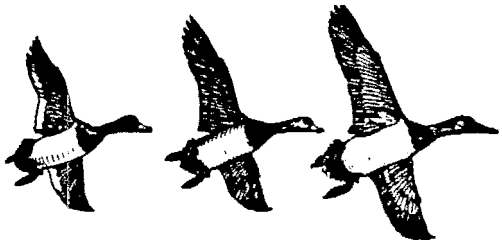
U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Vale District
Baker Resource Area
P.O. Box 987
Baker City, Oregon 978 14

April, 1994

POWDER RIVER

FINAL MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT



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

BLM/OR/WA/PL-94-17-1792

8300

Dear Interested River Public:

Enclosed is a copy of the Management Plan for the Powder Wild and Scenic River. Development of this plan has been a four year effort between the public, various agencies, and the Bureau of Land Management. The primary purpose of this plan is to provide management direction for the Outstandingly Remarkable Values found within the River Corridor.

Specific elements of the plan include a desired future condition of the river corridor, design standards, and resource management guidelines for recreation, fisheries, water, scenery, cultural, transportation, and land acquisition. Also included is a monitoring plan that identifies the elements to be monitored throughout the life of the plan, and a list of projects that will be implemented pending funding.

An Environmental Assessment (EA) has been completed which identities issues and analyzes alternatives for management within the River Corridor. The EA has been incorporated in Chapter 5 of this river management plan.

If you have questions about the management of the Powder Wild and Scenic River, Contact Dorothy Mason, acting Area Manager, Baker Resource Area, (503) 523-6391.

James E. May
District Manager
Vale District

EXECUTIVE SUMMARY

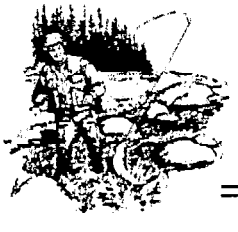
The Powder River was designated a National Wild and Scenic River by the Omnibus Oregon Wild and Scenic Rivers Act of 1988. This act directs the Bureau of Land Management (BLM) to develop a river management plan for the Powder River in coordination with state and local agencies and interested publics.

This document was created by the Vale District of the Bureau of Land Management to establish a comprehensive management plan for the Powder River. The intent of the Wild and Scenic Rivers Act and the primary goal of the plan is to maintain the free-flowing character of the river and protect the important values of the river. The plan will provide general, umbrella guidance and direction for future management actions and decisions concerning the Powder River.

The river plan establishes a set of actions to provide the Powder River a level of resource protection, management, and public use consistent with the Wild and Scenic Rivers Act. The plan covers the 11.7 mile segment of the Powder River between Thief Valley Dam and the Oregon State Highway 203 bridge.

The Powder River plan develops management strategies for public land within the designated corridor. These strategies include cooperative developments and jointly funded projects. The plan is primarily focused on the preservation and enhancement of the outstandingly remarkable values identified in the Congressional Record, and addresses other resource values and activities within the corridor that may affect or be affected by the Wild and Scenic Rivers designation.

The level of planning of this document provides the framework and authority for site specific planning within the river corridor. Site specific project planning such as survey and design of road and trail access, staging areas, riparian enhancement projects, livestock management projects, water developments, signing projects, cultural resource protection projects, wildlife habitat projects, reclamation projects, etc., will meet the protection and/or enhancement criteria of the Wild and Scenic Rivers Act as directed by this plan.



Issues were identified through four public scoping meetings held in Baker City, Oregon, and Richland, Oregon. Water rights, land ownership, health and safety, resource management, and management cooperation between agencies and affected parties were identified as public concerns. Lack of sanitation, camping and trail facilities were identified as recreation concerns. Existing facilities fall far short of meeting increasing demand for recreation activities. Many impromptu areas on the river are used. There are no developed recreation facilities within the corridor.

Although most of the land along the Powder River is managed by the BLM, several other federal, state, and local government agencies, and private parties have vested interests in the resources of the Powder River and adjoining lands. BLM cannot effectively manage the river area without interagency and public support and cooperation and must explore ways of improving formal communication regarding river management.

ORGANIZATION OF THIS DOCUMENT

This document is presented in six chapters:

Chapter 1: provides background information on the management plan, management planning process: the Wild and Scenic Rivers Act, relationship of the plan to other jurisdictions and authorities, management objectives and constraints, and outstanding resource values within the river corridor.

Chapter 2: describes the affected environment, the physical, biological, social, and economic resources of the Powder River between Thief Valley Reservoir and Oregon State Highway 203.

Chapter 3: describes the management actions to be implemented within the Powder River corridor. These actions relate directly to the issues identified at the public scoping meetings and the mandates of the Wild and Scenic Rivers Act.

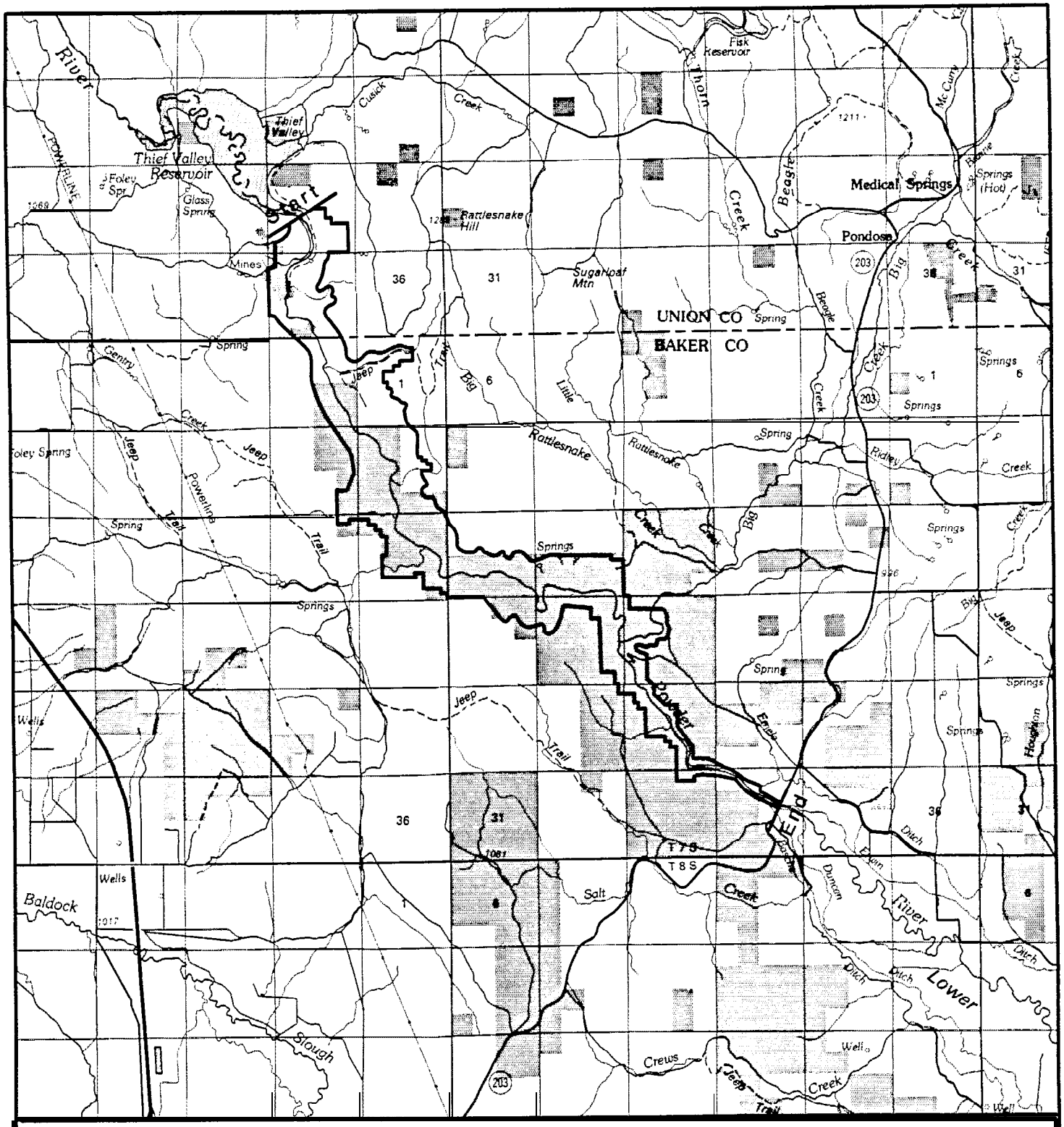
Chapter 4: provides basic cost or funding requirements for implementation of the river plan.

Chapter 5: contains the Environmental Assessment and Record of Decision and Finding of No Significant Impact for this river plan.

Chapter 6: contains the appendices for this river plan. Appendix A, Boundary Descriptions; Appendix B, Recreation Opportunity Spectrum; Appendix C, Planning Participants and Cooperators; Appendix D, Bibliography; Appendix 'E, Laws and Regulations; Appendix F, Glossary of Terms and Appendix G, Public Comments.

Method for Plan Preparation

This plan was prepared using an interdisciplinary team approach (a list of river planning team members and resource specialists is included in Appendix C). The planning process provided opportunities for involvement of State and local governments and interested citizens in accordance with the National Environmental Policy Act (NEPA) and the Wild and Scenic Rivers Act of 1968, including all amendments.



LEGEND

Public Lands (Admin. by BLM)

Private Lands

Proposed Wild and Scenic River Administrative Boundary

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

POWDER RIVER
WILD AND SCENIC RIVER
Oregon

1992

1 0 1 2 3 Miles

Scale 1:100,000

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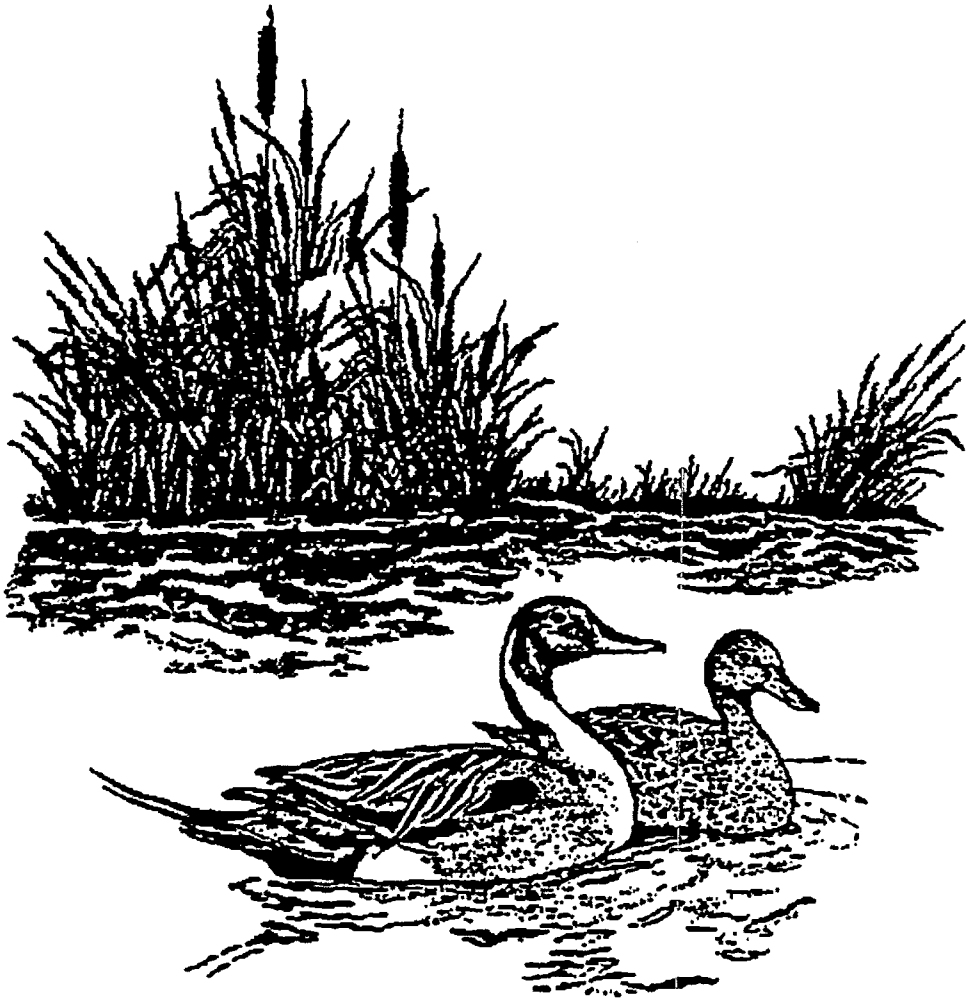
CHAPTER 1 - INTRODUCTION



BACKGROUND INFORMATION

Originating at the town of Sumpter, the Powder River of northeastern Oregon is 144 miles long and drains more than 1640 square miles before emptying into the Snake River on the Oregon-Idaho border. From Sumpter, the Powder flows east, then turns sharply to the north to flow into a large agricultural region known as the Baker and North Powder Valleys. The major tributaries to the upper Powder, including Rock Creek, the North Powder River, and Wolf Creek, drain the eastern slopes of the Blue Mountains. Downstream from the town of North Powder, the river turns to flow southeastwardly for its remaining 78 miles.

Long before the arrival of pioneers and settlers, the Cayuse, Umatilla, and Nez Perce Indians utilized the hunting and fishing grounds along the length of the Powder River. The first recorded descriptions of the study area were provided in 1834 by the famed naturalist John Kirk Townsend, and the explorer Nathaniel Wyeth, who traveled into the Powder River canyon during his second expedition to the Oregon Country. Although gold discoveries brought miners, merchants, and homesteaders to the upper river tributaries in the 1860's, the rugged canyon encountered by Townsend and Wyeth, was never tamed by roads or settlements.

Thief Valley Reservoir, immediately above the National Wild and Scenic Powder River corridor, was constructed in 1933 for irrigation and flood control purposes and provides irrigation water for approximately 7,124 acres of cultivated land in the Keating and Powder River areas. Ranching and farming are the primary livelihoods associated with this water development.

In 1968, Congress enacted the National Wild and Scenic Rivers Act, establishing a system for preserving outstanding free-flowing rivers. As a result of the Omnibus Wild and Scenic Act of 1988, the 11.7 mile segment of the Powder River, between Thief Valley Dam and the Highway 203 bridge, was designated as a component of the Wild and Scenic River system with a "scenic" classification (refer to Powder River Map). Section 1 of the Wild and Scenic Rivers Act declares it to be the policy of the United States that certain rivers possess "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values and shall be preserved in free-flowing condition". The outstandingly remarkable values of the Powder River identified in support of the Congressional Record include: Excellent raptor nesting and forage habitat, Bald Eagle winter habitat, and outstanding recreational, scenic and cultural values.

RELATED FEDERAL, STATE AND LOCAL PLANNING AND MANAGEMENT RESPONSIBILITIES

INTRODUCTION

Although the Omnibus Oregon Wild and Scenic Rivers Act of 1988 assigned a specific river planning and management role to a unique blend of Federal, State and local entities and citizen users, it was not the first cooperative planning and resource management effort in the Powder River area. The same mix of land ownership and authorities has been applied to a wide variety of resources and joint programs for many years. County plans have been developed under State guidelines in close consultation and coordination with Federal agencies and the public since the late 1970's. Federal plans, such as the BLM's Vale District Baker Resource Management Plan, have been developed with substantial interagency review. Special emphasis programs, such as wildfire control, historic preservation, noxious weed control and wildlife habitat enhancement are routinely coordinated among agencies, landowners and other affected publics. It is expected that most of these resource management relationships will remain unchanged as a result of this river management plan.

FEDERAL

BUREAU OF LAND MANAGEMENT (BLM)

In 1989, the Bureau of Land Management completed the Baker Resource Management Plan, which was a

comprehensive land use or Resource Management Plan (RMP) for all BLM lands and minerals in Baker County Oregon. The total BLM surface acreage at the time of RMP completion was over 425,000 acres, including all BLM lands in the Powder River Planning Area. BLM manages almost 78 percent of the lands within the river corridor. The Resource Management Plan included an Environmental Impact Statement (EIS) which documented the environmental consequences of the plan as well as numerous intergovernmental relationships. The plan established land use goals and objectives for Bureau administered lands, minerals, soils and watershed, rangeland, forest and woodlands, fish and wildlife habitat, recreation, cultural and archaeological resources. It incorporated management direction for roads and access, utility and transportation corridors, fire control and noxious weed control. Copies of the approved Baker Resource Management Plan are available from the Bureau's Baker Resource Area Office.

U.S. Fish and Wildlife Service (USFWS)

The USFWS administers the Endangered Species Act of 1973 (as amended). The BLM consults with USFWS to obtain a formal biological opinion on appropriate courses of action when it is determined that a threatened or endangered species, or its critical habitat, may be affected by a proposed management action. Resulting decisions could mean the proposed action is modified or abandoned.

Bureau of Reclamation

The basic objectives of the reclamation program are authorized by the act of 1902 and subsequent amendatory and supplemental acts to assist the States, local governments, and other Federal agencies to stabilize and stimulate local and regional economies, enhance and protect the environmental, and improve the quality of life through development of water, other renewable resource, and related land resources throughout the 17 contiguous Western States.

Major reclamation functions include: investigation and development of plans for the regulation, conservation, and utilization of water and related resources, including basin-wide water resource studies and development of new sources of fresh water supplies, power capacity, and energy; design and construction of authorized projects for which funds have been appropriate by the Congress; repair and rehabilitation of existing projects; operation and maintenance of Bureau-construct facilities that are not transferred to local organization; review of operation and maintenance of Bureau-built facilities that have been transferred to local organizations; administration of the Small Reclamation Projects Acts of 1956, and of loans for construction or rehabilitation of irrigation systems; and negotiation, execution, and administration of repayment contracts, and water-user operation and maintenance contracts,

Son Conservation Service (SCS)

The SCS administers the U.S. Department of Agriculture (USDA) Conservation Reserve Program. This voluntary program pays farmers/ranchers who agree to take highly erodible soils out of cultivation for ten years. The program is limited to no more than 25 percent of the highly erodible soils in each county. Enrolled lands are planted to grasses and not used for grazing or other commercial purposes. It is assumed that the "reserve" lands make a substantial contribution to reduced erosion and commensurate improvement in downstream water quality,

Tribal Governments

The Walla Walla, Cayuse, and Umatilla tribes ceded the lands along this reach of the Powder River to the federal government under the provisions of the Treaty of 1855. The treaty reserved to these tribes certain rights on unclaimed lands, including the right to take fish "... at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens...." Although no reservation lands are included within the boundaries of the Powder Wild and Scenic River, the Confederated Tribes of the Umatilla Indian Reservation have specific rights to use traditional foods, materials and locations within this area. A Memorandum of Understanding between the Confederated Tribes of the Umatilla and the BLM provides for coordination and consultation based upon a government-to-government relationship.

STATE

OREGON DEPARTMENT OF FISH AND WILDLIFE (ODFW)

The ODFW is charged with maintaining optimum numbers of indigenous fish and wildlife, and to ensure that no species are threatened with extinction. The Department is responsible for developing and administering fish and wildlife regulations. ODFW routinely monitors the Powder River angling effort and harvest, as well as hunter effort and harvest.

OREGON STATE PARKS AND RECREATION DEPARTMENT

The Oregon State Parks and Recreation Department is responsible for the acquisition, improvement, maintenance and operation of Oregon's State Park system. The system is directed by the State Parks administrator through a headquarters staff in Salem and five regional park supervisors stationed throughout the State. In addition to operating State Parks, the division gives technical assistance to local government agencies on park matters, develops and maintains the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and administers the Federal Land and Water Conservation Fund matching grant program in Oregon. The division also administers several special programs, including the Oregon Beach Law, State Historic Preservation Office, Oregon Recreational Trails System, State Scenic Waterways and Willamette Greenway. The 1988-1993 edition of the SCORP is consistent with Statewide Planning Goals and Recognized the 1988 Omnibus Wild and Scenic Rivers Act, BLM planning processes and agency interrelationships. The SCORP shows no designated Federal or State "National Recreational Trails", "Bicycle Route Systems" or components of the "Historic and Scenic Highways" program within the river planning area.

OREGON WATER RESOURCE DEPARTMENT

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

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

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

OREGON STATE MARINE BOARD

The Oregon State Marine board, established in 1959, issues certificates of number and titles to the approximately 173,600 undocumented vessels of the State. It cooperates with Federal, State and local agencies to promote uniformity of laws and regulations relating to boating and advises and assists county sheriffs and other peace officers in the enforcement of such laws. It publishes brochures, provides boating education courses and otherwise promotes safe boating practices. The Marine Board assists local governments in the development of boating facilities for the benefit of all boaters. The Board also regulates the use of waterway markers on State waters and the use of sanitary facilities on vessels to prevent pollution. The Board also has the responsibility for registering

all commercial outfitters and guides operating in the State. Marine Board revenues received from the registration of boats are used to enforce boating laws, for boating safety programs and for the development and improvement of boating facilities.

OREGON STATE POLICE

The Department of State Police was created to serve as a rural patrol and to assist local law enforcement agencies. This agency is empowered to enforce all Oregon statutes without limitation by county or other political subdivision. The Department totals 894 members strategically located at 46 stations/posts throughout the State.

The Department enforces State laws and rules. These include river management and use rules adopted and implemented by the State Marine Board and Fish and Wildlife Department. State Police activities are coordinated with local and federal law enforcement agencies and assisted by the general public. For example, the TIP Program (Turn in Poachers) has been established in cooperation with the Oregon Department of Fish and Wildlife and the Oregon Hunters' Association, This program is designed to involve citizens in reporting wildlife law violations. Responses from citizens throughout the State have resulted in many poaching arrests and convictions.

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

OREGON STATE DEPARTMENT OF AGRICULTURE

The State Department of Agriculture cooperates with local soil and water conservation districts to establish mutual goals in coordinating range and watershed management practices and to gather and share natural resources information that has proven beneficial for use on public and private lands. Cooperation with appropriate weed control districts also occurs as needed to deal with infestations of noxious weeds.

OREGON STATE LAND BOARD

The Division of State Lands (DSL) is the administrative arm of the State Land Board (composed of the Governor, Secretary of State, and State Treasurer). Under constitutional and statutory guidelines, the Board is responsible for managing the assets of the Common School Fund as well as administering the Oregon Removal-Fill Law. These assets include the beds and banks of Oregon's navigable waterways and are to be managed for the "greatest benefit for the people of this State, consistent with the conservation of this resource under sound techniques of land management."

"DSL also administers the State's removal-fill law, which protects Oregon's waterways from uncontrolled alteration. The law requires a permit for fill or removai of more than 50 cubic yards of material within the State's waterway. The permit-review process involves coordination with the natural-resource and land-use agencies from the local through the federal levels (ORS 390.835)."

Oregon Department of Land Conservation and Development

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

LOCAL

Baker County Sheriff Department

The Baker County Sheriff Department is empowered to enforce all Oregon State Statutes. This generally occurs within Baker County, however they do have authority to cross county lines within the state. County sheriff activities are coordinated with State and Federal law enforcement agencies and assisted by the general public. The sheriffs department also enforces river management laws and rules adopted and implemented by the Oregon State Marine Board.

County and City Comprehensive Plans

The Omnibus Oregon Wild and Scenic Rivers Act of 1988, the Federal Land Policy and Management Act of 1976 and the National Environmental Protection Act of 1969 (as amended} all encourage or mandate intergovernmental coordination, consultation and, where possible, plan consistency. Since the Omnibus Act envisioned a high reliance on local comprehensive plan to achieve the objectives of the Act, a review and analysis of the adequacy of the existing plan for Baker County is critical.

The comprehensive plan for Baker County has been acknowledged by the Oregon Land Conservation and Development Commission and is in conformance with statewide planning goals and objectives. Under Section 202 of the Federal Land Policy and Management Act, all BLM plans, including RMP's and site-specific activity plans {such as the Powder River Plan), must be consistent, insofar as possible, with officially approved or adopted State and local agencies' resource related plans, policies and programs. Similarly, State-managed land must conform to Statewide Planning Goals and Objectives and support local comprehensive plans. Virtually all of the BLM land within the planning area is in county-designated "exclusive farm use" or various resource protection zones. Approved land uses compatible with the county plan guidelines for these zones include emphasis on natural values, livestock grazing, cultural, visual and recreation resource protection or enhancement.

The Baker County Comprehensive Plan was acknowledged by the Land Conservation and Development Commission (LCDC) to be consistent with Statewide planning goals in 1986. The required periodic review and amendment process is currently underway. The amended plan will note Federal designation of the Powder River and continue to provide appropriate protection of waterway resources. Protective measures include setbacks for new construction of floodplain or near riparian areas and for homesteads on the river.

In summary, the current Baker County plan provides a degree of specific or implied protection of natural and cultural resources. It supports diverse river-oriented recreational activities without formal policies on motorized river use, types of outfitter services or user fees. It is nonspecific to river planning related public safety and service issues or potential solutions. There are no incorporated cities in the corridor within Baker County.

LOCATION AND ACCESS

The Powder River is located 13 miles northeast of Baker City, Oregon, from Thief Valley Reservoir to the Keating Valley (State Highway203). This river segment is 1 I .7 miles in length and involves 3,744 acres within a 320 acre average per mile corridor.

Legal and physical access to the designated segment of the Powder River, at the Thief Valley Dam can be obtained from the Thief Valley campground road on the east side of the dam and Baker County Road 641 from the west. Access from highway 203 to the river is obtained by travelling north-northwest on the Big creek road (refer to Powder River map). All access routes require the use of high clearance vehicles and during adverse weather conditions, four-wheel drive vehicles are highly recommended

Two roads, one on each side of the river, exist from the Thief Valley Reservoir Dam for approximately .5 mile, then the road left of the river continues for an additional 1.5 miles. These roads are low grade roads traversable by high clearance four-wheel drive vehicles only. Downriver 2.0 miles, a jeep trail enters the corridor on the right of the river accessible by vehicles capable of off road travel. Three miles down river from this jeep trail a second jeep trail located on the left of the river provides access from State Highway 203 (Refer to the attached Powder River map for access and location references).

AREA SIZE AND OWNERSHIP

The 11.7 mile corridor encompasses approximately 3,744 acres of public and private land. Of the 11.7 miles, 78 percent or 9.1 miles (2,912 acres) is Public Land administered by the Baker Resource Area, Vale District of the Bureau of Land Management. Twenty-two percent or 2.6 miles (832 acres) are in private ownership.

State ownership to the beds of navigable waterbodies was granted to Oregon in 1859 as an incidence of statehood and is an inherent attribute of state sovereignty protected by the U.S. Constitution. Currently, both the state and federal government, and private property owners, claim ownership of the river's bed and bank. While the long term resolution of this issue is not the subject of this river plan, the future management implications are obvious. Therefore, while there may be disagreement on ownership, it is vitally important that there be agreement on the management philosophy for the Powder River.

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

The original federal test for determining navigability was established in The Daniel Ball case over 100 years ago. This U.S. Supreme Court case clarified that rivers "are navigable in fact when they are used, or susceptible of being used, in their ordinary condition, as highways of commerce ..." Interpreting this requirement, subsequent court decisions have ruled that a waterbody is navigable if it is capable of use as a public highway for transporting goods or for travel. The Federal test for navigability and court determination has not been made for the Powder River.

Within state owned waterways, any activities or land uses such as new utility or transportation corridors and boat ramps or similar facilities that impose into or cross a navigable waterway below ordinary high water will require an easement from the State Land Board. Existing facilities will require an easement at such time as they undergo major structural alteration, replacement, or relocation. In addition, removal of sand and gravel requires a royalty lease and any use that occupies any area of submerged or submersible land requires a waterway lease.

DSL has determined that there is sufficient evidence to support a claim ofnavigability and state ownership for beds and banks of the Powder River at least from Thief Valley Reservoir to State Highway 203. The position of the BLM is that navigability is a judicial finding and must be made by a Federal Court. Most Oregon rivers have not been determined to be navigable or non-navigable, The BLM considers rivers non-navigable until proven otherwise. However, a trial may not be required if the evidence is persuasive and all partners agree. Nonetheless, the final position of the BLM must be based on consultation with appropriate legal council (Department of Justice) and the proper filing of a court stipulation. For those rivers found non-navigable, the BLM manages the bed and bank for the people of the United States.

The DSL also administers the State's Removal-Fill Law which protects Oregon's waterways from uncontrolled alteration. The law requires a permit for fill or removal of more than 50 cubic yards of material within the State's waterway. The permit-review process involves coordination with the natural resource and land use agencies from the local through the federal levels.

As with any jointly managed resource, jurisdiction is not as important as care for the resource. BLM and DSL will continue to work together to assure that the public trust interest and the purpose of the Wild and Scenic River's Act are met.

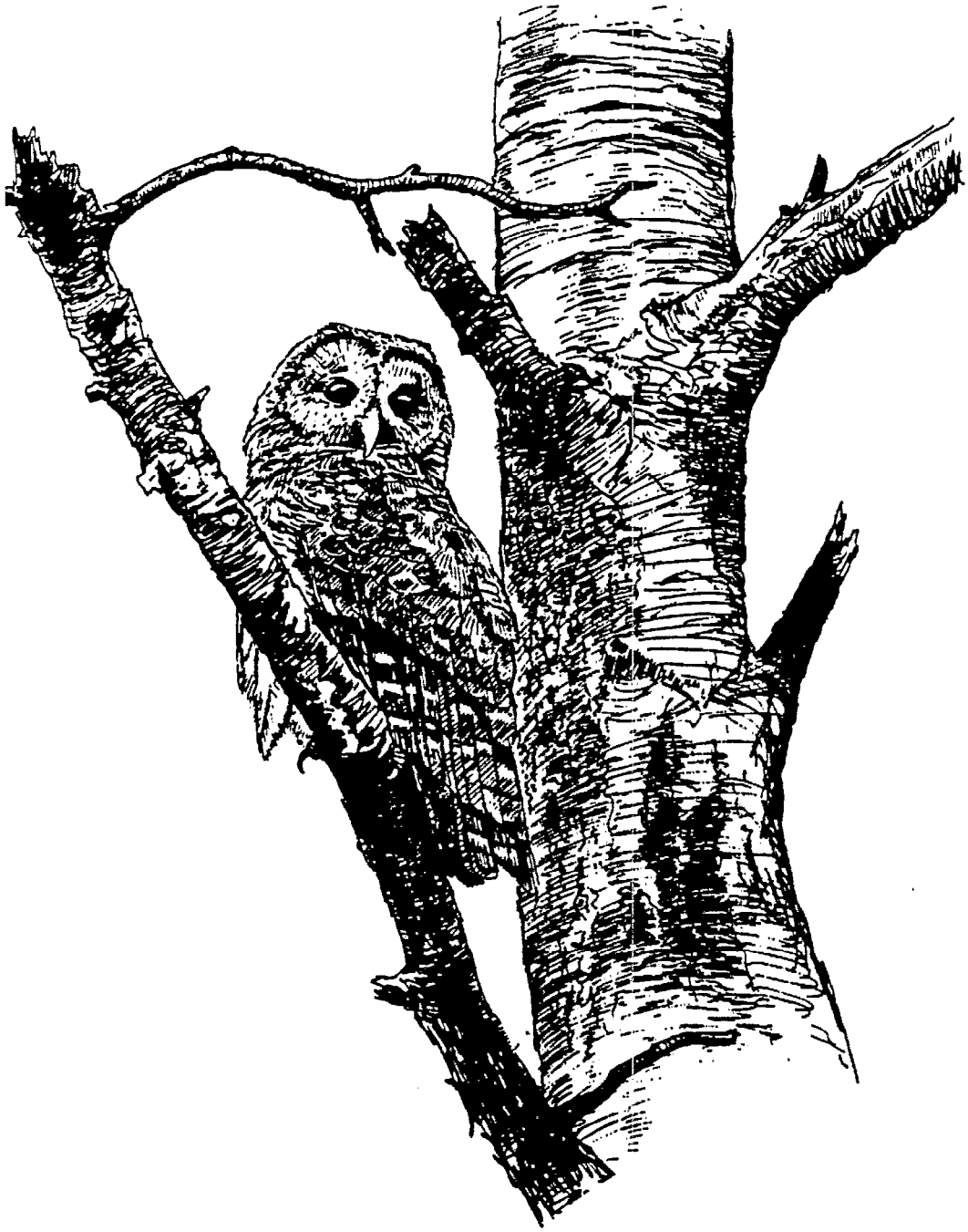
PUBLIC INVOLVEMENT

Extensive public involvement has occurred since the Powder River planning process began in 1988. Several groups of volunteers contributed a large amount of time and effort in the initial stages of the process. A series of four meetings were held to begin identifying issues concerning the river corridor. Many members of the public participated in these early scoping meetings. Meetings were held in Baker, Oregon and Richland, Oregon. Approximately 80 people attended these scoping meetings, providing the BLM with an extensive list of issues and concerns to be addressed during the planning effort. Coupled with the public scoping meetings, approximately 2500 interest cards were mailed to individuals, groups, and agencies seeking input to the development of this plan. On April 15, 1992, approximately 1,500 letters of availability for a copy of the draft plan/environmental assessment were mailed to those individuals, groups, and agencies that responded affumatively to the earlier 2,500 mailing, Comments to the draft plan/EA are in Appendix G. These contacts represent a large cross section of interested river publics.

CONFORMANCE WITH EXISTING MANAGEMENT PLANS

The Baker RMP provides the following decision on the Powder River Canyon Area of Critical Environmental Concern (ACEC): Public lands in the Powder River Canyon (5,880 acres), between Thief Valley Reservoir and Highway 203 in the Keating Valley, are designated and will be managed as an ACEC. Within the ACEC, 2,385 acres of public land are included in the Powder Wild and Scenic River. The ACEC will be managed to protect raptor habitat, wildlife habitat, cultural resources and to maintain scenic qualities while allowing for compatible recreational uses. Forage and habitat needs for big game, bald eagles, golden eagles and other raptors will be maintained or improved. Incompatible uses, including new road development, within the canyon and adjacent upland will be excluded to protect natural and cultural values. Riparian conditions will be maintained or improved by restricting livestock grazing through seasons of use, numbers, or fencing. A "no surface occupancy" restriction will be applied to mineral leasing and development. Off-road vehicle use will be limited to designated roads and trails. Adjacent lands in inholdings may be acquired to protect identified values.

CHAPTER 2 - EXISTING SITUATION



OUTSTANDING REMARKABLE VALUES (ORVs)

SCENIC

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and'or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.

EVALUATION OF THE PRESENT SITUATION

The designated river corridor for the Powder River contains a diversity of landform and vegetation that captures the attention of the viewer. The Powder River flows through a steep-walled canyon 500 feet in depth in some locations, giving one a remote and primitive feeling. The canyon is semidesert, with the Powder River providing a riparian contrast.

The hillsides are bunch grass and sage, with a few Ponderosa pines along the river that add a very interesting diversity of vegetation to the canyon.

CONCLUSION

The Powder River corridor possesses much diversity in vegetation and topographic land forms. This preliminary finding agrees with the Congressional Record regarding the outstandingly remarkable scenic value of the Powder River.

RECREATIONAL

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

Recreational opportunities are, or have the potential to be, unique enough to attract visitors from outside of the geographic region. Visitors would be willing to travel a long distance to use the river resource for recreational purposes. River-related opportunities could include, but not limited to, sight-seeing, wildlife observation, photography, hiking, fishing, hunting, and boating.

Interpretive opportunities may be exceptional and attract or have the potential to attract visitors from outside the geographic region.

The river may provide or have the potential to provide settings for national or regional usage or competitive events.

EVALUATION OF PRESENT SITUATION

The Powder River corridor provides a wide variety of recreational opportunities. The primary recreation activities within this segment of the Powder River are fishing, upland game and big game hunting, geologic, zoologic, scenic sight-seeing and minima1 river floating. Only during the Spring runoff period is the Powder River floated by kayaks. Pursuit of this recreational opportunity is extremely limited and should only be attempted by the more skilled floater.

CONCLUSION

The quality and diversity of recreational opportunities available along the Powder River corridor makes it a popular area year round. This preliminary finding agrees with the Congressional Record of recreation being an outstandingly remarkable value.

GEOLOGIC

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

The river or the area within the river corridor contains an example(s) of a geologic feature, process, or phenomena that is rare, unusual, one-of-a-kind, or unique to the geographic region. The feature(s) may be in an unusually active stage of development, represent a "textbook" example and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, and other geologic structures).

EVALUATION OF THE PRESENT SITUATION

Although the Powder River Canyon is an example of steep, eroded basalt canyon of the high desert, it is not unique to the region. The geologic sight-seeing opportunities are more readily available in the adjacent topography associated with the Hells Canyon.

CONCLUSION

This finding agrees with the Congressional Record as it was not identified as an outstandingly remarkable value.

FISHERIES

Fish values may be judged on the relative merits of either fish populations or habitat or Native American cultural use - or a combination of these river-related conditions. Consideration shall be given for potential as well as existing values.

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

Population: The river is internationally, nationally, or regionally an important producer of resident and/or anadromous fish species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

Habitat: The river provides or has the potential to provide exceptionally high quality habitat for fish species indigenous to the region of particular significance is habitat for wild stock and/or federal or state listed or candidate threatened, endangered, and sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

EVALUATION OF THE PRESENT SITUATION

The Powder River supports a number of species of fish including rainbow trout (stocked and native), catfish, crappie, dace, redside shiner, brown bullhead and various species of suckers. There is some limited natural reproduction of the native trout and although fish production is limited, numerous large size fish can be found. The Powder River is not nationally recognized but is definitely known in a tri-state area as a truly outstanding rainbow fisheries.

The river provides habitat for native spawning rainbows that can grow to record size. The riparian zone provides insect habitat and shade for the river. The life in the river providing food for the trout is especially rich, including the following species: Insects: caddis, mayflies, chronomid midges, dragonflies, damsel flies and grasshoppers. Crustaceans: crayfish and scuds in tremendous numbers. Baitfish: sculpirs, goldenshiners and small rough fish fry. The diversity of life in the river is truly outstanding and is a big reason for such remarkable growth in trout population.

CONCLUSION

The outstanding rainbow fishery is totally dependent on the water flows in 'the canyon. As the flows are regulated by Thief Valley Dam, the fishery varies dramatically. Upstream of the Reservoir are three Reservoirs (Phillips, Pilcher and Wolf Creek) that along with Thief Valley, could be used to maintain more even flow through the canyon. A priority could be established to protect and enhance the fishery, as this is one of the corridors greatest values. Although the Congressional Record did not identify fisheries as an "Outstandingly Remarkable Value" recent investigations and inventories have resulted in identifying Fisheries as an "Outstandingly Remarkable Value" for the Powder River.

WILDLIFE

Wildlife values shall be judged on the relative merits of either wildlife populations or habitat or Native American cultural use - or a combination of these conditions.

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

Populations: The river or area within the river corridor contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique or populations of federal or state listed or candidate threatened, endangered, and sensitive species. Diversity of species is an important consideration and could in itself lead to a determination of outstandingly remarkable.

Habitat: The river or area within the river corridor provides exceptionally high quality habitat for wildlife of national or regional significance, or may provide unique habitat or a critical link in habitat conditions for federal or state listed or candidate threatened, endangered, and sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

EVALUATION OF THE PRESENT SITUATION

Wildlife species found within the Powder River corridor are mule deer, badger, yellow bellied marmot, river otter, chukar, golden eagle, prairie falcon, red-tailed hawk, American kestrel, western kingbird and rattlesnake. The river segment includes a portion of a crucial deer wintering range that is occupied by hundreds of mule deer. The steep cliffs provide nesting habitat for a high concentration of raptors such as golden eagles, prairie falcons and red-tailed hawks.

The Northern Bald Eagle, listed as threatened in Oregon and Washington by the U.S. Fish and Wildlife service, is found during the winter months on this river. From two to five eagles use the river for foraging during the winter,

CONCLUSION

Although the Congressional Record does not identify wildlife as an "Outstandingly Remarkable Value" recent investigations and inventories have resulted in identifying wildlife as an "Outstandingly Remarkable Value" for the Powder River.

PRE-HISTORIC, CULTURAL

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

The river or area within the river corridor contains a site(s) where there is evidence of occupation or use by Native Americans. Site(s) must have unusual characteristics or exceptional human interest value(s). Sites may have national or regional importance for interpreting prehistory; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes. Of particular significance are sites or features listed in, or are eligible for inclusion in, the National Register of Historic Places.

EVALUATION OF THE PRESENT SITUATION

Long before the arrival of pioneers and settlers, the Cayuse, Umatilla and Nez Perce Indians utilized the hunting and fishing grounds along the length of the Powder River.

CONCLUSION

Available information indicates that the study area has archaeological sites which contain important information on the use of local lowland areas during the prehistoric middle archaic period. This preliminary finding agrees with the Congressional Record regarding the Outstandingly Remarkable Cultural (prehistoric) value of the Powder River.

HISTORIC, CULTURAL

CRITERIA FOR OUTSTANDINGLY REMARKABLE RATING

The river or area within the river corridor contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual or one-of-'a-kind in the region, A historic site(s) and/or feature(s) in most cases is 50 years old or older. Of particular significance are sites or features listed in, or are eligible for inclusion in, the National Register of Historic Places.

EVALUATION OF THE PRESENT SITUATION

Although gold discoveries brought miners, merchants and homesteaders to the upper river tributaries in the 1860's, the rugged canyon was never tamed by roads or settlements.

CONCLUSION

The two known historic sites are not remarkable and little potential exists for the identification of important historic settlement or mining sites in the river corridor.

Even though historic resources are not of "Outstandingly Remarkable Value", they are listed with Prehistoric sites in the Congressional record, including them within the Cultural resource category.

OTHER SIMILAR VALUES

While no specific evaluation guidelines have been developed for the "other similar values" category, assessments of additional river-related values consistent with the foregone guidance will be completed - including but not limited to hydrologic, paleontologic, botanic, and ecologic resources. The assessments of any additional river-related values will be completed as appropriate. The relationship of wilderness and/or wilderness study areas to the river and its associated values will be documented as applicable.

PHYSIOGRAPHY

The Powder River offers a diversity of landscapes that contain those visual qualities that result in outstandingly remarkable scenic values. The designated river corridor for the Powder River contains a diversity of landforms and vegetation that captures the attention of the viewer, The Powder River gives a remote and primitive feeling, providing a riparian contrast to the semidesert canyon.

The hill sides are bunch grass and sage, with a few Ponderosa pines along the river that add a very interesting diversity of vegetation to the canyon. The corridor also possesses much diversity in topographic land forms.

WATERSHED

The Powder River at Thief Valley Reservoir is fed by a drainage area that encompasses 9 10 square miles. This basin yields an average annual runoff of 197 cubic feet per second (cfs) for a water yield of 212,200 acre feet per year (af/yr). The gauging station here was operated only intermittently over nearly 80 years. Maximum discharge recorded over this period was 2920 CFS, with perhaps half that being maximum during a normal year. The minimum flow on record was 0.8 CFS since Thief Valley was put in. The flow is well regulated by Phillips Lake, capacity 90,540 a.f., Thief Valley Reservoir, cap 17,400 a.f., Wolf Creek Reservoir, cap 10,400 a.f., Pilcher Creek Reservoir, cap. 5560 a.f., and several smaller reservoirs.

The Wild and Scenic reach of the Powder River flows through a steep-walled canyon 500 feet in depth is some locations. Its average gradient is 3 1 feet per mile. The headwaters of the Powder River begin near the crest of the Elkhom Ridge on the Baker and Grant County line. It is primarily an east flowing drainage. The Powder River Canyon is a steep eroded basalt canyon of the high desert. The major tributaries are Magpie and Big Creeks.

WATER RIGHTS

The legal considerations affecting future water appropriations within and above the Wild and Scenic Powder river depend on water rights which existed prior to designation.

The Water Resources Commission and the Oregon State Legislature have the authority to restrict certain types of water use in a given drainage or basin, These restrictions are adopted for a variety of reasons, such as protecting fish habitat or developing irrigation projects. Within the Powder River drainage above Richland, the only basin-wide restriction in effect precludes appropriations to projects outside the Powder River Basin.

OWRD is evaluating minimum flows needed to support recreation, fish and wildlife in the Powder River. Flows needed to preserve the existing range of recreational, fish and wildlife uses are identified based on information from user guides, agency reports and expert opinions. These flows will assist the Water Resources Commission in making findings on pending applications and future water rights.

As of January, 1992 the Oregon Department of Fish and Wildlife has applied for instream water rights for rainbow trout habitat from Goose Creek (RM 36.5) upstream to Thief Valley Reservoir (RM 69.5) on the mainstem of the Powder River. Under State Law, holders of water rights which predate January, 1992 cannot be damaged by authorizing the ODFW applications. Other instream water rights are also presentlyon record for a number of tributaries to the Powder.

Current BLM policy in managing Federally designated Wild and Scenic Rivers is to use the State's instream flow water right process to preserve the flow-dependent values for which the river was designated. The Wild and Scenic Rivers Act (PL 90-542) specifically reserved the minimum quantity of water necessary to fulfill the purpose(s) for which the river was designated, This Federal Reserved water right for the Powder River has a priority date of October 28, 1988, the date of designation. A Federal Reserved water right will be exercised only if the State's appropriative instream water right is inadequate to protect the designated values of the river.

WATER QUALITY

As of the date of the development of this management plan, no systematic, regular monitoring for water quality has been conducted on the designated segment of the Powder River. Future development of a plan to monitor water quality of this river segment must meet Department of Environmental Quality (DEQ) standards.

CLIMATE

The climate of the Blue Mountains physiographic province is characterized by a short growing season and little or no summer precipitation. Annual precipitation averages 13 inches per year and ranges from 12 to 15 inches, much of it falling as winter snow. Temperatures range from average summer high of 95°F. to a average winter low of 17°F. Summer temperatures fluctuate widely with hot days and cold nights, Winter temperatures remain low for long periods and considerable snow accumulates in side canyons and on north slopes. Winter conditions can be severe in most of the Powder River area. However, the canyon offers some of the mildest weather conditions available, and has consequently been used as a winter range for wildlife.

FISH AND WILDLIFE

Thief Valley Reservoir is a privately owned impoundment used for irrigation and there are no minimum flow restrictions. Water flows may be low to almost nonexistent during years of low moisture. Due to flow levels and other habitat conditions, the Powder River contains rough and non-game fish including dace, redside shiner, brown bullhead and various species of suckers. The river also supports game fish including rainbow trout, catfish, and crappie, and is considered a blue ribbon fishery.

Rainbow trout are primarily stocked in Thief Valley Reservoir. The outstanding rainbow fishery below the dam is totally dependent on discharge water flows from the dam. As the flows are regulated by Thief Valley Dam, the fishery varies dramatically. There is some limited natural reproduction of native trout and although fish production is limited, numerous large size fish can be found that have escaped from the reservoir.

Wildlife species found within the Powder River corridor are mule deer, badger, yellow bellied marmot, river otter, chukar, golden eagle, prairie falcon, red-tailed hawk, American kestrel, western kingbird and rattlesnake. The river segment includes a portion of a crucial deer wintering range that is occupied by several hundred mule deer. The steep cliffs provide nesting habitat for a high concentration ofraptors such as golden eagles, prairie flacons and red-tailed hawks.

The Northern Bald Eagle, listed as threatened in Oregon and Washington by the U.S. Fish and Wildlife service, is found during the winter months on this river. From two to five eagles use the river for foraging during the winter.

VEGETATION

The potential climax plant community for this entire section is a sagebrush-bunchgrass community. Most of the area within the one-half mile corridor is in poor to fair condition, based on climax. The abuses of the past have left the flatter areas dominated by annuals and sagebrush.

Much of the non-riparian public land area is in an upward trend, with bunchgrasses becoming reestablished. The steeper, rougher portions of the corridor are still in excellent condition.

Since about 1979 riparian habitat conditions have improved along Big Creek. Herbaceous ground cover as well as increase in canopy coverage from shrubs (alders and willows) has occurred along much of Big Creek. Riparian shrub, primarily alder and willow are found only in small clumps along the Powder River. Riparian shrub cover has remained relatively constant over the ten years. No plant species listed as threatened or endangered occur within the designated river corridor.

CULTURAL RESOURCES

Cultural resources recorded in the river canyon represent a pattern of prehistoric occupation and resource use dating from 6000 years ago. Ethnographic records indicate that hunting and fishing locations along the Powder River and its tributaries were jointly used by the Cayuse, Umatilla, and Nez Perce Indians prior to Euro-American settlement. Approximately 30 percent of the public lands have been inventoried for cultural resources, Two historic sites are recorded representing turn of the century homesteading and 1920's locatable mineral developments, Thirty-seven archaeological sites have been recorded in the vicinity of the river canyon; including areas of plant gathering and preparation, toolstone procurement, and hunting and fishing stations. These archaeological resources are important for interpreting the changing cultural use patterns of the Powder River drainage over thousands of years. Several of the archaeological sites have been disturbed by livestock grazing or early range improvement projects and by concentrated recreation and off-road vehicle use. Other archaeological properties are threatened by natural forces of surface and stream bank erosion.

RECREATION

The Powder River corridor provides a wide variety of recreational opportunities. The primary recreation activities within this segment of the Powder River are fishing, upland game and big game hunting, geologic, zoologic, scenic sight-seeing and minimal river floating. Only during the Spring runoff period can the Powder River floated by kayaks. Pursuit of this recreational opportunity is extremely limited and should only be attempted by the more skilled floater. Due to lack of facilities, health and safety problems are prevalent.

The quality and diversity of recreational opportunities available along the Powder River corridor makes it a popular area year round, Annual visitation to this segment of the Powder River is estimated at 4,000 visitors. Current visitation maintains the estimated carrying capacity for the Powder River recreational use.

RANGE

Indians grazed horses in the canyon as early as the 1730's. In the late 1860's white settlers began domestic livestock grazing. In these early years much of the range was severely damaged by overgrazing. Sheep and cattle allotments peaked in 1920. Improved range management techniques have resulted in a dramatic recovery on most sites during recent times. Some areas remain poor and weedy despite light

livestock grazing. Many of the poor sites are in riparian areas on the river bank. Return to native, climax vegetation on these sites, even in the absence of grazing, may not be possible because of the loss of soils during the first half of this century,

During the early 1900's, grazing occurred all season long as weather, water and forage availability permitted. In the early 1960's grazing systems were initiated, protecting forage plants during critical periods of growth and nutrient storage. This has greatly increased the amount and vitality of rangeland forage.

This section of the Powder River flows through 6 grazing allotments involving 9 grazing permittees. The majority of the public land acres within this corridor is within 3 grazing allotments, all 3 of which are managed under deferred rotation grazing systems, All use boundaries are fenced.

GEOLOGY

Tertiary age basalt flows of the Columbia River Group crop out along most of this segment of the Powder River Canyon. The basalt is underlain by pre-Tertiary age greenstones which are exposed in two areas. Several landslides occur along the steep canyon sides and the narrow canyon bottom is filled with alluvium.

The older, pre-Tertiary age rocks are part of a "greenstone belt" which extends from near North Powder east to the Snake River and on into Idaho. A number of disseminated to massive sulfide occurrences have been discovered along this "belt".

TRANSPORTATION FACILITIES AND OTHER DEVELOPMENTS

Within the designated corridor, there are two roads, one on each side of the river, that exist from the Thief Valley Reservoir Dam downstream for approximately 0.5 mile, then the road on river left continues for an additional 1.5 miles. These roads are low grade roads traversable by high clearance four-wheel drive vehicles only.

Downriver 2.0 miles, a trail enters the corridor on river right, accessible by vehicles capable of off road travel, Three miles from this trail, downriver, two partially intact historic cabins and a second jeep trail are on river left, providing vehicle access to State Highway 203.

Three irrigation diversion structures, 4.5 miles of canals (both sides ofriver), and 0.25 miles of jeep trail, are developments identified in the lower river corridor.

FORESTRY

There are no commercial forest resources within the designated corridor. There are a few scattered Ponderosa pine withii the corridor and side drainages.

MINERAL/MINING

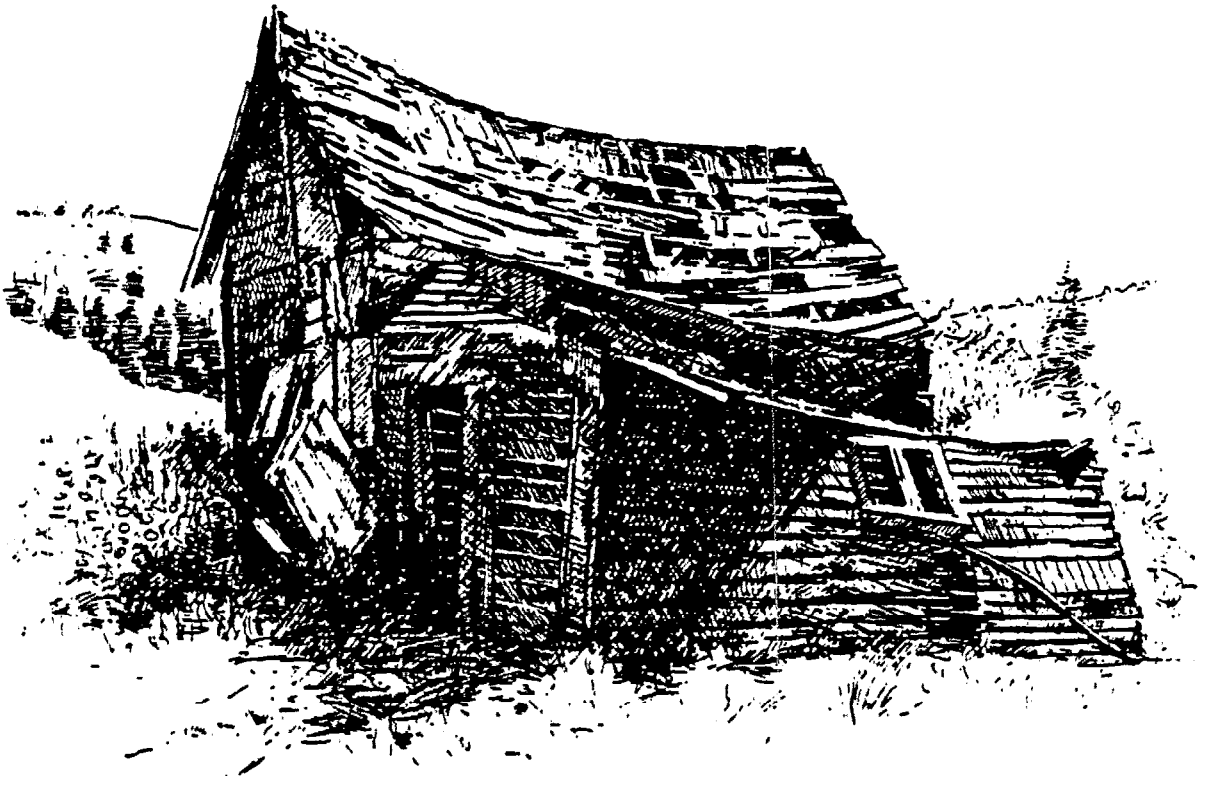
No mineral leases have been issued for the river corridor and no mining claims are presently located within the corridor.

The area has moderate potential for the occurrence of geothermal resources, low potential for the occurrence of oil and gas, moderate potential for occurrence of gold and silver, and two known mineral occurrences of copper. The area has a long history of metallic mineral exploration but no known production.

The river corridor has been classified as being prospectively valuable for geothermal resources but not for oil and gas. No other leasable minerals are known to have potential for occurrence.

The river corridor is part of a 75 mile long "greenstone belt" which has a number of mineral occurrences for copper and precious metals and one operating mine at Homestead. Interest in the river corridor is presently low. However as late as 1985, 10 lode mining claims were located on one of the known copper occurrences. Future exploration can be expected when the price for copper improves.

CHAPTER 3 - MANAGEMENT ACTIONS



MANAGEMENT OBJECTIVES AND CONSTRAINTS

The Baker Resource Management Plan gives direction to protect and enhance the Outstandingly Remarkable Values of the corridor. The following objectives will guide future management and use of the designated corridor of the Powder River. In accomplishing these objectives, the BLM will involve and cooperate with other public agencies, private interests. and resource users.

Objectives: Protect and/or enhance the outstandingly remarkable values of the Powder River with emphasis on Naturalness (wildlife/fisheries/ vegetation).

1. Manage upland grass-shrub vegetation to achieve a mid-seral stage plant community.

2. Improve upland vegetation where needed to protect riparian values.

3. Enhance crucial deer winter range.

4. Enhance the productive capability of woodlands (which include scattered old growth Ponderosa pine) in a condition that will meet the needs and protection of biological and scenic values.

5. Enhance vegetation (canopy coverage, diversity, quantity, quality) in riparian habitat for fisheries.

6. Protect and enhance wet meadows, and seeps.

7. Enhance habitat for other raptors for nesting and hunting.

8. Enhance habitat for fisheries.

9. Protect and preserve cultural resources for their information potential and public values. Protect or enhance the condition of a representative sample of prehistoric resources,

10. Enhance scenic quality.

11. Enhance quality opportunities for fishing, hunting, boating, hiking, etc.

12. Provide for safe, healthy, and lawful use of the river resources.

13. Provide for a diversity of recreational experiences while allowing for other compatible resource management opportunities.

14. Reduce conflicts between present users and provide adequate facilities.

Constraints: Law, regulation, policy or other planning commitments that influence the development of management actions.

1. The National Wild and Scenic Rivers Act.

2. The Baker Resource Management Plan of July, 1989, designating the Powder River as an ACEC.

3. Private land ownership within the river corridor.

4. Bureau of Reclamation withdrawn lands encompassing Thief Valley Reservoir.

5. The Water Resource Commission and the administration of existing water rights.

6. Limited escape cover and habitat for a variety of wildlife species.

7. Grazing permits on BLM Public Land with allotment boundaries.

8. Threatened and Endangered Species Act (i.e. Bald Eagle).

9. National Historic Preservation Act - protection of cultural sites.

ISSUES

Within established management objectives, as directed by the parameters of the National Wild and Scenic Rivers Act in relation to the outstandingly remarkable values, the level of development and facilities provided to support public use and the types of activities allowed must be determined. Determining levels and types of allowed use raises a variety of issues that must be considered in the planning and decision making process.

Four public workshops were held, three in Baker City and one in Richland, Oregon to identify public concerns. The process for identifying public issues and management concerns included consolidation of issues generated by the public and incorporating the requirements of the Wild and Scenic Rivers Act.

ISSUE 1 - RESOURCE MANAGEMENT

The Bureau of Land Management will continue to provide a range of opportunities for resource development and use within the corridor. These resource opportunities will be provided to the extent that they protect and/or enhance the outstandingly remarkable values for which Congress designated the river as a component of the National Wild and Scenic Rivers System or complement provisions for resource protection under ACEC designation.

Considerations:

1. Visual resources management-Scenic Values (ORV).
2. Recreation and facility management (ORV).
3. Fish and wildlife habitat management (ORV).
4. Cultural resource protection and enhancement (ORV).
5. Riparian management.
6. Livestock grazing management.
7, Threatened and Endangered Species management.
8. Mineral Resource management.

ISSUE 2 - WATER RIGHTS

in the State of Oregon, all water is publicly owned and the laws pertaining to surface and ground water usage are based on the principle of Prior Appropriation. That is, the first person to obtain a water right will be the most senior holder on a particular stream, and has priority over all junior claims in tunes of water shortage. Permits for water use from any source must be obtained from the Oregon Water Resources Department, although exceptions do exist and are recognized and specified by the State. As of the publishing date, within the Wild and Scenic Powder River corridor nine water rights authorize the cumulative diversion of 146 cubic feet per second for irrigation purposes. Each of the individual water rights certificates specify the legal limits on consumptive water use in the reach.

The State of Oregon also recognizes instream water rights for the public benefit to maintain sufficient flows to protect recreation, fish and wildlife and other river related resources. Instream water rights are applied by and through the State of Oregon's Department of Environmental Quality, the Department of Parks and Recreation, or ODFW to the State's Water Resources Commission. The priority date for certified instream water rights is the application date with OWRD. Instream water rights for rainbow trout habitat have been applied for by ODFW on the Wild and Scenic Powder River.

Current BLM policy is to use the State's instream flow water right process to preserve the flow-dependent values for which the river was designated. The Wild and Scenic Rivers Act (PL 90-542) specifically reserved the minimum quantity of water necessary to fulfill the purpose(s) for which the river was designated. This Federal Reserved water right for the Powder River has a priority date of October 28, 1988, the date of designation. A Federal Reserved water right is exercised only if the State's appropriative instream water right is inadequate to protect the designated values of the river.

Considerations:

1. Existing water rights.
2. Future water rights.
3. Maintenance of irrigation water delivery (canals, ditches, diversion structures).
4. State instream flows

ISSUE 3 - LAND OWNERSHIP

Private land and Public land are intermingled within the corridor, Trespass problems exist on private land as private land is used as access and for camping. Identification of both private and public land is essential. User impacts to both public and private lands within the corridor has resulted in vandalism to facilities and degradation of resources.

Considerations:

1. Coordinated land use planning.
2. Easement and/or acquisition program.
3. Signing of public and private lands.
4. Protection of private landowner rights.
5. Wild and Scenic River administrative boundaries.

ISSUE 4 - HEALTH AND SAFETY

Heavy recreation use of the area downstream from the Thief Valley Dam and upstream of Highway 203 is resulting in unsanitary conditions and resource degradation. Sanitation, litter, lack of room for vehicle parking and camping are chronic problems. Remoteness of the area makes it difficult for existing law enforcement authorities to patrol these areas on a regular basis.

Considerations:

1. Access development and upgrading.
2. Recreation facilities development.
3. Law enforcement programs.

ISSUE 5 - MANAGEMENT COOPERATION BETWEEN AGENCIES AND AFFECTED PARTIES

Although most of the land along the Powder River is managed by BLM, several other local, state and federal government agencies, private land owners and interest groups have vested interest in the resources of the Powder and adjoining lands. BLM cannot effectively manage the river area without interagency and public support and cooperation, and should explore ways of improving formal communication regarding river management.

Considerations:

1. County, state and federal agencies.
2. Nez Perce Tribe.
3. Confederated Tribes of the Umatilla.
4. Private land owners.
5. Sportsmen clubs.

DESIRED FUTURE CONDITIONS OF RIVER CORRIDOR

LANDSCAPE VIEW:

The overall character and appearance of the Powder River corridor will be essentially the same as now. The visually sensitive travel corridors will be managed to maintain a natural or near natural setting. Activities will be conducted in such a way that they are subordinate to the character of the natural landscape. Minor changes may be apparent in those areas where projects have been implemented to meet management goals and objectives, but impacts would be minor and short-lived.

The overall vegetative landscape will be a natural-appearing mosaic of small patches that have been created through the natural cycle of growth and disturbance. Disturbance will serve to reset the ecosystem to maintain health and vigor. Disturbances may be either natural, such as fire, or human-made, such as vegetation manipulation.

BIODIVERSITY:

Habitats for wildlife species dependent on riparian vegetation will be maintained within the river corridor. Habitats will be protected and populations of threatened, endangered, or sensitive plant and animal species will be maintained. Wetlands and riparian areas will be functioning effectively, Unusual plant and animal communities which contribute to any special biological diversity of the area will be identified prior to any ground-disturbing activity and protected.

FISH AND FISH HABITAT:

The goals and priorities of ODFW concerning fish habitat will continue to improve with the drainage-wide application of state-of&e-art riparian guidelines, natural recruitment of woody material, and fish habitat enhancement projects, The adequate protection and restoration of fish habitat will result in healthy resident fish populations.

WATER QUALITY:

Baseline data on the water quality of the Powder River will be established through a comprehensive long-term water quality monitoring program. Water quality will be maintained or improved, as riparian vegetation through the watershed continues to develop. Any sedimentation entering the river will decrease as disturbed areas continue to revegetate and stabilize, and new projects follow state-of-the-art riparian guidelines.

RIVER:

The river system will remain free-flowing with a stable, functioning ecosystem both above and below ground level. Water quality will remain stable throughout the year, as it was when the river was designated. Stream and river segments will have a natural appearance. Human-made shoreline facilities will remain relatively inconspicuous to river users and there will be an absence of litter, both in the river and on the banks. River channel structure and diversity will improve as a result of naturally fallen woody debris that has been left in place, and fish habitat rehabilitation projects.

RECREATION:

River recreational use levels will continue to rise slightly, but management actions will maintain the quality of the river experience. Programs to educate river users, formal and informal interpretive programs at access points, river patrols, improved signing and boundary marking, and BLM "presence" in the corridor will reduce problems such as congestion and litter. Float boating will take place as safely as possible, given the inherent risks of the activity, with a minimum of overt regulation. When accidents do occur, search and rescue operations will be swift and efficient. Boaters would be expected to respect the rights of private landowners and would not trespass or unnecessarily disturb landowners.

If/when use levels continue to rise and it becomes necessary to further regulate river use to protect the quality of the experience, a predetermined program of "staged" management actions will be implemented. If/when use levels dictate that additional use limitations are necessary to protect the quality of the recreational experience, a use allocation (use rationing) system will be developed with the direct help and participation of the public and affected user groups.

Demand for land-based recreation will be higher. The number of sanitation facilities will increase to serve the increased number of users. Depending on use level increases, staging areas would be expanded to meet that need.

PUBLIC ACCESS:

People will be able to access the river corridor at the Thief Valley Dam and from Highway 203 safely and efficiently. The visitor's experience will be enhanced by improved road conditions and the appearance of road signing.

PROJECT IMPLEMENTATION:

All projects within the river corridor will be planned using the NEPA process with a "New Perspectives" philosophy. Thii philosophy:

- Features public participation in decisions that affect the public.

- Recognizes the interrelatedness of all resource values.
- Maintains the long-term productivity of the land,
- Collaborates with scientists, managers, partners, and educators to learn and test new ideas to improve resource management.

RELATIONSHIPS:

Communications between the BLM, state agencies, and county government would improve, resulting in improved understanding and cooperation. There would be a partnership atmosphere between the BLM, state agencies, county, and user groups. The public would feel that they are given the opportunity to participate in the river management process. Organized user groups would be self-policing. A rover stewardship ethic would continue to grow on the Powder River.

PRIVATE PROPERTY:

Private property rights would be protected and property owners would feel that government agencies are responsive to their concerns. Unsightly structures and/or inappropriate development would be discouraged along the river. Property values would increase as scenic values are protected and enhanced. Public use of private property without explicit consent of the landowner would not occur.

MONITORING STANDARDS

Monitoring and evaluation of the plan will be based on the Limits of Acceptable Change concept (LAC). LAC is a process for establishing acceptable and appropriate conditions and will govern the management strategy to be applied to the Powder River. LAC is based on the premise that change to the ecological and social conditions of an area will occur as a result of natural and human factors. The goal of management is to keep the character and rate of change due to human factors within acceptable levels and consistent with the objectives of the plan.

The primary emphasis of the LAC system is on the conditions desired, rather than on how much use or abuse an area can tolerate. The management challenge is not one of how to prevent any human-induced change in the planning area, but rather one of deciding what changes should occur, how much change will be allowed, what management actions are needed to guide and control it and how the managing agencies will know when the established limits arc being or have been reached.

Once in place and functioning, the mechanics of the LAC system can alert the managing agencies to unacceptable change in the Powder River Canyon before it is too late to react. For each river value to be monitored, one or more key indicators are selected which allow the managing agencies to keep their '*thumb on the pulse" of that aspect of the ecosystem or social setting. For each key indicator, a standard is set. This is the threshold value which determines the amount of change that is either desired or will be accepted. The purpose of the indicators and standards is to provide managers with a tool to determine if the resource values and opportunities they are trying to mange for are actually being provided. The standards serve as "triggers" which cause predetermined management actions to be implemented by the managing agencies when the limit is being approached.

The LAC process is designed to be the foundation for the long-term protection and enhancement of the primary river-related values in the Powder River Canyon. The process must, however, be flexible enough to allow for unique site specific situations, provide ample opportunity for public involvement and be cost effective.

1. Visual Resource Management (Scenic Values)

Assigning values to visual resources is a subjective process. The phrase, "beauty is in the eye of the beholder," is often quoted to emphasize the subjectivity in determining scenic values. Yet, researchers have found consistent levels of agreement among individuals asked to evaluate visual quality. Designers have used the basic design elements of form, line, color, and texture to describe and evaluate landscapes for hundreds of years. Modifications in a landscape which repeat the landscape's basic elements are

said to be in harmony with their surroundings. Modifications which do not harmonize often look out of place and are said to contrast or stand out in unpleasing ways. These basic design elements and concepts have been incorporated into the Visual Resource Management (VRM) system to lend objectivity, integrity, and consistency to the process. The VRM system is designed to separate the existing landscape and the proposed project into their features and elements and to compare each part against the other in order to identifj those parts which are not in harmony. Then, ways are sought to bring them back into harmony. An understanding of basic design principles and how they relate to the appearance of projects is essential in order to minimize visual impacts, Refer to Table 1 for VRM components for monitoring to be conducted within the Powder River corridor.

2. Recreation and Facility Management

Recreation management actions shall focus on providing resource protection, monitoring, visitor services, and essential recreation facilities to ensure the long-term use and enjoyment of the land and water resources found, within the Powder River corridor. Facilities important to the protection and enjoyment of recreation resources shall be provided. Refer to Table 1 for recreation activity components for monitoring to be conducted within the Powder River corridor.

3. Fish and Wildlife Management

Monitoring is a key tool of the Bureau's fish and wildlife program. The primary purpose of monitoring is to gather information on the distribution, condition, trend, and utilization of fish and wildlife habitat. Monitoring ensures that adequate baseline resource data are available to make the required determinations and resource management decisions. Refer to Table 1 for fish and wildlife habitat components for monitoring to be conducted within the Powder River corridor.

4. Cultural Resource Management

Development projects that may require substantial ground disturbances would be evaluated on a case-by-case basis for possible impact to recorded historic and prehistoric properties. Recorded sites also would be monitored on a regular basis by the river management team to determine changes over time. Techniques for this would include the development of a photographic record. Changes would be evaluated for potential adverse effects and mitigation measures would be initiated. Refer to Table 1 for cultural resource monitoring to be conducted within the Powder River corridor.

5. Riparian Management

Riparian monitoring and evaluations will be scheduled to determine the effectiveness of resource actions toward achieving the goals and objectives established in the Powder River Management Plan. Riparian recovery plans and actions will be monitored to assure an upward trend in stream riparian condition, and to evaluate the effectiveness of stream improvements. Monitoring will include trend photographs, biotic condition index, vegetation studies, and fish census. Refer to Table 1 for riparian monitoring to be conducted within the Powder River corridor.

6. Water Quality Management

The DEQ has divided the states surface waters into 19 drainage basins and developed water quality standards for each. Standards for the drainage basin, of the Powder River, encompass physical and chemical characteristics including; pH, water temperature, dissolved oxygen, fecal coliforms, turbidity, and other parameters. The water quality data from DEQ indicates that the Powder River is below established state water quality standards adopted for the basin. Water quality varies throughout the year and further study is needed to adequately assess conditions and trends in the basin. Existing water quality data has been sporadically collected and does not provide a clear or consistent picture of baseline conditions. Refer to Table 1 for water quality monitoring to be conducted.

DESIGN STANDARDS

There are design procedures and management directions common to all activities within the river corridor that must conform with the requirements of the Wild and Scenic River

Act. These procedures are as follows.

Design features to be incorporated into specific surface disturbing activity plans and authorizations include: scalping, saving, and respreading available top soil; regrading and resloping to natural contours; reestablish appropriate stabilizing vegetation; and water erosion and runoff prevention measures, such as waterbars, benches, and drainage systems. Management activities in riparian areas will be designed to protect and/or enhance riparian values; roads and utility corridors will avoid riparian zones.

Oregon Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife (USFWS) will be consulted before implementing projects that could affect habitat for Threatened andior Endangered (T&E) or sensitive species. Should potential adverse impacts on T&E species be determined through the BLM's biological assessment process, formal consultations with the USFWS will be initiated under Section 7 of the Endangered Species Act of 1973, as amended. Technical assistance will be requested from the U.S. Fish and Wildlife Service for Candidate 1 and 2 species and for Bureau sensitive species. Coordinate with the Oregon Department of Agriculture for state listed or candidate plant species, and with ODFW for state listed wildlife species.

Consult with ODFW prior to undertaking construction, and/ or surface disturbing activities in high value wildlife and fisheries habitat. In crucial wildlife habitats construction and maintenance work will be designed to avoid or minimize disturbance to wildlife. Areas disturbed during project construction will be reseeded with a mixture of grasses, forbs and shrubs to meet site specific needs and habitat requirements. All new fences will be built to standard Bureau wildlife specifications. Avoid management actions which may result in disturbance and adverse impacts on crucial wildlife and/or plant habitat for threatened, endangered, candidate, state listed and sensitive species. Conduct inventories to determine if any of those species exist on proposed areas of development.

The Bureau of Land Management will continue to inventory lands for historical and archaeological resources and evaluate the significance of known historical and archaeological sites. Archaeological resource sites threatened by human-caused or natural sources of erosion or deterioration will be protected by restricting uses, fencing or signing, or stabilization. If stabilization or physical protection is not feasible or effective, various levels of mitigation through information recovery may be implemented. Prior to the implementation of any surface-disturbing project or plan, inventories and evaluation will be undertaken to identify: protect, preserve and evaluate the significance of cultural resources which may be affected by the project. Sites will be evaluated against criteria for inclusion in the National Register of Historic Places. The BLM will consult with the Confederated Tribes of Umatilla in the early planning stages of proposed surface disturbing activities. Decisions about the treatment of cultural resource sites will be made in consultation with the State Historic Preservation Office and Umatilla tribes, as appropriate. In most cases, sites located within a project area will be avoided by project redesign or relocation. Where relocation is not possible, the project may be canceled or mitigation of the project effects through intensive documentation may be necessary.

Information and education programs will be developed to assist resource users in the safe, sanitary, and low impact use of the canyon corridor.

RESOURCE MANAGEMENT ACTIONS

1. VISUAL RESOURCE MANAGEMENT (SCENIC VALUES)

Resource developments within the river corridor will protect and/or enhance the existing character of the landscape. The level of change to the characteristic landscape will be minimal. Management activities will not attract the attention of the casual observer. Any changes in the landscape must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the canyon corridor, This will be accomplished through resloping to natural contours, reestablish appropriate stabilizing

vegetation, and utilizing topography and/or vegetation to screen facility developments.

2. Recreation and Facility Management

Develop two recreation sites as staging areas for access into the Powder River corridor. One site would be located in the vicinity of the Thief Valley Reservoir, and the other facility would be located on public land up river from Oregon State Highway 203. These facility developments may include restrooms, parking areas, and information stations. The development of the aforementioned recreation facilities will be constructed and managed by the BLM in conformance with the protection and enhancement requirements of the Act. Hunting and fishing use is subject to Oregon State Fish and Game regulations. Other recreation use may come under additional regulations from BLM should monitoring indicate a need for use controls. No further vehicle access will be developed. within the corridor. Establish hiking trails within the corridor.

3. Fish and Wildlife Management

Develop and implement Wildlife Habitat Plans (HMPs) consistent with the requirements of protection and enhancement of the ORV's identified in this river management plan, Plans may include shrub and tree planting, fencing, prescribed bum and stream structures. Continue inventories and monitoring of sage grouse, raptors, mule deer. Monitor habitat condition and trend on the Powder River. Develop grazing systems that enhance habitat for fisheries and wildlife.

4. Cultural Resource Management

Public information and education efforts would be implemented to encourage stewardship of cultural resources. Protection and/or enhancement of these values would be accomplished through the development of brochures, information/interpretive signs, and visitor contacts. Recreation use and livestock grazing would be managed or restricted to reduce impacts on historical or archaeological resources by signing and fencing where damage to sites is occurring. Livestock grazing would be managed to reduce impacts on archaeological sites from trampling, impacts would be mitigated. Unimproved roads will be restricted or closed where damage to sites is occurring, or the roads may be relocated. If road restrictions and relocation, or she stabilization, are not feasible, evaluation and mitigation of disturbed or threatened sites will be implemented. Stabilization or mitigation would be implemented to prevent loss of significant archaeological sites to natural erosion or deterioration. Surveillance and monitoring of all sites in high use areas would be conducted annually.

Previously inventoried lands would be resurveyed upon changes in visibility conditions, and recorded sites will be further investigated and evaluated.

5. Riparian Management

Protect/enhance vegetation (canopy coverage, diversity-quantity, quality) in riparian habitat for fisheries. Protect and/or enhance wet meadows, seeps and bogs within the corridor. Continue riparian surveys. Plant shrubs where needed to enhance riparian vegetation and fisheries habitat.

6. Livestock Grazing Management

Evaluate existing grazing systems within the corridor. Should monitoring identify areas where there is degradation of the Outstandingly Remarkable Values, livestock grazing would be managed or restricted to reduce those impacts. Gap fencing, seasons of use, upland water developments, etc., may be designed through the development of grazing plans.

7. Threatened and Endangered Species Management

Oregon Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife (USFWS) will be consulted before implementing projects that could affect habitat for T&E or sensitive species. Should potential adverse impacts on T&E species be determined through the BLM's biological assessment process, formal consultations with the USFWS will be initiated under Section 7 of the Endangered Species Act of 1973, as amended. Technical assistance will be

requested from the U.S. Fish and Wildlife Service for Candidate 1 and 2 species and for Bureau sensitive species, Coordinate with the Oregon Department of Agriculture for state listed or candidate plant species, and with ODFW for state listed wildlife species,

8. MINERAL RESOURCE MANAGEMENT

Public lands within the designated "scenic" corridor of the River are not withdrawn from the filing of new mining claims. The foilowing direction is established for the river corridor.

Oil and Gas: Restrict leasing on 66 acres of public domain with critical winter habitat for bald eagles and mule deer with standard protective stipulations and by adding a winter season protective stipulation which will restrict operations on the lease during the period November 1 to April 15. Restrict leasing on 2,912 acres of public land within the Powder River by adding a *'no surface occupancy" stipulation to the lease.

Geothermal: Allow leasing on 2,912 acres of public land with standard protective stipulations and/or seasonal and other protective stipulations as determined from site specific environmental analysis prior to issuance of a lease.

Locatable Minerals: Allow exploration and development on 2,9 12 acres of public land consistent with the "unnecessary or undue degradation" standard (43 CFR 3809) and with Scenic River designations.

Mineral Materials: Restrict exploration and development on 2,912 acres in the Scenic River area to those locations which are compatible with protecting natural, scenic, recreation and cultural values.

WATER RIGHTS

1. EXISTING WATER RIGHTS

Existing water rights and maintenance of facilities arc not affected by a National Wild and Scenic River designation. The State manages and allocates water rights. Existing dams, diversions and similar water projects located on this river are not affected. Maintenance and construction of facilities needed to effectively put to use and existing valid water rights will continue under state jurisdiction'

2.FUTUREWATER RIGHTS

Instream water rights are water rights held by the Oregon Water Resources Department for the benefit of the people of Oregon. Only three state agencies (Oregon Department of Fish and Wildlife, Department of Environmental Quality, and Parks and Recreation Department) are allowed to request instream water rights. New water rights and project proposals will be evaluated on their potential to affect the attributes which made the river eligible as a Wild and Scenic River.

LAND OWNERSHIP

1. COORDIKATED LAND USE PLANKING

Public lands in the Powder River Canyon (5,880 acres), between Thief Valley Reservoir and Highway 203 in the Keating Valley, are designated and managed as an ACEC to protect raptor habitat wildlife habitat, cultural resources, and to maintain scenic qualities. The area is managed to meet forage and habitat needs for big game, bald eagles and golden eagles as recommended by the Oregon Department of Fish and Wildlife, and is consistent with legislated authority. Compatible recreation uses are allowed. Incompatible uses within the canyon and adjacent upland are excluded. Riparian conditions are maintained and/or enhanced by continuing intensive management of livestock grazing. A "no surface occupancy" restriction is applied to oil and gas leasing. The river segment on the Powder River identified in this plan (11.7 miles and 3,744 acres) is entirely within the boundaries of the Powder River Canyon ACEC.

2. Easements and/or Acquisition Program

Legal public access to the area below Thief Valley Dam, where the Wild and Scenic designated section begins, exists from two access routes. One from the city of North Powder on the west side of the river and one from Telocaset on the east side of the river. Trail and/or conservation easements will be sought across private land to public land in the river corridor. Fee title acquisition will only be undertaken with willing parties, No condemnation for fee title will occur.

3. Signing of Public and Private Land

A full signing program including interpretive, recreational use requirements, private/public boundaries, portal, directional, and traffic signs will be installed and maintained at selected sites.

4. Protection of Private Land Owner Rights

The Wild and Scenic Rivers Act does not give the federal government authority to zone or mandate use of private lands. Agricultural and grazing activities on private or public lands present at the time of designation would not be affected. The BLM will work closely with landowners to assure that all uses are consistent with the intent of the Act. Fencing the river corridor is not anticipated on either public or private lands. Gap fencing and/or seasons of use developed through grazing plans may be considered to protect natural values as monitoring identifies. Also, obtaining conservation and/or access easements from willing landowners is a consideration.

Unless an easement has been transferred to the managing agency, landowners are subject only to state and local laws and regulation.

5. Wild and Scenic River Administrative Boundaries

The Wild and Scenic Rivers Act has the purpose of preserving the Powder River and its immediate environment, in its free-flowing condition. The corridor boundaries include the outstandingly remarkable values of excellent raptor nesting and forage habitat, Bald Eagle winter habitat, and outstanding recreational, scenic and cultural values, for which the river was designated. Corridor boundaries are governed by the location of outstandingly remarkable values, rather than whether land is in private or public ownership. By law, these boundaries do not average more than 320 acres per river mile (refer to the attached Powder River map).

Health and Safety

1. Access Development and Upgrading

Depending on the outcome of the easement program previously discussed, one of two access routes on the Thief Valley Dam site will have to be upgraded to allow for high clearance two-wheel drive vehicles. This will necessitate road upgrading and/or realignment.

The existing road access through private land, from Oregon State Highway 203 to public land located on the east side of the river, will require improvements. A public access easement currently exists through this private land.

2. Recreation Facilities Development

Develop two recreation sites as staging areas for access into the Powder River corridor. One site would be located in the vicinity of the Thief Valley Reservoir, and the other facility would be located on public land near Oregon State Highway 203. These facility developments may include restrooms, parking areas, and information stations. These recreation facilities will be constructed and managed by the BLM in conformance with the protection and enhancement requirements of the Act.

3. Law Enforcement Programs

Provide additional BLM Ranger coverage for the Powder River. Participate in cooperative agreements with other agencies to provide additional enforcement on land and water for protection of users and Outstandingly Remarkable Values identified by Congress on the National Wild and Scenic Powder River. Under these cooperative agreements, also

work closely with private landowners and local law enforcement officials to protect private property including fences, gates, roads, cattle guards, livestock, irrigation systems, and trespass.

MANAGEMENT COOPERATION BETWEEN AGENCIES AND AFFECTED PARTIES

1. Develop and/or coordinate management programs with private landowners, sportsman groups and the following local, state, and federal agencies.

Baker/Union Counties

Sheriffs Office
Planning Department

State of Oregon

Water Resources Department
Department of Fish and Wildlife
Division of State Lands
State Police
State Historic Preservation Office
Department of Environmental Quality

Federal

U.S. Fish and Wildlife Service
Bureau of Reclamation
Northwest Power Planning Council
Confederated Tribes of the Umatilla
Nez Perce Tribe

TABLE 1: MONITORING

Values to be Protected and/or Enhanced	Key Indicator	Management Standard to be used	Monitoring Required	Management Action(s) to he Implemented
1. Visual Resources (Scenery)	Cultural modifications (human-caused changes) which would significantly alter landform, vegetation, water, coior or character of the area.	Contrasts created by new management activities will not be allowed if they attract the attention of the casual observer within the characteristic landscape Natural ecological changes will predominate.	ongoing as proposals develop and supplemented with on-the-ground surveillance during weekly patrols to detect possible unauthorized activities.	Specific standard5 will be developed for a scenery quality rating which addresses acceptable and unacceptable cultural modifications including degrees of change in land use, surface disturbance and development densities. Visual contrast rating and evaluation will be conducted for all proposed cultural modifications on public lands. Action5 which are not consistent with visual resource management objectives will be modified or rejected.
2 Recreational Use	Encounter5 per trip with other recreational visitors.	Five or less encounters per trip- 80% of the time.	Random weekday and weekend/ holiday sampling conducted during the primary use season at staging areas to monitor actual numbers of boaters. Sampling error will be within 5 percent. Develop short survey of visitors utilizing questionnaire about quality of recreation experience. Administer survey at random shore locations on randomly selected half days during the primary use season. Camping-Quality of Experience and Soil Stability Camper numbers per area per day to be determined by studies. Percent of campsite that is exposed bare soil. Stability of riverbank. Degree of soil 1055. Vegetative composition, condition and trend. Percent of campsite with significant vegetative disturbance. Degree of tree damage including exposed roots. Impacts to campsites will be light or moderate based on subjective judgement regarding vegetation impacted exposed tree roots, trails, bare areas, dead trees, erosion and vegetation change as follows:	Develop public use brochures and map to inform and educate boaters how to avoid peak use periods and reduce user impacts. Provide basic site protection measures in staging area5 Design and sign staging areas for efficient, expedient and safe use. Institute uniformed BLM, and volunteer personnel as information and education resources. Design a voluntary program of staggered starting time for boats during the high use season. Institute a self-regulating use system on the basis of even/odd use on weekends, Institute a permit system for weekends only. As a last resort after a 3-year attempt to achieve the management standard through indirect means and in an effort to regulate use levels to protect and enhance the identified river values, establish a river use allocation system for all users. Develop the system through extensive public involvement with a consensus solution between affected users that maintain the quality of the recreational experience.

TABLE 1: MONITORING

Values to be Protected and/or Enhanced	Key Indicator	Management Standard to be used	Monitoring Required	Management Action(s) to be Implemented
2. Recreational Cse - Continued			Light-Previous ground vegetation present on the site. Vegetation often flattened but not permanently injured Minimal physical change. Moderate-Previous ground vegetation intact, but growth somewhat retarded. Ground vegetation worn away in center of activity area. Heavy-Most previous ground vegetation gone, beginning tree root exposure, trails radiate from site, erosion absent, litter or duff still present, impact restricted to site. Extreme-Previous ground vegetation gone, &ad trees, tree roots exposed, erosion present or beginning, compacted soil restricts reestablishment of indigenous vegetation, changes in species composition, bare mineral soil widespread, little litter or duff, satellite areas may be present. Complete campsite inventory and evaluation for all campsites on public lands. Develop public use brochures and map to inform and educate campers how to avoid peak use periods and utilize less crowded sections of the river. For those campsites which are set aside for camping, harden all sites which are being impacted to a moderate, heavy or extreme degree with basic site protection measures. Campsites which have received heavy or extreme impacts will be rehabilitated and if necessary, closed until levels of impacts have been mitigated to at least moderate. A campsite monitoring system will be developed to document present campsite condition and means to measure cumulative change in soil and vegetative condition. Develop short survey of visitors utilizing questionnaire about quality of recreation experience. Administer survey at random developed campsites on randomly selected half days during the primary use season. Sampling error will be within 5 percent.	

TABLE 1: MONITORING

Values to be Protected and/or Enhanced	Key Indicator	Management Standard to be used	Monitoring Required	Management Action(s) to be Implemented
3. Fish/Wildlife Habitat	Riparian vegetative condition.	Vegetation. less than 1/3 plots monitored indicating reduction species and/or percent cover as compared to control plots	Establish 8-10 plots, stratified by Inventory of riparian area within in amount of recreation use, with corridor to assess extent of transects identifying plant species impacts and percent ground cover.	
		Channel bank: less than 1/3 of the monitoring sites show a reduction in condition rating.	Inventory of riparian area within corridor to assess extent of using impacts	Document channel stability rating Pfanchuck stability form at monitoring sites established for vegetation plots (above). Stability rating performed every two years in conjunction with vegetation monitoring.
	Quality and quantity of spawning gravel downstream of Thief Valley Dam.	To be determined by comparison with gravel in control area and historical accounts.	Annual pebble count and interstitial space index at key spawning areas. Area of existing spawning gravel.	Intensify survey and analyze data to identify cause.
	Amount of large pools and percent composition of substrate.	Historic stream surveys as baseline.	Fish habitat survey of Powder River every 5 years.	Intensify survey analyze data to identify cause.
	Large instream woody material.	To be determined by comparison between similar reaches of the Powder River that are not boated, and with previous year's monitoring.	Annual fisheries biologist float or pack trip during late spring. Feedback from routine river patrols.	Increase efforts to educate users as to the importance of wood and balancing wood with user safety. Increase emphasis on prohibition of cutting instream woody material by focusing routine river patrols in areas of concern.
	River corridor use by raptors and other waterfowl.	Historic records compared with future observations should not indicate downward trends.	Count/record all nests, raptors, and waterfowl sittings on regularly scheduled surveys.	Reevaluations of river recreation management actions (i.e., boater use, etc.).
	Maintenance of unique habitats (wetlands, cliffs, talus slopes, etc.) and use by associated species.	Significant loss or degradation of these habitats is observed and/or there is a downward trend in associated species.	Habitats will be inventoried through the district stand exam program and wildlife inventories. Associated species will be surveyed during project evaluations.	Reevaluation of river recreation management actions (i.e., boater use, etc.).

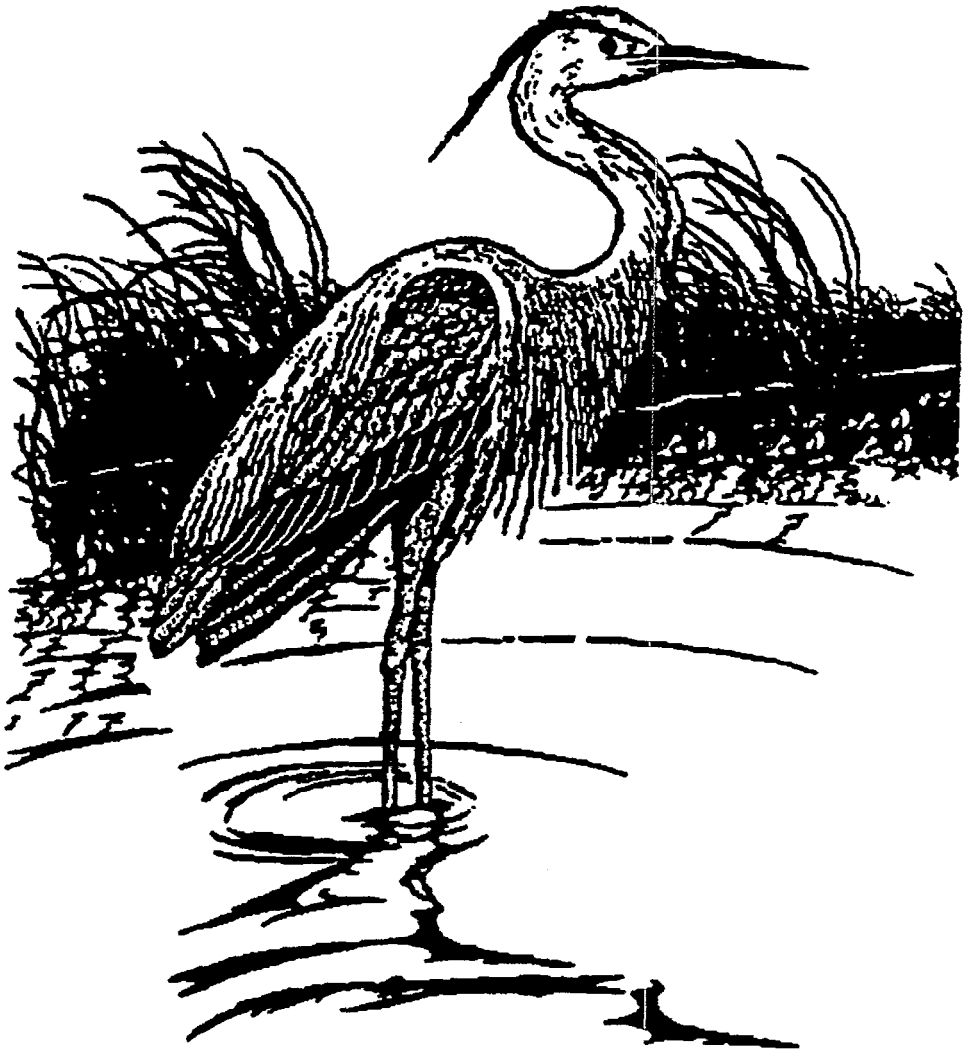
TABLE 1: MONITORING

Values to be Protected and/or Enhanced	Key Indicator	Management Standard to be Used	Monitoring Required	Management Action(s) to be Implemented
4. Cultural (Historic and Archaeological) Site Integrity	(condition/trend)	NO significant cultural resource which is being irreparably damaged by human use or eroded by natural forces to the point that it is in danger of being lost will be acceptable.	River corridor lands will be field checked to determine site condition, vandalism, natural and/or human-caused disturbance and rephotographed as needed on the following priority schedule: 1-House pits, burials, rock shelters and rock art sites which are easily accessible or in high use areas at least monthly; 2-House pits, rock shelters, burials and rock art sites which are not easily accessible or in high use areas at least once per year; 3-Shell middens, quarry sites, flaking stations, talus depressions, rock cairns and campsites along with historic railroad and settlement features which are easily accessible or in high use areas at least ever two years; I-Shell middens, quarry sites, flaking stations. talus depressions, rock cairns and campsites along with historic settlement features which are not easily accessible or in high we areas at least every five years.	Public information and education efforts through brochures, signs, information stations and visitor contact points will be implemented Human use will be managed, restricted or closed by signing and/or fencing if damage to significant sites is now occurring or could occur in the future Impact to cultural resources may be mitigated in some high use areas by surface collection of visible material. Surveillance of significant sites which are easily accessible and/or in high recreation use areas will conducted by field personnel, law enforcement people and/or volunteers on a regular basis. Stabilization of significant sites will be implemented if feasible if stabilization of the disturbed or threatened site is not feasible, tie site will be salvaged to the degree possible
5. Riparian Plant Communities	Ecological condition and trend as indicated by the composition of woody vegetation.	Riparian plant communities on public lands would be managed to maintain or achieve full vegetative potential with a minimum of 60 percent of ecological status being achieved within 15 years. All sites would have a mix of shrubs at the 50 percent potential level with the dominant species.	Complete ecological site inventory on all public lands. Implement intensive monitoring studies (i.e. utilization. actual use, ecological condition and trend) to measure progress in meeting the riparian and upland standards on public lands. Establish some permanent plot or transect studies in each ecological site, augmented by photo documentation and subjective evaluations. Reinventory ecological site condition as changes in status warrant. Similar monitoring will be conducted on private and allotted lands where landowners/managers are agreeable. If, after five years, studies indicate no positive trend toward meeting vegetative standards, temporary or permanent livestock exclusions will be implemented on public lands and recommended or encouraged on private lands.	In areas of predominantly public lands. or in areas with substantial interspersion of public lands, livestock grazing will be managed to meet established standards. This management could include various intensive grazing management systems or temporary or permanent exclusion of livestock from the riparian zones. In areas of extensive blocks of private lands, the management agencies will encourage implementation of livestock management systems that would result in riparian plant communities reaching the management standards. The management agencies may work cooperatively with individual private landowners to assist in the development of grazing systems and construction of livestock management facilities. Programs or measures will be implemented which promote cooperation and education in the process of achieving the plan's vegetative standards.

TABLE 1: MONITORING

Values to be Protected and/or Enhanced	Key Indicator	Management Standard to be Used	Monitoring Required	Management Action(s) to be Implemented
6. Water Quality	Fecal coliform, temperature, dissolved oxygen and turbidity.	Fecal coliform: A log mean of 200 fecal coliform per 100 milliliters based On a minimum of 5 samples in a 30-day period with no more than 10 percent of the samples in the 30-day period exceeding 400 per 100ml. Temperature: No measurable increases shall be allowed outside of the assigned mixing zone, as measured relative to a control point immediately upstream from a discharge except for specifically limited duration activities which may be authorized by DEQ under such conditions as DEQ and the Department of Fish and Wildlife may prescribe and which are necessary to accommodate legitimate uses of or activities where temperatures in excess of this standard are unavoidable and all practical preventive techniques have been applied to minimize temperature rises Dissolved oxygen: Dissolved oxygen concentrations shall not be less than 90 percent of saturation at the seasonal low, or less than 95 percent of saturation in spawning areas during spawning incubation, hatching, and fry stages of resident fisheries. Turbidity (Jackson Turbidity Units, JTU): No more than a 10 percent cumulative increase in natural stream turbidities shall be allowed, as measured relative to a control point immediately upstream of tbe turbidity causing activity. state water Quality Standards - Oregon Administrative Rule 340. These standards are currently under review by Oregon DEQ.	The analytical testing methods for determining compliance with the water quality standards shall be in accordance with the most recent edition of Standard Methods For the Examination of Water and Waste Water published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, standards unless the Oregon Department of Environmental Quality public an applicable superseding method, in which case testing shall be in accordance with the superseding method.	Livestock grazing on public lands will be managed within acceptable standards (see Riparian Plant Communities) Motor vehicle use will be confined to identified roads and trails. Recreational use will be managed within acceptable crowding standards (see Recreational Use sections).

Chapter 4 - Cost and Implementation



FISCAL REQUIREMENTS

The following are estimated costs for river management based on 1992 dollar values. The proposed sites are listed in priority order for development, Priorities were established based on resource and user requirements and priorities established under the Wild and Scenic Rivers Act.

MANAGEMENT ACTIONS

	Site	Cost Per Site	
1.	Thief Valley Reservoir (including easement and access development)	235,000	(one time expense)
2.	Highway 203 (Including access development)	185,000	(one time expense)
3.	Trail and Trail Heads (Including easement)	200,000	(one time expense)
4.	Maintenance of corridor facilities	40,000	(annual expense)
5.	Cultural Resource Projects	132,000	(on going expense)
6.	Cultural Resource Monitoring (annual)	4,000	(annual expense)
7.	Cultural Resource Evaluation	57,000	(on going expense)
	Total Estimated Costs for Implementation of Powder River Management Plan throughout the 10 to 15 year life of the plan.	853,000	

CHAPTER 5 - ENVIRONMENTAL ANALYSIS

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT, ENVIRONMENTAL ASSESSMENT FOR THE POWDER RIVER MANAGEMENT PLAN

USDI, Bureau of Land Management
Vale District
Baker Resource Area
Baker County, Oregon

Following a review of the environmental assessment, I have determined that this is not a major federal action that will significantly affect the quality of the human environment. Thcreforc, an environmental impact statement is not necessary and will not be prepared. This determination is based on the following consideration:

1. Irreversible and irretrievable commitments of resources and adverse cumulative or secondary effects will not exceed those discussed and evaluated in the Final Environmental Impact Statement for the Baker Resource Management Plan (RMP).

2. Direct, indirect, and cumulative environmental impacts were analyzed and disclosed in the Environmental Assessment, and were not found to be significant.

3. There will be no significant impacts to wetlands, floodplains, prime farmlands, range lands, minority groups. women, or consumers.

4. Activities planned in the Wild and Scenic river corridor will not adversely affect the environment beyond or downriver from the designated corridor.

5. River Management Plan direction is not expected to cause any significant adverse impacts to any threatened, endangered, or sensitive plant or animal species. Site-specific biological evaluations will be done for specific projects planned in the corridor.

6. The River Management Plan is in compliance with relevant federal, state, and local laws, regulations, and requirements designed for the protection of the environment. The River Management Plan meets the State of Oregon water and air quality standards.

The River Management Plan and Environmental Assessment meet all requirements of the National Environmental Policy Act (NEPA); Federal Land Policy Management Act of 1976 (FLPMA); the National Wild and Scenic Rivers Act of 1968; and all other applicable laws.

Site-specific surveys for Threatened, Endangered and Sensitive (T, E, and S) species and appropriate interagency consultation will be conducted for any proposed project. The river corridor is not included in U.S. Fish and Wildlife Service Critical Habitat Areas or in Interagency Scientific Committee Habitat Conservation Areas.

Beginning on May 1, 1994 through May 30, 1994 (30 days) you have the right to protest to the Vale District Manager (and there after appeal to the Board of Land Appeals, Office of the Secretary, U.S. Department of the Interior), in accordance with the regulations of 43 Code of Federal Regulations 43 CFR 4.21. Any protest to the Vale District Manager must be filed in writing in the Vale District BLM Office, 100 Oregon Street, Vale Oregon, 97918. If no protest or appeals are filed this decision will become affective and be implement at the end of the 30 day period.

For further information contact: Gerald Meyer, River Team Leader, Baker Resource Area, (503)523-1256.

Responsible Official:

Dorothy Mason

Dorothy Mason
Acting Area Manager
Baker Resource Area
P.O. Box 987
Baker City, Oregon 978 14

4/20/94
Date

INTRODUCTION

The Powder River corridor planning area contains approximately 2,912 acres of public land and 832 acres of private land in Baker County, Oregon. The area encompasses 11.7 miles of river with surrounding drainages, and was designated as a component of the National Wild and Scenic Rivers Act in 1988. Also, the entire river corridor is within the Powder River Canyon Area of Environmental Concern (ACEC). The planning area contains outstandingly remarkable scenic, recreational, fish and wildlife, and cultural values. The management actions recommended in this plan would protect these outstandingly remarkable values (ORV's) while allowing land uses in a manner which recognizes the importance and sensitivity of the area.

AFFECTED ENVIRONMENT

A detailed description of the affected environment is provided in Chapter 2, Existing Situation. The environmental elements of prime and/or unique farmland, floodplain, hazardous waste, and Native American religious concerns are not affected by this planning effort and will not be analyzed further.

PROPOSED ACTION AND ALTERNATIVES

There are three alternatives analyzed in this environmental assessment.

The preferred alternative is to adopt and implement the National Wild and Scenic Powder River Management Plan, with the main emphasis on protection and/or enhancement of the outstandingly remarkable values. BLM would strive to provide and/or maintain recreation opportunities while protecting natural and cultural values. Some facility development and road upgrade would occur to provide for health and safety. Detailed descriptions of the preferred managemeat actions are provided in Chapter 3.

The emphasis of Alternative 2 is to protect the outstandingly remarkable values of the Powder River with emphasis on resource utilization and recreation diversity. This alternative seeks to maximize the social utilization requirements of the user publics that use the lands and waters of the designated corridor.

Alternative 3, the no action alternative, emphasizes protection of the outstandingly remarkable values of the Powder River as directed by the Act. However, management direction for the river corridor would be identified as a subcomponent of the much larger Powder River Canyon ACEC Management Plan.

As required by the National Environmental Policy Act (NEPA), Table 2 presents the alternatives in comparative form. The preferred alternative is accompanied by a program monitoring process toward resource goals (refer to Chapter 3).

ALTERNATIVE 1: PREFERRED ALTERNATIVE

WATER RIGHTS

1. Existing Water Rights and Maintenance of Facilities

Vaiid water rights are not affected by a National Wild and Scenic River designation. The State manages and allocates water rights. Existing darns, diversions and similar water projects located on this river are not affected. Maintenance and construction of facilities needed to effectively put to use and existing valid water rights will continue.

2. Future Water Rights

Instream water rights are water rights held by the Oregon Water Resources Department for the benefit of the people of Oregon. Only three state agencies (Oregon Department of Fish and Wildlife, Department of Environmental Quality, and Parks and Recreation Department) are allowed to request instream water rights. New water rights and project proposals will be evaluated on their potential to affect the attributes which made the river eligible as a Wild and Scenic River.

TABLE 2: POWDER RIVER - SUMMARY OF ALTERNATIVES

ALTERNATIVE A (PREFERRED ALT.)	ALTERNATIVE B	ALTERNATIVE C
Protect and Enhance ORV's with emphasis on Naturalness (Wildlife/Fisheries/Vegetation). · Cater to *'Primitive" end of spectrum for recreation. · Biological factors determine carrying capacity. · Regulate commodity uses. · Limit access and developments. · Maximize challenges and self reliance. · Restrictions on public use of public and private land.	Protect ORV's with emphasis on recreation. . Develop intense information and education programs. · Utilize Social Factors as the "limiting" factors for carrying capacity. · Promotc types of recreation use. . Actively pursue acquisition.	No action plus meeting minimum legislative intention. · No planned enhancement of ORV's. · Allow level and degree of existing uses to continue. · Meet legal requirement with minimum use of regulations. · No acquisition.

Lam OWNERSHIP

I. Coordinated Land Use Planning

BLM lands in the Powder River Canyon (5,880 acres), between Thief Valley Reservoir and Highway 203 in the Keating Valley, are designated and managed as an ACEC to protect raptor habitat, wildlife habitat, cultural resources, and to maintain scenic qualities. The area is managed to meet forage and habitat needs for big game, bald eagles and golden eagles as recommended by the Oregon Department of Fish and Wildlife, and is consistent with legislated authority. Compatible recreation uses are allowed. incompatible uses within the canyon and adjacent upland are excluded. Riparian conditions are maintained and/or enhanced by continuing intensive management of livestock grazing. A "no surface occupancy" restriction is applied to oil and gas leasing. The river segment on the Powder River identified for this plan (11.7 miles and 3,744 acres) is entirely within the boundaries of the Powder River Canyon ACEC.

2. Easements and/or Acquisition Program

Legal public access to the area below Thief Valley Dam, where the Wild and Scenic designated section begins, exists from two access routes. Acquire trail easements across private land to public land below the dam. Fee title acquisition will only be undertaken with willing parties. No condemnation for fee title will occur.

3. Signing of Public and Private Land

A full signing program including interpretive, recreational use requirements, private/public boundaries, portal, directional, and traffic signs wi]] be installed at selected sites,

4. Protection of Private Land Owner Rights

The Wild and Scenic Rivers Act does not give the federal government authority to zone or mandate use of private lands. Agricultural and grazing activities on private lands present at the time of designation would not be affected. The BLM will work closely with Iandowners to assure that all uses are consistent with the intent of the Act. Fencing the river corridor is not anticipated on either public or private lands. Gap fencing and/or seasons of use developed through grazing

plans may be considered to protect natural values as monitoring identifies. Also, obtaining conservation and/or access easements from willing landowners is a consideration.

Unless an easement has been transferred to the managing agency, landowners are subject only to state and local laws and regulation.

5. Wild and Scenic River Administrative Boundaries

The Wild and Scenic Rivers Act has the purpose of presenting the Powder River and its immediate environment in its free-flowing condition, The corridor boundaries include the outstandingly remarkable values of excellent raptor nesting and forage habitat, bald eagle winter habitat, and outstanding recreational, scenic and cultural values, for which the river was designated. Corridor boundaries are governed by the location of outstandingly remarkable values, rather than whether land is in private or public ownership. By law, these boundaries do not average more than 320 acres per river mile (refer to the attached Powder River map).

HEALTH AND SAFETY

1. Access Development and Upgrading

One of two access routes on the Thief Valley Dam site will have to be upgraded to allow for high clearance two-wheel drive vehicles, This will necessitate road upgrading and/or realignment.

Road access will need to be upgraded from Oregon State Highway 203 to the river, west to Big Creek.

2. Recreation Facilities Development

Two sites for facility development have been identified on the Powdes River. At the Thief Valley Dam and Highway 203 (near Big Creek), two restrooms, parking area, and trail heads would be developed to serve as a staging area for river recreationists.

3. Law Enforcement Programs

Provide additional BLM Ranger coverage for the Powder River. Participate in cooperative agreements with other agencies to provide additional enforcement on land and water for protection of users and resources.

RESOURCE MANAGEMENT

1. Recreation and Facility Management

The development of the aforementioned recreation facilities (Thief Valley Dam and Highway 203) will be constructed and managed by the BLM. Hunting and fishing use is subject to Oregon State Fish and Game regulations. Other recreation use may come under additional regulations from BLM should monitoring indicate a need for use controls, No further vehicle access will be developed within the corridor.

Establish hiking trails within the corridor.

2. Fish and Wildlife Management

Develop grazing systems that enhance habitat for fisheries. Develop and implement Wildlife Habitat Plan consistent with this river management plan. Plan may include shrub and tree planting, fencing, prescribed burn and stream structures. Continue inventories and monitoring of sage grouse, raptors, mule deer. Monitor habitat condition and trend on the Powder River.

3. Cultural Resource

Public information and education efforts would be implemented to encourage stewardship of cultural resources. Brochures, information and interpretive signs, and visitor contacts would be employed. Recreation use and livestock grazing would be managed or restricted to reduce impacts on historical or archaeological resources by signing and fencing where damage to sites is occurring. Livestock grazing would be managed to reduce impacts on archaeological sites from trampling, impacts would be mitigated. Unimproved roads will be restricted or closed where damage to sites is occurring, or the roads may be

relocated. If road restrictions and relocation, or site stabilization, are not feasible, evaluation and mitigation of disturbed or threatened sites will be implemented. Stabilization or mitigation would be implemented to prevent loss of significant archaeological sites to natural erosion or deterioration. Surveillance and monitoring of all sites in high use areas would be conducted annually.

Previously inventoried lands would be resurveyed upon changes in visibility conditions, and recorded sites will be further investigated and evaluated.

4. Riparian Management

Maintain/enhance vegetation (canopy coverage, diversity-quantity, quality) in riparian habitat for fisheries. Maintain and enhance wet meadows, seeps and bogs within the corridor. Continue riparian surveys. Plant shrubs where needed to enhance riparian and fisheries habitat.

5. Livestock Grazing Management

Evaluate existing grazing systems within the corridor. Should monitoring identify areas of riparian degradation, gap fencing and/or seasons of use may be designed through the development of grazing plans.

6. Mineral Resource Management

Public lands within the designated "scenic" corridor of the river are not withdrawn from the filing of new mining claims. The following direction is established for the river corridor.

Oil and Gas: Restrict leasing on 66 acres of public domain with critical winter habitat for bald eagles and mule deer with standard protective stipulations and by adding a winter season protective stipulation which will restrict operation on the lease during the period November 1 to April 15. Restrict leasing on 2,912 acres of public land within the Powder River by adding a 'ho surface occupancy" stipulation to the lease.

Geothermal: Allow leasing on 2,912 acres of public land with standard protective stipulations an&or seasonal and other protective stipulations as determined from site specific environmental analysis prior to issuance of a lease.

Locatable Minerals: Allow exploration and development on 2,912 acres of public land consistent with the "unnecessary or undue degradation" standard (43 CFR 3809) and with Scenic River designations.

Mineral Materials: Restrict exploration and development on 2,912 acres in the Scenic River area to those locations which are compatible with protecting natural, scenic, recreation and cultural values.

MANAGEMENT COOPERATION BETWEEN AGENCIES AND AFFECTED PARTIES

1. Develop and/or coordinate management programs with private landowners, sportsman groups and the foliowing local, state, and federal agencies.

- Baker County Sheriffs Office

- State of Oregon
  - Water Resources Department
  - Department of Fish and Wildlife
  - Division of State Lands
  - State Police
  - State Historic Preservation Office
  - Department of Environmental Quality

- Federal
  - U.S. Fish and Wildlife Service
  - Bureau of Reclamation
  - Northwest Power Planning Council
  - Confederated Tribes of the Umatilla
  - Nez Perce Tribe

ALTERNATIVE 2:

Management actions for Alternative 2 are the same as the Management actions proposed for Alternative 1 except for the following:

WATER RIGHTS

1. Existing Water Rights and Maintenance of Facilities

Additional vehicle access would be developed to aid in maintenance of existing facilities: canals, diversions, and head gates.

2. Future Water Rights

Same as Alternative 1.

LAND OWNERSHIP

1. Coordinated Land Use Planning

ACEC requirements would remain the same as Alternative 1. However, planning for a more intense level of recreational opportunities within ACEC parameters would be undertaken to provide for fully developed campgrounds and trail systems.

2. Easement and/or Acquisition Program

Seek acquisition of all private land within the corridor.

3. Signing of Public and Private Land

Same as Alternative 1.

4. Protection of Private Land Owner Rights

Fence the public land within the river corridor and provide livestock waters outside of the corridor.

5. Wild and Scenic River Administrative Boundaries

Same as Alternative I.

HEALTH AND SAFETY

1. Access Development and Upgrading

Physical access to the Thief Valley Dam and Highway 203 would be highly developed to allow for standard two-wheel drive, low clearance, street vehicle to access these sites.

2. Recreation Facilities Development

Two major recreation sites would be constructed within the corridor. One at Thief Valley Dam and one at Highway 203. They would be full service from tent to RV camping. Additional horse and mountain bike trails and staging areas would also be developed.

3. Law Enforcement Programs

Increase law enforcement coverage of the Powder River,

RESOURCE MANAGEMENT

1. Recreation and Facility Management

Upgrade vehicle access into the corridor on the east and west sides at river mile 6.0, including additional staging areas.

2. Fish and Wildlife Management

Cooperate with Oregon Department of Fish and Wildlife to eliminate rough fish from the river and develop a game fish stocking program.

3. Public Information and Education.

Efforts would be implemented at recreation sites. Recreation projects and range improvement projects would continue to be evaluated for effects to historical and archaeological resources on public lands. Cultural resources would be protected, stabilized, or excavated in all areas where damage to sites is occurring, or the roads may be relocated. If road restrictions and relocation, or site stabilization, are not feasible, evaluation and mitigation of disturbed or threatened sites will be implemented. Surveillance of significant sites

in high use areas would be conducted. Previously inventoried lands would be resurveyed upon changes in visibility conditions, and recorded sites will be further investigated and evaluated. Archaeological sites currently being damaged by natural erosion would be stabilized or mitigated. Periodic patrols and annual resource monitoring would occur on public lands.

4. Riparian Management

Same as Alternative 1.

5. Livestock Crazing Management

Redesign Allotment Management Plans to eliminate livestock within the canyon corridor.

6. Threatened and Endangered Species Management

Same as Alternative 1.

7. Mineral Resource Management

Same as Alternative 1.

MANAGEMENT COOPERATION BETWEEN AGENCIES AND AFFECTED PARTIES

1. Same as Alternative 1.

ALTERNATIVE 3: NO ACTION

WATER RIGHTS

1. The water rights issue would remain under state control.

LAND OWNERSHIP

1. Coordinated Land Use Planning

Execute current management actions as described in the Baker Resource Management Plan and the Powder River Area of Critical Environmental Concern (ACEC) Management Plan. Continue implementation of the Allotment Management Plans for the administration of livestock grazing within the corridor.

2. Easements and/or Acquisition Program

No easements or land acquisitions would be sought for public access or recreational opportunities, only for the protection of ACEC values within the river corridor.

3. Signing of Public and Private Land

The existing sign program would continue. No new signing would be undertaken.

4. Protection of Private Land Owner Rights

Recreational use of the canyon would continue with no planned facility developments, resulting in trespass and vandalism of private property. No private land owners rights would be sought through purchase of easements.

5. Wild and Scenic River Administrative Boundaries

Same as Alternative 1.

HEALTH AND SAFETY

I. Access Development and Upgrading

No new access would be developed, nor would existing access be upgraded.

2. Recreation Facility Development

No recreational facilities would be developed, including campground, staging areas, or trails.

3 . Law Enforcement

NO additional emphasis would be placed on resource or visitor protection within the corridor. No law enforcement agreements would be undertaken with other agencies.

RESOURCE MANAGEMENT

1. Recreation and Facility Management

No new recreation facilities would be developed. However, BLM would continue to manage corridor resources as directed by existing management plans.

2. Fish and Wildlife Habitat Management

Meet the management objectives of the Powder River ACEC management plan as related to the fish and wildlife resources.

3. Protection signs would be employed to discourage vandalism. Recreation projects and range improvements projects would continue to be evaluated for effects to archaeological resources on public lands. Cultural resources would be protected, stabilized or excavated in areas where concentrated levels of recreation use occur. Unimproved roads will be restricted or closed where damage to sites is occurring, or the roads may be relocated. If road restrictions and relocation, or site stabilization, are not feasible, evaluation and mitigation of disturbed or threatened sites will be implemented. Surveillance of significant sites in high use areas would be conducted. Previously inventoried lands would be resurveyed upon changes in visibility conditions, and recorded sites will be further investigated and evaluated. Archaeological sites being damaged by natural erosion would be stabilized or mitigated. Periodic patrols and limited resource monitoring would occur on public lands.

4. Riparian Management

Meet the management objectives of the Powder River ACEC Management Plan as related to stream side vegetation.

5. Livestock Grazing Management

Meet the management objectives of Allotment Management Plans as related to domestic livestock grazing.

6. Threatened and Endangered Species Management

Same as Alternative 1.

7. Mineral Resource Management

Meet the management objectives of the Powder River ACEC Management Plan as related to the mineral resources,

MANAGEMENT COOPERATION BETWEEN AGENCIES AND AFFECTED PARTIES

1. Agencies and affected parties mandated by law and/or identified in listing management plans would be consulted in the management of the corridor. No other efforts would be made to gather management input.

SUMMARY OF ENVIRONMENTAL IMPACTS

Separate environmental assessments will be prepared, on a project-by-project basis, to identify and assess impacts related to implementing the management plan. impacts to the resources are described as follows.

IMPACTS TO FISH AND WILDLIFE

Alternatives 2 and 3 will have impacts on fish and wildlife because of increased human numbers and increased activity where there is planned recreation or resource development.

Alternative 1 would have the least impact on fish and wildlife since development will be concentrated in specific areas and is designed for protection and/or enhancement of those values. Alternative 2 would have the greatest impact because of intensive resource development. Alternative 3 would continue to encourage indiscriminate use of the area, trampling of the vegetation and increase pollution problems from human use.

Impacts to Cultural Resources

Under Preferred Alternative 1 and Alternative 2, at proposed recreation trails and sites, education and interpretive may improve understanding of local history and prehistory, and engender among visitors a sense of stewardship and protection for the resources, Under both of these alternatives, recreation developments on BLM land may directly influence the recreation developments and uses of adjacent private lands; cultural resources on private lands may be impacted by improvements influenced by BLM project developments. Partial mitigation of these effects may bc accomplished by working with cooperating landowners to protect cultural resources on the lands involved.

Under the Preferred Alternative and Alternative 2, annual monitoring and surveillance and patrol for law enforcement provide a greater degree of protection for all sites than does periodic patrol and monitoring under Alternative 3. Under the Preferred Alternative, managing current livestock grazing to ensure protection of sites from livestock grazing impacts will bc beneficial to the stabilization and protection of sites. Under the Preferred Alternative and Alternative 2 and 3, gradual loss of archaeological values would continue from livestock trampling. Managing use of unimproved roads where damage to sites is occurring will be beneficial to the stabilization of sites under all alternatives. Under Alternative 2, increased opportunities for recreation motorized uses may contribute to loss of the information value of archaeological sites through off-road vehicle impacts and increased vandalism.

Impacts to Recreation

Alternative 1 - Impacts to the recreation resource under this alternative would concentrate recreation use of the Powder River into two developed sites, and 12 miles of trail, including two trailheads. These developments would cater to a wide range of recreationists. Site development would encompass from 10 to 45 acres of facility developments. The level of development would enhance staging and recreational opportunities, but would not provide for urban amenities such as electricity, showers and flush toilets. Consumptive and nonconsumptive recreational opportunities, such as hunting, fishing, wildlife viewing, boating and backpacking, would be enhanced through these developments. Recreationists would be provided with facilities to meet health and safety needs as well as facilities designed to provide additional access to enjoy a wide spectrum ofrecreational opportunities.

Alternative 2 - Impacts to the recreation resource would be the same as Alternative 1 with the following additions. The level of development would cater more specifically to a more urban or specialty uses. Developments such as individual unit electrical hookups, hot and cold water, showers, landscaping and storage facilities would alter the user profile of the river. These types of developments would require additional county and/or state support infrastructures such as road upgrading and services (food, fuel and lodging').

Alternative 3 - Under this alternative, the recreation resource and the developments associated would continue to provide limited opportunities. Health and safety needs of the recreation public would remain substandard for the majority of the public land on the Powder River. Current use exceeds the capabilities of present facilities. No recreation facilities would be developed.

Impacts to Range

Alternative 1 - Increases in human use may increase recreation/livestock conflicts.

Increased education efforts and recreation use supervision would provide users with more information on livestock operations and may help to lessen conflicts.

Would require more use supervision by livestock operators and BLM range staff. Positive benefits would include more effective grazing management and enforceable use supervision.

Alternative 2 - Impacts to BLM's grazing management program would continue. Use supervision would be heavily impacted clue to the need for increased monitoring. Increases in trespass cases may occur.

Ranchers would continue to have difficulty in retrieving their cattle from the steep river corridor. Other impacts include livestock weight loss and stray livestock.

Conflicts between ranchers and recreationists would probably continue.

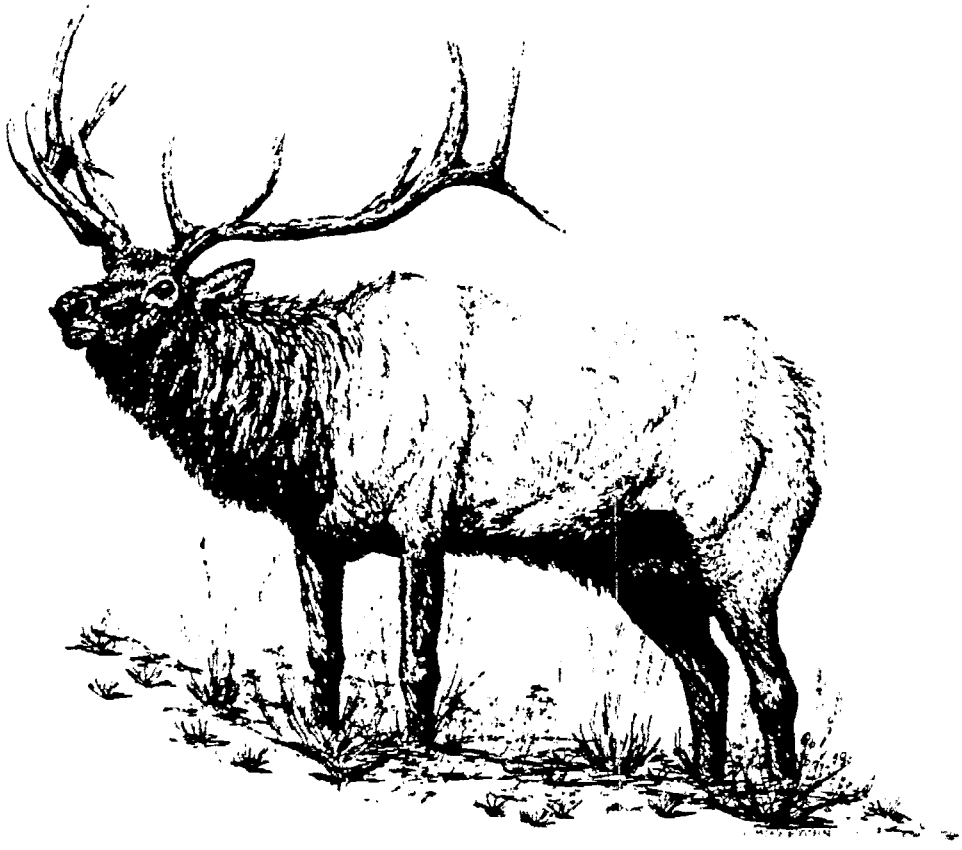
Alternative 3 - Present grazing management programs would continue. Livestock use within the corridor would be subject to the protect and/or enhance criteria of the Wild and Scenic Rivers Act as identified in the "Monitoring" section of Chapter 3.

Impacts to Geology and Mineral Resources

Construction of the proposed recreation developments under Alternative 1 and 2 would impact potential locatable mineral resource development. No significant impact in mineral material resources is anticipated due to numerous other sources. Once the proposed developments are constructed, and subsequent mineral resource development which would affect the integrity of these developments would require replacement of the facilities or if BLM agrees, construction of equal or better facilities at an alternate location.

Under Alternatives 1 and 2, mineral development opportunities would be highly stipulated on an estimated 10 to 45 acres of Federal mineral estate. No impacts to mineral resources would occur under Alternative 3, No Action.

CHAPTER 6 - APPENDICES



APPENDIX A - BOUNDARY DESCRIPTIONS

THE POWDER WILD AND SCENIC RIVER

ADMINISTRATIVE BOUNDARY
LEGAL DESCRIPTIONS

Township	Range	Meridian	Section	Subdivision
6 South	40 East	W.M.	26	River left: A line extended NE through the dam ending at the N-S East line between SW¼SW¼SW¼NE¼; and SE¼SW¼SW¼NE¼; S. on this line to the E-W line between SW¼NE¼ and NW¼SE¼; E. on this line to N-S line between E½NE¼NW¼SE¼ and W½NE¼NW¼SE¼; S. on this line to the E-W line between NE¼NW¼SE¼ and SE¼NW¼SE¼; E. on this line to the N-S line between NE¼SE¼ and NW¼SE¼; S. on this line to the E-W line between N½SW¼NE¼ and S½SW¼NE¼SE¼; E. on this line to the N-S line between SE¼SE¼NE¼SE¼ and SW¼SE¼NE¼SE¼; S. on this line to section line between Sec. 26 and Sec. 35; W. on this Section line to identifiable rim in SE¼SW¼SE¼. River Right: A line extended SW through the dam ending at the road West in SW¼NE¼SW¼; SW on this road to a point directly N. of the boundary line between the Calumet and Copper Queen lode claims; S. on the boundary line between these claims to the Section line between Sec. 26 and Sec. 35.
6 South	40 East	W.M.	35	River Left: Traverses identifiable rim starting NE¼NW¼NE¼ and ending in lot 14. River Right: Traverses line S. between Calumet and Copper Queen lode claims to boundary line between the riverside and Copper Queen Lode claims; SW on this line to the section line between Sec. 35 and Sec. 34; S. on the section line to the E-W line between lot 8 and lot 9; E on this line to identifiable rim starting at the E-W line between lot 8 and lot 9 and ending in lot 11.
7 South	40 East	W.M.	2	River Left: Traverses identifiable rim starting and ending in lot 1. River Right: Traverses identifiable rim starting in lot 3 and ending in SE¼SW¼SE¼.
7 south	40 East	W.M.	1	River Left: Traverses identifiable rim starting in lot 4 and ending in lot 2; center of lot 2 north to identifiable rim; traverses identifiable rim beginning in lot 2 and ending at N-S line between NE¼ and NW%; S. on this line to E-W line between N½NE¼SE¼NW¼ and S½NE¼SE¼NW¼; E. on this line to N-S line between E½NE¼SE¼NW¼ and W½NE¼SE¼NW¼; S. on this line between N½SE¼NW¼ and S½SE¼NW¼; E. on this line to N-S line between E½SW¼SE¼NW¼ and W½SW¼SE¼NW¼; S. on this line to the E-W line between NW% and SW%; E. on this line to the N-S line between NE¼NE¼SW¼ and NW¼NE¼SW¼; S. on this line to identifiable rim starting at this line and ending in SW¼SW¼SE¼.

Township	Range	Meridian	Section	Subdivision
7 south	40 East	W.M.	11	River Right: Traverses identifiable rim starting in NE¼NW¼NE¼ and ending at SW¼NE¼SE¼; south on line between E½SE¼ and W½SE¼ to section line between Sec. 11 and Sec. 14.
			12	River Left: Traverses identifiable rim starting in NW¼NW¼NE¼ and ending at E-W line between NW¼SE¼NE¼ and SW¼SE¼NE¼; E. on this line to N-S line between E½ SW¼SE¼NE¼ and W½SW¼SE¼NE¼; S. on this line to E-W line between N½SW¼SE¼NE¼ and S½SW¼SE¼NE¼; E. on this line to line between E½SE¼NE¼ and W½SE¼NE¼; S. on this line to the E-W line between NE% and SE%; W. on this line to identifiable rim starting at NW¼NE¼SE¼ and ending SE¼SE¼SE¼.
			14	River Right: S. on line between E½NE¼ and W½NE¼ to E-W line between NW¼NE¼NE¼ and SW¼NE¼NE¼; E. on this line to N-S line between E½NE¼NE¼ and W½NE¼NE¼; N. on this line to E-W line between N½NE¼NE¼NE¼ and S½NE¼NE¼Ne¼; E. on this line to section line between Sec. 14 and Sec. 13.
7 south	40 East	W.M.	13	River Right: E. on line between N½NW¼NW¼NW¼ and S½NW¼NW¼NW¼ to N-S line between E½NW¼NW¼NW¼ and W½NW¼NW¼; S. on this line to E-W line between N½ NW¼NW¼ and S½NW¼NW¼; E. on this line to N-S line between E½SE¼NW¼NW¼ and W½SE¼NW¼NW¼; S. on this line to E-W line between N½SE¼NW¼NW¼ and S½SE¼NW¼NW¼; E. on this fine to the N-S line between E½NW¼ and W½NW¼; S. on this line to the E-W line between N½NW¼ and S½NW¼; E. on this line to the N-S line between E½ NW¼SE¼NW¼ and W½NW¼SE¼NW¼; S. on this line to the E-W line between NW% and SW¼; W. on this line to N-S line between NE¼SW¼ and NW¼SW¼; S. on this line to the E-W line between N½SW¼ and S½SW¼; E. on this line to the N-S line between E½NW¼SE¼ and W½NW¼SE¼; N. on this line to the E-W line between N½SE¼NW¼SE¼ and S½SE¼NW¼SE¼; E. on this line to the N-S Line between E½SE¼ and W½SE¼; S. on this line to the E-W line between NW¼SE¼SE¼ and SW¼SE¼SE¼; E. on this line to the N-S line between E½SE¼SE¼ and W½SE¼SE¼; S. on this line to the E-W line between N½SE¼SE¼SE¼ and S½SE¼SE¼SE¼; E. on this line to the Sec. line between Sec. 13 and Sec. 18.
7 south	41 East	W.M.	18	River Left: Traverses identifiable rim starting in lot 1 and ending in NE¼NE¼SE¼. River Right: S. on line between Sec. 13 and Sec. 18 to sec. line between sec. 18 and sec. 19; E. on this line to identifiable rim starting and ending in SE¼SE¼SW¼.

Township	Range	Meridian	Section	Subdivision
7 south	41 East	W.M.	17	River Left: Traverses identifiable rim starting in NW¼NW¼SW¼ and ending in SE¼SW¼NW¼; E. the N-S line between E½NE¼SE¼ and W½NE¼SE¼; S. on this line to the E-W line between N½NE¼NE¼SE¼ and S½NE¼NE¼SE¼; E. on this line to the sec. line between sec. 17 and sec. 16; S. on the sec. line to the sec. line between sec. 17 and sec. 20.
			19	River Right: Traverses identifiable rim starting in NE¼NE¼NW¼ and ending in NE¼SE¼NE¼.
7 south	41 East	W.M.	20	River Right: Traverses identifiable rim starting in NW¼SW¼NW¼ and ending in NE¼NE¼NW¼; S. on Iine between NE¼ and NW¼ to E-W line between N½NW¼NE¼ and S½NW¼NE¼; E. on this line to N-S line between E½NW¼NE¼ and E½NW¼NE¼; S. on this line to the E-W line between NW¼ and SW¼; E. on this line to N-S line between SW¼ and SE%; S. on this line to E-W line between N½SE¼SE¼ and S½SE¼SE¼; E. on this line to N-S line between E½SE¼SE¼ and W½SE¼SE¼; S. on this line to sec. line between sec. 20 and sec. 29; E. on this line to line between E½SE¼SE¼SE¼ and W½SE¼SE¼SE¼.
			21	River Left: E. on line between sec. 16 and sec. 21 to N-S line between E½NW¼NW¼NW¼ and W½NW¼NW¼NW¼; S. on this line to the E-W line between N½NW¼NW¼ and S½NW¼NW¼; E. on this line to the N-S line between E½SE¼NW¼NW¼ and W½SE¼NW¼NW¼; S. on this line to the E-W. line between N½NE¼SW¼NW¼ and S½NE¼SW¼NW¼; E. on this line to the N-S road between NE% and NW%; S. on this line to identifiable rim starting in NE¼SE¼NW¼ and ending in SE¼NW¼SW¼; E. on the line between N½SE¼NW¼SW¼ and S½SE¼NW¼SW¼ to N-S line between E½SW¼ and W½SW¼; S. on this line to E-W line between N½SW¼SW¼ and S½SW¼SW¼; W. on this line to identifiable rim starting in SE¼SW¼SW¼ and ending in SW¼SE¼SW¼.
			28	River Left: Transverses identifiable rim starting in NW¼NE¼NW¼ and ending in SE¼NE¼NW¼; E. on line between N½NW¼ and S½NW¼ to N-S line between E½NW¼SW¼NE¼ and W½NW¼SW¼NE¼; S. on this line to identifiable rim starting in SW¼SW¼NE¼ and ending in lot 4.
7 south	41 East	W.M.	28	River Right: E. on line between N½NW¼NW¼ and S½NW¼NW¼ to N-S line between E½NW¼NW¼ and W½NW¼NW¼; S. on this line to the E-W line between N½NW¼ and S½NW¼; E. on this line to the N-S line between E½NE¼SW¼NW¼ and W½NE¼SW¼NW¼; S. on this line to the E-W line between N½NE¼SW¼NW¼ and S½NE¼SW¼NW¼; E. on this line to the N-S line between E½NW¼ and W½NW¼; S. on this line to the E-W line between N½NE¼SW¼ and S½NE¼SW¼; E. on this line to the N-S line between E½SE¼NW¼SW¼ and W½SE¼NW¼SW¼; S. on this line to the E-W line between N½SE¼NW¼SW¼ and S½SE¼NW¼SW¼; E. on this line to the N-S line between SW%

Township	Range	Meridian	Section	Subdivision
				and SE%; S. on this line to the E-W line between N½SE¼ and S½SE¼; E. on this line to the N-S line between E½NW¼SW¼SE¼ and W½ NW¼SW¼SE¼; S. on this line to the sec. line between sec. 28 and sec. 33.
			29	River Right: S. on line between E½NE¼NE¼NE¼ and W½NE¼NE¼NE¼ to the E-W line between NE¼NE¼NE¼ and SE¼NE¼NE¼; E. on this line to the sec. line between sec. 29 and sec. 28
			27	River Left: Traverses identifiable rim starting and ending in SW¼SW¼SW¼.
7 South	41 East	W.M.	3 3	River Right: S. on line between E½NW¼NW¼NE¼ and W½NW¼NW¼NE¼ to E-W line between N½NW¼NE¼ and S½NW¼NE¼; E. on this line to N-S line between NW¼NE¼ and lot 1; N. on this line to identifiable rim starting and ending in lot 1.
			34	River Left: Traverses diversion canal starting in NE¼NW¼NW¼ and ending in SE¼NE¼NW¼; E. on line between N½SE¼NE¼NW¼ and S½SE¼NE¼NW¼ to N-S line between NE% and NW%; S. on this line to diversion canal starting in NW¼SW¼NE¼ and ending in SE¼SW¼NE¼ at bridge for Highway 203. River Right: Traverses identifiable rim starting in NW¼NW¼NW¼ and ending at diversion canal in SE¼NW¼NW¼; SE on diversion canal to Highway 203 in SE¼SW¼NE¼.

APPENDIX B - RECREATION OPPORTUNITY SPECTRUM

RECREATION OPPORTUNITY SPECTRUM

The Recreation Opportunity Spectrum (ROS) provides parameters for identifying and assessing recreation activities suitable in a given area. The ROS uses six opportunity classes, ranging from Primitive, as in a wilderness with no development, to Urban, represented by a large city park with a high level of development. The Powder River area encompasses two of these ROS classes.

SEMI-PRIMITIVE MOTORIZED

A large portion of the river corridor is characterized by a predominantly unmodified natural environment of moderate to large size. Concentrations of users is low in some areas, but there is often evidence of other area users. Motorized use is permitted. This portion includes areas on the river away from the dam, Highway 203 and other concentrated areas of use. Recreational activities include hunting, fishing, backpacking, hiking, horse back riding, float boating. and viewing scenery. Frequency of managerial contact is low.

PRIMITIVE

This area provides a high probability for opportunity of experiencing isolation from the sights and sounds of man, to feel a part of the natural environment, to have a high degree of challenge and risk, and to use outdoor skills. The proposed trail system and river float boating would provide this primitive setting. Concentrations of users is very low and evidence of other users is minimal. Recreational activities in the primitive zone include hunting, fishing, hiking, horseback riding, nature study, photography, and viewing scenery. Frequency of managerial contact is very low.

APPENDIX C - PLANNING PARTICIPANTS AND COOPERATORS

PLANKING PARTICIPANTS AND COOPERATORS

BUREAU OF LAND MANAGEMENT

Management Participation

Jim May, District Manager, Vale
Geoff Middaugh, Associate District Manager, Vale
Dorothy Mason, Acting Area Manager, Baker
Larry Taylor, Supervisory Range Conservationist, Baker

Staff Participation

Gerald Meyer, Recreation Planner
Rich Conrad, Recreation Planner
Ken White, Recreation Planner
Trish Clabaugh, Recreation Planner
Kevin McCoy, Recreation Planner
Jerry Hubbard, Public Affairs Officer
Matt Kniesel, Wildlife Biologist
Brent Grasty, Water Rights Specialist
Ralph Kuhns, Geologist
Mary Oman, Archaeologist
John Denney, Natural Resource Specialist
Jack Wenderoth, Hydrologist
Dawn Coles, Staff Assistant
Jim Ledger, Access Specialist
Claude Treanor, Range Technician

FOREST SERVICE

Staff Participation

Woody Fine, River Planning Team Leader
Steve Bush, River Planner
Robin Rose, River Planner
Susan Skalski, River Planner

COOPERATORS

Don Bryson, Nez Perce Tribe
Rick George, Confederated Tribes of the Umatilla
Duane West, Oregon Department of Fish and Wildlife
Jeff Zakel, Oregon Department of Fish and Wildlife
Steve Bogart, Baker County Judge
Rena Morrow, Baker County Parks and Recreation
Hanley Jenkins, II, Union County Land Use Planner
Brian Cole, Baker County Economic Development
Patrick Morrissey, South Side Improvement District

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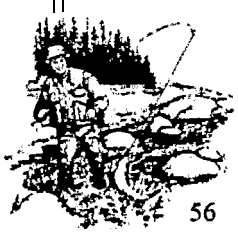

APPENDIX E - LAWS AND REGULATIONS

1. The Wild and Scenic Rivers Act, Amendment: Public Law 100-557: 100th Congress, S 2 148: October 28, 1988.

2. The Wild and Scenic Rivers Act: Public Law 90-542: 90th Congress, 119: October 2, 1968.

3. Federal Land Policy and Management Act: Public Law 94-579: 94th Congress, S. 507: October 21, 1976.

4. 43 Code of Federal Regulations:
   Subchapter F - Wildlife Management (6000)
   Subchapter G - Recreation Programs (8000)
   Subpart 3809 - Surface Management

APPENDIX F - GLOSSARY OF TERMS

ACEC	Area of Critical Environmental Concern
Allocation system	See River use allocation system.
Anadromous Fish	Those species of fish that mature in the ocean and migrate into freshwater rivers and streams to spawn; an example is salmon.
Background	In visual management terminology, refers to the visible terrain beyond the foreground and middleground where individual features are not visible, but are blended into the total fabric, Also a portion of a view beyond 3 to 5 miles from the observer, and as far as the eye can detect objects.
Big game	Large mammals hunted for sport. On public land these include animals such as deer, elk and antelope.
Big game summer range	A range, usually at higher elevation, used by deer and elk during the summer. Summer ranges are usually much more extensive than winter ranges.
Big game winter range	A range, usually at lower elevation, used by migratory deer and elk during the winter months; usually mote clearly defined and smaller than summer ranges.
Characteristic landscape	In reference to the BLM visual management system; the overall impression created by a landscape's unique combination of visual features (land, vegetation, water, structures) as seen in terms of form, lime, color, and texture; synonymous with "visual landscape character."
Climax	The culminating stage in plant succession for a given site where the vegetation has reached a highly stable condition.
Corridor	Land adjacent to the Wild and Scenic River, managed along with the river to maintain and! or enhance the ORVs of the river. Corridor boundaries are delineated by the geography and the ORVs encompassing not more than 320 acres per river mile.
Critical Habitat	That habitat which is essential to the conservation of a threatened or endangered species.
Critical Habitat Area	Any area recommended to be reserved for owl habitat as specified in Section 7 of the Endangered Species Act.
Cultural resource	The remains of sites, structures, or objects used by humans in the past-historic, or prehistoric.
Density	The number of encounters that occur between river recreationists. A physical concept relating to the idea of the number of people per unit of space.
Desired future condition	A vision of the desired future state of a specific area. Desired future condition gives managers goals for the area, but recognizes the dynamic state of the ecosystem, instead of listing future numerical outputs as goals.
Developed recreation	Recreation that requires facilities that, in turn, result in concentrated use of an area. An example of a developed recreation area is a campground facility that might include roads, parking lots, picnic tables, toilets, drinking water, and buildings.

Dispersed recreation	A general term referring to recreation use outside developed recreation sites; this includes activities such as scenic driving, hiking, backpacking, hunting fishing, snowmobiling, horseback riding, cross-country skiing, and recreation in primitive environments.
Diversity	The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.
Ecosystem	A complete system of organisms considered together with their environment (for example; a marsh, a forest, or a lake).
Endangered species	Any species of animal or plant that is in danger of extinction throughout all or a significant portion of its range. Plant or animal species identified by the Secretary of the Interior as endangered in accordance with the 1973 Endangered Species Act.
Environmental Assessment	The concise public document required by the regulations for implementing the procedural requirements of the National Environmental Policy Act.
Fisheries habitats	Streams, lakes, and reservoirs that support fish populations.
Floodplain	The lowland and relatively flat area adjoining inland waters, including, at a minimum, that area subject to a 1% or greater chance of flooding in any given year.
Forage	All browse and non-woody plants that are available to livestock or game animals and used for grazing or harvested for feeding.
Foreground	A term used in visual management to describe the portions of a view between the observer and up to ¼ to ½ mile distant.
Free-Flowing	As applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway. The existence, however, of low darns, diversion works, and other minor structures at the time any river is proposed for inclusion in the National Wild and Scenic Rivers System shall not automatically bar its consideration for such inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the National Wild and Scenic Rivers System.
Habitat	The area where a plant or animal lives and grows under natural conditions. Habitat consists of living and nonliving attributes and provides all requirements for food and shelter.
Headwaters	The upper tributaries of a river.
Historic site	Site associated with the history, tradition, or cultural heritage of national, state or local interest and of enough significance to merit preservation or restoration.
Hydrology	The scientific study of the properties distribution and effects of water in the atmosphere, on the earth's surface, and in soil and rocks.
Interdisciplinary Team (IDT)	A group of individuals with different professional resource backgrounds assembled to solve a problem or perform a task, The team is assembled out of recognition that no one scientific discipline is sufficiently broad to adequately solve the problem.
Issue	A point, matter, or question of public discussion or interest to be addressed or decided through the planning process.

Limits of Acceptable Change (LAC)	A concept for managing change in a natural area, based on the premise that ecological and social change will occur as a result of natural and human factors. With the LAC concept, management's goal is to keep the character and amount of change that results from human factors within acceptable levels that are consistent with objectives for the area.
Management area	An area with similar management objectives and a common management prescription.
Management plan	A plan guiding overall management of an area administered by a federal or state agency; plan usually includes objectives, goals, standards and guidelines, management actions, and monitoring plans.
Middleground	A term used in visual management to describe the portions of a view extending from the foreground zone out to 3 to 5 miles from the observer.
Mitigation	Mitigation includes: avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impacts by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and compensating for the impact by replacing or providing substitute resources or environments.
Monitoring and evaluation	The periodic evaluation of Plan management practices on a sample basis to determine how well objectives have been met.
Multiple use	The management of all the various renewable surface resources of the Public land so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some lands will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land and with consideration being given to the relative values of the various resources; and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.
National Environmental Policy Act	Commonly known as NEPA; became a law in 1969. NEPA is the basic national charter for protection of the environment. The Act requires all federal agencies to consider and analyze all significant environmental impacts of any action proposed by those agencies, to inform and involve the public in the agency's decision making process, and to consider the environmental impacts in the agency's decision making process.
ODFW	Oregon Department of Fish and Wildlife.
Outstandingly Remarkable Values (ORV)	Term used in the National Wild and Scenic Rivers Act of 1968; to qualify ad outstandingly remarkable, a resource value must be a unique, rare, or exemplary feature that is significant at a regional or national level.
Peak flow	The highest flow of water attained during a particular flood for a given stream or river.
Prehistoric site	An area which contains important evidence and remains of the life and activities of early societies which did not record their history.

Public Involvement	A BLM process designed to broaden the information base upon which agency decisions are made by informing the public about agency activities, plan, and decisions, and encouraging public understanding about and participation in the planning processes which lead to final decision making.
Recreation Opportunity Spectrum (ROS)	A framework for stratifying and defming classes of outdoor recreation environments, activities, and experience opportunities, The settings activities, and opportunities for obtaining experiences have been arranged along a continuum of spectrum divided into seven classes: Primitive, Semiprimitive Nonmotorized, Semiprimitive Motorized, Roaded Modified, Roaded Natural, Rural, and Urban. 1. Primitive - Area is characterized by an essentially unmodified natural environment of fairly large size. Interaction between users is very low and evidence of other users is minimal. The area is managed to be essentially free from evidence of human-induced restrictions and controls. Motorized use within the area is not permitted. 2. Semiprimitive Nonmotorized - Area is characterized by a predominately natural or natural-appearing environment of moderate to large size. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but would be subtle. Motorized recreation use is not permitted, but local roads used for other resource management activities may be present on a limited basis. Use of such roads is restricted to minimize impacts on recreational experience opportunities. 3. Semiprimitive Motorized - Area is characterized by a predominately natural or natural-appearing environment of moderate to large size. Concentration of users is low, but there is often evidence of other users. The area is managed in such a way with minimum on-site controls and restrictions. Use of local primitive or collector roads with predominately natural surfaces and trails suitable for motor bikes is permitted. 4. Roaded Natural - Area is characterized by predominately natural-appearing environments with moderate evidence of the sights and sounds of human activity. Such evidence usually harmonizes with the natural environment. Interaction between users may be moderate to high, with evidence of other users prevalent. Resource modification and utilization practices are evident. Conventional motorized use is allowed and incorporated into construction standards and design of facilities. 5. Roaded Modified - Area is characterized by substantially modified natural environment. Resource modification and utilization practices are to enhance specific recreation activities and to maintain vegetative cover and soil. Sights and sounds of humans are readily evident. Substantially modified natural environment where roads, landings, slash, and debris may be strongly dominant from within, yet remain subordinate from distant sensitive roads and highways.
Rehabilitation	Action taken to restore, protect, or enhance site productivity, water quality, or other resource values over a period of time.
Resident fish	Fish species that complete their entire life cycle in fresh water; non-anadromous fish; an example is brown trout.
Resource assessment	An evaluation of the resources and values associated with a wild and scenic river and the river corridor; the evaluation determines the level of significance of river-related values.
Resource values	A resource, natural or social, that is found in an area; resource values may have varying levels of significance. Examples of resource values are fish and recreation.

Riparian	Pertaining to areas of land directly influenced by water or influencing water. Riparian areas usually have visible vegetative or physical characteristics reflecting this water influence. Stream sides, lake borders, or marshes are typical riparian areas.
Riparian management zone	Site-specific boundaries established by the BLM for management practices within riparian areas.
River use allocation system	A system of controlling boating use that limits the total number of boaters on the river, and rations use among boaters. (Boats include rafts, kayaks, and inflatables).
River use regulation system	A system for controlling boating use that uses a variety of rules; the rules may or may not include limits on the total number of boaters,
Scoping	A first step in the NEPA process and in the river planning process. Through scoping, issues, concerns, and their significance are identified and the range of alternatives developed. Scoping is done within the agency, with the public, and with other agencies,
Sedimentation	A process where material carried in suspension by water flows into streams and rivers, increasing turbidity and eventually settling to the bottom.
Sensitive species	Plant or animal species which are susceptible or vulnerable to activity impacts or habitat alterations. Those species that have appeared in the Federal Register as proposed for classification or are under consideration for official listing as endangered or threatened species, that are on an official State list, or that are recognized by the Regional Forester as needing special management to prevent placement on Federal or State lists.
Social carrying capacity	The level of use that exceeds acceptable levels by the *nom* of river recreationists. The level of use that impairs or alters human experience.
Socioeconomic	Of, or relating to, social or economic factors, or a combination of both social and economic factors.
Special Wildlife Habitat	A habitat which is unique and has a special function not provided by plant communities or successional stages; includes riparian zones, wetlands, cliffs, talus, and meadows.
Stream buffer	Vegetation left along a stream channel to protect the channel or water from the effects of logging, road building, or other management activity.
Stream class	Classification of streams based on the present and foreseeable uses made of the water, and the potential effects of on-site changes on downstream uses. Four classes are defined: Class 1 - Perennial or intermittent streams that provide a source of water for domestic use; are used by large numbers of anadromous fish or significant sports fish for spawning, rearing or migration and/or are major tributaries to other Class 1 streams. Class 2 - Perennial or intermittent streams that are used by fish for spawning, rearing or migration and/or may be tributaries to Class 1 streams or other Class 2 streams. Class 3 - All other perennial streams not meeting higher class criteria. Class 4 - All other intermittent streams not meeting higher class criteria.

Stream structure	The arrangement of logs, boulders, and meanders which modify the flow of water, thereby causing the formation of pools and gravel bars in streams. Generally, there is a direct relationship between complexity of structure and fish habitat. Complex structure is also an indication of watershed stability.
Substrata	The material forming the underlying layer of streams. Substrates may be bedrock, gravel, boulders, sand, clay, etc.
Suppression	The process of extinguishing or confining fire.
Threatened species	Those plant or animal species likely to become endangered species throughout all or a significant portion of their range within the foreseeable future. (see also Endangered species.)
Travel corridor	A route followed by animals along a belt or band of suitable cover or habitat.
Turbidity	The degree of opaqueness, or cloudiness, produced in water by suspended particulate matter, either organic or inorganic. Measured by light filtration or transmission and expressed in Nephelometric Turbidity Units (NTU's).
Viewshed	Portion of the forest that is seen from a major travel route or high use location.
Visual resource	The composite of basic terrain, geologic features, water features, vegetative patterns, and land use effects that typify a land unit and influence the visual appeal the unit may have for visitors.
Watershed	The entire land area that contributes water to a drainage system or stream.
Wetlands	Areas that are inundated by surface or ground water often enough to support and usually do support, primarily plants and animals that require saturated or seasonally saturated soil conditions for growth and reproduction.
Wild and Scenic River	Those rivers or sections of rivers designated as such by Congressional action under the 1968 Wild and Scenic Rivers Act, as supplemented and amended, or those sections of rivers designated as wild, scenic, or recreational by an act of the legislature of the state or states through which they flow. Wild and scenic rivers may be classified and administered under one or more of the following categories: 1. Wild River Areas - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. 2. Scenic River Areas - Those rivers or sections of rivers that are free of impoundments, with watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. 3. Recreational River Areas - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.
Winter range	An area used by deer and elk during the winter months; usually at lower elevation and/or on south and west exposures.
Woody material	Organic materials necessary for stream channel stability and maintenance of watershed condition. It includes large logs and root wads.

APPENDIX G - PUBLIC COMMENTS

Pages 65 through 69 are public comments received during public scoping meetings prior to the development of the draft management plan and environmental assessment.

Pages 70 through 86 are public comments received on the draft management plan and environmental assessment and were incorporated into this final EA and Plan where applicable.

WILD AND SCENIC RIVERS -- SCOPING MEETING NOTES

Richland, Oregon - 11/21/89

- Will we fence in the boundaries? Who pays?
- Mining claims - are they protected - what about future claims?
- Scenic and recreational - are existing uses protected?
- What level of logging will be permitted?
- Wbat effect will 1/4 mile have on federal land management? For example, land outside (beyond) 1/4 mile - impacts on river corridor.
- What will effect be on existing water quality? (Monitoring) What? How much?
- Purpose to keep rivers free flowing - why not just "no dam" legislation?
- Why such a wide corridor?
- What definition for river?
- What is need for the study river - Wallowa?
- How will future water rights be affected?
- How will wild and scenic enhance fisheries and wildlife and water quality?
- Mitigation and reclamation of existing mining claims.
- Executive order 12630 regarding taking implication assessment.
- Do all wild and scenic rivers run through government lands? Are there orders for extending?
- Concern that monitoring of water quality and quantity be done.
- What enforcement will be done for water quality?
- Which agency will enforce?
- What will be impact on existing water diversions7
- What will be impacts on maintenance/upgrade of existing impoundments?
- Will there be restrictions for camping, within 300 yards, livestock grazing, etc.?
- Will this involve any road closures?
- What is the cost of this new bureaucracy and how will it be paid for?
- Will there by future opportunities to "study" rivers? Another scoping process?
- In what situations would fences be required?

- Constitutional authority to condemn private land?
- Livestock trespass into river corridor - consequences?
- What provisions are available to address impacts to rivers that originate beyond the corridor‘?
- With increased concern with the river, there is increased concern with timber harvest.
- Concern that mining on Eagle Creek does not end up looking like Pine Creek.
- Concern that initial presentation is biased against dams and other development.
- If landowner wants supplemental water and has to run water down drainage - can he get this back?
- Have a public meeting when draft plan is completed.
- Recognize that water rights in Eagle Valley is very, very important here.
- Navigability of these river - owned by the landowners.
- Who identifies the outstandingly remarkable values - recreation is not an important value on Eagle Creek.
- Wildlife and fish are also very important values, as well as agricultural values.
- Uncertain as to whether or not “committee” should be formed for Eagle Creek.
- In the future, how often will plans be revised?
- Costs by river statewide should be made public.
- Take into consideration the fishing in Eagle Creek - trout fishery, not anadromous.
- Consider it as a future anadromous fishery (as per consensus group).
- Benefit/cost ratios - economic impact on this community should be displayed.

- If the river has in past, had some harm done to it (logging, overgrazing) will this take care of improvements to river? Such as erosion control, improvement of fish habitat.
- Primary concern is that none of private property owner won't lose their rights - also new owner - such as bridge construction and maintenance of waterway - water rights. North Powder River potential hydroelectric.
- Is there any provision to remove river from protection once it's designated if we find later that the designation is disagreeable?
- Mineral concerns - existing level of mines - be held - do not stifle new entries (especially on "scenic").
- Fish and game - weirs and rocks that they put in actually harmed fisheries.
- Heard feds try to acquire water rights - is it true?
- Restrictions on rivers where water rights have common under question (re: State process).
- Does presence of T&E Species in any particular segment of river imply that river will have a minimum streamflow? (North. Powder and Powder) All
- How many employees will be hired to take care of rivers and how will they be paid?
- What role will fish and game play? Is it changed?
- What kind of plan will there be for fire control? "Let it burn" policy - what agencies rules will we be under?
- North Powder - very primitive road up center - what is its future?
- Ex-drought year - who gets priority for water? (Farmers or does it go down the river?)
- How does this affect unpatented mining claims and patented?
- Corps of Engineering study - enhancement of stream flows - is there anyway to have upstream enhancement for preserving an even flow throughout Fall, etc.
- How soon will there be additions to present rivers?
- Will this affect preexisting downstream dams?
- How much discretion or variation in plan - why take our input? Aren't you regulated by Act?
- If improvements are made (dams) - couldn't we regulate flows in river? Improve waterflows as needed?
- Who provided primary input as catalyst for river inclusion?
  - Who provided local support?
  - Who provided ultimate support?
- How would recreational easement work - would landowner be paid for this?
- 320 ac/river mile - what do we do if narrow canyon prevents this?
- Concern that after this 3 year process is done, someone will come in and say otherwise - so assurances.

- Could lakes be enhanced which are out of designated areas?
- Does Act take in tributaries? (Powder)
- Will public have a say in permanent boundaries?
- Will a min. streamflow result form Act?
- Will Bill add anymore to FS budget or do you do this with existing budget?
- ODFW has too much influence on Forest Plans.
- SO-some water bills in Congress - how does this fit with Wild and Scenic Rivers?
- Will mining operations be “stifled”, i.e., economically, because they are in a Wild and Scenic corridor?
- Do you have condemnation rights?
- Could easements - new roads be added in designated areas?
- Compliment team on helping their understanding.
- Are you apt to improve Powder River Road.

Baker City, Oregon - 09/19/89

- 50% RULE - Good to put this
- Condemnation questions, taxes after easement purchase
- Minimum stream flow - Wild & Scenic doesn't address this
- Motorized use - wild section
- State Scenic - How does this affect federal land - State role in this?
- Longevity of plans - 10-15 years? 1993?
- Any improvement projects?
- ACEC'S ? Areas of Critical Environmental Concern: EA's, Management Plans
- Interim Boundaries - Done on resource values only of BLM, FS, ODFW
- Private Water Eights - We can't take - Existing uses will remain if a legal right (i.e. irrigation, power, etc.) not just "existing" use
- Scenic Easement Right to let livestock access water, a negotiable process
- Who held "first" (i.e. Hatfield Wild and Scenic Act) meetings on river inclusion were done
- Lead time critical for this meeting
- Scenic Design - Doesn't preclude mineral entry, wild - only designation which affects this
- Interim Boundaries - Just that: several years to get final boundaries
- Will there be fencing put in? Who pays for and puts up?
- Availability of Owyhee Plan - public would like
- What if Feds and public can't come to agreement at the end of three years?
- Condemnation for the right (Scenic Easement) is a possibility

Tye One On **FlyCasters**
P.O. Box 3067
La Grande, Oregon 97850

June 15, 1993

Jack Albright, Area Manager
Baker Resource Area
Bureau of Land Management
Federal Building
Baker, Oregon 97814

RE: Powder River Management Plan

Dear Mr. Albright:

The Tye-One-On Flycasters organization has reviewed the Draft Management Plan and Environmental Assessment for the National Wild and Scenic Powder River and support the Preferred Alternative. We concur the primary purpose of the management plan for this river segment should be "emphasis on Naturalness (Wildlife/Fisheries/Vegetation)". Based on this premise we offer the following:

LAND OWNERSHIP

The 11.7 mile river segment extending between Thief Valley Reservoir and Highway 203 in Keating Valley is predominantly in public ownership and managed by the BLM. There are several options available *for* securing public access along those portions of the river that are currently in private ownership. Access easements or conservation easements may accomplish the goal but they do no leave the existing landowners with many land use rights and do not provide the public with an opportunity to enhance the resource qualities along these portions of the corridor.

Therefore we believe land acquisitions are the best long-term solutions. We support a land exchange program between existing landowners, the BLM and Bureau of Reclamation. Currently there are isolated public land parcels located within or adjacent to the affected private landowners. We understand such land exchanges are subject to federal requirements but we believe such exchanges would provide the maximum benefit to the adjacent landowners and the public.

We do not believe land acquisitions need to conform to the exact Administrative Boundary. The acquired properties and subsequent public land management should be sensitive to adjacent private landowner needs for livestock watering and other range management practices.

RESOURCE MANAGEMENT

As earlier stated, an emphasis on naturalness should be the primary purpose for future corridor management, The riparian zone along portions of the river are in poor condition. Future management practices should allow river bank areas to restore to a more natural condition or be encouraged through vegetative plantings. This need not eliminate total livestock grazing, however grazing will need to be limited so as not to cause vegetation loose or Soil compaction. To accomplish limited livestock grazing, fencing within the corridor may be necessary. Public access within the Administrative Corridor can be maintained by over or through fence structures.

RECREATIONAL MANAGEMENT

Recreational management should protect and enhance the scenic classification designation under the Wild and Scenic Rivers Act. To accomplish this purpose we believe vehicular and motorized access should be limited within the corridor. Public access currently exists along the east side of Thief Valley Reservoir to the base of the dam (easement granted to the public by the Bureau of Reclamation "to enjoy hunting and fishing and other recreational benefits" in 1950). We support acquiring additional land through land exchange and development of a parking/staging area about one quarter mile before the dam near the reservoir cable restraint. The road to this point would need improvement, a parking area would need to be developed and vaulted bathroom facilities installed. This would provide an excellent opportunity for non-vehicular access on this end of the corridor.

The south end of the corridor is currently accessed by an easement road extending from Highway 203 in Keating Valley. This access road should be improved to a point above Big Creek on the south where another parking/staging area would be developed with vaulted bathroom facilities. Neither parking/staging area should be development with or encouraged for campground use. Other campground facilities are available on nearby state and federal lands. Campground maintenance and facility improvements would detract from the scenic goals of the corridor.

Corridor access for hikers, bicycles or horse or mule riders could use existing roads on the north and south ends of the corridor. A new trail system will be necessary in the middle portion of the corridor to increase safety and reduce erosion.

Fishing and hunting should be allowed uses within the corridor and managed per Oregon Department of Fish and Wildlife regulations. Camping should be permitted within the corridor with open burning limited during fire seasons.

Access along the west or Baker County side of the corridor has historically used an unimproved road system that is apparently a part of the County Road system and private access roads. Several of these roads extend down over the steep rim to the river bank causing extensive erosion. We suggest these roads should be limited to "administrative easements" for BLM and Keating Valley Irrigation District use only beyond the canyon rim. Whether the road system leading to the canyon rim should be left open is currently a subject being pursued by the affected private landowners and Baker County, therefore we defer comment on that issue to that process.

We appreciate this opportunity to participate in the final management plan for the National Wild and Scenic portion of the Powder River. Please feel free to contact us if you have any questions about the points above or if we can be of any assistance throughout your plan development process.

Sincerely,

Beth Naughton

Beth Naughton, President
Tye-One-On Flycasters

United States Department of the Interior

BUREAU OF MINES

WESTERN FIELD OPERATIONS CENTER
EAST 360 3RD AVENUE
SPOKANE, WASHINGTON 99202-1413

TAKE PRIDE IN AMERICA

Received
USDI-BLM
Baker R.A.
JUN 05 '92

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Area Mgr.			
Acting A.M.			
Admin.			
Forestry			
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Resources			
All Ers.			
[illegible]			
[illegible]			
Reader File			

June 3, 1992

Memorandum

To: Jack D. Albright, Area Manager, Bureau of Land Management, Baker Resource Area, Baker City, Oregon

From: Chief-Branch of Engineering and Economic Analysis

Subject: National Wild and Scenic Powder River Draft Management Plan and Environmental Assessment (EA)

We believe this document does not provide enough detail to determine if a significant impact will occur to the human environment as a result of the proposed action. From our viewpoint more explanation is needed on mineral resource management and environmental impacts to mineral resource exploration and development before determination of no significant impact can be made.

In Chapter 2 Affected Environment, the Mine&Mining section mentions that the area has either low or moderate potential depending upon the type of mineral resource being considered. This is a very general statement and does not indicate how much of the area has this potential. For example, does the entire area (2,912 acres of public land) have moderate potential for the occurrence of gold and silver, or is it just a portion of that entire area? Also, what is the potential for copper deposits as a result of the two known copper occurrences, and how much acreage of this potential is affected by the Scenic River corridor?

In Chapter 3 Alternatives, the EA refers to allowing exploration and development for locatable minerals consistent with unnecessary or undue degradation standards, and with Scenic River designations. Unnecessary and undue degradation standards apply to mining on all public land and refer to reasonable and feasible mining methods and environmental practices. Management policy in special designation areas, however, can prohibit mining methods that are the only feasible way to develop the mineral deposit. For example, a deposit that can only be mined economically by open-pit mining methods can meet unnecessary and undue degradation standards but may not be allowed in Scenic River corridors. Therefore, as a management plan this EA must stipulate the conditions mining operations must abide by to be consistent with Scenic River designations.

This chapter of the EA also refers to restricting exploration and development of mineral materials to those locations which are compatible with protecting natural, scenic, recreation, and cultural values. Are there any such locations within the Scenic River corridor; if so, where are they in relation to potentially developable mineral materials?

Finally, in Chapter 4 Summary of Environmental Impacts, it states in the Impacts to Geology and Mineral Resources section that mineral development opportunities would be discouraged on an estimated 10 to 45 acres of Federal mineral estate. We find that Scenic River designations by themselves are a discouragement to exploration and development (the entire 2,912 acres). Therefore, what is the significance of this 10 to 45 acres? Are you referring to specific known mineral occurrences, such as the known copper occurrences, or the proposed developed recreational facilities? Or are you stating that there are only 10 to 45 acres of public land within the corridor where mining would be incompatible with protecting natural, scenic, recreational, and cultural values? Please be more specific and thorough when evaluating the impacts to future mineral exploration and mining opportunities, particularly when there is known potential for various types of mineral resources.

Thank you for this opportunity to express our concerns. Please contact Michael Dunn, (509) 353-2664, if you have any questions about our comments.

For John R. Norberg

THE OREGON RIVERS COUNCIL
P.O. Box 309 • Eugene, Oregon 97401 • 503-345-0119

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USDI BLM
Baker R.A.
JUN 05 '92
Route
Area Mgr
Acting A.M.
Reader File
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Executive Director
Bob Doppelt

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June 3. 1992

Jack D. A/bright, Manager
Baker Resource Area
Bureau of Land Management
PO 987
Baker City, OR 97814

Re: Powder River Environmental Assessment and Draft Management Plan

Dear Mr. Albright:

On behalf of the Oregon Rivers Council (ORC) I would like to submit the following comments on the Powder River Environmental Assessment and Draft Management Plan (P/an). I thank you for the opportunity to comment and I acknowledge the efforts of the staff of the Baker Resource Area in clarifying the procedures surrounding the draft.

As stated in the Executive Summary, the Plan must "provide the Powder River **a level of** *resource* **protection,** *management, and public use consistent with the Wild and Scenic Rivers Act." We praise the Baker Resource Area Staff for setting this forth as the ieading goal. We also commend the BLM for the many times this goal is carried through in the Plan (e.g. paragraph 1, page 11.)*

Unfortunately, parts of the p/an, as written, do not fully achieve this. We recommend the following changes be made so that the P/an conforms to the Wild and Scenic Rivers Act (Act) and its implementing regulations.

(1) The Plan shifts the management emphasis from the outstandingly remarkable values to other river related issues and resources.

The Wild And Scenic Rivers Act, Section 10(a), requires that wild and scenic rivers be "administered in such a way as to protect and enhance the (ORV's)." Section 10(a) aiso states: "In such administration, primary emphasis will be given to protecting its (the river's) esthetic, scenic, historic, archeologic, and scientific features."' To conform with the Act,the Plan must protect and enhance the outstandingly remarkable values **above all other issues.**

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Additionally, the National Wild and Scenic Rivers System Revised Guidelines for Eligibility, Classification and Management of River Areas, Federal Register, Vol. 47 No. 173, Section III, requires that management strategies "always be designed to protect and enhance the values of the river areas."

We acknowledge that much of the P/an, as written, focuses on the protection and enhancement of the ORV's. However, several sections are ambiguous in their emphasis. This may result in interpretation that allows management activities that do **not** *protect and enhance the ORV's.*

For example, paragraph 1 of "Management Objectives and Constraints" (p. 13) states: "management will strive to enhance opportunities for high quality recreation experience.,.to the extent that the.,. (ORV's) are not degraded." This is inappropriate. Management should protect and enhance the ORV's **first** *Management may provide recreation opportunities* **only** *when consistent with the primary goal.*

(2) The Plan does not provide a methodology for measuring the changes in the outstandingly remarkable values.

The National Wild and Scenic Rivers System Revised Guidelines for Eligibility, Classification and Management of River Areas, Federal Register, Vol. 47 No. 773, Section III, requires that "studies...be made during preparation of the management plan and periodically thereafter to determine the quantity and mixture of recreation and other public use which can be permitted without adverse impact on the resource values."

The Wild and Scenic Management Plan Outline as recommended by the USDI, Bureau of Land Management/USDA, Forest Service/State of Oregon, includes Limits of Acceptable Change (LAC) as a methodology for determining the mix of activities that may be implemented without degrading the ORV's. Part IV of the outline, Management Goals and Objectives, includes LAC in defining objectives for each segment. Part V, Management Actions, includes LAC in identifying and determining management actions.

ORC recognizes that the Plan as written addresses monitoring studies on pages 22 through 23. However, this cursory reference is insufficient for a document that will be the basis of all future activities on the river. The Plan must detail and integrate the analysis methodologies. Please see the enclosed example from the Deschutes River plan.

(3) The Plan does not sufficiently address the outstandingly remarkable values in the "Issues" Section (pp.1 4-15) or in the Alternatives (pp. 23-28).
ORC is concerned *that none of the ORV's are directly addressed in the Issues Section. We are especially concerned that the biological issues are not addressed here even though both Fisheries and Wildlife were determined to be outstanding/y remarkable values.*

The Issues Section forms the foundation of the alternatives for the Plan. ORC believes that the Plan will not fulfill the requirements of the Act and its implementing legislation if none of the ORV's are **expressly** *addressed in both the Issues Section and the Alternatives. These omissions must be rectified.*

Furthermore, throughout the "Issues" *section, the Plan* addresses the effects of *management activities on various elements. However, the plan does not reflect any concern about the effects these elements may have on the ORV's. For example, the Plan addresses the effects of wild and scenic river management on water rights and land ownership. However, it does not discuss how these* issues *will affect the ORV's. This must be addressed.*

(4) The "Summary of Environmental impacts" is insufficient and will not meet the requirements of the Act.

As written, this section does not fully detail the environmental impacts of the three alternatives. While we realize it is a "summary" and that the "Affected Environment' is addressed earlier, this section must still provide enough information so that the environmental impacts are understood.

Specifically, the Fish and Wildlife section is insufficient. The Plan states that "all three alternatives will have impacts...how much impact is unknown." This is inappropriate for a Wild and Scenic Management Plan on two grounds. First, the Wild and Scenic Rivers Act **is** *a* **non-degradation** *law. No management activities may adversely affect the ORV's* **in any way.** *If the Alternatives, as written, will impact fish and wildlife, they must be revised so they will not degrade the ORV's.*

Furthermore, the purpose of an Environmental Assessment is to address the impacts of management activities. It is not sufficient to state that the impact is unknown. An Environmental Assessment, by definition, must do this. The Plan cannot be based on such limited information. This must be rectified.

Paragraph 4, page 30, and all other similar references *to mitigation, must be removed from the Plan. Because the Wild and Scenic Rivers Act is a non-degradation law, it is inappropriate to discuss mitigation in the Plan. No degradation of the ORV's should*

occur as a result of the management activities, whether or not they can be mitigated. Please eliminate these references from the Plan.

Additionally, Scenery, one of the ORV's, is not addressed in either the "Affected Environment" or "Summary of Environmental Impacts." This must be rectified,

(5) References to standard design procedures are inappropriate for a Wild and Scenic River Plan.

On page 22, the Plan states: "there are standard design procedures and management directions common to all public land activities." Congress set out purposes in the Wild and Scenic Act that are not common to all public lands. Saying that common public land standards are sufficient, or even applicable, to wild and scenic rivers does not conform with the Act.

Again, ORC commends the BLM for the primary goal of the P/an, 'protect and enhance the outstandingly remarkable values." However, we find that the Plan, as written, does not achieve this goat and therefore does not conform to the Act. We recommend that the Baker Resource Area issue a second **draft** *plan and provide a period for commenting on that draft.*

Again, thank you for the opportunity to work with the Baker Resource Area on this document. ORC looks forward to seeing the next draft.

Sincerely,

Megan Smith

for *Bob Doppelt*
Executive Director

Enc.

cc: Bob Freimark, Wilderness Society

TO:
JERRY MEYER
BLM
BAKER CITY, OR 97814

FROM:
JUDY WHITLEY
50378 OREGON HWY 203
BAKER CITY, OR 97814

RE: POWDER RIVER WILD & SCENIC RIVER DESIGNATION

1. YOUR PLAN NEEDS TO BE MORE SPECIFIC ON WHAT DEVELOPMENTS ARE TO BE MADE. THERE ARE ONLY A HANDFULL OF PERMITTEES AND LAND OWNERS INVOLVED, SO THIS COULD EASILY BE DONE BEFORE THIS PLAN IS SUBMITTED,

2. PERCEIVED GRAZING PROBLEMS NEED TO BE IDENTIFIED NOW. PLANS TO CORRECT THOSE PROBLEMS SHOULD BE MADE WITH LANDOWNERS AND PERMITTEES BEFORE THIS PLAN IS SUBMITTED,

3. ALTERNATIVE WATER SOURCES NEED TO BE DEVELOPED BOTH IN THE CANYON AND ABOVE THE CANYON, THIS WOULD BENEFIT WILDLIFE, CATTLE, FISH, AND HELP RESTORE AND PRESERSE THE RIPARIAN ZONE, THESE IMPROVEMENTS NEED TO PRECEDE AND BE A CONDITION OF GRAZING RESTRICTIONS AND CUTBACKS ALONG THE RIVER,

4, PUBLIC LITERATURE NEEDS TO CONTAIN THE FOLLOWING POINTS:

A. A COMMITMENT TO MULTIPLE USE.

B. AN EXPLANATION THAT LIVESTOCK GRAZING IS PART OF A TOTAL MANAGEMENT PLAN THAT BENEFITS THE ENVIRONMENT AND IS BEING CAREFULLY MONITORED BY THE BLM. HARASSMENT OR SHOOTING OF CATTLE WILL BE PROSECUTED.

C. CUTTING FENCES AND LEAVING GATES OPEN JEOPARDIZES THE PLAN AND THUS ENDANGERS THE ENVIRONMENT, VIOLATORS WILL BE PROSECUTED.

5. IMPROVEMENT OF THE EXISTING ROAD INTO BIG CREEK OR BEYOND NEEDS TO INCLUDE INSTALLATION OF CATTLE GUARDS.

6. ECONOMIC IMPACT SHOULD BE A MANDATORY CONSIDERATION IN ALL STAGES OF THE PLAN. ALTERNATIVES TO MINIMIZE THIS IMPACT SHOULD BE REQUIRED. USERS FEES SHOULD BE COLLECTED TO PAY FOR ALL IMPROVEMENTS. ODF&W SHOULD ALSO HELP PAY FOR THE IMPROVEMENT OF THIS HABITAT.

7. THE LANDOWNERS, AT THE NORTH END ESPECIALLY, NEED A REAL COMPREHENSIVE PLAN FOR PUBLIC ACCESS NOW AS PART OF THIS PROPOSAL. START GETTING SPECIFIC ABOUT HOW TO COMPENSATE THEM FOR WHAT THEY ARE LOSING AND HOW YOU PLAN TO PROTECT THEIR LAND AND LIVESTOCK FROM DESTRUCTION BY THE PUBLIC.

8. THERE IS NO GOOD REASON TO BOTHER DOLBYS AND CARLSONS FOR ACCESS ON THE SOUTH. LET THEM DRIVE IN AND DEVELOP ACCESS FROM THOSE ROADS IN THE EAST OR WEST SEEDINGS & WALK DOWN.

Oregon

DIVISION OF
STATE LANDS

STATE LAND BOARD
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State Treasurer

RECEIVED
JUN 01 1992
BUREAU OF LAN3 MANAGEMENT
BAKER CITY, OR

May 28, 1992

Mr. Gerry Meyer
Bureau of Land Management
Vale District
Baker Resource Area
PO Box 987
Baker City, OR 97844

Dear Gerry:

Thanks for the opportunity to provide comment on the draft Powder River Wild and Scenic River Management Plan.

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

State ownership to the beds of navigable waterbodies was granted to Oregon in 1859 as an incidence of statehood and is an inherent attribute of state sovereignty protected by the United States Constitution. Recently, federal courts have acted to define the test for determining navigability. These decisions have consistently supported state ownership claims and confirmed that navigability is a question of fact.

The original federal test for determining navigability was established in *The Daniel Ball* case over 100 years ago. This U.S. Supreme Court case clarified that rivers "are navigable in fact when they are used, <u>or susceptible of being used</u> [emphasis added], in their ordinary condition, as highways of commerce . . ." Interpreting this requirement, subsequent federal court decisions have ruled that a waterbody is navigable if it is capable of use as a public highway for transporting goods or for travel. This definition includes recreational boating use, personal travel, and professionally-guided trips.

775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844

A waterbody does not actually have to be used for transportation to be found navigable. It is enough that it is susceptible or physically capable of being used.

Recent federal court cases in Alaska and Utah (particularly *Alaska vs. Ahtna, Inc., and Bureau of Land Management)* lead us to believe the State's claim to land underlying the Powder River is more extensive than previously thought. Ample evidence exists that recreational boating takes place or is possible on the river within the management plan area. In addition, historical uses for other non-recreation pursuits are well-documented.

The Division has determined that there is likely sufficient data to support a claim of navigability and therefore, State ownership for the bed and banks of the North Powder River.

Within State-owned waterways, new utility or transportation corridors and boat ramps, or any other facilities or uses that occupy submerged or submersible land below ordinary high water will require a lease or easement from the State Land Board. Existing facilities will require an easement at such time as they undergo major structural alteration, replacement or relocation. In addition, removal of sand and gravel requires a royalty lease.

Under State law, DSL is responsible for the management of the beds and banks of navigable waterbodies (ORS 274.005-274.590). As a result of this ownership and management responsibility, DSL wishes to be acknowledged as a major participant in management of the area and in becoming involved in the planning activities.

Therefore, we ask that your management plan include the following:

> The State of Oregon is the owner of the beds and banks of navigable waters below the ordinary high water mark and all lands naturally subject to tidal influence that have not become vested in any person. The Division of State Lands (DSL) has determined that there is likely sufficient evidence to support a claim of navigability and State ownership for the bed and banks of the Powder River within the designated area.
>
> Within State-owned waterways, new utility or transportation corridors and boat ramps or similar facilities that impose into or cross a navigable waterway below ordinary high water will

> require an easement from the State Land Board. Existing facilities will require an easement at such time as they undergo major structural alteration, replacement or relocation. In addition, removal of sand and gravel requires a royalty lease and any use that occupies any area of submerged or submersible land requires a waterway lease.

The Division's regulatory authority over alterations of the bed and banks of the Powder River is a highly effective tool to employ for the protection of certain outstandingly remarkable values (e.g., fisheries, scenic quality and water quality).

Please feel free to contact me regarding these issues. Thank you again for the opportunity to comment.

Very truly yours,

John E. Lilly
Waterway Planner

JEL/bh
lwr:448

Gary Miniszewski
Rivers Planner
525 Trade Street SE
Salem, OR 97310
(and BLM planners, Baker)

Edward A. Bloom
PO Box 53
Cove OR 97824

Dear Mr. Miniszewski, and all concerned:

This letter a copy of a letter drafted by my son. I support the comments and views herein concerning the National Wild and Scenic river plans. This specific letter is in reference to the Powder River Draft Management Plan Environmental Assessment. For the record, I am in favor of multiple use of our national resources. I am also very concerned, however, for the future of the same resources. Therefor I favor the approach of local committees with local, varied interests being represented to help develop the best solution to "multiple use" of these resources.

Concerning the Draft Management Plan for the Powder River, I am generally in favor of the proposed plan. There are, however, a few errors concerns and recommendation that you should be made aware of (if 'not already done). First, errors:

On page 19, under the section "Recreation", there is mention "Annual visitation to thio segment of the Powder River is estimated at 6,000 visitor days." This is worded in such a manner as to be confusing or misleading. Surely you do not mean 6,000 visitors per day, or even annually. So the term visitor days needs to be clarified.

The other item I feel should be addressed is the typical overuse of acronyms by government agencies. If using more than a few (less than 6) a glossary of terms and acronyms needs to be included.

The issua, that of development, is where I ieei there should b-t no further development--period. Any road improvement, facilit les building, etc, would only increase the number of people to the area which will only be harmful to the delicate environment. If people art- willing to make the trek on existing access ways, then they can use the area. Otherwise, walk, or don't go.

One more comment. The use of this area as grazing land has recently been managed in a positive way. I support continued. limited grazing on this land. In years past over grazing has ha3 3 negative impact on the river and associated wildlife. This concludes my comments and I hope to hear front the BLM as to progress on this management plan.

Sincerely,

Edward A. Bloom

Edward A. Bloom

Gary Miniszewski
Rivers Planner
525 Trade Street SE
Salem, OR 97310
(and BLM planners, Baker)

Richard E. Bloom
1702 1/2 Washington
La Grande OR 97850

Dear Mr. Miniszewski, and all concerned:

This letter is in response to one of two National Wild and Scenic river plans. This specific letter is in reference to the Powder River Draft Management Plan Environmental Assessment. For the record, I am in favor of multiple use of our national resources. I am also very concerned, however, for the future of the same resources. Therefor I favor the approach of local committees with local, varied interests being represented to help develop the best solution to "multiple use" of these resources.

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Sincerely,

Richard E. Bloom

May 28, 1992

Jack D. Albright
Baker Resource Area
BLM
Baker City, OR

The reasons I am against the Scenic River Designation are:

1. This is not a navigable river according to the Daniel Ball case over 100 years ago.

2. If Alternative I or II are implemented, I would prefer that all take-outs and trails are up river from my property for the following reasons:

   a. Congestion
   b. Cars blocking gates
   c. Livestock being harrassed
   d. Destruction of fences
   e. Contamination of property

3. I prefer Alternative III.

Mary C. Dolby

Received
USDI-BLM
Baker R.A.
MAY 28 '92

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Area Mgr.			
Acting A.M.			
Admin			
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Return To Do			

May 20, 1992

Directed to the U.S. Department of Interior Bureau of Land Management Vale District Baker Resource Area.

Gabrielsen Cattle Co. would like to go on record opposing the draft management plan on the national wild and scenic Powder River.

We feel this plan is not the answers to solving the problems that are accruing in that area. The plan would not be affective or realistic.

Signed, [signature]

Manager Gabrielsen Cattle C

Received
USDI-BLM
Baker R.A.

MAY 28 '92

Route	Act.	Inf.	Init.
Area Mgr.			
Acting A.M.			
Admin			
Forestry			
Planstat Hill			
Range			
Resources		✓	✓
All Ents			
MEYER	✓	✓	
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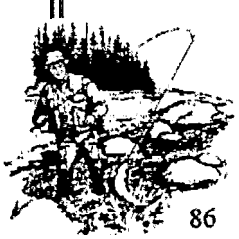

NATIONAL
WILD AND SCENIC
RIVERS SYSTEM

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DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
VALE DISTRICT OFFICE
BAKER RESOURCE AREA
P.O. BOX 987
BAKER CITY, OREGON 97814

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