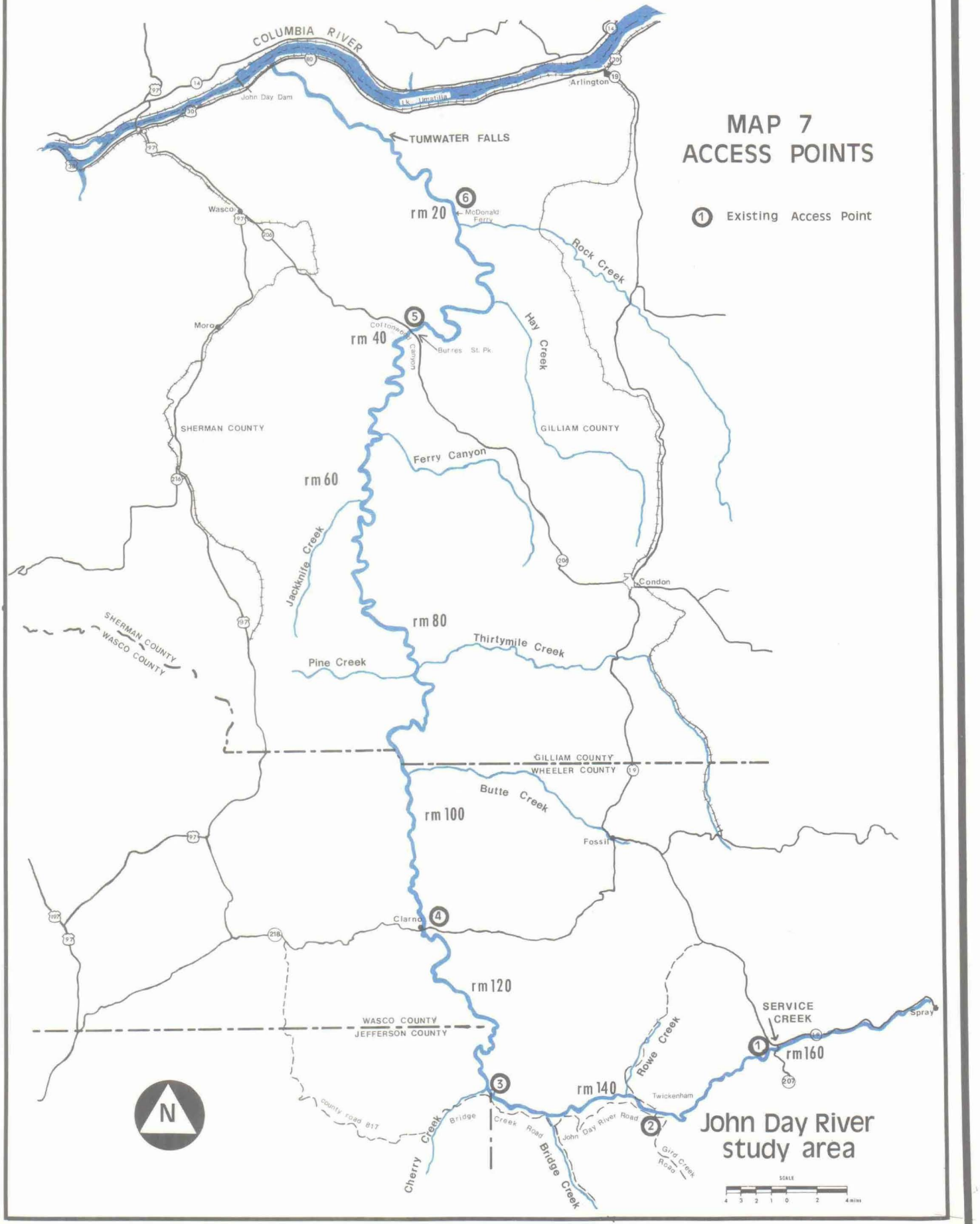
The Environmental Protection Agency also examined water quality data at several sampling stations from river mile 157 to the mouth of the John Day and found that fecal coliform counts occasionally exceeded their limit for primary contact during June through September. It also found that there is a nutrient problem during much of the year with excessive levels of ammonia and nitrates, that summer water temperatures frequently are high enough to be detrimental to anadromous fish, and that turbidity exceeded its limits during run-off and extremely low flow periods.

The nutrient problem appears to be related to nonpoint-source run-off primarily from pasture and grazing lands. Turbidity is attributed to nonpoint-source soil erosion throughout the watershed which probably results from the long-term effects of past logging and current livestock grazing. The principal source of fecal coliform bacteria is livestock waste with wildlife also contributing to the occasional high count. This problem is magnified because of the soil surface condition caused by over grazing.

At the present time, there are two projects which are obtaining information on the John Day River. The first is the Sediment Reduction Project. Through this study, the Counties of Wasco, Sherman, Gilliam, Morrow, and Umatilla are developing a joint Section 208 plan. This type of plan is one of three programs provided for in the Federal Water Pollution Control Act Amendments (P. L. 92-500) passed by Congress in 1972. The 208 program provides funds for developing areawide waste treatment planning and management strategies. The second effort includes gathering information on nonpoint-source problems in the State. Together, these efforts should result in improvement of water quality in the lower portion of the John Day River. Specifically, problems caused by nonpoint-sources of pollution such as forestry and agricultural practices should be helped.

River Access

The entire river segment is legally and physically a "public water highway for boaters." However, public access to the river is limited to six points. These access areas are identified by number and shown on Map 7. One (1) is at the upper boundary of the study segment at the bridge crossing of State Route 207 near Service Creek (river mile 160). Just downstream from the Service Creek area (2), access is available on a graveled county road in the Twickenham area (river mile 143). Additional limited access is also available between Bridge Creek and Cherry Creek (3) from another graveled county road (river mile 130). The Clarno area (4) is a popular access point


MAP 7
ACCESS POINTS
1 Existing Access Point
COLUMBIA RIVER
John Day Dam
Lk Umatilla
Arlington
TUMWATER FALLS
rm 20
McDonald Ferry
Wasco
Rock Creek
Hay Creek
Moro
rm 40
Columbia Canyon
Burres St. Pk
SHERMAN COUNTY
GILLIAM COUNTY
Ferry Canyon
rm 60
Jackknife Creek
Condon
rm 80
Thirtymile Creek
Pine Creek
SHERMAN COUNTY
WASCO COUNTY
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
rm 100
Fossil
Clarno
rm 120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
Spray
rm160
Rowe Creek
rm 140
Twickenham
John Day River Road
Gird Creek Road
Cherry Creek
Bridge Creek
Creek Road
County road 817
N
John Day River study area
SCALE
4 3 2 1 0 2 4 miles

(river mile 110). Here boaters take-out after putting in at Service Creek or start their float downstream through one of the more remote sections of the canyon. Another major point of access is at the Cottonwood Canyon Bridge crossing at J. D. Burres State Park (5) on State Highway 206 (river mile 40). This is generally used as a take-out point for those boaters putting in at Clarno or at Service Creek. Public access is also available at McDonald Ferry (6) via a graveled county road which extends between Wasco in Sherman County and Rock Creek in Gilliam County (river mile 20).

Land Use and Ownership

Ranching and livestock production are the predominant land uses along the study segment of the John Day River. About 90 percent of the lands near the river is open range used by livestock, primarily cattle. Hay production occurs on the other 10 percent along the wider river terraces.

Forty-seven percent of the lands fronting on the river are in Federal ownership (BLM), with most located in Sherman and Gilliam Counties. The State owns 1 percent. The other 52 percent is in private ownership. Wheeler County has the highest percentage of private lands along the river. (See Land Ownership Tables 4 and 5 and Map 8.)

Table 4. John Day Riverfront Ownership (Miles)

County	Private	BLM	State	Total
Sherman	33.4	51.1	.3	84.8
Gilliam	33.4	52.7		86.1
Wasco	19.2	8.0		27.2
Wheeler	61.8	24.2	2.4	88.4
Jefferson	4.3	3.2		7.5
	152.1	139.2	2.7	294.0*

*This figure is twice the length of the study segment because both sides of the river are included.

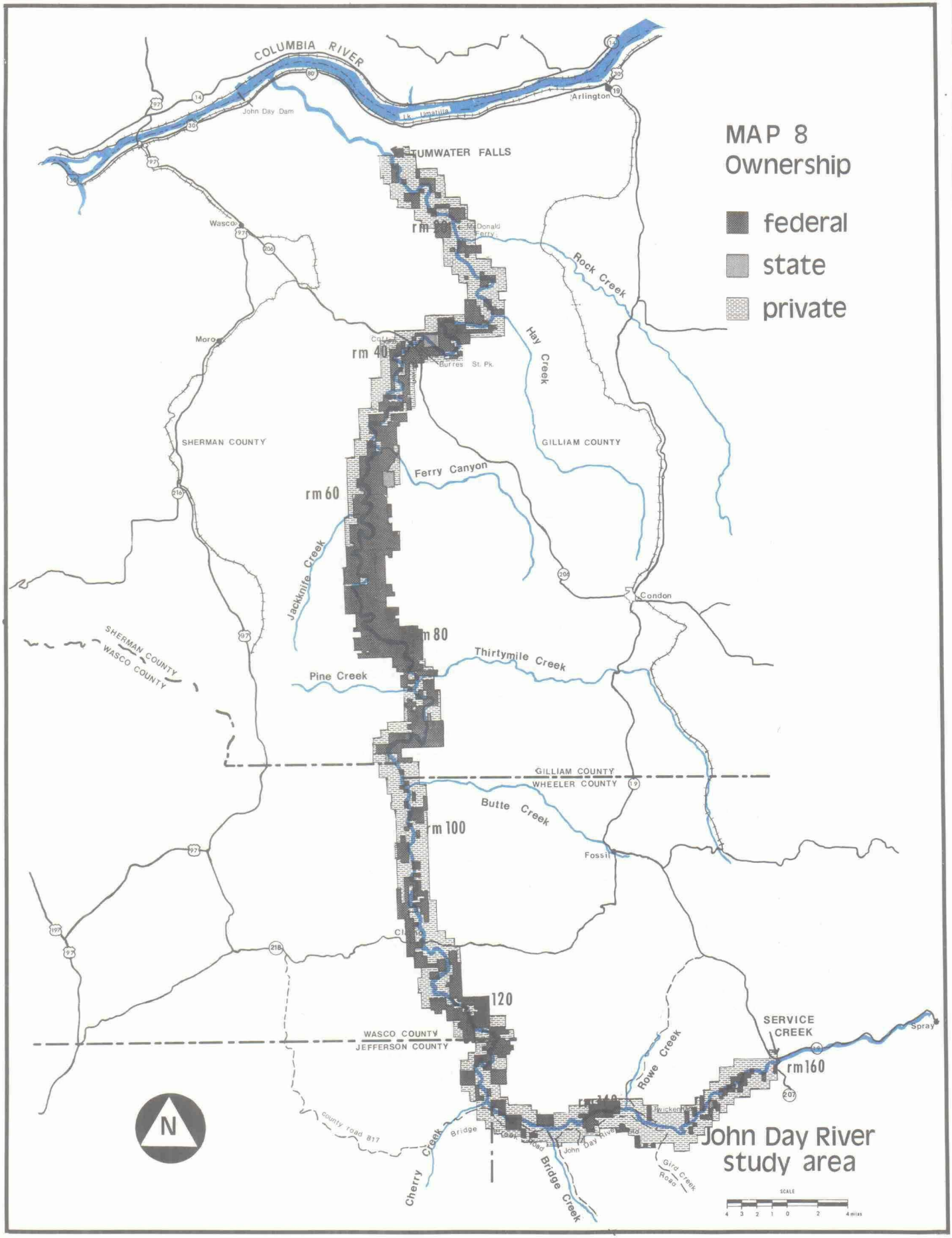

MAP 8
Ownership
federal
state
private
COLUMBIA RIVER
John Day Dam
Lk. Umatilla
Arlington
TUMWATER FALLS
rm
McDonald Ferry
Rock Creek
Wasco
Moro
rm 40
Cottonwood
Burres St. Pk.
Hay Creek
SHERMAN COUNTY
GILLIAM COUNTY
Ferry Canyon
rm 60
Jackknife Creek
Condon
rm 80
Thirtymile Creek
Pine Creek
SHERMAN COUNTY
WASCO COUNTY
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
rm 100
Fossil
120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
Spray
rm160
Rowe Creek
Twickenham
county road 817
Cherry Creek
Bridge
John Day River
Road
Bridge Creek
Gird Creek Road
John Day River
study area
N
SCALE
4 3 2 1 0 2 4 miles

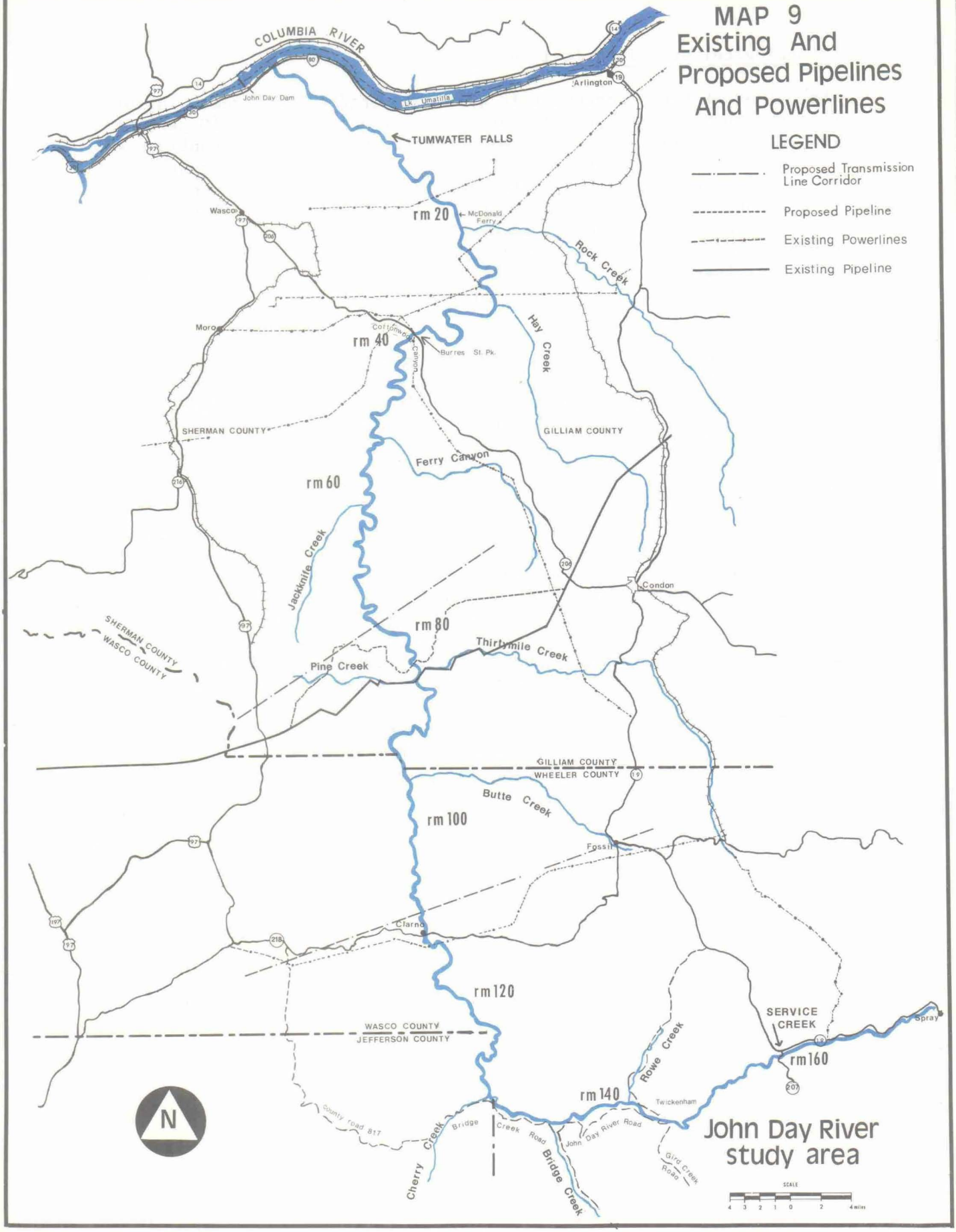
Table 5. John Day Riverfront Ownership (Percent)

Private	52
Federal (BLM)	47
State	1
Total	100
County	
Sherman	29
Gilliam	29
Wasco	9
Wheeler	30
Jefferson	3
Total	100

Utility Corridors

Six electric powerlines cross the study segment. A Pacific Power and Light Company 69-kV line crosses the river approximately 1-1/2 miles downstream from McDonald Ford at river mile 19. The Bonneville Power Administration (BPA) McNary-Maupin 230-kV steel tower line #2 and the Slatt-Marion 500-kV double circuit line cross the John Day between Scott Canyon and Rock Creek at river mile 23. The Columbia Basin Electric Cooperative 23-kV line crosses the John Day between Scott Canyon and Hay Creek at river mile 28. The BPA Demoss-Fossil 115-kV wood pole line crosses the river at Cottonwood Canyon at river mile 40. The Columbia Power Cooperative 69-kV line crosses the river south of Clarno near Pine Creek approximately between river miles 110-111 and 111-112. In addition, a pipeline of the Pacific Gas Transmission Company crosses beneath the river upstream from Thirty Mile Creek approximately at river mile 85. Map 9 shows the existing pipeline and powerlines.

It is possible that the second line crossing the John Day at river mile 23 will be rebuilt to higher capacity. The entire corridor would, thus, be expanded by constructing additional higher capacity lines. The Bonneville Power Administration Demoss-Fossil 115-kV wood pole line at river mile 40 could be rebuilt to higher capacity in the future. Also, according to BPA, in view of long-range energy requirement projections, a high-capacity east-west corridor may be required which would cross the John Day River between the town of Clarno and a point 20 air miles north of Clarno. The Pacific Gas Transmission Company has applied for Federal Energy Regulatory Commission authority to expand its present pipeline system. This would include a second pipeline across the John Day about a mile downstream from its existing line at river mile 85. Map 9 shows the proposed pipeline and powerlines.


MAP 9
Existing And
Proposed Pipelines
And Powerlines
LEGEND
Proposed Transmission Line Corridor
Proposed Pipeline
Existing Powerlines
Existing Pipeline
COLUMBIA RIVER
John Day Dam
Lk. Umatilla
Arlington
TUMWATER FALLS
rm 20
McDonald Ferry
Rock Creek
Wasco
Moro
rm 40
Cottonwood Canyon
Burres St. Pk.
Hay Creek
SHERMAN COUNTY
GILLIAM COUNTY
Ferry Canyon
rm 60
Jacknife Creek
Condon
rm 80
Thirtymile Creek
Pine Creek
SHERMAN COUNTY
WASCO COUNTY
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
rm 100
Fossil
Clarno
rm 120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
Spray
rm 160
Rowe Creek
rm 140
Twickenham
County Road 817
Cherry Creek
Bridge Creek
John Day River Road
Gird Creek Road
N
John Day River
study area
SCALE
4 3 2 1 0 2 4 miles

Archeological and Historical Values

The Bureau of Land Management in 1976 conducted a 100 percent cultural resource survey of all public lands along the river and a 10 percent sample of all private lands between Service Creek and the confluence of the John Day with the Columbia River. In 1979, the BLM contracted with the University of Oregon to compile an overview and inventory of all known cultural resources in the area. Archeological sites in the study area were found to be abundant. According to the State Historic Preservation Office, surveys of the canyon suggest an average of two or three archeological sites per river mile. Historic sites associated with the Oregon Trail and early mining activities are also present.

A small number of these prehistoric and historic sites appear to be worthy of nomination to the National Register of Historic Places. The Bureau of Land Management, recognizing the value of archeologic and historic sites on its land, plans to nominate several of these sites to the National Register.

Outdoor Recreation Use

The immediate river environment provides a wide variety of recreational opportunities including hunting, fishing, boating, swimming, tubing, rock hounding, bird watching, camping, and picnicking. The Oregon Department of Fish and Wildlife estimated that about 18,000 hunter days occurred there in 1976, as well as approximatley 8,200 angler days, including 6,600 days of steelhead and salmon fishing and 1,600 days of warmwater fishing. The Oregon State Parks and Recreation Branch, based on extremely limited data, estimated 5,000 days of other kinds of recreation use, mostly boating, including 4,000 during the 1976 spring season and 1,000 during the balance of the year. The study segment offers a lengthy, relatively easy spring "run" by either drift boat, canoe, kayak, or raft.

V. IMPACT OF THE PROPOSAL ON THE AFFECTED ENVIRONMENT

The following discussion of impacts is based on the assumption that the 147-mile study segment is added to the National Wild and Scenic Rivers System as proposed and as provided for under Section 2(a)(ii) of the Wild and Scenic Rivers Act.

Because this study was primarily conceptual and because extensive developments are not proposed, specific site information is not presented in most instances. The impacts which may be expected are described in as much detail as possible.

Impact on the Local Economy

Recreationists coming into the region (defined roughly as the John Day River basin) from outside of the region can be expected to add to the income of the local area. This income would be generated by expenditures for outfitters/guides for float trips, motel/restaurant operations, groceries, gasoline, and automotive supplies. Incremental gross visitor income to the region by the year 2000 is estimated to be about $400,000. Not all of this income will continue to benefit residents as a large percentage will be respent outside the region. However, partially offsetting this loss is the increase in that portion that remains arising out of its spending and respending. The net effect on annual regional income, then, is estimated to be an increase of about $150,000 by the year 2000.

Increased recreation use in the area will have an effect on local public services. Increased road traffic will lead to increased maintenance costs. Law enforcement, fire suppression, and search and rescue operations are services that local governments would extend as a direct result of increased recreation use. However, expected additional outlays by local governments would probably be no more than $25,000 annually by the year 2000. Furthermore, costs borne by local government as a result of increased recreation use will be mitigated by Federal and State financial assistance. The Marine Safety and Law Enforcement Program, administered by the State Marine Board, can reimburse local law enforcement agencies, through negotiated contracts, for services provided on State waterways. The BLM also has authority to subsidize law enforcement.

Initially, no private lands are proposed for acquisition. However, it is possible that in the future, the Bureau of Land Management or State could acquire lands. If lands were acquired, some county tax revenues would be lost. This loss will be partially offset by "payment in lieu of taxes" which the Federal government must make when acquiring private lands. Payments are based on population and acreage within a county and can benefit a local area when lands are acquired by a Federal agency. As there are no plans for acquisition at this time, no estimates of either losses or payments have been calculated.

Impact on Soils

Lands adjacent to the river are susceptible to erosion so the potential exists for some adverse impacts from recreation use and the development of the limited number of access points and camping areas. In the long run, however, there will be less erosion than would occur if the river were not protected and the kinds and amounts of recreation use were not controlled.

Impact on Mineral and Other Resources

As the river segment is proposed for "scenic" classification, the corridor would not be withdrawn from mineral entry. However, under the Wild and Scenic Rivers Act, as amended, all mining activities and operations on Federal lands would be subject to regulation as prescribed by the Secretary of the Interior. These regulations would provide safeguards against pollution of the river and unnecessary impairment of the scenery in the river corridor. In other portions of the river corridor, mining and extractive activities would be regulated under the Oregon Scenic Waterways System Act.

Impact on Flora and Fauna

Initially, designation of the river will attract more use than would otherwise occur. This will exert pressures on fish, wildlife, and vegetation and result in some adverse impacts. In the long run, however, limitation on the amounts and kinds of use and more careful management and better surveillance of the area will have a more favorable result than if the river segment were not designated. Special measures will be taken to identify endangered plant and animal species and to protect them from adverse uses.

The peregrine falcon, listed as an endangered species, and the bald eagle, listed as threatened, have been sighted in the study area. As required under Section 7 of the Endangered Species Act of 1973, the Fish and Wildlife Service was asked for a formal consultation. The Service, in its response, indicated that the peregrine falcon can be seen on the lower reaches of the river; however, these birds are migrating through and not resident to the area. An active bald eagle nest was reported in Gilliam County in 1976. Its present status is unknown. If the river were to be included in the National System, the status of this nest should be updated and identification be made of the property ownership where the nest is located. Overall, the Fish and Wildlife Service concludes that the proposed designation of the river segment is not likely to jeopardize the continued existence of the bald eagle and peregrine falcon, provided detailed surveys are completed to determine if any active nests occur within the area that will be managed as part of the National Wild and Scenic Rivers System. Further, should nests be found, they should be protected in accordance with the guidelines outlined in "Bald Eagle Management Guidelines, Oregon and Washington."

Impact on Streamflow Characteristics

Streamflows in the John Day study segment vary widely, with low flows generally occurring from July to November, and moderately high flows from December to June. Flooding is generally caused by snowmelt, rainstorms, or both combined. Low flows are primarily due to seasonally low rainfall and irrigation withdrawals. The recommended plan would have no impact on flows in the John Day River.

Impact on Water Rights

Policies governing future water uses and rights are established by the Oregon Water Policy Review Board. The classification for the John Day basin allows domestic, livestock, municipal, irrigation, power development (not exceeding 7-1/2 theoretical horsepower), industrial, mining, recreation, wildlife, and fish life uses from direct streamflow. At the present time, all recorded rights from the main stem John Day within the study section are for irrigation and supplemental irrigation water supplies.

No change in existing water rights will occur. No water rights will be acquired to enhance stream flows for purposes of the National Wild and Scenic Rivers Act. Existing State policy would allow additional diversions under National Wild and Scenic River designation; however, these would be subject to the provision of minimum flows in this river stretch as at present.

Impact on Federal and Federally Licensed Water Projects

The Corps of Engineers has identified and made preliminary reconnaissance studies of five conventional multiple-purpose storage sites that are located within the study segment. That agency has no current plans for further study of those sites. There have been no preliminary permits or licenses issued by the Federal Energy Regulatory Commission for the John Day study segment, nor have any potential hydroelectric sites been identified for development by private power interests.

Inclusion of the study segment in the National Wild and Scenic Rivers System will help ensure that the river environment is preserved in its free-flowing condition. Licensing of projects on the river segment in the National System by the Federal Energy Regulatory Commission would be precluded. No dam or other water project having a direct and adverse effect on the area's scenic and recreational qualities or the free-flowing qualities of the river could be financed, constructed, or otherwise assisted (through granting of permits or licenses) by a Federal agency without the consent of Congress.

Impact on Water Quality

Little change in water quality could be expected if the proposal is implemented. Limitations on the kinds and amounts of recreation use

plus proper management of waste disposal should prevent further deterioration of water quality. Although not related to the proposed action, it is likely that with implementation of the current 208 plan and other proposed measures, the quality of the water in the study segment will improve in the future.

Impact on River Access

There are presently six existing access sites to the river in the study segment. Inclusion of the segment within the National System would have no impact on these existing areas other than to upgrade them, where needed. A few additional access points may be provided.

Impact on Land Use and Ownership

Existing land uses will remain much the same if the recommended plan is adopted. Livestock grazing and crop production will continue and are compatible with the recommended Scenic classification. Land uses on private lands adjacent to the river will continue to be controlled under the State Scenic Waterways Program. Specific provisions of this program are outlined in Appendices A and B. In general, however, the State program seeks to protect and enhance the aesthetic and scenic values of adjacent lands within one-quarter mile of the river while permitting compatible agriculture, forestry, and other similar land use.

Initially, the proposal will have no effect on existing land ownership. At some future time, it is possible that a small amount of private land could be acquired for public access or camping purposes.

Impact on Utility Corridors

Future pipelines and transmission lines would not be prohibited; however, the management plan for the river would outline proposed standards and recommend measures to minimize impacts of future powerline or pipeline construction. These measures would include, among others, criteria which would ensure minimal impact on the river environment. Such criteria would be limited to environmental-ecological considerations and would not include the technical aspects of actual design.

Impact on Archeological and Historical Values

There are abundant archeological sites and, possibly, significant historical sites dating from early homesteading and mining. If the river is added to the National System, special protection will be provided these sites.

The preparation of management and development plans will be coordinated with the Oregon State Historic Preservation Officer, and the Advisory Council on Historic Preservation will be afforded an opportunity to comment on those plans prior to implementation.

Impact on Outdoor Recreation Use

Under the recommended plan, hunting use will remain at its present level, or about 18,000 hunter days annually through the year 2000. Annual angling use, presently at 8,200 angler days, is expected to more than triple by the year 2000. General recreation use, now at a level of 5,000 recreation days, is expected to grow to 10,000 recreation days by the early 1980's, and increase to 30,000 days by the year 2000. This use would be distributed over most of the year with hunting an autumn pursuit, fishing occurring in the spring and fall, and boating and associated activities confined mainly to spring and early summer. Studies will be made to determine the quantity and mix of recreation uses which will sustain the river environment and the quality of recreation experience. The State and BLM will then manage the use at that level.

VI. ALTERNATIVES TO THE PROPOSED ACTION

Three alternatives to the addition of the 147-mile segment of the John Day to the National System upon request from the Governor of Oregon to the Secretary of the Interior are considered in this report, as follows:

1. No Action.

2. Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.

3. Inclusion of the 147-Mile Segment of the John Day in the National Wild and Scenic Rivers System by Act of Congress.

Alternative 1 - No Action

Under this alternative, some private lands could be acquired by the State or the Bureau of Land Management although there are no plans at this time for any land acquisition. If lands were to be acquired in the future, some tax revenues to local governmental units would be lost.

Land use would probably continue in much the same pattern as currently exists. Public lands in the river corridor are managed with emphasis on their recreation and scenic values. Private lands adjacent to the river will be controlled under the State Scenic Waterways Program. Livestock grazing and crop production will continue in much the same manner as presently takes place.

Archeological and historic sites could be damaged as recreational use increases. These cultural resources would be subject to increased vandalism and possible destruction by visitors to the area.

There is no placer mining permitted on waters within the Oregon Scenic Waterways System. In addition, removal of material from or alteration of the beds of scenic waterways is prohibited except as permitted by the Director of State Lands. Also, the surface of related adjacent lands cannot be disturbed for mining or prospecting without obtaining the approval of the State. Thus, the John Day, as part of the Oregon Scenic Waterways System, will continue to be protected from mining or other extraction activities which would impair the values of the river and its adjacent lands.

Policies governing future water uses and rights are established by the Oregon Water Policy Review Board. Under the no action alternative, as with the recommended plan, this will continue. Existing State policy will allow additional diversions but not in excess of established

minimum river flows. Withdrawals for irrigation and supplemental irrigation water supplies will continue as in the past. Existing water rights will remain much the same as at present.

There have been no potential hydroelectric sites identified for development by private power interests. However, it is possible, though unlikely, that in the future the Federal Energy Regulatory Commission could issue a license for power development in the study stretch. The Corps of Engineers has identified five storage sites in the river corridor. Status under the Oregon Scenic Waterways System would not preclude Federal development. However, it is unlikely that a Federal agency would propose development in an area within the Oregon Scenic Waterways System. Thus, it is likely that the study segment will remain in its present free-flowing condition.

If not properly managed, increased recreation use could further degrade the water quality of the John Day study segment. However, offsetting this is the very real possibility that, with implementation of the 208 plan and other measures, water quality will improve in the future. Therefore, some of the problems now occurring in the John Day may be alleviated.

Under the no action alternative, some increases in recreation use can be expected. If this increased use were substantial, there could be some adverse impact on soils and vegetation. However, the expected increases should have no serious adverse impacts on soils in the area. Also, recreational development would be minimal; thus, impacts on soils and vegetation would be minor.

Fishery resources could be expected to remain much the same under the no action alternative. The one change that could take place would be the loss of the anadromous fishery if impoundments were to be constructed. However, as the chance of such construction is remote, it can be predicted there would be no major changes in the river fishery. However, increased recreational use could have an impact on wildlife in the study area. Impacts would be very similar as those discussed under the recommended plan.

The Oregon Scenic Waterways Act does not prohibit the construction of future pipelines and transmission lines. Thus, it is likely that at some time in the future, corridors will be expanded in the John Day River study segment. However, because of the river's status, measures would be taken to minimize these impacts on the natural river values. These would include, among others, design features which would have the least adverse effect on the surrounding landscape.

Under this alternative, general recreation use, including river floating and associated activities, is projected to increase from its present level of 5,000 recreation days to about 8,000 in the early 1980's, growing to 20,000 recreation days by the year 2000. Fishing use is

expected to increase from its present level of about 8,200 angler days to approximately 28,000 angler days during this same period. Hunting use is expected to remain at about 18,000 hunter days. This use would be spread fairly evenly throughout most of the year thus minimizing user impacts on the river environment. However, unmanaged use and lack of recreational facilities could degrade the recreation experience.

As in the case of the recommended plan, recreationists coming into the region could be expected to spend money on various goods and services. A substantial portion of expenditures would be for guides/outfitters services. The net effect on regional income is estimated to be an increase over present annual levels of about $130,000 by the year 2000.

Increased recreational use would necessitate increased expenditures by local governments for law enforcement and other services. These costs, however, would probably not exceed $25,000 annually by the year 2000. Furthermore, these costs can be reimbursed by the State Marine Board, and the Bureau of Land Management has authority to subsidize law enforcement. Thus, impacts on local governmental entities would not be significant.

Alternative 2 - Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.

Under this alternative, Congress would add to the National Wild and Scenic Rivers System the 58-mile segment of the John Day between Butte Creek at river mile 98 and Cottonwood Canyon at river mile 40. That portion was selected because of its high quality scenic value and natural character. In addition, over 90 percent of the adjacent land in that segment is administered by the Bureau of Land Management. Lateral boundaries will be determined when more detailed studies are initiated. The authorizing legislation will direct BLM to administer that segment to preserve the qualities that make it suitable for addition to the National System.

Under this alternative, some private lands may be acquired by the Bureau of Land Management in the future on a willing buyer-willing seller basis. However, these would not be major acquisitions as lands adjacent to the river are already protected as part of the Oregon Scenic Waterways System; thus, loss in tax revenues will be minimal. At the same time, land use in the river corridor will remain essentially the same as now exists. No change in water rights would take place, but diversions would be limited to retain minimum flows in the river as currently provided by Oregon law. Federal and federally licensed water resource development would be prohibited in the 58-mile river stretch, though development could, but very likely would not, take place on the remainder of the 147-mile river stretch.

Although not associated specifically with this alternative, water quality will very likely improve with implementation of the 208 plan in the basin. Impacts on soils and vegetation are expected to be minor because of minimal recreational development. The fishery resource would remain unchanged as dams will be precluded in the 58-mile stretch. Further downstream and upstream, however, in the State-designated portion of the river, three dam sites have been identified, but it is unlikely that these would ever be developed. Impacts on wildlife would be almost identical to those described for the recommended plan and no action alternative. Future pipeline and powerline construction will not be prohibited, but lines and other structures will be designed to have a minimum impact on the aesthetics of the area. As under the recommended plan, mining would not be prohibited in the 58-mile segment. However, any activity would be subject to control by the Secretary of the Interior. The State would exercise similar controls for the remaining river segment.

Under this alternative, general recreation use in the entire 147-mile river corridor could be expected to increase from its 1976 level of 5,000 annual recreation days to about 9,000 days in the early 1980's and ultimately to 25,000 recreation days by the year 2000. Fishing use, now at a level of about 8,200 angler days, is projected to increase to approximately 28,000 angler days by the year 2000. Hunting is estimated to remain at its present level of 18,000 hunter days for the entire 147-mile river segment. Increased recreational use in the region would add about $140,000 to the local economy. Offsetting this, however, increases in the cost of local services could be expected. These will, though, be largely offset by State and Federal payments to local governmental entities.

Alternative 3 - Inclusion of the 147-Mile Segment of the John Day in the National Wild and Scenic Rivers System by Act of Congress

Under this alternative, Congress would add to the National Wild and Scenic Rivers System the 147-mile segment of the John Day between Service Creek and Tumwater Falls. The impacts of this alternative would be virtually identical to those of the recommended plan. The only difference is that the specific authority contained in the Wild and Scenic Rivers Act for Federal agencies to acquire lands or interests in lands for the purpose of protecting the river environment would be applicable under this alternative, but not under the recommended plan.

It is expected that there would be strong resistance locally to this option.

VII. PRINCIPLES AND STANDARDS ANALYSIS AND DISPLAY

The Principles and Standards for Planning Water and Related Land Resources was published by the Water Resources Council on September 10, 1973, in the Federal Register, Volume 38, Number 174, Part III, and became effective on October 25, 1973. These Principles and Standards supersede "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources," approved by the President on May 15, 1962, and published as Senate Document No. 97.

The Prinicples and Standards were prepared to guide Federal water resources planning activities. They provide improved planning criteria to achieve the goal of wise use of the Nation's water and related land resources giving full consideration to the protection and enhancement of environmental values.

The Principles and Standards provide planning concepts to be used in the systematic analysis of water and land resources for the purpose of determining from among the alternative solutions that solution which makes best use of the resources while meeting needs of society in a manner acceptable to the public. They provide for full consideration of environmental quality by including in the planning process a requirement for systematically relating all aspects of water and related land resources planning equally to economic and environmental planning objectives. The Principles and Standards require these relationships to be clearly and concisely displayed in summary form for the benefit of the planner, the public, and the administrator to improve the public decision-making process. The display accounts include the results of analyses of impacts of each identified alternative on the national economic development, environmental quality, regional development, and social well-being. The displays give Congress and others an opportunity to fully evaluate projected effects and tradeoffs of alternative plans. The display tables provide for comparison of alternative plans through identification of tradeoffs between components of the plans and an analysis of the resulting transfers of benefits and costs between regions and among segments of the affected population.

In most cases, at least two alternative plans will be developed, one emphasizing national economic development and the other emphasizing the environmental quality objective. However, in the case of the John Day study, there were no proposals identified which could provide the basis for a viable national economic development alternative which would meet the tests of acceptability, effectiveness, efficiency, and completeness. In addition, it was concluded that the proposal would have the objective of enhancing the quality of the environment and would not involve an irreversible commitment of resources over the long term. Thus, the range of alternative plans considered in the study relate to the environmental quality objective.

An evaluation of the recommended plan and alternatives is summarized in Table 6 in terms of the four display accounts. A brief description of each of the accounts follows:

1. National Economic Development - Beneficial effects displayed in this account are increases in the value of the output of goods and services and improvements in national economic efficiency of a plan. Adverse effects include the value of resources required for or displaced by a plan and losses in output resulting from external diseconomies.

It should be noted that in the display of recreation values, all figures are shown as totals in the table. To derive national economic development benefits attributable to each plan, it is necessary to merely deduct the values of the "no action" alternative from the values of each plan. At the same time, the difference in value between plans can be easily determined by a similar subtraction process.

2. Environmental Quality - The beneficial and adverse effects of alternative plans on the environmental characteristics of the area under study or elsewhere in the Nation are evaluated. Environmental effects are displayed in terms of relevant physical and ecological criteria or dimensions, including the appropriate qualitative aspects.

3. Regional Development - The beneficial and adverse effects of the proposed plan on a system of relevant planning regions (States, river basins, or communities) are displayed where appropriate. Effects include impacts on income, jobs, population distribution, economic base, and the environment of a region.

As in the case of National Economic Development, this account also shows totals for the quantitative data displayed. As discussed earlier, the actual incremental impact can be arrived at by subtracting the "no action" values from the values shown for each plan. Similarly, differences between plans can be determined by subtraction of values shown for one plan from those of the other.

4. Social Well-Being - The beneficial and adverse effects on real income distribution, life, health and safety, educational, cultural, and recreational opportunities, and emergency preparedness are shown in this account.

TABLE 6. ANALYSIS OF RECOMMENDED PLAN AND ALTERNATIVES UNDER THE FOUR ACCOUNT SYSTEM
National Economic Development Account

Component	Recommended Plan Inclusion of 147-Mile Segment of the John Day River in the National Wild and Scenic Rivers System (Service Creek) to Tumwater Falls).	Alternative One No Action.	Alternative Two Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.
1. Recreation	Recreation Values: Initial - 10,000 recreation days valued at $500,000; 8,225 angler-days valued at $218,710; 17,822 hunter-days valued at $387,512. Year 2,000 - 30,000 recreation days valued at $1,500,000; 27,850 angler-days valued at $426,970; 17,700 hunter-days valued at $400,000.	Recreation Values: Initial - 8,000 recreation days valued at $400,000; 8,225 angler-days valued at $218,710; 17,822 hunter days valued at $387,512. Year 2000 - 20,000 recreation days valued at $1,000,000; 27,850 angler-days valued at $426,970; 18,000 hunter-days valued at $404,700.	Recreation Values: Initial - 9,000 recreation days valued at $450,000; 8,225 angler-days valued at $218,710; 17,822 hunter days valued at $387,512. Year 2000 - 25,000 recreation days valued at $1,250,000; 27,850 angler-days valued at $426,970; 17,700 hunter-days valued at $400,000.
	Recreation Costs: Initial Development (BLM) $22,000 Administrative BLM 42,000 State 8,000 Year 2000 Development (BLM) $25,000 Administrative BLM 75,000 State 15,000	Recreation Costs: Initial Development (BLM) -0- Administrative BLM $10,000 State -0- Year 2000 Development (BLM) -0- Administrative BLM $20,000 State -0-	Recreation Costs: Initial Development (BLM) $22,000 Administrative BLM 42,000 State -0- Year 2000 Development (BLM) $25,000 Administrative BLM 75,000 State -0-
2. Agriculture	Existing land uses, including livestock grazing and crop production, will continue and are compatible with scenic classification.	Same as Recommended Plan.	Same as Recommended Plan.

Component	Recommended Plan Inclusion of 147-Mile Segment of the John Day River in the National Wild and Scenic Rivers System (Service Creek to Tumwater Falls).	Alternative One No Action.	Alternative Two Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.
3. Hydro Power	Impoundments on designated river segment would be prohibited.	Federal or federally licensed projects would not be prohibited under Oregon Scenic Waterways status. However, it is extremely unlikely that any projects would ever be built.	Impoundments on 58-mile river stretch would be prohibited. However, as in Alternative One, it is extremely unlikely that any would be built in remainder of 147-mile river segment.
4. Mining	All mining activities on public lands and operations would be subject to regulation as prescribed by the Secretary of Interior.	As part of the Oregon Scenic Waterways System, mining activities in the river corridor would continue to be regulated by the State.	Same as Recommended Plan for 58-mile stretch and as Alternative One for remainder of segment.
5. Acquisition of Lands	No lands are proposed for acquisition initially. Some minimal acquisition could take place in the future by BLM on a willing buyer-willing seller basis.	Same as Recommended Plan.	Same as Recommended Plan.
		Environmental Quality Account	
1. Water Quality	No change in water quality is expected with the proposal. However, though not related to the proposal, water quality is expected to improve with implementation of basin 208 Plan.	Same as Recommended Plan.	Same as Recommended Plan.
2. Water Quantity	No change in existing water rights will occur, nor would streamflow be affected.	Same as Recommended Plan.	Same as Recommended Plan.

Component	Recommended Plan Inclusion of 147-Mile Segment of the John Day River in the National Wild and Scenic Rivers System (Service Creek) to Tumwater Falls).	Alternative One No Action.	Alternative Two Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.
3. Aesthetics	Aesthetic and scenic qualities of the river and adjacent lands protected under the Oregon Scenic Waterways Act. No change expected.	Same as Recommended Plan.	Same as Recommended Plan.
4. Fishery Resources	No change is expected in the existing fishery resource from this plan.	Same as Recommended Plan.	Same as Recommended Plan.
5. Wildlife Resources	The Fish and Wildlife Service concludes that designation of the river segment is not likely to jeopardize the continued existence of the bald eagle and peregrine falcon.	Same as Recommended Plan.	Same as Recommended Plan.
6. Sensitive Flora	Rare and threatened plant species located on Federal lands should be provided added protection because of better management and closer surveillance of the river corridor.	The added protection under the Recommended Plan would not be provided on Federal lands. However, BLM already has a congressional mandate to enhance and preserve rare and threatened species.	Same as Recommended Plan.
7. Soil and Vegetation	Some disturbance will result from increased recreational use and recreational development.	Same as Recommended Plan.	Same as Recommended Plan.
8. Archeologic and Historic Sites	Recreational use would be carefully controlled thus preventing any damage to cultural sites in the river corridor.	Potentially valuable sites within a substantial portion of the river corridor would be subject to damage from uncontrolled recreation use	Same as Recommended Plan for 58-mile stretch and Alternative One for remainder of 147-mile river segment.

Component	Recommended Plan Inclusion of 147-Mile Segment of the John Day River in the National Wild and Scenic Rivers System (Service Creek) to Tumwater Falls).	Alternative One No Action.	Alternative Two Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.
	Regional Development Account		
1. Regional income	The net effect of expenditures by recreationists is expected to be an increase in regional income of $150,000 by the year 2000.	The net effect of expenditures by recreationists is expected to be an increase in regional income of $130,000 by the year 2000.	The net effect of expenditures by recreationists is expected to be an increase in regional income of $140,000 by the year 2000.
2. Local Governmental Expenditures	Increased recreational use will result in increased expenditures for local public services. However, these service costs will be offset by Federal and State financial assistance.	Same as Recommended Plan.	Same as Recommended Plan.
3. Tax Base	No private lands are proposed for acquisition initially. However, in the future, it is possible that some lands could be acquired on a willing buyer-willing seller basis. These would be minimal; thus, the impact on the tax base would be minimal.	Same as Recommended Plan.	Same as Recommended Plan.
	Social Well-Being Account		
1. Quality of the Recreation Experience	A primitive type high quality recreation experience would be provided for those using the river.	Unmanaged recreation use and lack of adequate facilities would tend to degrade the recreation experience.	Same as Recommended Plan for 58-mile stretch and same as Alternative One for remainder of 147-mile river segment.

Component	Recommended Plan Inclusion of 147-Mile Segment of the John Day River in the National Wild and Scenic Rivers System (Service Creek) to Tumwater Falls).	Alternative One No Action.	Alternative Two Designate 58 Miles of the River for Inclusion in the National System with Administration of that Segment by the Bureau of Land Management. Present Management Practices on Remaining River Segment Would Continue.
2. Public Health and and Safety	Efforts would be made to control visitor use through the signing of public land and siting of comfort stations at designated camping spots. Maps and other information would be published to reduce risks.	Measures for public health and safety provided in the Recommended Plan would probably not take place.	Same as Recommended Plan for 58-mile stretch and same as Alternative One for remainder of 147-mile segment.
3. Public Use Controls	Possible development of user regulations to prevent degradation of the river environment.	Use would continue to remain relatively uncontrolled.	Same as Recommended Plan for 58-mile stretch and same as Alternative One for remainder of 147-mile segment.

COMPUTATION OF INITIAL RECREATION VALUES - RECOMMENDED PLAN

Estimated costs provided by BLM, Prineville District, Oregon.

Estimated costs provided by Oregon Department of Transportation, Parks and Recreation Branch, Salem.

A. Estimated value of recreation benefits were based on the "willingness to pay" concept. As users are paying $50 per day for commercial float-boating, this value was selected and applied to the estimated recreation days of use.

B. Angler days for the John Day River, River Miles 10-184, and angler day values obtained from Oregon Department of Fish and Wildlife.

Steelhead:	6,000	angler days @ $30.80 =	$184,800	
Salmon:	650	angler days @ $30.80 =	20,020	
Smallmouth bass and rough fish:	1,575	angler days @ $ 8.82 =	13,890	(rounded)
Total:	8,225	angler days valued at	$218,710	

C. Hunter days which occurred on lands within 1/4 mile of the John Day River study segment were requested from the Oregon Department of Fish and Wildlife. The following number of hunter days and value, by type of hunting, was provided:

Mule deer:	4,104	hunter days @ $51.65 =	$211,972	(rounded)
Waterfowl:	1,700	hunter days @ $15.81 =	26,877	
Upland Game:	12,018	hunter days @ $12.37 =	148,663	(rounded)
Total	17,822	hunter days valued at	$387,512	

COMPUTATION OF YEAR 2000 RECREATION VALUES - RECOMMENDED PLAN

Estimated costs provided by BLM, Prineville District, Oregon.

Estimated costs provided by Oregon Department of Transportation, Parks and Recreation Branch, Salem.

A. Estimated value of recreation benefits was based on the "willingness to pay" concept. As users are actually paying $50 per day for commercial float-boating, this value was selected and applied to the estimated days of use.

B. Year 2000 angler days for the John Day River, River Miles 10-184, and angler day values obtained from Oregon Department of Fish and Wildlife.

Steelhead:	7,500	angler days @ $30.80 =	$231,000	
Salmon:	750	angler days @ $30.80 =	23,100	
Smallmouth bass and rough fish:	19,600	angler days @ $ 8.82 =	172,870	(rounded)
Total:	27,850	angler days valued at	$426,970	

C. Year 2000 hunter-days which would occur on lands within 1/4 mile of the John Day River study segment were requested from the Oregon Department of Fish and Wildlife. The following number of hunter days and value, by type of hunting, was provided:

Mule deer:	4,500	hunter days @ $51.65 =	$232,500	(rounded)
Waterfowl:	1,200	hunter days @ $15.81 =	19,000	(rounded)
Upland Game:	12,000	hunter days @ $12.37 =	148,500	(rounded)
Total:	17,700	hunter days valued at	$400,000	

APPENDIX A

Oregon Scenic Waterways System

SCENIC WATERWAYS

390.805 Definitions for ORS 390.805 to 390.925. As used in ORS 390.805 to 390.925, unless the context requires otherwise:

(1) "Department" means the Department of Transportation.

(2) "Scenic waterway" means a river or segment of river that has been designated as such in accordance with ORS 390.805 to 390.925 or any subsequent Act, and includes related adjacent land.

(3) "Related adjacent land" means all land within one-fourth of one mile of the bank on each side of a river or segment of river within a scenic waterway, except land that, in the department's judgment, does not affect the view from the waters within a scenic waterway.

(4) "Scenic easement" means the right to control the use of related adjacent land, including air space above such land, for the purpose of protecting the scenic view from waters within a scenic waterway; but such control does not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement, and the landowner retains the right to uses of the land not specifically restricted by the easement. ORS 271.750 does not apply to any acquisition of such a scenic easement under ORS 390.805 to 390.925.

[1971 c.1 §2]

390.815 Policy; establishment of system. The people of Oregon find that many of the free-flowing rivers of Oregon and lands adjacent to such rivers possess outstanding scenic, fish, wildlife, geological, botanical, historic, archeologic, and outdoor recreation values of present and future benefit to the public. The people of Oregon also find that the policy of permitting construction of dams and other impoundment facilities at appropriate sections of the rivers of Oregon needs to be complemented by a policy that would preserve other selected rivers or sections thereof in a free-flowing condition and would protect and preserve the natural setting and water quality of such rivers and fulfill other conservation purposes. It is therefore the policy of Oregon to preserve for the benefit of the public selected parts of the state's free-flowing rivers. For these purposes there is established an Oregon Scenic Waterways System to be composed of areas designated in accordance with ORS 390.805 to 390.925 and any subsequent Acts.

[1971 c.1 §1]

390.825 Designated scenic waterways. The following rivers, or segments of rivers, and related adjacent land, are designated as scenic waterways:

(1) The segment of the Rogue River extending from the confluence with the Applegate River downstream a distance of approximately 88 miles to Lobster Creek Bridge.

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

(3) The segment of the Deschutes River from immediately below the existing Pelton reregulating dam downstream approximately 100 miles to its confluence with the Columbia River, excluding the City of Maupin as its boundaries are constituted on October 4, 1977.

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

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

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

(7) The segment of the Clackamas River from the River Mill Dam below Estacada downstream approximately 12 miles to the bridge at Carver, Oregon.

[1971 c.1 §3; 1975 c.612 §1; 1977 c.671 §1]

390.835 Highest and best use of waters within scenic waterways; authority of State Fish and Wildlife Commission, Water Resources Director, Division of State Lands and State Land Board. (1) It is declared that the highest and best uses of the waters within scenic waterways are recreation, fish and wildlife uses. The free-flowing character of these waters shall be maintained in quantities necessary for recreation, fish and wildlife uses. No dam, or reservoir, or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as

permitted by the Water Resources Director, upon a finding that such diversion is necessary to uses designated in subsection (12) of ORS 536.310, and in a manner consistent with the policies set forth under ORS 390.805 to 390.925. The Water Resources Director shall administer and enforce the provisions of this subsection.

(2) Filling of the beds or removal of material from or other alteration of the beds or banks of scenic waterways shall be prohibited, except as permitted by the Director of the Division of State Lands upon a finding that such activity would be consistent with the policies set forth under ORS 390.805 to 390.925 for scenic waterways, and approved by the State Land Board and in a manner consistent with the policies set forth under ORS 541.605 to 541.625 and 541.630 to 541.660 for removal of material from the beds and banks and filling of any waters of this state. The Director of the Division of State Lands shall administer and enforce the provisions of this subsection.

(3) Nothing in ORS 390.805 to 390.925 affects the authority of the State Fish and Wildlife Commission to construct facilities or make improvements to facilitate the passage or propagation of fish or to exercise other responsibilities in managing fish and wildlife resources. Nothing in ORS 390.805 to 390.925 affects the authority of the Water Resources Director to construct and maintain stream gauge stations and other facilities related to his duties in administration of the water laws.

(4) The Water Policy Review Board shall carry out its responsibilities under ORS 536.210 to 536.590 with respect to the waters within scenic waterways in conformity with the provisions of this section.
[1971 c.1 §4; 1973 c.756 §1; 1977 c.671 §2]

390.845 Functions of the department; use of adjacent lands. (1) Except as provided in ORS 390.835, scenic waterways shall be administered by the department, each in such manner as to protect and enhance the values which caused such scenic waterway to be included in the system. In such administration primary emphasis shall be given to protecting the esthetic, scenic, fish and wildlife, scientific and recreation features, based on the special attributes of each area.

(2) After consultation with the State Board of Forestry and the State Department of Agriculture and with the concurrence of the Water Policy Review Board, the department shall adopt rules and regulations governing the management of related adjacent land. Such rules and regulations shall be adopted in accordance with ORS chapter 183. Such rules and regulations shall reflect management principles, standards and plans applicable to scenic waterways, their shore lines and related adjacent land and, if necessary, establish varying intensities of protection or development based on special attributes of each area. Such management principles, standards and plans shall protect or enhance the esthetic and scenic values of the scenic waterways and permit compatible agricultural, forestry and other land uses. Specifically, and not in limitation of the foregoing, such rules and regulations shall provide that:

(a) No roads, railroads or utilities shall be constructed within any scenic waterway except where necessary to serve the permissible uses, as defined in subsection (2) of this section and in the rules and regulations of the department, of the related adjacent land or unless department approval of such use is obtained as provided in subsection (4) or (5) of this section. The department wherever practicable shall require the sharing of land and air space by such roads, railroads and utilities. All permissible roads, railroads and utilities shall be located in such a manner as to minimize the disturbance of the natural beauty of a scenic waterway;

(b) Forest crops shall be harvested in such manner as to maintain as nearly as reasonably is practicable the natural beauty of the scenic waterway;

(c) Occupants of related adjacent land shall avoid pollution of waters within a scenic waterway;

(d) The surface of related adjacent land shall not be disturbed for prospecting or mining unless the department's approval is obtained under subsection (4) or (5) of this section; and

(e) Unless department approval of the proposed use is obtained under subsection (4) or (5) of this section, no commercial, business or industrial structures or buildings other than structures or buildings erected in connection with an existing use shall be erected or placed on related adjacent land. All structures and buildings erected or placed on such land shall be in harmony with the natural beauty of the scenic waterway and shall be placed a sufficient distance from other structures or buildings so as not to impair substantially such natural beauty. No signs or other forms of outdoor advertising that are visible from waters within a scenic waterway shall be constructed or maintained.

(3) No person shall put related adjacent land to uses that violate ORS 390.805 to 390.925 or the rules or regulations of the department adopted under ORS 390.805 to 390.925 or to uses to which the land was not being put before December 3, 1970, or engage in the cutting of trees, or mining, or prospecting on such lands or construct roads, railroads, utilities, buildings or other structures on such lands, unless the owner of the land has given to the department written notice of such proposed use at least one year prior thereto and has submitted to the department with the notice a specific and detailed description of such proposed use or has entered into agreement for such use with the department under subsection (5) of this section. The owner may, however, act in emergencies without the notice required by ORS 390.805 to 390.925 when necessary in the interests of public safety.

(4) Upon receipt of the written notice provided in subsection (3) of this section, the department shall first determine whether in its judgment the proposed use would impair substantially the natural beauty of a scenic waterway. If the department determines that the proposal, if put into effect, would not impair substantially the natural beauty of the scenic waterway, the department shall notify in writing the owner of the related adjacent land that he may immediately proceed with the proposed use as described to the department. If the department determines that the proposal, if put into effect, would impair substantially the natural beauty of the scenic waterway, the department shall notify in writing the owner of the related adjacent land of such determination and no steps shall be taken to carry out such proposal until at least one year after the original notice to the department. During such period:

(a) The department and the owner of the land involved may agree upon modifications or alterations of the proposal so that implementation thereof would not in the judgment of the department impair substantially the natural beauty of the scenic waterway; or

(b) The department may acquire by purchase, gift or exchange, the land involved or interests therein, including scenic easements, for the purpose of preserving the natural beauty of the scenic waterway.

(5) The department, upon written request from an owner of related adjacent land, shall enter into negotiations and endeavor to reach agreement with such owner establishing for the use of such land a plan that would not impair substantially the natural beauty of the scenic waterway. At the time of such request for negotiations, the owner may submit a plan in writing setting forth in detail his proposed uses. Three months after the owner makes such a request for negotiations with respect to use of land, either the department or the owner may give written notice that the negotiations are terminated without agreement. Nine months after the notice of termination of negotiations the owner may use his land in conformity with any specific written plan submitted by the owner prior to or during negotiations. In the event the department and the owner reach agreement establishing a plan for land use, such agreement is terminable upon at least one year's written notice by either the department or the owner.

(6) With the concurrence of the Water Policy Review Board, the department may institute condemnation proceedings and by condemnation acquire related adjacent land:

(a) At any time subsequent to nine months after the receipt of notice of a proposal for the use of such land that the department determines would, if carried out, impair substantially the natural beauty of a scenic waterway unless the department and the owner of such land have entered into an agreement as contemplated by subsection (4) or (5) of this section or the owner shall have notified the department of the abandonment of such proposal; or

(b) At any time related adjacent land is used in a manner violating ORS 390.805 to 390.925, the rules and regulations of the department or any agreement entered into by the department pursuant to subsection (4) or (5) of this section; or

(c) At any time related adjacent land is used in a manner which, in the judgment of the department, impairs substantially the natural beauty of a scenic waterway, if the department has not been given at least one year's advance written notice of such use and if there is not in effect department approval of such use pursuant to subsection (4) or (5) of this section.

(7) In such condemnation the owner of the land shall not receive any award for the value of any structure, utility, road or other improvement constructed or erected upon the land after December 3, 1970, unless the department has received written notice of such proposed structure, utility, road or other improvement at least one year prior to commencement of construction or erection of such structure, utility, road or other improvement or unless the department has given approval for such improvement under subsection (4) or (5) of this section. If the person owned the land on December 3, 1970, and for a continu-

ous period of not less than two years immediately prior thereto, he shall receive no less for the land than its value on December 3, 1970. The department shall not acquire by condemnation a scenic easement in land. When the department acquires any related adjacent land that is located between a river and other land that is owned by a person having the right to the beneficial use of waters in the river by virtue of his ownership of the other land:

(a) The right to the beneficial use of such waters shall not be affected by such condemnation; and

(b) The owner of the other land shall retain a right of access to the river necessary to use, store or divert such waters as he has a right to use, consistent with concurrent use of the land so condemned as a part of the Oregon Scenic Waterways System.

(3) Any owner of related adjacent land, upon written request to the department, shall be provided copies of rules and regulations then in effect or thereafter adopted by the department pursuant to ORS 390.805 to 390.925.

(9) The department shall furnish to any member of the public upon his written request and at his expense a copy of any notice filed pursuant to subsection (3) of this section.

(10) If a scenic waterway contains lands or interests therein owned by or under the jurisdiction of an Indian tribe, the United States, another state agency or local governmental agency, the department may enter into agreement with the tribe or the federal, state or local agency for the administration of such lands or interests therein in furtherance of the purposes of ORS 390.805 to 390.925.
[1971 c.1 §5; 1971 c.459 §1; 1973 c.756 §2]

390.855 Designation of additional scenic waterways. The department shall undertake a continuing study and submit periodic reports to the Governor, with the concurrence of the Water Policy Review Board, recommending the designation of additional rivers or segments of rivers and related adjacent land by the Governor as scenic waterways subject to the provisions of ORS 390.805 to 390.925. Consistent with such recommendation, the Governor may designate any river or segment of a river and related adjacent land as a scenic waterway subject to the provisions of ORS 390.805 to 390.925. The department shall consult with the State Fish and Wildlife Commission, the State Department of Agriculture, the Environmental Quality Commission, the Division of State Lands, and such other persons or agencies as it considers appropriate. The Department of Transportation shall conduct hearings in the counties in which the proposed additional rivers or segments of rivers are located. The following criteria shall be considered in making such report:

(1) The river or segment of river is relatively free-flowing and the scene as viewed from the river and related adjacent land is pleasing, whether primitive or rural-pastoral, or these conditions are restorable.

(2) The river or segment of river and its setting possess natural and recreation values of outstanding quality.

(3) The river or segment of river and its setting are large enough to sustain substantial recreation use and to accommodate existing uses without undue impairment of the natural values of the resource or quality of the recreation experience.
[1971 c.1 §6]

390.865 Authority of legislature over designation of additional scenic waterways. The designation of a river or segment of a river and related adjacent land, pursuant to ORS 390.855, shall not become effective until the day following the adjournment sine die of the regular session of the Legislative Assembly next following the date of the designation or that was in session when the designation was made. The Legislative Assembly by joint resolution may disapprove any such designation or a part thereof, and in that event the designation, or part thereof so disapproved, shall not become effective.
[1971 c.1 §7]

390.875 Transfer of public lands in scenic waterways to department; administration of nontransferred lands. Any public land within or adjacent to a scenic waterway, with the consent of the governing body having jurisdiction thereof, may be transferred to the jurisdiction of the department with or without compensation. Any land so transferred shall become state recreational land and shall be administered as a part of the scenic waterway. Any such land within a scenic waterway which is not transferred to the jurisdiction of the department, to the fullest extent consistent with the purposes for which the land is held, shall be administered by the body having jurisdiction thereof in accordance with the provisions of ORS 390.805 to 390.925.
[1971 c.1 §8]

390.885 Exchange of property within scenic waterway for property outside waterway. In acquiring related adjacent land by exchange, the department may accept title to any property within a scenic water-

way, and in exchange therefor, may convey to the grantor of such property any property under its jurisdiction that the department is not otherwise restricted from exchanging. In so far as practicable, the properties so exchanged shall be of approximately equal fair market value. If they are not of approximately equal fair market value, the department may accept cash or property from, or pay cash or grant property to, the grantor in order to equalize the values of the properties exchanged.
[1971 c.1 §9]

390.895 Use of federal funds. In addition to State of Oregon funds available for the purposes of ORS 390.805 to 390.925, the department shall use such portion of moneys made available to it by the Bureau of Outdoor Recreation and other federal agencies, including matching funds, as the department determines are necessary and available to carry out the purposes of ORS 390.805 to 390.925.
[1971 c.1 §10]

390.905 Effect of ORS 390.805 to 390.925 on other state agencies. Nothing in ORS 390.805 to 390.925 affects the jurisdiction or responsibility of other state agencies with respect to boating, fishing, hunting, water pollution, health or fire control; except that such state agencies shall endeavor to perform their responsibilities in a manner consistent with the purposes of ORS 390.805 to 390.925.
[1971 c.1 §11]

390.915 Determination of value of scenic easement for tax purposes; easement exempt. For the purposes of assessing property for taxation, real property that is subject to a scenic easement shall be assessed on the basis of the true cash value of the property less any reduction in value caused by the scenic easement. The easement shall be exempt from assessment and taxation the same as any other property owned by the state.
[1971 c.1 §12]

390.925 Enforcement. The department is vested with power to obtain injunctions and other appropriate relief against violations of any provisions of ORS 390.805 to 390.925 and any rules and regulations adopted under ORS 390.805 to 390.925 and agreements made under ORS 390.805 to 390.925.
[1971 c.1 §13]

APPENDIX B

Rules and Regulations Pertaining

to the

Oregon Scenic Waterways System

OREGON TRANSPORTATION COMMISSION

RULES AND REGULATIONS PERTAINING TO THE OREGON SCENIC WATERWAYS SYSTEM

25 June 1974

15.4 miles of the Clackamas River from River Mill Dam near Estacada to the highway bridge at Carver were added to the Scenic Waterways System, effective 1 July 1975, by the Legislature.

OREGON TRANSPORTATION COMMISSION

OREGON SCENIC WATERWAYS RULES AND REGULATIONS

(Pursuant to ORS 390.805 to 390.925)

The following rivers or segments of rivers are designated as Scenic Waterways:

1. The segment of the Rogue River extending from the confluence with the Applegate River downstream a distance of approximately 88 miles to Lobster Creek Bridge.

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

3. The segment of the Deschutes River from immediately below the existing Pelton reregulating dam downstream approximately 100 miles to its confluence with the Columbia River, excluding the City of Maupin.

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

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

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

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

SECTION I DEFINITION OF TERMS

As used in these rules and regulations, unless the context requires otherwise:

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

B. "Commission" means the Oregon Transportation Commission.

C. "Existing Use" means the use to which related adjacent land was being put on December 3, 1970, or any subsequent change in use

authorized under the Act or these rules.

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

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

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

G. "Road" means all roads, public and private.

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

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

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

K. The confluence of the Rogue and Applegate Rivers is defined as the west boundary line of the East 1/2 of the East 1/2 of Section 19, Township 36 South, Range 6 West, W.M., in Josephine County.

SECTION II RESPONSIBILITY AND AUTHORITY OF THE OREGON TRANSPORTATION COMMISSION

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

The Commission has adopted these regulations governing the management of related adjacent lands, including state highway construction, after due consideration of the responsibilities outlined above and consultation with the Oregon State Department of Forestry; the Department of Agriculture; and other such federal, state, and local agencies as may be involved; and with the concurrence of the State Water Resources Board.

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

SECTION III PUBLIC USE OF SCENIC WATERWAYS

All persons using scenic waterways for recreation shall comply with the provisions of the Act and with the rules and regulations adopted by the Commission under the Act.

A. Private Property

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

B. Litter and Pollution

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

C. Fires

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

D. Tree Cutting

Living or standing trees or plants shall not be cut for burning or for any other purpose by persons using the scenic waterways for recreation.

E. Collecting Souvenirs and Relics

Except as provided by law, antiquities, relics, artifacts, fossils and souvenirs shall not be removed from the site of their discovery or otherwise harmed. Archaeological sites and fossil beds shall not be disturbed without proper authority under law.

F. Livestock

Persons using the scenic waterways for recreation shall not harass or in any way interfere with livestock or domestic animals, whether on

private or public land, or damage fences lawfully placed on such lands for their management.

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

The Commission asks all persons to leave in passing no mark upon the land that might diminish its value to another, for the unspoiled beauty of these waterways, of value to the human spirit, is the common heritage of all.

SECTION IV LAND MANAGEMENT

A. Improvements and changes in use of related adjacent lands.

(1) Except as provided in (5) of this subsection, Section IV B and Section V C, no person shall make any improvement or change in the existing use of related adjacent land without first giving written notification to the Commission of the intent to make an improvement or change in land use. The proposed improvement or change in land use shall not be made or work started sooner than one year after such notice unless the Commission has given its written approval of the proposal. (See notification procedures in Section VI.)

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

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

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

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

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

B. Rules of land management.

These rules and regulations governing the use of related adjacent lands and improvements made on or to these lands apply to all designated scenic waterways.

Land management on scenic waterways includes, but is not limited to, the following examples:

(1) Timber Harvest

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

(2) Tree Cutting

No person shall cut any living tree within a scenic waterway without prior written notice except as provided in these rules.

(3) Grazing and Farming

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

(a) Construction of fences.

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

(c) Laying of irrigation lines.

(d) Pumphouse construction, if not in violation of Section IV A (5).

(e) Additions to farm buildings, if not in violation of Section IV A (5).

(f) Crop rotation.

(g) Variations in grazing land management.

(h) Placing of grazing land under cultivation, except within classi-field natural river areas named in Section V C.

(i) Construction of silos and grain storage facilities, and other structures or buildings as are needed in connection with the existing use of the related adjacent land, if not in violation of Section IV A (5), except within classified natural river areas named in Section V C.

(j) Cutting of danger trees.

Notification is required for construction of new roads or improvement of existing roads.

(4) Suburban Housing

Notification is not required for:

(a) Maintenance of existing homes in a manner compatible with these rules and regulations.

(b) Modifications to existing single-family dwellings, if not in violation of Section IV A (5).

(c) Construction of garages necessary to the use of existing homes, if not in violation of Section IV A (5).

(d) Changes in or additions to homesite landscaping which do not impair vegetation screening structures from view from the river.

(e) Construction of protective fences necessary to use of the home.

(f) Cutting of firewood for occupant's dwelling.

(g) Cutting of danger trees.

Notification is required for construction of new roads or improvement of existing roads.

(5) Prospecting, Mining, Dredging, and Quarrying

All prospecting, mining, dredging, and quarrying operations, including removal or movement of gravel, rocks and sand within related adjacent lands, require notification to the Commission as prescribed herein.

Such notification shall include plans to insure that debris, silt, chemicals or other materials, shall not be discharged into or allowed to reach the waters within a scenic waterway and that the natural beauty of the scenic waterway shall not be impaired substantially.

(6) Transportation Facilities and Utilities

No roads, railroads or other facilities for transportation or utilities shall be constructed or improved within a scenic waterway without notification to the Commission as prescribed by the Act and herein.

The Commission, whenever practicable, will require the sharing of land and airspace by such facilities and utilities. All permissible transportation facilities and utilities shall be so located as to minimize impairment of the natural beauty of the scenic waterway. For example, it will be desirable to place electrical and telephone lines underground wherever reasonably practicable.

(7) Structures, Buildings and Other Improvements

Except as provided in Section IV A (5), B (3) and (4) and Section V C, no structures, buildings, or other improvements shall be made, erected or placed on related adjacent lands without notification to the Commission as prescribed by the Act and herein.

Permitted new structures, buildings, or other improvements on related adjacent lands which can be seen from the waters within a scenic waterway shall:

(a) Be of such design and be constructed of such materials as to be unobtrusive and compatible with the scenic qualities of the area.

For example, the following shall apply:

- All structures shall be finished in muted tones appropriate to their natural surroundings.

- No large areas, including roofs, shall be finished with white or bright colors or reflective materials.

- Except for large farm buildings such as barns, metal siding or roofing shall not be used.

- No structures shall exceed 30 feet in height from natural grade on a side facing the river.

- All structures shall be so designed and constructed that little or no soil is left exposed when construction is completed.

(b) Be located in such a way that topography and natural vegetation make them as inconspicuous as reasonably practicable, and in no case obtruding on the view from the river. The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area.

(8) Mobile Homes, House Trailers, Campers and Similar Structures and Vehicles

Mobile homes, house trailers, campers, motor homes and the like shall not be established as dwellings, either permanent or seasonal or temporary, within related adjacent lands unless they are entirely concealed from view from the waters within a scenic waterway by topography.

Within public recreation sites and transient public trailer parks where travel trailers, campers, motor homes and similar vehicles are permitted by the public agency, firm or individual maintaining

the facility, their transient, short-term use by travelers is allowed, but they shall not be left on the site during their user's absence of more than three (3) days' duration.

(9) Maintenance of Structures and Improvements

Owners and users of existing structures and other improvements shall maintain them and their surroundings in a manner and condition in harmony with the environment, compatible with the objectives set forth in these rules and regulations for the classified river area in which they lie, and without impairing substantially the natural beauty of the scenic waterway. The existing color of such structures may be maintained.

(10) Replacement of Existing Structures and Improvements

Replacement of existing structures and improvements, including those lost by fire, flood or other casualty, will be permitted, provided the new structure or improvement is in compliance with provisions of the Act and these rules and regulations. Notification procedures set forth in Section VI and Commission approval are required.

(11) Advertising

No signs or other forms of outdoor advertising that are visible from waters within a scenic waterway shall be constructed or maintained. Property protection signs (No Hunting, No Trespassing, et cetera) are exempted.

(12) Erosion Protection

The Commission recognizes that erosion protection work and maintenance may be necessary on riverbanks and related adjacent lands along the scenic waterways. Notification, which shall include plans to protect the natural beauty of the scenic waterway, and Commission approval are required.

(13) Submerged and Submersible Lands

No dam or reservoir or other water impoundment facility shall be constructed or placer mining permitted on waters within scenic waterways. No water diversion facility shall be constructed or used except by right previously established or as permitted by the State Engineer.

No bank protection works or dredging facility shall be constructed or used on such waters, except as permitted by the Director of the Division of State Lands and approved by the State Land Board.

(14) Emergencies

The owner or his authorized agent may act in emergencies without prior notice when necessary in the interest of public safety, or

safety of his own property, except that notice of any action taken shall be filed with the Commission not later than seven days following the commencement of the emergency procedures.

The owner or his authorized agent must show that the emergency situation required immediate action to prevent immediate danger or damage. Such emergency procedures shall not be extended beyond the minimum necessary to accomplish the needed protection safely and shall be conducted throughout in such manner as to minimize impairment of the natural beauty of the scenic waterway. For example, car bodies and similar scrap or trash shall not be used as riprap.

(15) Solid Waste, Pollution and Sanitation

Owners, occupants and users of related adjacent land shall comply with the rules and regulations of the Department of Environmental Quality relating to solid waste control, water, air and noise pollution control and sewage disposal.

SECTION V CLASSIFICATION OF SCENIC WATERWAYS AND SEGMENTS THEREOF

A. This section supplements, but in no way alters, other provisions of these rules and regulations. Notification procedures set forth in Section VI and Section IV, relating to Land Management, are applicable to this section.

In order to establish varying intensities of protection or development based on special attributes of each area within the scenic waterways, the following classifications are established:

(1) Natural River Areas - Those designated scenic waterways or segments thereof that are generally inaccessible except by trail or the river, with related adjacent lands and shorelines essentially primitive. These represent vestiges of primitive America.

Natural River Areas may include an occasional lightly traveled road, airstrip, habitation or other kind of improvement already established, provided the effects are limited to the immediate vicinity.

Natural River Areas will be administered to preserve their natural, wild and primitive condition, essentially unaltered by the effects of man, while allowing compatible recreational uses, other compatible existing uses and protection of fish and wildlife habitat.

(2) Scenic River Areas - Those designated scenic waterways or segments thereof with related adjacent lands and shorelines still largely primitive and largely undeveloped, except for agriculture and grazing, but accessible in places by roads. Scenic River Areas may not include long stretches of conspicuous or well-traveled roads paralleling the river in close proximity, but may include extensive areas in agricultural use.

Scenic Areas will be administered to maintain or enhance their high scenic quality, recreational value, fishery and wild life habitat, while preserving their largely undeveloped character and allowing continuing agricultural uses.

(3) Recreational River Areas - Those designated scenic waterways or segments thereof that are readily accessible by road or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past.

Recreational River Areas will be administered to allow continuance of compatible existing uses, while allowing a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

(4) Natural Scenic View Areas - Those designated shorelines and related adjacent lands, lying along only one bank of a river within a scenic waterway, which possess the qualities of a Natural or Scenic River Area except that the opposite shoreline and related adjacent land, by reason of accessibility, or development, qualifies only for a less restrictive classification.

Natural Scenic View Areas will be administered to preserve or enhance their essentially primitive scenic character, while allowing compatible public outdoor recreational use.

(5) Accessible Natural River Areas - Those designated scenic waterways or segments thereof that are readily accessible by road or railroad but otherwise possess the qualities of a Natural or Scenic River Area.

Accessible Natural River Areas will be administered to protect or enhance their essentially primitive scenic character, while allowing compatible public outdoor recreation use.

(6) River Community Areas - Those designated areas of a scenic waterway, perhaps on only one bank of the river, where density of structures or other developments, already existing or provided for precludes application of a more restrictive classification.

B. Within the general framework of these classifications, the Commission will further consider the nature and extent of existing land uses and developments, the scenic qualities and the esthetic, fish and wildlife, scientific and recreational values of each classified area within the scenic waterways in determining whether, in its judgment, proposals for changes of land use or improvements are compatible with the Act.

Because of the individual character of each scenic waterway, administrative criteria within each of the six classifications may vary from one scenic waterway to another.

C. Classifications by river and segment, with general administrative criteria for each.

(1) Rogue River Scenic Waterway

(Within the Rogue River Scenic Waterway, already designated as a component of the National Wild and Scenic Rivers System by Public Law 90-542, the Commission will, insofar as its responsibility and authority under the Act permit, give consideration to the management objectives and directives stated in the Rogue River Plan prepared jointly by the United States Forest Service and the Bureau of Land Management).

(a) Natural River Area

That segment of the scenic waterway extending from Grave Creek downstream approximately 33 miles to Watson Creek is classified as a Natural River Area.

In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or other improvements, except those needed for public outdoor recreation or for resource protection, and no new lodges or commercial public service facilities which are visible from the river will be permitted. Additional boat docks, moorings or "salmon boards" will not be permitted.

(b) Scenic River Area

That segment of the scenic waterway extending from Blue Jay Creek in Section Eleven (11), Township Thirty-five South, Range Twelve West of the Willamette Meridian (T 35S, R 12W, W.M.), Curry County, downstream approximately 7½ miles to the unnamed creek in Section Thirty-six (36), Township Thirty-five South, Range Thirteen West of the Willamette Meridian (T 35S, R 12W, W.M.), Curry County, is classified as a Scenic River Area.

Commercial public service facilities which are visible from the river will not be permitted in this area.

Permissible structures within this area are single-family dwellings which meet the requirements stated in these rules

and regulations. Including those already existing, such structures which are visible from the river will be limited to a total of two on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Rogue River prepared by the U.S. Geological Survey from survey made in 1923.

(c) Recreational River Areas

Three segments of the scenic waterway are designated as Recreational River Areas. These are:

(1) Hellgate, extending from the mouth of the Applegate River downstream approximately 26 miles to Grave Creek Bridge, but excluding the Natural River View Area and the River Community Areas therein contained.

(2) Agness, extending from Watson Creek downstream approximately 10 miles to Blue Jay Creek, but excluding the River Community Area therein contained.

(3) Skookumhouse, extending from the unnamed creek in Section Thirty-six (36), Township Thirty-five South, Range Thirteen West of the Willamette Meridian (T 35S, R 13W, W.M.), Curry County, downstream approximately seven miles to the Lobster Creek Bridge.

Within these areas, permitted uses and structures may include agriculture, single-family dwellings, lodges, resorts and other necessary commercial public service facilities. Including those already existing, structures and improvements which are visible from the river will be limited to a total of four on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Rogue River prepared by the U.S. Geological Survey from survey made in 1923.

(d) Natural Scenic View Area

The shoreline and related adjacent land lying along the right bank of the river (as seen when facing downstream) between Hellgate Bridge as located in Section Four (4),

Township Thirty-five South, Range Seven West of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County, and the Grave Creek Bridge as located in Section One (1), Township Thirty-four South, Range Eight West of the Willamette Meridian (T 34S, R 8W, W.M.), Josephine County, is classified as a Natural Scenic View Area.

Within this area no new structures or improvements which are visible from the river, except those needed for public outdoor recreation or for resource protection, will be permitted. Roads shall not be extended, or improved substantially.

(e) River Community Areas

Within the Hellgate Recreational River Area:

Related adjacent lands lying within the boundaries of the following subdivision plats as recorded in the Clerk's office of Josephine County, Oregon.

Galice - plat of Galice Subdivision, Volume 5, pages 4, 5. (Within the W 1/2 Sec. 36, T 34S, R 8W, W.M.)

Rogue Riffles - plat of Rogue Riffles Subdivision, Volume 4, page 49. (Within the SW 1/4 of the NW 1/4, Sec. 25, T 35S, R 7W, W.M., and SE 1/4 of the NE 1/4, Sec. 26, T 35S, R 7W, W.M.)

Burnette - plat of Burnette Estates Subdivision, Volume 7, page 8. (Within the NE 1/4 of the SW 1/4, Sec. 35, T 35S, R 7W, W.M.)

Ferry Park - plat of Ferry Park Estates, Volume 7, pages 19, 20. (Within the SE 1/4 of the NE 1/4 and NE 1/4 of the SE 1/4, Sec. 2, T 36S, R 7W, W.M.)

Peaceful Valley - plat of Peaceful Valley Acres Subdivision, Volume 3, Page 54. (Within the SE 1/4 of the NW 1/4, and SW 1/4 of the NE 1/4, Sec. 11, T 36S, R 7W, W.M.)

Also

Cathcart - Those related adjacent lands that are included in a plat of tracts surveyed for Tom Cathcart, which are situated

in Sections Twenty-three and Twenty-four (23, 24) Township Thirty-five South, Range Seven West of the Willamette Meridian (T 35S, R7W, W.M.), Josephine County, and are filed by Survey No. 111-68 and Survey No. 106-71 in the County Surveyor's Office in Josephine County.

Greentree - Those related adjacent lands included in a Notice of Intention filed with the Real Estate Division, Department of Commerce, on 29 September 1970 by Trenor and Helen Scott and identified by reference number PNI 2798, which are situated in Section Fourteen (14), Township Thirty-five South, Range Seven West of the Willamette Meridian (T 35S, R 7W, W.M.), Josephine County.

Within these areas, structures, improvements and uses that are consistent with Josephine County Zoning Ordinances and Section IV of these rules and regulations may be permitted.

Within the Agness Recreational River Area:

Agness - A parcel of land that comprises the Southwest Quarter (SW 1/4); West Half of the Southeast Quarter (W 1/2 SE 1/4), Section Seven (7); and the Northwest Quarter (NW 1/4); West Half of the Northeast Quarter (W 1/2 NE 1/4), Section Eighteen (18); all in Township Thirty-five South, Range Eleven West of the Willamette Meridian (T 35S, R 11W., W.M.), Curry County.

Also a parcel of land that comprises the East Half of the Southeast Quarter (E 1/2 SE 1/4), Section Twelve (12); and the East Half of the Northeast Quarter (E 1/2 NE 1/4), Section Thirteen (13); all in Township Thirty-five South, Range Twelve West of the Willamette Meridian (T 35S, R 12W, W.M.), Curry County.

The Commission recognizes that further development of the Agness area may be necessary in order to provide services for both local residents and the public.

Within the Agness River Community Area, when consistent with Curry County zoning ordinances, permitted uses, structures and improvements may include agriculture, single and multiple family dwellings, churches, lodges, resorts, motels, transient public trailer parks and other necessary commercial public service facilities. Permitted densities of improvements and structures which are visible from the river may be established by the Commission after consultation with the U.S. Forest Service, the Curry County Planning Commission, the Agness Community Council, and such other persons and agencies as the Commission may select.

(2) Illinois River Scenic Waterway

(a) Accessible Natural River Area

The segment of the scenic waterway extending from Deer

Creek downstream approximately 14 miles to Briggs Creek is classified as an Accessible Natural River Area.

In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements which are visible from the river other than those erected or made in connection with a compatible existing use, or those needed for public recreation or for resource protection, will be permitted. Additional dwellings and commercial public service facilities, including resorts and motels, lodges and trailer parks which can be seen from the river, will not be permitted, except for a youth camp constructed and operated by the Boy Scouts of America, after proper notification and Commission approval, on their deeded property, amounting to 105.98 acres, within Township 37S, Range 9 West, Section 32, Tax Lot 200, Josephine County.

(b) Natural River Area

The segment of the scenic waterway extending from Briggs Creek downstream approximately 27½ miles to the intersection with the North Boundary Line of Section Thirty-two (32), Township Thirty-five South, Range Eleven West of the Willamette Meridian (T 35S, R 11W, W.M.), Curry County, near Lawson Creek, is classified as a Natural River Area.

In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements which are visible from the river other than those erected or made in connection with a compatible existing use, or those needed for public recreation or for resource protection, will be permitted. Additional dwellings and commercial public service facilities, including resorts and motels, lodges and trailer parks which can be seen from the river, will not be permitted.

(c) Recreational River Area

The segment of the scenic waterway beginning at the intersection with the North Boundary Line of Section Thirty-two (32), Township Thirty-five South, Range Eleven West of the Willamette Meridian (T 35S, R 11W, W.M.), Curry County, near Lawson Creek, downstream approximately 3½ miles to the boundary of the Agness River Community Area, is classified as a Recreational River Area.

Within this area, permitted uses and structures may include agriculture, single-family dwellings, lodges, resorts and other necessary commercial public service facilities. Including those already existing, structures

and improvements which are visible from the river will be limited to a total of four on each side of the river within any one mile of river frontage as shown on the plan and profile maps of the Illinois River prepared by the U.S. Geological Survey from survey made in 1923.

(d) River Community Area

The segment of the scenic waterway extending from the boundary of the Agness River Community Area to the Rogue River is classified as part of that area.

(3) Owyhee River Scenic Waterway

(a) Natural River Area

The entire Owyhee River Scenic Waterway, in its two segments, is classified as a Natural River Area.

In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements which are visible from the river, other than those erected or made in connection with the existing agricultural uses, or those needed for public outdoor recreation or for resource protection will be permitted. Commercial public service facilities, including resorts and motels, lodges and trailer parks, and additional dwellings which are visible from the river will not be permitted.

(4) Minam River Scenic Waterway

(a) Natural River Area

The segment of the scenic waterway extending from Minam Lake downstream approximately 37 miles to the river's intersection with the Willamette Base Line, which is also the north boundary of Section Four (4), Township One South, Range Forty-one East of the Willamette Meridian (T 1 S, R 41E, W.M.), Union County, is classified as a Natural River Area.

In order to preserve the river and related adjacent lands in an essentially primitive condition, no new structures or improvements, other than those erected or made, after notification and Commission approval, in connection with existing uses by *Red's Horse Ranch* and *Minam River Lodge*, or those needed for public recreation or for resource protection, will be permitted.

(b) Accessible Natural River Area

The segment of the scenic waterway extending from the river's intersection with the Willamette Base Line which

is also the north boundary of Section Four (4), Township One South, Range Forty-one East of the Willamette Meridian (T 1S, R 41E, W.M.), Union County, downstream approximately eight miles to the Wallowa River, is classified as an Accessible Natural River Area.

Additional dwellings and commercial public service facilities, including resorts, motels, lodges and trailer parks which are visible from the river will not be permitted. Roads within the area shall not be extended or improved substantially.

(5) John Day River Scenic Waterway

(a) Natural River Area

The segment of the scenic waterway beginning at the intersection of West to East Centerline of Section Five (5), Township Five South, Range Nineteen East of the Willamette Meridian (T 5S, R 19E, W.M.), Sherman County, extended easterly from the center of said section to its intersection with the John Day River, near the mouth of Thirty Mile Creek; thence downstream approximately 31 miles to the North Boundary of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-four (S 24), Township Two South, Range Eighteen East of the Willamette Meridian (T 2S, R 18E, W.M.), Sherman and Gilliam Counties, near East Ferry Canyon, is classified as a Natural River Area.

Within this area, no new structures or improvements which are visible from the river, other than those erected or made in connection with agricultural uses, or those needed for public recreation or resource protection will be permitted. Additional dwellings and commercial public service facilities, including resorts and motels, lodges and trailer parks which are visible from the river will not be permitted.

(b) Scenic River Areas

The segments of the scenic waterway upstream and downstream from the designated Wild River Area are classified as Scenic River Areas.

Within these areas, no new structures or improvements which are visible from the river, other than those erected or made in connection with agricultural uses, or those needed for public recreation or resource protection will be permitted. Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels, lodges and trailer parks which are visible from the river, will not be permitted.

(6) Deschutes River Scenic Waterway

(a) Recreational River Area

The segment of the scenic waterway extending from the Deschutes River intersection with the northerly extension of the common section line of Section Twenty-nine (29) and Section Thirty (30), Township Nine South, Range Thirteen East of the Willamette Meridian (9S, R 13E, W.M.), Jefferson County, downstream approximately 96 miles to the Columbia River, but excluding the right bank shoreline (as seen when facing downstream) and adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is classified as a Recreational River Area.

Within this area, no new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection will be permitted.

Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(b) River Community Areas

The segment of the scenic waterway extending from Pelton Re-regulating Dam downstream approximately 4 miles to the Deschutes River intersection with the northerly extension of the common section line of Section Twenty-nine (29) and Section Thirty (30), Township Nine South, Range Thirteen East of the Willamette Meridian (T 9S, R 13E, W.M.), Jefferson County, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

Within these areas, when consistent with Jefferson County and Wasco County zoning ordinances, permitted uses and structures may include agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. Permitted densities of improvements and structures which are visible from the river may be established by the Commission after consultation with the appropriate county planning commission, the State Game Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(7) Sandy River Scenic Waterway

(a) Natural River Area

The segment of the scenic waterway extending from the east boundary line of Section 25 and Section 36, Township 1 South, Range 4 East, W.M., in Clackamas County at Dodge Park, downstream approximately 3.8 miles to the South line of the North Half of the Northeast Quarter of Section 23, Township 1 South, Range 4 East, W.M., in Multnomah County near Indian John Island, is classified as a Natural River Area.

(b) Scenic River Area

The segment of the scenic waterway extending from the South line of the North Half of the Northeast Quarter of Section 23, Township 1 South, Range 4 East, W.M., in Multnomah County near Indian John Island, downstream approximately 8.7 miles to the west line of the East Half of the Northeast Quarter of Section 6, Township 1 South, Range 4 East, W.M., in Multnomah County at Dabney State Park, is classified as a Scenic River Area.

(c) In both the Natural River Area and the Scenic River Area of the Sandy River Scenic Waterway:

(1) Within the area of greatest visual effect on the natural river scene, as indicated on the map of the Sandy River Scenic Waterway prepared by the State Highway Division and dated 13 September 1972;* new structures or other improvements which are visible from the river (see Section I, Definition of Terms, item J.), other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection will not be permitted unless they are so located that their visual effect is primarily on the upland scene (above the rims of the canyon, or "bluff line," usually readily discernible) rather than on the scene as viewed from the river.

Outside that area of greatest visual effect on the natural river scene, uses which are consistent with applicable county zoning ordinances and Section IV of these rules and regulations may be permitted. Within the Natural River Area, such permitted uses shall be largely concealed from view from the river by topography or established evergreen vegetation which shall be maintained; within the Scenic River Area such permitted uses

*(Available on request)

may be visible from the river, provided they are consistent with applicable county zoning regulations and Section IV of these rules and regulations.

(2) Outside the area of greatest visual effect on the natural river scene, as indicated on the map of the Sandy River Scenic Waterway prepared by the State Highway Division and dated 13 September 1972;* notification is not required for changes of land use, construction of buildings or other improvements or other alterations or activities which:

- Are less than 21 feet in height above natural grade on a side facing the river; and
- Are entirely concealed from view from the river by topography or established evergreen vegetation which shall be maintained; and
- Do not involve reduction of existing vegetation which is visible from the river; and
- Are finished in muted tones without large reflective surfaces; and
- Meet applicable requirements of other governmental agencies, including county zoning regulations.

SECTION VI NOTIFICATION PROCEDURES

A. Notification to the Commission of a proposal for change of existing use of related adjacent land, or improvement thereto, or any other activity for which the Act or these rules and regulations require notification, shall be written and shall contain a detailed description of the proposed change, improvement or activity, and such other information as the Commission may require.

Notifications or requests for information or assistance may be made to the nearest District Highway Engineer's office or to the State Highway Division in Salem.

The proposed change of use, or improvement, or activity, shall not be carried out or commenced sooner than one year after such notification unless the Commission has sooner given its written approval.

B. Upon receipt of written notice provided in A above, the Commission shall:

(1) If the proposal will not impair substantially the natural beauty of the scenic waterway or be in violation of either the Act or

* (Available on request)

these rules, give the landowner, or other applicant when that is appropriate, written notification that he may immediately proceed.

(2) Notify the owner or applicant in writing if the Commission determines the proposed use would impair the natural beauty of the scenic waterway or otherwise violate either the Act or these rules. The owner or applicant shall not proceed with the proposal until at least one year after the date of the original notice to the Commission unless the owner and the Commission sooner reach agreement on an alternate plan.

SECTION VII PROCEDURES IN EVENT OF COMMISSION DENIAL

A. During the period of one year following the original notice to the Commission:

(1) The Commission and the owner of the land involved may agree upon modifications or alterations of the proposal so that implementation thereof would not, in the judgment of the Commission, impair substantially the natural beauty of the scenic waterway or otherwise violate the provisions of the Act or these rules and regulations.

(2) The Commission may acquire by purchase, gift, or exchange, the land involved or interest therein, including scenic easements, for the purpose of preserving the natural beauty of the scenic waterway.

(3) The landowner may make a written request of the Commission to enter into further negotiations regarding use of the land as prescribed in Subsection B of this section.

B. The Commission, upon receiving a written request from an owner of related adjacent land, shall enter into negotiations and endeavor to reach agreement with such owner establishing for the use of such land a plan that would not impair substantially the natural beauty of the scenic waterway. At the time of such request for negotiations, the owner may submit an alternate plan in writing setting forth in detail his proposed uses.

Then:

(1) Three months after the owner makes such a request for negotiations, either the Commission or the owner may give written notice that the negotiations are terminated without agreement.

(2) Nine months after the notice of termination of negotiations, the owner may use his land in conformity with any specific written plan submitted by the owner prior to or during negotiations. In the event the Commission and the owner reach agreement establishing a plan for land use, such agreement is terminable upon at least one year's written notice by either the Commission or the owner.

Or:

(3) Twelve months after the original notice to the Commission, the owner may use his land in conformity with the specific written

plan submitted as a part of that notice unless the Commission has sooner instituted proceedings to acquire the land involved.

SECTION VIII CONDEMNATION OF RELATED ADJACENT LAND

A. With the concurrence of the State Water Resources Board, the Commission may institute condemnation proceedings to acquire related adjacent land for the purposes of the Act if:

(1) At any time subsequent to nine months after the receipt of an owner's proposal agreement cannot be reached by the Commission and the landowner; or

(2) At any time related adjacent land is used in a manner violating the Act or the rules and regulations promulgated by the Commission; or

(3) At any time related adjacent land is used in a manner which, in the judgment of the Commission, impairs substantially the natural beauty of a scenic waterway, if the Commission has not been given at least one year's advance written notice of such use and if there is not in effect Commission approval of such use.

SECTION IX PUBLIC LANDS WITHIN OR ADJACENT TO A SCENIC WATERWAY

A. The Commission may enter into agreement with an Indian tribe, the United States, another state agency or local governmental agency for the administration of lands contained in a scenic waterway.

B. With the consent of the governing body, any public land within or adjacent to a scenic waterway may be transferred to the jurisdiction of the Commission with or without compensation and shall become State recreational land and be administered by the Commission as part of the scenic waterway.

C. Any land within a scenic waterway not transferred to the jurisdiction of the Commission shall be administered by the public body having jurisdiction thereof in accordance with the provisions of the Act.

APPENDIX C

List of Floral Species Which Come under the Rare, Threatened, or Endangered Category in the John Day Study Area

Provisional List of the Rare, Threatened, and Endangered Plants in Oregon**

John Day Valley Species

Species known from the John Day River Study Area (Service Creek to Tumwater Falls)

		Allium macrum
	T	Allium pleianthum
	T	Allium robinsonii
		Allium tolmiei var. tolmiei
		Astragalus diaphanus
	T	Castilleja xanthotricha
*	T	Chaenactis nevii
*		Penstemon eriantherus var. argillosus

Species known from the John Day Valley adjacent to the Study Area which may also be in the Canyon

		Agoseris elata
		Allium douglasii var. douglasii
	T	Allium madidum
		Allium parvum
		Astragalus misellus (A. howellii var. aberrans)
		Carmissonia pygmaea
		Castilleja applegatei var. applegatei
	T	Cirsium brevifolium
	T	Lomatium hendersonii
	E	Lomatium minus
	T	Lupinus biddlei
		Pediocactus simpsonii var. robustior
		Potentilla glandulosa var. campanulato
*	T	Silene scaposa var. scaposa
	T	Thelypodium eucosmum

Additional species known from Upper John Day Valley which may also be found downstream

		Allium geyeri var. tenerum
	T	Castilleja oresbia
	E	Collomia macrocalyx
		Cypripedium montanum
	T	Lomatium laevigatum
		Lomatium watsonii
		Lupinus sericeus var. egglestonianus
	T	Mimulus jungermannioides
		Penstemon seorsus

**The Oregon Rare and Endangered Plant Species Task Force is an inter-agency group composed of representatives from Federal and State agencies and educational institutions. It is responsible for compiling Oregon botanical data to supplement the list proposed by the Fish and Wildlife Service in the Federal Register of June 16, 1976 (Vol. 41, No. 117). The Task Force's objective is to provide sufficient data to establish whether a plant should be classified "threatened" or "endangered." The "rare" classification used by the Task Force has no Federal sanction but is used to identify those species that have not reached "threatened" status, but, due to their limited distribution, should be monitored.

T = listed as Threatened by Smithsonian Institution, January 1975.
E = listed as Endangered by USFWS, Federal Register, June 16, 1976.
* = known only from the John Day Valley.

**Compiled for John Day Wild and Scenic River Study by Jean L. Siddall, Chairman, Oregon Rare and Endangered Plant Species Task Force, September 1977.

APPENDIX D

Review Comments

IN REPLY REFER TO:

United States Department of the Interior

8351.2 (420)

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

AUG 24 1979

Memorandum

To: Chief, Office of Park Planning and Environmental Quality
National Park Service

From: Assistant Director, Recreation and Environmental Areas

Subject: Review of Draft of John Day W&SR Report and Environmental Assessment

We have reviewed the above named draft report and assessment. On the whole, we find it to be a good, acceptable piece of work. We shall rely on our State Director for Oregon to comment on matters specifically relating to on-the-ground conditions in the area.

We would like to comment on two points:

1. We feel uneasy about the information regarding minerals, including gas and oil. Seldom is an area as clearly devoid of minerals as indicated.

2. We strongly suggest that lateral boundaries of the W&SR corridor be defined. Unnecessary problems can be encountered in the future if this is not done in this report. We recommend, at least for that part of the river corridor having adjacent public land administered by the BLM, that the lateral boundaries include all of the "seen-area" corridor.

Thank you for the opportunity to review this draft.

Russell E. Lewis

Acting

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

OREGON STATE OFFICE
P.O. Box 2965 (729 N.E. Oregon Street)
Portland, Oregon 97208

IN REPLY REFER TO:
1793 (911)
AUG 20 '79

NPS-PNRO		Init.	Date
	D		
	DD		
	M		
✓	P		
	A		
	DPA		
	DEO		
✓	PCR		
	Central Files		
	Action Taken		

Memorandum

To: Regional Director,
National Park Service
601 Fourth and Pike Bldg.
Seattle, Washington 98101

From: State Director

Subject: Review of Draft John Day Wild and Scenic River Report and Environmental Assessment

We have reviewed the draft John Day Wild and Scenic River Report and Environmental Assessment. The following comments concerning it are provided for your consideration.

General Comments

The general impression is that activation of the proposal at the recommended or any alternate level (including no action) is not going to make any great changes in anything. If opposition to the recommendation is too strong, alternative Number 3 would accomplish very nearly the same things over all Federal lands in the study area, and might be more widely acceptable.

Specific Comments

Page 3 lines 2 & 3, Dams. The dam studies by the Corps of Engineers on the main stem of the John Day River were for hydro-electric generation not irrigation. Dams for irrigation are being pushed by local people on the upper reaches of the river.

Page 17 & 18, Width of Designated Waterways. Recommendations for designation include the entire 147 mile segment, however, the lateral boundaries being proposed are not mentioned. Various possibilities such as ¼ mile on each side of the river, or ½ mile on each side, or to the canyon rim where adjacent land is BLM and to mean high water line where adjacent land is privately owned, or have the national boundary follow the state scenic waterway boundary were all considered.

The environmental assessment should identify and analyze the lateral boundary which is being proposed, the various other possible alternatives and their impacts.

Page 34 and 48, Impact on Mineral and Other Resources. We tend to differ from the views expressed on the mineral potential of the area on the following aspects:

(a) John Day Formation in other areas contains potentially mineable industrial deposits such as zeolites and bentonites. In fact, portions of the areas in question have been classified by U.S. Geological Survey as prospectively valuable for sodium (possibly sodium zeolites).

As such, without a detailed examination it would not be correct to say that no nonmetallic mineral deposits exist in the area. Secondly, the Map 5 (Geology) shows a much lesser extent of John Day Formation outcrops in the area than a more recent map (1977 Map by G.W. Walker, USGS Miscellaneous Investigation Series Map I-902).

(b) The assessment that "there appears to be little potential for oil and gas" is also questionable as it admittedly was based on "limited data." It should be pointed out that almost all of the land in question is classified as lands prospectively valuable for oil and gas by the U.S. Geological Survey. At present, BLM has pending oil and gas lease applications in the area, and past deep drillings in the area did encounter showing for gas and hydrocarbons. Eastern Oregon is relatively unexplored, as there have been few deep holes drilled in the prospectively valuable oil and gas lands in eastern Oregon. We should be careful not to jump to unwarranted conclusions and give negative ratings based on these limited data. Recent commercial gas finds near Mist, Oregon and oil and gas discoveries in the overthrust belt point to the relevancy of this statement.

Page 38, 3rd paragraph, Water Appropriations. The total amount of water appropriated in the John Day system should also be summarized to point out the dependence and allocation of not just the study area on John Day River water but the entire watershed.

Page 42, 1st paragraph, River Access. It should be clarified that even though there are only 6 public access points to the river in the study segment, that the entire river is still accessible legally and physically as a "public water highway for boaters."

Page 48, Impact on Mineral and other Resources. The impact identification is not adequate, as mineral resource potential has not been properly identified in the EIS. The impact would be withdrawal of potentially oil and gas rich lands from exploration and development, ...also other industrial minerals.

Page 50, last paragraph, Cultural Resource Surveys. This statement is incorrect. The BLM in 1976 conducted a 100% cultural resource survey of all public lands along the river and a 10% sample of all private lands between Service Creek and the confluence of the John Day River with the Columbia River. In 1979 the BLM contracted with the University of Oregon to compile an overview and inventory of all known cultural resources in the area.

Page 51, Impact on Outdoor Recreation Use. Recreation use projection for 1980's and year 2000 should be qualified regarding current and future energy outlook. Same comments apply to alternatives 1-4.

Thank you for the opportunity to review and comment on this document.

OFFICE OF THE DIRECTOR

United States Department of the Interior

BUREAU OF MINES
2401 E STREET, NW.
WASHINGTON, D.C. 20241

July 30, 1979

Memorandum

To: Chief, Office of Park Planning and Environmental Quality, National Park Service

From: Chief, Office of Environmental Coordination

Subject: Draft wild and scenic river report and environmental assessment, John Day River, Oregon

The report recommends that 147 miles of the John Day River from Service Creek to Tumwater Falls be added to the National Wild and Scenic Rivers System. This segment of the river is a unit of the Oregon Scenic Waterways System, with approximately 47 percent of the lands administered by the Bureau of Land Management.

In July and October of 1976, Bureau of Mines personnel examined parts of the John Day study area to determine what impacts its withdrawal would have on the minerals sector of the economy. Although gravel and stone deposits are in the area, these commodities are available closer to principal markets. Small amounts of asphalt and impure coal occur, but no mining claims or potentially minable metallic or nonmetallic mineral deposits were found.

From a minerals standpoint, designation of the 147-mile segment as a wild and scenic river should result in no adverse impacts. Thank you for the opportunity to review this document.

Herman W. Sheffer

United States Department of the Interior

BUREAU OF RECLAMATION
WASHINGTON, D.C. 20240

IN REPLY REFER TO: 725
121.

AUG 13 1979

Memorandum

To: ~~Director~~ Assistant, National Park Service

From: Commissioner of Reclamation

Subject: Review of John Day Wild and Scenic River Study Draft Report and Draft Environmental Assessment

By copy of the Department of the Interior's June 21, 1979, letter to the Honorable Douglas M. Costle, Administrator, Environmental Protection Agency, we became aware of the subject study and draft environmental statement, and are providing the following comments.

The Bureau of Reclamation is currently conducting a feasibility investigation in the upper John Day system to examine the possibility of improving anadromous fish habitat through several means, including flow augmentation, riparian habitat improvement, and installation of stream improvement structures. Although our study is upstream from the John Day Wild and Scenic River Study area, there is potential for our project to have a minor effect on water quality and quantity on the lower John Day River. We see no significant conflict between the two proposals and have no objection to the release of the report.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/ES

Memorandum

To: ~~Director~~, National Park Service
~~Associate~~ AUG 15 1979

From: Director, Fish and Wildlife Service

Subject: John Day River (Oregon) Wild and Scenic River Study--Comment on Department's Combined Draft Report and Environmental Assessment

In response to Acting Assistant Secretary Hales' letter of June 21, we have reviewed the subject document and offer the following comments.

1. Recommendations, page 17, et seq. We suggest inculsion in this section the proposed classification of the 147-mile segment of the John Day River which is recommended for addition to the National Wild and Scenic River System. Under Findings (page 16) the appropriate classification of the entire segment is stated to be "scenic." According to a statement on page 17, a "wild" classification was considered for the portion of the river between Butte Creek and Cottonwood Canyon, but it was rejected because water quality was not of a sufficiently high standard at this time to meet the requirements of a "wild" classification.

We support the recommended addition of the 147-mile segment of John Day River to the national system. While water quality may not be good enough for the "wild" designation, as discussed on page 40, we strongly recommend reconsideration of that classification for the Butte Creek-Cottonwood Canyon portion of the river at such time in the future as water quality can be improved to warrant "wild" status. It is our understanding that much of the river between Butte Creek and Cottonwood Canyon has been classified as "natural" by the State, which has included in the Oregon Scenic Waterways System the same 147-mile segment recommended for national system designation. A "wild" classification would better complement the State's classification.

Unless reasons exist at present for not doing so, we suggest inclusion in the Recommendations section a statement indicating what portion of the river, under national system designation, would be administered by the State of Oregon and what portion by the Bureau of Land Management.

cc: Regional Director, FWS, Portland, Oregon

2. Miscellaneous Comments

Under Utilities on page 21, highways and bridges, as well as powerlines and pipelines, are discussed. Highways and bridges are not ordinarily considered to be utilities and should be treated under another heading.

Under Impact on Mineral and Other Resources on page 48, the first sentence states: "Other than for valid existing rights, minerals in Federal lands included in the National Wild and Scenic Rivers System are withdrawn from all forms of appropriation." According to our interpretation of Section 9 of the Wild and Scenic Rivers Act, that statement applies only to segments of rivers classified as "wild."

We appreciate the opportunity to review and comment on the report-environmental assessment.

Michael J. Spear

United States Department of the Interior

FISH AND WILDLIFE SERVICE

WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/ES

Memorandum

To: ~~Director~~, National Park Service
Associate

AUG 15 1979

From: Director, Fish and Wildlife Service

Subject: John Day River (Oregon) Wild and Scenic River Study--Comment on Department's Combined Draft Report and Environmental Assessment

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We support the recommended addition of the 147-mile segment of John Day River to the national system. While water quality may not be good enough for the "wild" designation, as discussed on page 40, we strongly recommend reconsideration of that classification for the Butte Creek-Cottonwood Canyon portion of the river at such time in the future as water quality can be improved to warrant "wild" status. It is our understanding that much of the river between Butte Creek and Cottonwood Canyon has been classified as "natural" by the State, which has included in the Oregon Scenic Waterways System the same 147-mile segment recommended for national system designation. A "wild" classification would better complement the State's classification.

Unless reasons exist at present for not doing so, we suggest inclusion in the Recommendations section a statement indicating what portion of the river, under national system designation, would be administered by the State of Oregon and what portion by the Bureau of Land Management.

cc: Regional Director, FWS, Portland, Oregon

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We appreciate the opportunity to review and comment on the report-environmental assessment.

Michael J. Spear

United States Department of the Interior

GEOLOGICAL SURVEY
RESTON, VA. 22092

In Reply Refer To:
EGS-Mail Stop 441

July 23, 1979

Memorandum

To: Chairman, Interdepartmental Study Group on Wild and Scenic Rivers

From: Geological Survey Representative

Subject: John Day Wild and Scenic River Report and Environmental Assessment

The Department's draft report and environmental assessment on the John Day Wild and Scenic River has been reviewed by personnel in our Portland, Oregon, office. The reviewer's comments are enclosed. Thank you for giving us the opportunity to review this report.

Thomas J. Buchanan

Enclosure

United States Department of the Interior

GEOLOGICAL SURVEY

Water Resources Division
P. O. Box 3202
Portland, Oregon 97208

July 12, 1979

Memorandum

To: Assistant Chief Hydrologist for Operations, M.S. 441
Reston VA

From: District Chief, WRD, Oregon District

Subject: PUBLICATIONS - John Day Wild and Scenic River Report and Environmental Assessment

We have reviewed the subject draft and have no major comments. The following minor comments should be noted:

On pages 37 and 38 the mean annual discharge for John Day River at McDonald Ferry through 1977 should actually be 1,999 ft^3/s instead of 2,005 ft^3/s. Apparently the latter number must have been derived by averaging the 12 monthly values. When the averages are properly weighted by the number of days in each month, the correct value of 1,999 is derived.

On the same pages, the period of record used for the station at Service Creek is actully 1930-1977.

Stanley F. Kapustka

United States Department of the Interior

HERITAGE CONSERVATION AND RECREATION SERVICE
WASHINGTON, D. C. 20240

IN REPLY REFER TO:

AUG 15 1979

Memorandum

To: Director, National Park Service

From: Director, Heritage Conservation and Recreation Service

Subject: Comments--John Day Wild and Scenic River Report

We have reviewed your draft "John Day Wild and Scenic River Report and Environmental Assessment." The document is well prepared and we concur with the findings and recommendations. Our Northwest Regional Office participated in the design of the study and the development and formulation of alternatives during the time that these functions were lodged in this agency, and has continued to coordinate closely with the Park Service since that time. Therefore, we feel that our concerns are adequately addressed in the document and the following comments are provided only as suggestions which could be incorporated at such time as detailed management policies for the river are drafted.

Water Quality

On page 17, the report states: "Some consideration was given to classifying the Butte Creek--Conttonwood Canyon segment as 'wild', but it was felt the water quality of the river was not of a sufficient high standard to meet the wild classification at this time."

We suggest that when the administering agency prepares its management plan for the river according to Section 3(b) of the Wild and Scenic Rivers Act, the Butte Creek--Cottonwood Canyon section could be classified wild if the water quality has improved sufficiently by that time. If it has not, the segment should be managed in all other respects as a wild river until such time as it can be reclassified as a wild river.

Land Resource Use

On page 20, the report states: "Agricultural and livestock uses along the river would be recognized as compatible." We suggest that depending upon classification certain agricultural or livestock

uses or intensities of usage could be incompatible. The management objective should state that all existing uses and/or all uses in keeping with current standards of range management and agricultural practice would be recognized as compatible.

If the Butte Creek--Cottonwood Canyon segment were to be classified wild, the objective might have to be modified. According to the guidelines for wild river areas, "...a limited amount of domestic livestock grazing, pastureland and cropland devoted to the production of hay ..." may be permitted.

Historic and Archeological Preservation

Page 50 of the draft states: "There are abundant archeological sites and possibly significant historic sites dating from early homesteading and mining. No systematic inventory and evaluation of these resources along the river has been made. If the river is added to the National System, such an inventory and evaluation will have high priority and special protection (will be) provided any sites which are located."

We feel that this inventory work should be done as soon as possible after designation, and determinations of eligibility should be sought pursuant to E.O. 11593 for potential listing of significant properties to the National Register of Historic Places. The State Historic Preservation Officer should be notified prior to any actions that could impact significant resources.

We thank you for the opportunity to review the John Day report, and we hope that you will find our comments helpful.

for Mary Maguire
Chris Theodoral Delaporte

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

Honorable Cecil D. Andrus
Secretary of the Interior
Washington, D.C. 20240

Dear Mr. Secretary:

This is in response to your June 21, 1979, letter requesting our views on your proposed report on the John Day River in Oregon.

Our primary concern with the report is the incomplete economic analysis in both the National Economic Development Account and the Regional Development Account. In the report, only the recreation impacts are evaluated in monetary terms, which could be interpreted to mean that the recreation impacts are the only monetary impacts that are substantial and worth considering. However, the discussion on page 49 under "Impact on Federal and Federally Licensed Water Projects," indicates that data are available to evaluate the water resource development opportunities foregone if the recommended plan is implemented.

At present, the Department of Agriculture is providing assistance on the Rock Creek Watershed under Public Law 83-566. Rock Creek is a tributary of the John Day River just upstream from McDonald Ferry and in the segment of river proposed for scenic river status. Both we and the local sponsors are in the process of making major financial commitments to the project. We expect that designation of the John Day River as part of the National System will not affect implementation of the Rock Creek Watershed project as approved by the Congress. In addition, the Department, through the Rural Electrification Administration, is providing assistance to three electric cooperatives which operate in the area. These cooperatives have distribution and transmission facilities adjacent to and crossing the segment of the John Day recommended for inclusion in the National Wild and Scenic Rivers System. It is very probable that these cooperatives will need to upgrade and expand their facilities to provide power to the users in their service areas. We suggest the Cooperatives be contacted during the management planning phase if the proposal is implemented so their future needs can be planned for in the management of the river area.

We appreciate the opportunity to review and comment on your proposed report.

Sincerely,

United States Department of Agriculture
Soil Conservation Service
1220 S. W. Third Avenue
16th Floor
Portland, OR 97204

August 16, 1979

Mr. Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
601 Fourth & Pike Building
Seattle, Washington 98101

Dear Mr. Dickenson:

We have reviewed the draft report and environmental assessment for a proposal to add a 147-mile portion of the John Day River to the National Wild and Scenic Rivers System and have no comments to offer.

We appreciate the opportunity to review and comment on this draft.

Sincerely,

Acting

Guy W. Nutt
State Conservationist

cc: Director, Office of Federal Activities (Mail Code A-104) (5)
Environmental Protection Agency
Room 537, West Tower
401 M. Street, S.W.
Washington, D.C. 20460

Administrator, SCS, USDA, Washington, D.C. 20013

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

21 AUG 1979

Honorable David Hales
Acting Assistant Secretary for Fish,
Wildlife and Parks
U. S. Department of Interior
Washington, D. C. 20240

Dear Mr. Hales:

This is in response to your request for comments on the John Day Wild and Scenic River Report and Environmental Assessment. We have reviewed the document and offer the following comments:

We believe the paragraph on page 38 entitled, "Federal and Federally Licensed Water Projects" would be more accurate and complete if revised as follows:

> "There have been no specific sites identified in the study area subject to licensing by the Federal Energy Regulatory Commission. The Corps of Engineers, as part of the Columbia River and Tributaries Study, is presently inventorying potential dam sites for a variety of purposes (system storage, hydroelectric power generation, and other uses). Five conventional storage sites have been located in the study area: Tenmile Falls (River Mile 10), Mikkalo (River Mile 29), Jackknife (River Mile 60), Butte Creek (River Mile 93), and Twickenham (River Mile 137). No detailed studies of these sites are in progress nor are any planned at this time."

It is suggested that Map 6, page 29, be revised accordingly.

Mr. David Hales
Acting Assistant Secretary

We also believe that mention should be made on page 38 to the fact that in 1976 the Corps of Engineers completed an inventory of potential pumped storage sites within the Columbia Basin. That inventory identified four potential pumped storage sites on the John Day River located within the study segment: Cottonwood Canyon (River Mile 45), Cushman Canyon (River Mile 79), Juniper Canyon #1 (River Mile 79), and Rock Canyon (River Mile 140). More recent investigations have concluded that because of their limited storage capacity, none of these pumped storage sites warranted further consideration at this time.

Finally, we suggest that the first two sentences of the paragraph on page 49 entitled "Impact on Federal and Federally Licensed Water Projects" be revised as follows:

> "The Corps of Engineers has identified and made preliminary reconnaissance studies of five conventional multiple-purpose storage sites that are located within the study segment. That agency has no current plans for further study of those sites."

Thank you for this opportunity to review your report.

Sincerely,

Michael Blumenfeld
Assistant Secretary of the Army
(Civil Works)

Department of Energy
Washington, D.C. 20585

AUG 3 1979

Mr. David Hales
Acting Assistant Secretary
Department of the Interior
Washington, D.C. 22201

Dear Mr. Hales:

This is in response to your letter of June 21, 1979, to Secretary Schlesinger requesting comments on the proposed designation of portions of the John Day River as a wild and scenic river. Our comments are enclosed for your consideration. Thank you for the opportunity to review this document.

Sincerely,

Ruth C. Clusen
Assistant Secretary
for Environment

Enclosure

DOE COMMENTS ON JOHN DAY RIVER WILD AND SCENIC DESIGNATION

1. Map 6 indicates three potential hydroelectric sites. The potential magnitude of power production should be stated for each site so that the degree of resource development potentially foregone in each of the alternatives plans can be better evaluated against the indicated benefit. In addition, the last paragraph on page 44 implies possibly substantial long-range energy requirements; therefore, the report should state what these needs are, where located, and whether the foregone local hydropower would have been a desirable energy source to serve these needs.

2. Page 38 states that the Oregon Water Policy Review Board low flow standards at Service Creek are 30 cfs but page 37 says the lowest historic flow at the station was 6 cfs. Are these consistent?

3. Page 37 says that flood conditions have carried 3,800,000 tons of sediment past McDonald Ferry in one day. Has there been any evaluation of the desirability of establishing sediment and flood control systems on John Day as opposed to maintaining it as a wild and scenic river? Similarly, page 22 indicates that many valley bottom farms are dependent on irrigation; therefore, any advantages to regulating the flow of John Day so as to guarantee needed irrigation in dry years (such as the low flow conditions implied in comment 2 above) as opposed to a wild and scenic designation should be discussed.

4. Since the proposed designation is "scenic" (page 16), is it possible that some flow regulation could be established in some reaches without causing major damage to scenic values? For example, couldn't hydro-site #2 (page 39) be established to raise the river level, for example, 50 feet (at the dam) without innundating the major features above river mile 90 shown in pages 8 to 10? Note that page 49 indicates that developing all three hydro-sites would innundate only half the study area.

5. It is not clear why the recommended alternative (#4, see page 59) is for designating 147 miles of the river rather than some lesser amount, particularly since page 56 indicates there would be strong local opposition to this approach. Table 6 seems to indicate only relatively small additional benefits of the recommended plan over other alternates that might be more acceptable (and perhaps foreclose fewer energy options).

6. The wording of page 56 should be reviewed to clarify whether or not alternative 4 is indeed the recommended option. If alternative 4 is the recommended option, it is not clear why there is so little discussion relative to the other options.

7. In general, it is not clear why the "no action" alternative would not be an adequate solution. The report seems to indicate for example, that existing Oregon Management Systems do an adequate job of protecting the river (see page 18, last paragraph). Similarly, if hydropower development is as unlikely to occur as is now indicated by the report (particularly in any State-controlled reaches, see page 55 first paragraph), it would seem that no additional protection, via designation, is needed in regard to major future flow regulation actions that might adversely affect the scenic values at issue. Therefore, it may be appropriate to leave the existing management scheme in place so as to retain options for future development if needed (even through this could apparently be effected by Act of Congress if required, see page 49, last line.)

8. Page 49 indicates a State water rights restriction of power development to less than 7 1/2 theoretical horsepower. It is not clear why this limit is imposed in an area with three possible significant hydro-sites.

Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208

OFFICE OF THE ADMINISTRATOR

In reply refer to: AE

August 17, 1979

Mr. Russell E. Dickenson
Regional Director
Pacific Northwest Region
National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

Dear Mr. Dickenson:

We appreciate the opportunity to comment on the draft of the John Day Wild and Scenic River Report and Environmental Assessment. Following are our comments with regard to the present and future need for accommodating energy corridors in the study area.

At present, Bonneville Power Administration (BPA) has the following transmission lines crossing the John Day River, as shown on the enclosed map:

DeMoss-Fossil 115-kV line
Slatt-Marion 500-kV double circuit line
McNary-Maupin No. 2, 230-kV line

Future load growth will require that some or all of these lines be upgraded to higher voltages, necessitating wide rights-of-way with larger towers.

In more general terms, the study area for the John Day River as a wild and scenic river extends north and south across a State (Oregon) whose east-to-west width is greater than its north-to-south length. The proposed wild and scenic area would eliminate approximately 25 percent of the latter dimension for routing future transmission corridors. If all future transmission lines were forced to detour around this stretch of river, the result would be inordinate environmental consequences and financial costs.

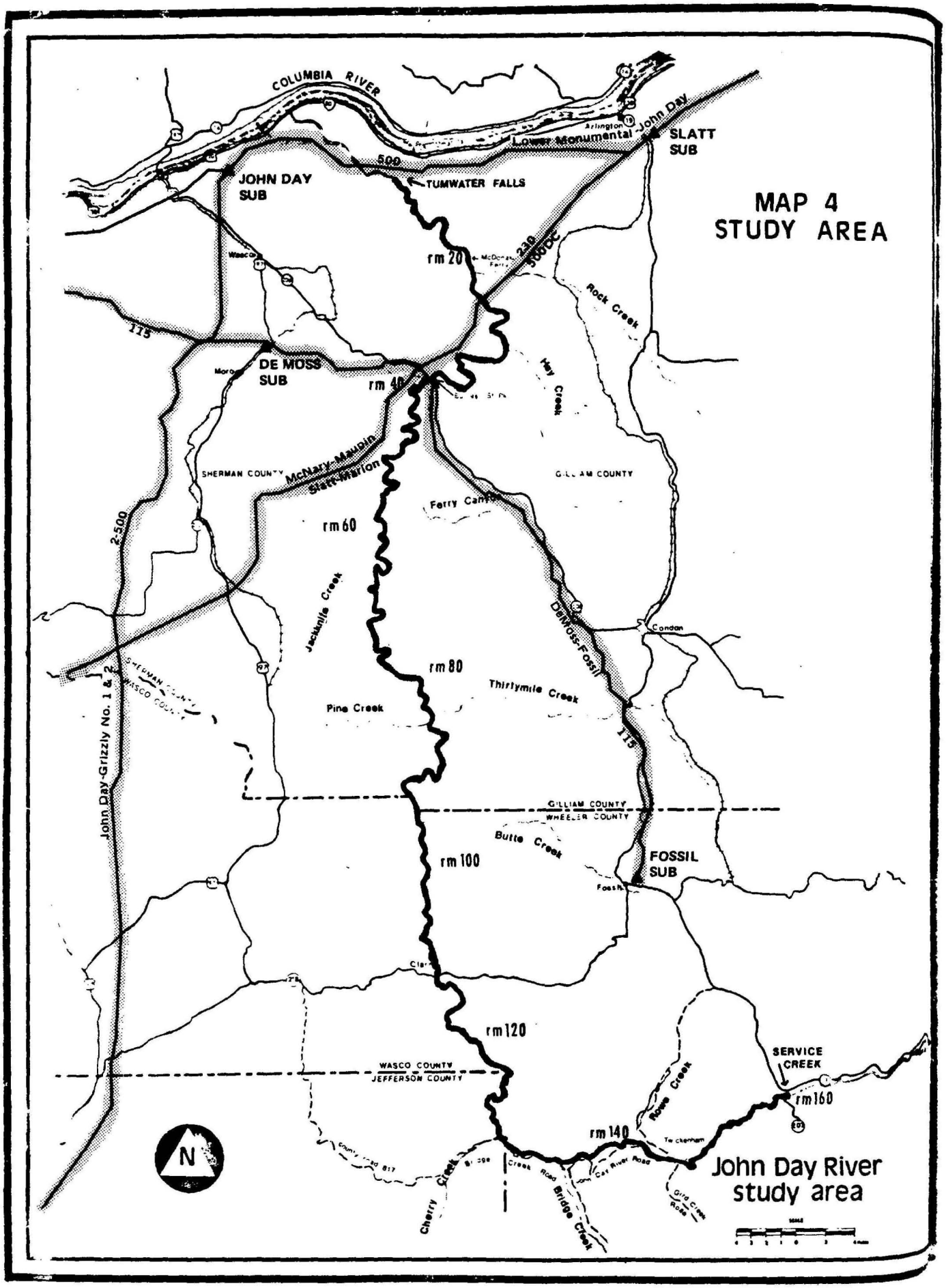
We feel that the expression "where possible..." in Paragraph 1, Page 21, under "Utilities" is too strong and should be modified. BPA will be pleased to work with the sponsoring agency and to initiate joint planning for future transmission facilities as early as possible.

Again, thank you for alerting us to this study, and please contact me at FTS 429-5117 should you have any questions.

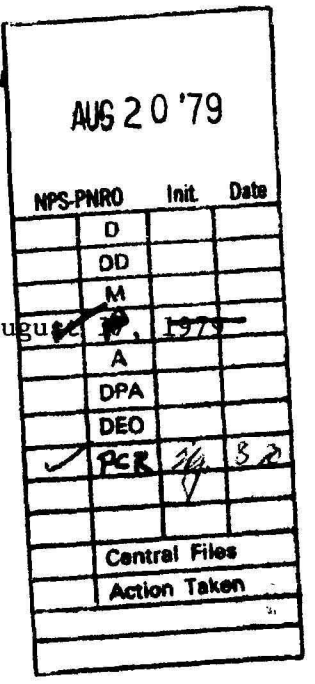
Sincerely,

Dan W. Schausten
Assistant to the Administrator
--Intergovernmental Relations

Enclosure:
Map


MAP 4
STUDY AREA
COLUMBIA RIVER
Lower Monumental
John Day
SLATT SUB
JOHN DAY SUB
TUMWATER FALLS
500
rm 20
230
500DC
Rock Creek
115
DE MOSS SUB
rm 40
Hay Creek
SHERMAN COUNTY
McNary-Maupin
Slatt-Marion
GILLIAM COUNTY
Ferry Canyon
rm 60
2500
Jacknife Creek
DeMoss-Fossil
Condon
rm 80
Thirtymile Creek
Pine Creek
John Day-Grizzly No. 1 & 2
GILLIAM COUNTY
WHEELER COUNTY
Butte Creek
rm 100
FOSSIL SUB
rm 120
WASCO COUNTY
JEFFERSON COUNTY
SERVICE CREEK
rm 160
Rowe Creek
rm 140
Tetherham
Cherry Creek
Bridge Creek
Gas River Road
Grid Creek Road
N
John Day River
study area

FEDERAL ENERGY REGULATORY COMMISSION
REGIONAL OFFICE
555 BATTERY STREET, ROOM 415
SAN FRANCISCO, CA 94111



August 17, 1979

Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

Reference: L58(PNR)PCR John Day

Dear Mr. Dickenson:

This is in response to Acting Regional Director Kurtz's letter of July 6, 1979, inviting comments on your June 1979 draft, "Wild and Scenic River Report and Environmental Assessment" for the John Day River, Oregon.

The study recommends that the 147-mile segment of the John Day River from Service Creek to Tumwater Falls be added to the National Wild and Scenic Rivers System.

We have reviewed your draft report to determine the effect on matters affecting the Federal Energy Regulatory Commission's responsibilities. Such responsibilities relate to the licensing of non-federal hydroelectric projects and associated transmission lines; certification for construction and operation of natural gas pipeline facilities, defined to include both interstate pipeline and terminal facilities; and the permission and approval required for the abandonment of natural gas pipeline facilities.

Our review shows that there are no existing and no known current plans to construct hydroelectric projects, steam-electric plants, or power transmission lines within the river segment proposed for wild or scenic river designation. As noted in your Department's proposed report, there are three sites with potential for hydroelectric power development in the portion of the John Day River proposed for inclusion in the National Wild and Scenic Rivers System. These are the Jackknife Creek, Butte Creek, and Twickenham sites which were identified by the Corps of Engineers in a preliminary reconnaissance study in 1975. None of these sites are under consideration for development at this time. However, we do note that the Pacific Gas Transmission Company has an existing natural gas pipeline which passes through this segment, and the Company plans a second pipeline in the basin as part of its Alaska project.

Based on the consideration of the proposed report of your Department, and our studies, we conclude that the proposed wild and scenic river designation of the John Day River would conflict with the possible future development of a moderate amount of hydroelectric power and the transmission of natural gas. We believe that the possible power benefits foregone and the required rerouting of the second natural gas pipeline facility should be considered in deciding whether or not to include the river segment in the National Wild and Scenic Rivers System.

Sincerely,

Eugene Neblett
Regional Engineer

OREGON PROJECT NOTIFICATION AND REVIEW SYSTEM

STATE CLEARINGHOUSE

Intergovernmental Relations Division
Room 306, State Library Building
Salem, Oregon 97310, Phone: 378-3732
Toll Free Number - 1-800-452-7813

STATE A-95 REVIEW CONCLUSIONS

APPLICANT: U.S. Dept of the Interior

PROJECT TITLE: John Day Wild & Scenic River Report

DATE: August 14, 1979

The state has reviewed your project and reached the following conclusions:

[X] No significant conflict with the plans, policies or programs of state government have been identified ~~and/or proposed/as endorsed/as presented~~.

[X] Relevant comments of state agencies are attached and should be considered in the final design of your proposal.

[ ] Potential conflicts with the plans and programs of the state agency(s) have been satisfactorily resolved. No significant issues remain.

[ ] Significant conflicts with the plans, policies or programs of state government have been identified and remain unresolved. The final proposal has been reviewed and the final comments and recommendations of the state are attached.

Parks
SHPO
Fish & Wildlife

NOTICE TO FEDERAL AGENCY

The following is the officially assigned State Identifier Number:

7907 2 260

This number should be used on all correspondence and particularly on SF 240 as required by OMB A-98.

A copy of this notification and attachments, if any, must accompany your application to the federal agency as required by OMB A-95. Comments of the appropriate local reviewing agencies will be submitted to you separately and must also be included.

PNRS #2

VICTOR ATIYEH
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

August 22, 1979

Mr. Russell E. Dickenson
Regional Director
Pacific Northwest Region
601 Fourth and Pike Building
Seattle, WA 98101

Dear Mr. Dickenson:

I have reviewed the drafts of the Snake and John Day Rivers Wild and Scenic River reports. The National Park Service is to be commended for the fine job it has done in compiling these reports and assessing each proposal's environmental impact.

Our principal interest concerns the John Day River report. It is well-documented that this fine Eastern Oregon river possesses the natural, scenic and recreational attributes worthy of federal designation. However, the present system of river management via the ten-year old Oregon State Scenic Waterways Act has been successful in managing the river and the related adjacent lands without significant loss of its natural or recreational values. The current management policies of the Bureau of Land Management river corridor lands has been in most cases consistent with state and local interests.

The counties of Gilliam, Wasco, Sherman, Jefferson and Wheeler have completed or will complete in the near future, land use planning and zoning designations for the river corridor area. Most of the river corridor will be designated and zoned for grazing and exclusive farm use, thereby precluding any immediate threat to the river from extensive non-compatible commercial, residential, or industrial uses.

I concur with the National Park Service recommended alternative. However, I do not anticipate submitting a John Day Wild and Scenic River designation request to the Secretary of the Interior until such time as local public opinion is more supportive of inclusion and/or a serious threat to the river's free-flowing or other values occur.

I also concur with the National Park Service recommended alternative for the Snake River Wild and Scenic River. As only four miles of the study area are within Oregon, and the area is already included in the Hells Canyon National Recreation Area, it makes good sense for management and administration of this area to remain with the U.S. Forest Service.

With this letter I am enclosing various state agency responses to the National Park Service studies of the Snake and John Day.

Sincerely,

Victor Atiyeh
Governor

VA:ay

enclosures

ROBERT W. STRAUB
GOVERNOR

Department of Transportation
PARKS AND RECREATION BRANCH
525 TRADE STREET S.E., SALEM, OREGON 97310

August 15, 1979

Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
Fourth and Pike Building
Seattle, WA 98101

RE: John Day River Wild and ~~Scenic~~ River Report

Dear Mr. Dickenson:

The Scenic Waterways Program, State Parks and Recreation Division, Oregon Department of Transportation has reviewed the Draft John Day Wild and Scenic River Report. We concur with the National Park Service recommended alternative that while the river qualifies for inclusion within the federal system, designation should be considered upon request of the Governor of the State of Oregon. It is our strong opinion that the John Day River should be included in the Federal Wild and Scenic River System.

The report is well-written, adequately presenting the various alternatives and environmental impacts. Our comments are listed below:

1. Management Guidelines p. 18 - Some mention should be made of the responsibilities of the State Water Resources Department and the Division of State Lands to manage their programs on scenic waterways consistent with the State Act. (ORS 390.835 (1)(2)(3)(4)). Also the State Marine Board has jurisdiction over boating activities on the surface of the water. The State Marine Board under ORS 488.600 (3) is responsible to regulate boating on scenic waterways consistent with the State Act.

2. Utilities (2) p. 21 - This section should be clarified to specifically refer to public bridges only.

3. Ourdoor Recreation Use p. 46 - Special mention should be made that river user data is almost non-existent at the present time. User data is collected at developed upland sites.

4. Appendix - I have enclosed the entire set of rules and regulations for land use management within Oregon Scenic Waterways. Special notice should be made of the specific rules for the John Day River Scenic Waterway.

Thank you for the opportunity to comment on this proposal.

Cordially,

John E. Lilly, Manager
River Programs

JEL:ma

cc: David Talbot
Wally Hibbard
Pat Amedeo

GRANT - COUNTY

OREGON PROJECT NOTIFICATION AND REVIEW SYSTEM

STATE CLEARINGHOUSE

Intergovernmental Relations Division
Room 306, State Library Building
Salem, Oregon 97310, Phone: 378-3732

P N R S STATE REVIEW

Project #: 7907 2 200 Due Date: AUG 10 1979

To Agency Addressed: If you intend to comment but cannot respond by the return date, please notify us immediately. If no response is received by the due date, it will be assumed that you have comment and the file will be closed

---

PROGRAM REVIEW AND COMMENT

To State Clearinghouse: We have reviewed the subject Notice and have reached the following conclusions on its relationship to our plans and programs:

( ) It has no adverse effect.

( ) We have no comment.

( ) Effects, although measurable, would be acceptable.

( ) It has adverse effects. (Explain in Remarks Section)

( ) We are interested but require more information to evaluate the proposal. (Explain in Remarks Section)

( ) Please coordinate the implementation of the proposal with us.

(X) Additional comments for project improvement. (Attach if necessary)

---JOHN DAY RIVER

REMARKS (Please type or print legibly)

THE PRESERVATION OF THE JOHN DAY RIVER WOULD RESULT IN BETTER SURVEYS, INVENTORIES AND MANAGEMENT OF CULTURAL RESOURCES

Agency _____ By David O Talbot

JOHN DAY R

Department of Environmental Quality

522 SOUTHWEST 5TH AVE. PORTLAND, OREGON

MAILING ADDRESS: P.O. BOX 1760, PORTLAND, OREGON 97207

Victor Atiyeh
Governor

August 7, 1979

John E. Lilly, Manager
Scenic Waterways Program
Department of Transportation
Parks and Recreation Branch
525 Trade Street, S.E.
Salem, OR 97310

Dear Mr. Lilly:

This is in answer to your letter of July 26, 1979, regarding U.S. Department of Interior Study of the Snake and John Day Rivers for possible designation as scenic and wild rivers.

We reviewed their draft Environmental Assessment for the John Day River, but did not receive a similar document for the Snake River. The John Day E.A. appears to be reasonably well done.

In either case, our Department would have primary responsibility for regulating the disposal of sewage and solid waste from any camp sites that might be developed in the process. Thus, we would want to review and approve the detailed plans for handling these wastes before developments take place.

Please call me if you wish to discuss our agency's concerns in greater detail.

Sincerely,

Glen D. Carter

Glen D. Carter
Water Quality Analyst
Water Quality Division

PNRS 7907-2-260

JOHN DAY WILD AND SCENIC RIVER REPORT
AND ENVIRONMENTAL ASSESSMENT

The Oregon Fish and Wildlife Commission supports the protection of the Service Creek to Tumwater Falls reach of the John Day River from reservoir construction. In October, 1977 the Commission urged the Oregon Congressional Delegation to sponsor legislation which would prohibit federally constructed or licensed dams on the state rivers that are or may be designated as State Scenic Waterways.

On June 22, 1978, the Oregon Fish and Wildlife Commission voted unanimously to adopt an official position of neutrality regarding national wild and scenic rivers designation for the John Day River.

Robert U. Mace
Deputy Director

bc: Bob Mace
Warren Aney
Errol Claire
Jim Phelps
Glen Ward
Al Polenz
John Lilly, State Parks and Recreation

VICTOR ATIYEH
GOVERNOR

Forestry Department

OFFICE OF STATE FORESTER

2600 STATE STREET, SALEM, OREGON 97310 PHONE 378-2560

AUG 6 '79

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	Action Taken		

July 31, 1979

Russell Dickenson
Regional Director
Pacific Northwest Region, National Park Service
601 4th and Pike Bldg.
Seattle, WA 98101

Dear Mr. Dickenson:

A combined field and staff review of both the Snake and John Day Wild and Scenic River Studies has been completed by the Department of Forestry. Based on the information currently in the draft environmental statements we have no specific comment on the proposals. The Department will continue to monitor these proposals as they progress. We appreciate the opportunity to review the studies.

Sincerely,

J.E. Schroeder
State Forester

JES:DAD:mo
cc: John E. Lilly
State Legislators
Federal Agencies
State Agencies
Executive Staff
John Boro
Ernest Labart
Other Organizations and Individuals

Department of Agriculture

AGRICULTURE BUILDING, 635 CAPITOL STREET N.E., SALEM, OREGON 97310

August 9, 1979

John E. Lilly, Manager
Scenic Waterways Program
Department of Transportation
Parks and Recreation Branch
525 Trade Street SE
Salem, OR 97310

Dear Mr. Lilly:

We reviewed the Draft John Day Wild and Scenic River Report, and after careful consideration, we respectfully suggest that there should be no such designation for this waterway. There are several reasons for our position:

The John Day River for many years has served as a source of important irrigation water for agricultural producers whose water rights are regarded as personal property. Present and future irrigation and diversions under this long-standing system would be seriously threatened if the wild and scenic designation were to take effect. We believe that impact would be serious for agriculture expansion.

The development of many small, multiple-use water impoundments in tributaries of major waterways has been an established goal in our state in recent years. It is the key to effective management of our water resources. Designation of the John Day as envisioned in the Draft Report most likely would end any possibility of future impoundment construction.

The opposition by local landowners to the wild and scenic designation is well known, and that sentiment cannot be ignored. Too often, the desires of local citizens in such actions are set aside. We cannot overlook the wishes of local citizens.

Management decisions in the area of vital resources should remain with the states, and in this case, Oregon would be relinquishing its role in administering the resources of the John Day River. At the expense of seeming totally negative, it is our experience that placing management in the hands of a complexed federal system automatically creates severe problems in programs. Management decisions in the case of river resource management should remain within the state.

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

July 31, 1979

John E. Lilly, Manager River Programs
State Parks and Recreation Division
525 Trade Street SE
Salem, OR 97310

Dear John:

In response to Governor Atiyeh's request for comments on the possible designation of the Snake and John Day Rivers as Federal Wild and Scenic Rivers, this agency would offer the following:

Comprehensive plans of Wallowa, Gilliam and Sherman Counties have been acknowledged by the Land Conservation and Development Commission as being in compliance with the Statewide Planning Goals. As such, these jurisdictions have recognized the natural, scenic and recreation qualities of the John Day and Snake Rivers and their possible designation as Federal Wild and Scenic Rivers. Appropriate zoning (primarily Exclusive Farm Use) has been adopted by Gilliam and Sherman Counties for land along the John Day River. As you know, the Snake River runs through the Hell's Canyon National Recreation Area in Wallowa County. It has been so noted in Wallowa County's comprehensive plan.

As a point of clarification, on June 7, 1979, the Land Conservation and Development Commission acknowledged Sherman County's comprehensive plan to be in compliance with the Statewide Planning Goals. Included in the plan is a policy:

> "Designation of the John Day and Deschutes Rivers to the National Wild and Scenic River System shall be opposed."

Sherman County has indicated that this statement "is merely the County's position on the issue and is not meant to bind any State or Federal agency" (see enclosed letter). In acknowledging the County's comprehensive plan, the Land Conservation and Development Commission concurred with this interpretation.

Thank you for the opportunity to comment.

Cordially,

W. J. Kvarsten
Director

WJK:CP:ka

Enclosure

cc: Claire Puchy, DLCD
Jim Claypool, DLCD
Jim Knight, DLCD

State Marine Board

OFFICE OF THE DIRECTOR

3000 MARKET ST. N.E., No. 505, SALEM, OREGON 97310 PHONE 378-8587

August 1, 1979

Mr. John E. Lilly, Manager
Scenic Waterways Program
Oregon State Parks
525 Trade Street, S. E.
Salem, OR 97310

Dear John:

As requested, I am providing the Marine Board's state agency response to the draft John Day Wild and Scenic River Study. After a review of this document, I have the following comments to offer.

- The Marine Board members have not had the opportunity to review this report; therefore, these comments are generated by the agency staff. However, we believe that the Board would prefer a recommendation which preserves state's rights and flexibility to the greatest extent. Therefore, we concur in the reports recommendation for designation of 147 miles as "Scenic" upon the application of Governor Atiyeh.

- Insofar as federal designation would provide additional federal funds for land management by BLM, we support inclusion in the federal Wild and Scenic River System. The agency supports inclusion upon application by Governor Atiyeh to the Secretary of Interior. This will preclude extensive federal land acquisition as would occur under Alternative 4, which is opposed locally.

- We also concur in the need for the Governor's application to discuss state plans to manage and protect the river and its immediate environment. I am unaware of any existing management plan for the State Scenic Waterway on the John Day. Given the increased use of the John Day and other scenic waterways, it appears that management plans need to be developed which will provide for adequate resource protection. This agency would cooperate in the preparation of such plans to the fullest extent that our limited staffing will permit.

- The final EIS and study report should include information regarding management authority for the land and water surface that might be incorporated as a part of the federal river system. For example, the draft report does not recognize the authority of the Marine Board to regulate boating on the surface waters of the state, pursuant to ORS 488.600(3). The final report might also discuss the Cooperative Memorandum of Understanding which exists for the managing agencies.

- Concerning the value of recreation days on the John Day, contained on pages 64 and 65, we do not feel that there is any justification for valuing a private float trip day at $9.00 while assuming a commercial float trip day is worth $50.00. While a commercial passenger may pay more than a private "do-it-yourself" boater for a float trip on the John Day (or any other river), it cannot be substantiated that a commercial passenger's benefit or value is any greater than the private boater. On the contrary, it may be argued that given the investment in equipment, time, preparation, skills, and direct participation that, in fact, a private "do-it-yourself" boating day should be valued higher than a commercial day where all the person does is pay an outfitter and go along for the ride. In any case, we would suggest that these sections be revised to eliminate the discrimination against private boaters in favor of commercial benefits. The statement that 2,000 commercial days are worth $100,000 while 8,000 private days are worth only $72,000 is incongruous and unacceptable.

If you need any clarification or additional information, please contact me. I would appreciate a copy of the final state response to Interior.

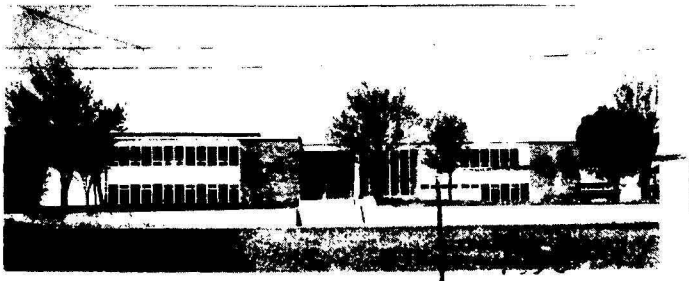
Sincerely,

Mal McMinn
State Marine Director

MM:PD:el
cc: Board Members
Pat Amedeo

GILLIAM COUNTY

CONDON, OREGON 97823



August 1, 1979

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–COUNTY OFFICIALS–

COUNTY JUDGE
Leo Barnett
384-2791
384-3461

COMMISSIONERS
Lester Brooks
William D. Hardie, Jr.

ASSESSOR
Judy Griffith
384-3781

CLERK-RECORDER
Christopher N. Childs
384-2311

DISTRICT ATTORNEY
William A. Bennett
384-3352

JUSTICES OF THE PEACE
Marvin A. Albee
Condon, 384-5821
William Marshall
Arlington, 454-2923

SHERIFF
Volney Thomas
384-2851

TREASURER/TAX COLLECTOR
Margaret Grabenhorst
384-6321

ROAD DEPARTMENT
384-2381

PLANNING DEPARTMENT
384-4243

Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

Dear Mr. Dickenson:

We are strongly opposed to the proposal to add a 147-mile portion of the John Day River to the National Wild and Scenic Rivers System. This is our official stance, as county governing body, on the matter, and we also firmly believe that our views reflect those of the majority of the citizens and landowners in Gilliam County. As you know, the John Day River forms the entire length of our county's western border, a distance of over ninety miles (or 50-plus miles in terms of airline miles).

We believe that the addition of any part of the John Day to the Wild and Scenic Rivers System will preclude any further development of the river basin, including projects that could conceivably enhance the streamflow or the beauty of the surrounding area. We do not necessarily support the idea of damming the John Day River in the future, but alternatives for flood control, irrigation, and recreation should be left open.

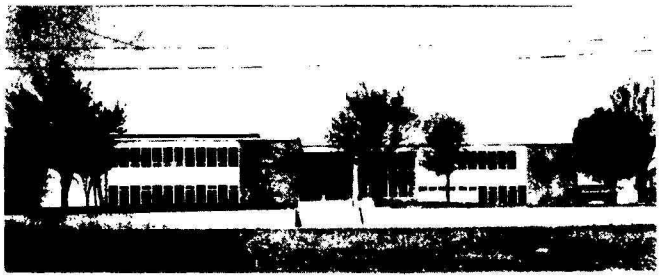
At the present time, we feel that there are adequate local controls to ensure an optimum balance in the use of the river. We have a good land use planning program (in fact, we were the first county to receive approval from the state Land Conservation and Development Commission), and the farmers and ranchers along the river (most of them being life-long residents) take pride in their awareness of the problems and needs associated with the river.

The "pristine beauty" of the John Day River area, which an addition to the scenic rivers system would obviously be designed to enhance and protect, cannot feasibly be improved to any great degree. The hunting and fishing opportunities cannot be increased without directly hurting the livlihood of the ranchers along the river. In its present state, the John Day has already become renowned as a site for float trips and other such activities.

(continued)

GILLIAM COUNTY

CONDON, OREGON 97823



–COUNTY OFFICIALS–

COUNTY JUDGE
Leo Barnett
384-2791
384-3461

COMMISSIONERS
Lester Brooks
William D. Hardie, Jr.

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Volney Thomas
384-2851

TREASURER/TAX COLLECTOR
Margaret Grabenhorst
384-6321

ROAD DEPARTMENT
384-2381

PLANNING DEPARTMENT
384-4243

For these reasons, and others, we urge that the Department of the Interior arrive at the common sense conclusion that the addition of any part of the John Day to the scenic rivers system is unnecessary and not in the best interests of the area affected.

Very truly yours,

GILLIAM COUNTY COURT

Leo Barnett, Gilliam County Judge

Lester Brooks, Co. Commissioner

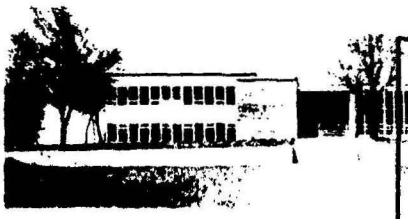
Wm. D. Hardie, Co. Commissioner

cc: Gov. Vic Atiyeh

GCC/cnc

GILLIAM COUNTY

CONDON, OREGON 97823



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Action Taken

August 17, 1979

Russell E Dickenson, Reg. Dir.
Pacific NW Region, National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

COUNTY OFFICIALS--

COUNTY JUDGE
[illegible]
[illegible]
384-3491

COMMISSIONERS
Lester Brocks
William D. Hardie Jr.

ASSESSOR
Judy Griffith
384-3781

CLERK-RECORDER
Christopher N. Childs
384-2311

DISTRICT ATTORNEY
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384-3352

JUSTICES OF THE PEACE
Marvin A. Albee
Condon, 384-5821
William Marshall
Arlington, 454-2923

SHERIFF
[illegible]
384-2551

TREASURER/TAX COLLECTOR
Margaret Ahlenhorst
384-6321

ROAD DEPARTMENT
384-2381

PLANNING DEPARTMENT
384-4243

Dear Mr. Dickenson,

Gilliam County would like to go on record for a second time as being opposed to changing the status of the John Day River by bringing it under the National Scenic River Systems. Again, we site our Comprehensive Land Use Plan for Gilliam County which was first to be acknowledged as in compliance by the Department of Land Conservation and Development, and our citizen interest as property owners along the John Day River, as our basis of opposition. We have listed below, more specific points that have not been adequately addressed, to our point of view.

1. The State of Oregon Legislative Assembly has declared preservation of agricultural lands to be in the public interest of the state and it has been given top priority in Gilliam County Land Use Policies in order to preserve our base of agricultural economy. Our policy is to protect agricultural lands from encroachment of non agricultural activity and creating a scenic waterway under federal law definately violates our policies in favor of recreation interests.

2. In public hearings in our area, by the Department of Interior in 1977, the capacity crowd was overwhelmingly opposed to the inclusion of the John Day into Federal Scenic River Programs. Gilliam, Sherman, Wheeler, and Grant Counties were well represented and only one person in the hearing

(2 continued)
audience was in favor (he represented a gun club from Deschutes County). These people were the citizens to be directly effected due to land ownership along the river and yet with the recommendation from the Department of Interior it seems that their needs and interests did not weigh enough to count as public interest. We feel their testimonies should be considered heavily when weighing public needs.

3. We feel that as a state scenic river and with the agricultural protection we have given the area, that it is adequately protected but would be willing to add further protection if necessary, in order to keep it from becoming a recreation area for those two or three months that it is accessable by boat. Enforcement of limited visitors would be a managerial farce. Enforcement of agricultural and livestock controls takes managerial duties from the hands of the farmer and puts it in the hands of the controlling agencies. Public access to the river is extremely limited at this time due to private property alternating with BLM sections and extremely rough terraine making public roads non existant. New regulations will close some private roads. Fire hazard due to the type of range land in those areas is multiplied with each visitor and federal government provisions for managing could never decrease the raging winds that make fire dangerous in our area.

4. Limited access also increases the burden of rescue upon local governments already relying on private citizens along the river for aid. From approximately July through the rest of summer and fall, the river is normally too low to accommodate float trips. With the best weather falling within that time there is a large amount of time wasted on rescue by local farmers in the throes of harvest, due to visitors that can't understand the low water situation.

5. Maintainence of optimum water quality is now approached through voluntary land use management with local SWCD and the 208 program. Intensified efforts to reduce siltation would again take the option of farm management from the citizens' hands. Additional funds to SWCD would be the most efficient method of intensifying efforts but additional management from other federal agencies will only intensify the government control.

Further testimony from citizens in this area can easily be accumulated for you if you feel the need. We will be more than happy to direct their comments to you. We feel that this very serious issue should be considered closely before your decision is made in favor or disfavor of including the John Day River into another locked in protection by a government agency with little concern for the private landowners.

Leo Barnett, Chairman

Leo Barnett

Gilliam County Board of Commissioners

LB/mld

cc.
The Honorable Victor Atiyeh
Russell E. Dickenson, Reg. Dir. Nat. Park Service
Senator Mark O. Hatfield

County Court of Grant County

Courthouse — P.O. Box 234 Phone (503) 575-0059 Canyon City, Oregon 97820

John R. Moreau, Judge

George S. Hansen, Commissioner
Harry G. "Swede" Pearson, Commissioner

AUG 2 '79

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July 31, 1979

Mr. Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

Re: Draft, John Day Wild and Scenic River Report and Environmental Assessment

Dear Mr. Dickenson:

We have reviewed the above-captioned report and wish to state that we are unalterably opposed to inclusion of a 147-mile segment of the John Day River in the National Wild and Scenic Rivers System by either Congressional Action or by petition by the Governor of Oregon and resultant action by the U. S. Secretary of the Interior under Section 2 (a) (ii), as recommended in the report.

The reason for our position is stated quite fully on page 19 of the draft report:

> "The Bureau of Land Management and the State of Oregon have sufficient authority to manage or protect the lands under their jurisdiction along the John Day." (Emphasis supplied)

We, therefore, can discern no compelling national need to "federalize" the management of the John Day River from Service Creek to Tumwater Falls.

One of the strengths of the American system is the diversity of management strategems that may be employed by our states in dealing with locally perceived problems. Out of this crucible grew Oregon's Scenic Waterways System about a decade ago. Although not universally popular when it was enacted by the Oregon Legislature, the Oregon law has proved to be a reasonable device for protecting private lands along the Lower John Day, as your report notes:

> "(It) is unique in the United States. It has proven to be an effective way to prevent adverse kinds of development on non-Federal lands which may lie within one-quarter mile of the banks of rivers, with only a minimum amount of land acquisition necessary." (Page 18.)

The Grant County Court, therefore, is solidly in accord with Alternative I (the so-called "No Action" Alternative) and strongly opposed to Alternative IV. We term Alternative I a "so-called No Action" alternative because it's quite the opposite of No Action. It does nothing to weaken the effect of either State action, through the Oregon Scenic Waterways System law, or the Bureau of Land Management's present responsibilities over 139.2 miles of the Lower John Day. Alternative I would be more properly labeled if it was called the "No Further Federal Action" Alternative.

Whether Alternative IV should occur by Congressional action or in response to a request by Oregon's Governor is a minor technicality, and you can expect to encounter "strong resistance locally to this option" (report Page 56) in either eventuality. In fact, as your hearing record will indicate, the residents of the Lower John Day are almost universally opposed to federal designation of the waterway under the Wild and Scenic Rivers Act, and the strongest pressure for change is coming from "recreation users and conservationists" residing elsewhere (pages 2-3).

The people of the John Day Country reject the notion that we cannot manage our own resources -- that we need the not so benign arm of Big Brother Government to do the job for us. Here in Grant County, in fact, we are strongly resource oriented and it is often the people of the county putting the strongest pressure of all on the federal government to do a better job of managing federal resources which relate to our overall economic well-being. We have a strong and consistent record of support for better land management practices on federal lands to improve and upgrade forestry and range resources and we recognize that our quality of life is strongly dependent upon the quality and use that may be made of our water resources.

Although the designation of the Lower John Day from Service Creek to Tumwater Falls as a federal wild and scenic river would not directly affect Grant County's use of the river, as we understand it, this action, we greatly fear, would be only the first step of a much larger plan to "federalize" virtually all of the John Day River System. From this little acorn could grow similar designation of substantial other chunks of the river, including most of the John Day North Fork.

Instead of protecting the John Day River, designation of the Lower John Day as part of the National Wild and Scenic Rivers System would be, in effect, tantamount to erecting a huge neon sign to encourage almost unbelievable pressures upon the river resource and upon the local governments through which it flows. You will be fostering and encouraging the very sort of pressures you ostensibly are seeking to discourage, and as you implement federal controls to obtain "optimum visitor levels" you will be imposing an elitist program on visitor use and enjoyment just as happens in National Forest wilderness areas and in your own National Park Service areas.

In closing, we strongly support the remarks of Wheeler County Judge A. F. Leckie in a recent letter to Governor Atiyeh, in which he said:

> "Please do not request inclusion for the John Day. Please do not encourage further study of that portion of the river not now under the State Scenic Rivers Bill. Please hear these Oregonians out here. They know this area far better than Big

Brother can possibly know it. Please accede to the wishes of the people of this area. They are deeply concerned. Yours for local control."

Sincerely,

JOHN R. MOREAU
Grant County Judge

JRM:mln

cc: Governor Victor Atiyeh
Senator Bob Packwood
Senator Mark Hatfield
Congressman Al Ullman
Senator Rober F. Smith
Representative Max Simpton
Wheeler County Court
Gilliam County Court
Jack Cavender, Monument, Oregon
Stanley Musgrave, Monument, Oregon

WASCO COUNTY PLANNING OFFICE

1721 W. 10th St. THE DALLES, OREGON 97058

DAVID R. MOON, Director of Planning PHONE: (503) 298-5169

August 16, 1979

The Honorable Victor Atiyeh
Governor of the State of Oregon
State Capitol
Salem, OR 97310

Dear Governor Atiyeh:

Pursuant to review of the report by the National Park Service, we wish to express our views regarding inclusion of the John Day River in the National Wild and Scenic Rivers System.

The elected and appointed officials of Wasco County, as well as citizens who have expressed views regarding this issue, are opposed to the recommendations of the National Park System. The report expresses the public need for management of the John Day River as a valuable resource. We enthusiastically agree that protection must be afforded the scenic and historic values which exist; however, we do not believe that the Bureau of Land Management nor the National Park Service can significantly improve upon local management techniques. In fact, it is quite possible that this effort to manage lands along the river would be detrimental to the local programs now in existence.

The uniqueness of land use planning in Oregon provides the ideal platform for preservation and management of scenic, historic, cultural, and archaeological resources. Local plans and administrative ordinances, in compliance with State-wide goals and policies, recognize the needs and problems of these unique features and are designed to deal with them on the local level. The coordinated effort between counties insures continuity in management of resources under various jurisdictions which pre-empts the need for a single administrative agency.

In conjunction with local land use planning efforts, the John Day River is further protected by its designation as a State Scenic River. We feel that the Park and Recreation Division has done an admirable job of administering the state program and cooperates well with local government. Therefore, although we recognize the public need for protection of the resource, we do not see a significant public need for an additional regulatory agency.

We have discussed this issue with representatives of Sherman, Gilliam, Wheeler, Grant, and Jefferson Counties, and we are confident in assuming that we are not alone in our concerns. We strongly support citizen involvement in the local decision-making process and hope that our concerns will have a significant impact on decision at the State and Federal levels which affect our area.

We understand that the John Day River can be designated for inclusion in the National Wild and Scenic Rivers program, either by request from your Office to the Department of the Interior, or by Congressional action. We are in hopes that no such request will be made and that you will support our desires in the Congressional arena.

Thank you for your time and consideration.

Very truly yours,

David R. Moon

David R. Moon
Director of Planning

cc: Wasco County Court
Sherman County
Wheeler County
Grant County
Jefferson County
National Park Serv., Pacific Northwest Region
Senator Ken Jernstedt
Representative Al Ullman
Senator Mark Hatfield

DRM/dcm



Oregon High Desert Study Group

COLLEEN GOODING
COORDINATOR

POST OFFICE BOX 25 ▪ ST. PAUL, OREGON 97137

August 14, 1979

Mr. Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

RE: L58(PNR) PCR
John Day

Dear Mr. Dickenson:

The Oregon High Desert Study Group strongly supports the inclusion of the John Day River, from Service Creek to Tumwater, into the National Wild and Scenic Rivers System.

Members of the Group have canoed and kayaked this 147 mile section of the river and from a first-hand basis concur with the findings and recommendations of the National Park Service.

We commend the Park Service for preparing a thorough environmental assessment.

Sincerely yours,

Colleen Gooding

Colleen Gooding

PACIFIC GAS TRANSMISSION COMPANY

245 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105
(415) 781-0474

PHILIP E. REYNOLDS, P. E.
MANAGER, ENGINEERING AND CONSTRUCTION

August 21, 1979

Russell E. Dickenson
Regional Director
Pacific Northwest Region
National Park Service
601 Fourth and Pike Building
Seattle, Washington 98101

Reference: L 58 (PNR) PCR, John Day

Dear Mr. Dickenson:

Pacific Gas Transmission Company (PGT) has reviewed the draft of the "John Day Wild and Scenic River Report and Environmental Assessment". We appreciate this opportunity to comment on the report and its recommendation.

PGT owns, operates, and maintains a natural gas pipeline and related facilities in Central Oregon. Construction and operation of this pipeline for interstate transportation of natural gas was authorized by certificates of public convenience and necessity issued by the Federal Power Commission in 1960, in conformance with procedures specified by the Natural Gas Act. This pipeline is completely buried and crosses the John Day River at River Mile 85.

President Carter selected PGT to provide Alaskan natural gas to the western market with his September, 1977 Decision and Report to Congress on the Alaskan Natural Gas Transportation System. PGT is proposing to construct a new pipeline to transport the additional volumes of natural gas from Prudhoe Bay. In 1978 the Federal Energy Regulatory Commission granted PGT a conditional certificate to construct a new pipeline from the Alberta-Idaho border to the Oregon-California border.

John Day River crossing for the new proposed pipeline is planned to be approximately one mile downstream, at River Mile 84. PGT is proposing this new route to provide additional security in the John Day Canyon Area. This new route has been reviewed and agreed to by the State of Oregon and the Prineville BLM District. A portion of the easements across private lands for this proposed second line crossing have been acquired and PGT has applications pending for rights-of-way across federal lands administered by the Bureau of Land Management.

PGT respectfully submits these comments on the Draft:

1. PGT supports the landowners living in and near the John Day Area in their opposition to the national designation (P. 2) and disagrees with the draft recommendation (P.17), i.e., that the John Day River from Service Clerk to Tumwater Falls be added to the National Wild and Scenic Rivers System. PGT takes special exception at River Mile 84-85 since the presence of man and his works are sufficiently noticeable as to not meet the criteria of the term "scenic."

2. PGT is supportive of Alternative One "No Action" (P. 52). The existing Oregon State Scenic Water Way Act provides adequate protection and management for the river to best meet the needs of the area. Wasco, Sherman, Gillian, Morrow, and Umatilla Counties are developing programs to improve the quality of water in the John Day. They are investigating non-point-source contamination and waste treatment and management with the help of federal funds.

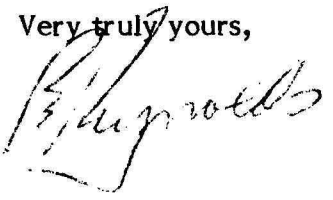
3. ". . .The management plan for the river would outline proposed standards and recommend measures to minimize impacts of future power line or pipeline construction. These measures would include, among others, design criteria . . ." (P. 50). We recommend that these standards be limited in scope to environmental-ecological considerations and not to include the technical aspects of pipeline design already adequately regulated by existing codes, specifically 49 CFR 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards."

4. Irrespective of the outcome, the "Management Guidelines" (P. 18ff) should reflect the ability of the Secretary of the Interior or the Secretary of Agriculture . . .(to) grant easements . . .across . . . any component of the national wild and scenic waterways system in accordance with . . ." as allowed through section 13g, Wild and Scenic Rivers Act.

For your information, we have attached a copy of the comments prepared and submitted by PGT on the wilderness characteristics of Inventory Unit OR-S-1, along the John Day River in Oregon. At that time, PGT took exception to the recommended designation of the John Day River as a wilderness study area.

Thank you for the opportunity to respond with these observations and comments.

Very truly yours,



MAR:cfl

Attach.

cc: Gov. Victor Atiyeh, Salem, Oregon (w/attach).
John Rhett (w/attach.)
Paul Arrasmith (w/attach.)
Matt Elliot (w/attach.)
Harold Berends (w/attach.)

WHITEWATER NORTHWEST
6825 S.W. Macadam
Portland, Oregon

August 9, 1979

The Honorable Victor Atiyeh
Governor of Oregon
Capitol Building
Salem, Oregon

Dear Sir:

The John Day River study team of the National Park Service has just recommended that the John Day be designated a scenic river under the Wild and Scenic Rivers Act of 1968.

We are members of a group - Whitewater Northwest - interested in protecting designated state and national rivers and in promoting the designation of appropriate new rivers. Under our Scenic Waterways Act Oregon is doing a good job of overseeing private lands on the John Day, but for several reasons now is the time to provide federal protection.

The Bureau of Land Management currently administers 47 per cent of the 147 miles of the John Day under proposed designation. National River status would insure administration of these federal shorelines in a manner primarily aimed at maintenance of the free flowing nature of the stream.

Three dam sites have been proposed on this portion of the John Day. National River status would give the most reliable, longterm protection against this maldevelopment in a region where wind and pure solar energy production will ultimately be paramount.

The area is in critical need of protection for Indian and pioneer artifacts, provision of designated camping and sewage disposal sites, and prevention of overuse and pollution of the river and banks by recreational users. National status would provide personnel and funds to develop means for this protection.

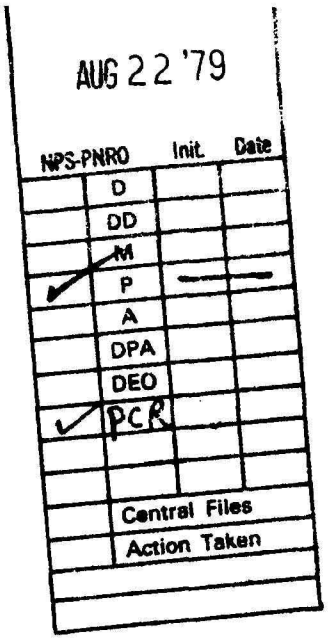
We urge you to use your power and prerogative to request that the Secretary of the Interior include the John Day River in the national system. This action would be a major step toward establishing a firm foundation for sensible protection of our natural resources under your administration.

Yours very truly,

Laurence R. Serrurier, M.D.

Laurence R. Serrurier, M.D.

LRS/mrs
cc: Russell E. Dickenson, National Park Service



James G. Perkins, M.D.
11404 SW Breyman Court
Portland, OR 97219

Russell E. Dickenson, Regional Director
Pacific Northwest Region
National Park Service
601¼ Pike Building
Seattle, WA 98104

Dear Mr. Dickenson:

This is to respond to your request for comments on the study by The Department of the Interior of the proposal to add a 147 mile portion of the John Day River to the National Wild and Scenic Rivers system. This portion of the river is at present subject to a public scenic easement under the Oregon Scenic Waterways Law, which was developed a few years ago to preserve the free-flowing character of some of the rivers in Oregon for scenic and boating recreational purposes. The motivation was the need to prevent the construction of three dams on the mainstream which were proposed by the Army Corps of Engineers.

As holders of some family ranching property at Clarno, my wife and I supported this law in spite of its restrictions on our rights because it promised to prevent the dams and to modify a very destructive proposed shift in bridge and highway location through Clarno. The planned changes would have cut up most of our hayfields and eventually through flood erosion would have converted the remaining downstream fields to gravel bars. Fortunately, the new law prevailed. The new bridge and highway location have done the least damage possible, have solved the previous transit problems and at a lesser cost than any of the several proposed changes. The project is now a credit rather than a shame to the Oregon State Highway Division.

The Clarno region has served for many years to convey a feeling of remoteness and peace to the traveler. It is within a four hour drive from the larger cities in the Willamette Valley. Sightseers, boaters, game hunters, fossil hunters, fishermen, campers, educational groups, and cavaliers have invaded the John Day River Valley, especially at the Clarno point of contact. Most of these are pleasant, well-mannered, sane, and are welcome.

However, a significant number of recreationists are and always will be involved in obnoxious behavior. Trespass and drunkenness are very common. Vandalism, theft of valuable things, such as a $600 saddle and a chain hoist, dismantling of old buildings of historic and real value have occurred. A homestead cabin, the communion point with the spirits of departed family, was found converted to a pile of ashes and beer bottles. Power lines were cut twice in one day by bird shot. We lost a healthy young cow to target practice, along with her unborn calf and the value of the feed that had been consumed. That amounts to the production of two cow years. A young heifer calf of an exotic breed, the product of a registered champion cow from a national champion

bull, was caught and stolen because it had been shown in the ring and was no longer afraid of humans. It probably became veal. The value involved in that young heifer would be difficult to calculate. Grass fires have been started through carelessness that could bankrupt many of us. Who would be liable for such a thing starting in a scenic easement where the guilty party could not be found? At once, after the Oregon Scenic Waterways Law became a fact, there was a defiant trespass incident with the claim that now this was a right of any citizen. Youthful spies reported on working stockmen they thought might be violating the new law.

Now there is this proposal to include the state controlled easement on the John Day into the Federal system. Why? To bring more people in for recreation. Because there is money available to confiscate land and to build facilities for these invaders. This money can also be used to fortify the threat to the landowners who wish to challenge the intent of the law and the proliferation of rules. These rules are often not the intent of the original law but become law because of administrative dominance.

There is a parallel in all of this to the activities of the dog, who can be observed to try to extend his territory into that of the neighboring dog. He first lifts his leg to deposit urine and scent at the boundary between the two areas. After this he sneaks into the neighbor's territory to urinate and defecate in as many places and as frequently as possible in his effort to penetrate. If confronted by the other dog, the invader usually retreats at first, even if he is more powerful. Before long, however, the intruder may develop a proprietory attitude, and if he is strong enough, the less powerful dog is intimidated, or a bloody fight will follow. The dogs don't give up their imperative attempts to occupy and to dominate territory.

The human animal seems different, in that he is more cunning, more capable of deception, less capable of retreat, and has some things called "majority" and "precedent." Majority is when someone else has some kibbles that look better than yours, and you get some help from friends, surround this undeserving fellow, and take his kibbles away. Now you may become a kibble broker, and profit. Precedent means that if you deposit your offal and your scent on someone else's property and get away alive, you and others now claim the right to continue this and to proliferate your aggressions to include all of the other activities for which there are short Anglo-Saxon expressions. "Politics" means the related howling and growling noises and some other things.

The ranchers along the John Day anticipate interference with the irrigation water which is absolutely necessary for their survival. The dams, of course, would effectively eliminate this problem as well as many of the ranchers themselves and much of the productivity of the range land. The Federal bureaucracy in control of the John Day easement would be all-powerful. Retreat in an argument for them would be impossible. They are subject to pressures from other areas that have no stake here. Consider the recent restrictions on Oregon children's traditional learning to work and to be responsible in the strawberry fields. This bureau, though surely embarrassed, is unyielding.

The overwhelming majority of landholders along the John Day River, who earn a difficult living there and contribute significantly to the economy, are against this national control. They were also against the State control, which has already made rules that interfere with the preexisting uses.

Our problems boiled down are these: The most serious is the potential interference with irrigation water, more likely under the national system. Federal control will be supported by increases in tax measures. We have too much of this already and too many bureaus. If Federal control is rejected, there may be a greater possibility that Congress would override our local scenic waterways law and authorize the dams. Congress would be less likely to subvert the National Wild and Scenic Rivers system. However, it seems unlikely that a move by Congress to seize control from the State, would come without warning or would succeed. The potential for increase in obnoxious activity is greater under Federal control because of increased traffic and because of the acquisition of legal access. Public access through private property must remain a privilege rather than a right. We cannot tolerate any condemnation of private property for public corridors or enclaves. The incompatabilities are very clear. The present State law does not allow condemnation, yet there is adequate access. The Federal system legally can and will do this, subject only to administrative decision.

The best solution is to keep the control under our State law. If pressure to build the dams becomes too great, then would be the time to reconsider the available alternatives, including the national system.

Sincerely,

James G. Perkins

James G. Perkins, M.D.

JGP:rd

L58 (PNR) PCR
John Day

Russell E. Dickenson
National Park Service
Seattle, Wash.

Dear Sir;

In reply to the draft for making the lower 147 miles of the John Day, part of the National Scenic Rivers System.

First I want to commend your department on a fine draft. On the other hand I think it would not be a good move to do with this section of river what is proposed. Some of the river does qualify by your standard, but by a land owner standard (who's property is in the system) it can't.

If you will look on page 43 (Map #5) you will see why. Fifty percent of the land is privatly owned. and its completely surrounded by private land.

The state already has a Scenic water plan that seems to be working If a National system is enacted you will have more people clamoring around the river than the environment can stand. at least now we can keep them out.

As you can see I oppose your program. I could expand more on the subject but time & space is limited.

Sincerely (Rodney) Ralph

U.S. Dept. of the Interior

Dear Edward J. Kurtz; or Russell Dickenson,

July 14-79

In regard to your letter on my idea of John Day River as a scenic river. I am against this. Always was. As a land owner bordering this river - I feel we farmers can do more caring for borders - edges ect.

1st on falling trees. Man put trees (Hardwood) that grow very large along the banks. As the water washes the soil away the heavy tree falls taking a big area of soil - thus a hole. And the bank starts breaking off both sides this hole. If these large trees were cut - this would not happen. Small trees & brush protect the bank. Not so the big tree. Then again part the channel needs rock pushed out of center so in high water the flow wouldn't back up causing flooding to the land.

This land should be used as a profit to man - animals and the other wild life as bird - insects and

fish. On the South Fork of the John Day River - Man has fell juniper to line the banks thus protecting them and rock is placed to turn water down stream. This makes it better for fish & the junipers have helped the banks from trampling of livestock in soft places.

I love nature but feel it can be improved on and the beauty not destroyed. ¼ mi. each side a stream adds up to ½ mile across - That 147 miles ½ mi. wide adds up to a lot of acres and I feel this on the John Day River is wasted.

A dam would be a lot more beneficial than something only a few people use or see. And if we need the dams I'm for this. 1st electric power - A lake brings recreation that can & will be used and last this water could be used to irrigate flat area above the rim of the cliffs & hills of the John Day Valley. Or trees could be planted on the

III hills for later use. The farm land covered by a lake behind a dam could easily be added to by other acres where the water could be pumped.

As is I can not nor ever did see the John Day River Area as a Scenic River - Have always been against this. Really do we need it as such - And does it help the future U. S. A. People - Animals or even nature?

Nature does distroy its self in lots of ways - Time has changed deserts to wetlands and the tropical to cold. Flatlands to Mts. and rivers by nature have been blocked by slides and earthquakes So - lets not pass this River into Something not needed and lets think of what can become needed for our Children and theirs.

Sincerely

Hazel and Quincy Tripp

Rt 2
Fossil Ore. 97830 Phone 503-763-4692