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

Volume II
Public Comment & Response
A. Consultation and Distribution

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

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

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

Copies of their letters have been included in this document.

The following organizations responded to the plan:

Alumaweld Boats Inc.
America Outdoors
American Whitewater Affiliation
Anglers’ Club of Portland
Arnie’s Restaurant and Bar
Association of Northwest Steelheaders
California Academy of Scientists
Deixis Environmental Consultants
Deschutes River Adventurers
Deschutes River Public Outfitters
Disabled Citizens’ Association
Easter Seals
Fly Fishing Shop

National Organization for River Sports
Northwest Environmental Defense Center
Northwest Rafters Association
Northwest Mining Association
Oregon Cattlemen’s Association
Oregon Equestrian Trails
Oregon Guides and Packers
Outward Bound
Portland General Electric
Private Lands Committee
Reed College, PE Department
Rest the West
River Drifters
Santiam Flycasters
Sherman County Cattlemen's Association
Sherman County Historical Society
Sherman County Weed Control District
SOAR
The Dalles Convention and Visitors Bureau
The Dalles Rod and Gun Club
The Wilderness Society
Wenatchee River Outfitters
Wild Water Adventurers
Wildwater River Tours
Willamette Kayak and Canoe Club
Yakima Valley Interns
Yamhill County Mounted Sheriff's Posse

B. Public Comments

Introduction

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

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

Respondents chose a variety of ways to express their opinions on the Lower Deschutes River Management Plan and Environmental Impact Statement (the Plan) developed in draft form in May 1991. While some
people do not directly address the Plan itself, each response addresses the issues proposed to be dealt with in the Plan.

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

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

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

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

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

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

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

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

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

### Source of Responses

<table>
<thead>
<tr>
<th>Source of Responses</th>
<th>Base: Total Respondents (1655)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form letter</td>
<td>51</td>
</tr>
<tr>
<td>Individual letter</td>
<td>26</td>
</tr>
<tr>
<td>Petition</td>
<td>19</td>
</tr>
<tr>
<td>Testimony from hearings</td>
<td>3</td>
</tr>
<tr>
<td>Source uncertain</td>
<td>*</td>
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</tbody>
</table>

*Less than 0.5%

### General Observations

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

Take everyone off the river until it can heal itself!

to another:

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

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

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

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

Whatever the interest in the river, and however varied the opinions are, one common thread is woven throughout the responses. Each person who wrote is deeply concerned about the future of the river and the decisions which must be made to determine its future. Most individual responses are written in "loud voices", strong with convictions that come from an issue considered significant to people of all types and for all reasons.
Individual respondents tend to express a connection to the river that is highly personal. Overall, they display a desire to protect the river as they would their own personal property. The primary division in opinion may be found in whether they view "their property" purely as a source of pleasure or as an income-provider as well. This creates the clearest split in reactions to the plan, and both sides include equally adamant opinions. This is often mentioned as an argument about whether the Deschutes may be classified as a scenic wilderness area or as a recreational river.

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

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

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

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

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

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

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

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

Findings by Issue

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

Reaction to the Preferred Alternative

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

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

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

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

Everything in the Preferred Alternative is way overdue!

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

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

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

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

Fifty-eight percent of respondents chose another plan besides the Preferred Alternative. Most can be attributed to the form letter which supports the Deschutes River Recreation Coalition's Alternative Plan. A copy of
Another 13 percent are generally opposed to the Preferred Alternative, but they do not indicate which, if any, plan they favor.

**Motorized Boating**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Nonmotorized Boating**

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

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

**User Fees**

Of the one-third (537) of respondents addressing user fees, almost all (95 percent) indicate that they favor the Preferred Alternative’s approach. Five percent feel there should be more fees; 1 percent indicate there should be less. However, the majority of responses give a general support for user fees of one kind or another, including the form letter. Nearly everyone who addresses this issue expresses a willingness to pay for their access to the river, whatever their primary interest.
in being there. This seems to be an issue that almost everyone agrees on, and it again suggests that the Deschutes is vital to a variety of individuals and groups and important enough for people to pay at least something to use it.

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

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

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

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

Use Levels

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

I'd like to tell out-of-stataters to go to their own rivers, but you can't really do that...it'll be a sad day when someone from Idaho can fish the river and I can't because there are too many people.

Some respondents admitted that use levels are too high, but again expressed fears of regulating them.

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

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

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

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

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

Of course, the opposite opinion is also often voiced.

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

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

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

Use Allocation

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

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

I was born and raised in Maupin. Should I have to stand in line to use my own river?
I've been on the waiting list to float on the Colorado for three years. Please don't turn the Deschutes into this kind of fiasco.

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

If we just decide some weekend to go down the corridor, we'll have to either pay a guide or forget it. The guides are going to make a mint off the Preferred Alternative's ideas on permits. Once again the buck takes precedence over the common man's enjoyment of simple pleasures.

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

Response:

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

Guided and Outfitted Services

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

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

Camping and Campsite Improvements

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

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

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

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

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

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

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

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

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

Other Issues

Almost all other potential issues and public considerations anticipated by the Committee, J.M. Colosimo Associates and O'Neill and Company received little response. With one exception --horseback riding -- all were mentioned by fewer than 50 individuals. The issue of horseback riding was addressed by 81 respondents.

A summary of these findings is offered below, but the reader is reminded to remember the small numbers of respondents addressing each issue and to consider these findings as informational rather than statistically projectable to a large population.

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

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

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

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

want improvements over the Plan's recommendations.

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

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

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

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

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

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

- 27 of 30 responses about livestock grazing recommend more regulation or a banning of this activity.

- Fishing, float tubes and bicycle riding were each mentioned by five or fewer respondents.

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

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

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

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

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

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

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

Cordially,
Public Comments on the Draft Management Plan/EIS Requiring Response
Dear Sir:

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

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

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

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

We appreciate the opportunity to review this draft EIS. If you have any questions about our review comments, please contact Sally Brough in the Environmental Evaluation Branch.

Sincerely,

Ronald A. Loo, Chief
Environmental Evaluation Branch

Environmental Protection Agency

OCT 02 1989

United States Department of the Interior

D. Dean Biblos
State Director
Bureau of Land Management
P.O. Box 2065
Portland, Oregon 97208

Dear Mr. Biblos:

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Sincerely,

Ronald A. Loo, Chief
Environmental Evaluation Branch

Environmental Protection Agency

OCT 02 1989

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

## Threatened, Endangered and Candidate Species

The following comments are provided as part of informal consultation Case No. 1-91-1-596.

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

In accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536, et seq.), Federal agencies are required to assure that any actions they take contribute to the conservation of the species. Federal agencies are also required to consult with the Service to ensure that no act reduces the likelihood of survival and recovery of the species.

The DEIS inadequately addresses impacts to threatened and endangered species. The DEIS states that management activities will be implemented to avoid or reduce impacts to threatened, endangered, and/or sensitive species. It should not be assumed that "all" animal and vegetative species will benefit. Therefore, monitoring of the overall vegetative condition may not be adequate if sensitive species, such as medicinal plants or invertebrates, may be affected. The Service recommends that monitoring programs for sensitive species or communities be developed and implemented separately to assure that management practices implemented under the proposed DEIS are not detrimental to sensitive species.

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

Sincerely,

Russell B. Peterson
Field Supervisor

### SPECIFIC COMMENTS

#### Page 1, A. The Planning Area: DEIS states that management actions will be taken to prevent, stop or reverse any human damage caused to threatened or endangered species. It should not be assumed that "all" animal and vegetative species would benefit. Therefore, monitoring of the overall vegetative condition may not be adequate if sensitive species, such as medicinal plants or invertebrates, may be affected. The Service recommends that monitoring programs for sensitive species or communities be developed and implemented separately to assure that management practices implemented under the proposed DEIS are not detrimental to sensitive species.

#### Page 43, 403-408, Appendices H and L: The Service reviewed the lists of candidate plant and animal species that were appendices A and B of the DEIS. Those species are being reviewed by the Service for consideration to propose and list as endangered or threatened.

**SUMMARY**

The DEIS inadequately addresses impacts to threatened and endangered species. It also lacks details regarding conservation measures which will be implemented to reduce impacts to threatened, endangered, and/or sensitive species.
balance of tablelands and upland tributaries for the remainder of the project area, were reemphasized. Because the geographic focus of this inventory was lands owned by the Bureau of Land Management, cultural resources on private lands or lands owned by other public agencies were received attention only when encountered in transit to BLM lands.

Within the present-day floodplain, characterized by highly differentiated and localized soils, walking transects varied in distance from 10 to 25 meters laterally from one another. On larger terraces having a persistent and stable soil regime this distance was expanded to 25-50 meters. In high terrace areas and upper tributary canyons, later distance between transects averaged 100 meters; these transects were conducted in a serpentine pattern to achieve a 25 to 50 meter visual width per transect. In circumstances where locally dense foliage prevented the above visual parameters, lateral distances between transects were reduced accordingly. The investigators are confident that the above transect methods accounted for virtually 100% of the surface sites within the reconnaissance parameters previously described. Exceptions to this may include refuse heaps, tells destruction, small cairns and minimally exposed surficial sites, all having less than approximately 10 square meters in surface exposure.

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

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

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

Within the present-day floodplain, characterized by highly differentiated and localized soils, walking transects varied in distance from 10 to 25 meters laterally from one another. On larger terraces having a persistent and stable soil regime this distance was expanded to 25-50 meters. In high terrace areas and upper tributary canyons, later distance between transects averaged 100 meters; these transects were conducted in a serpentine pattern to achieve a 25 to 50 meter visual width per transect. In circumstances where locally dense foliage prevented the above visual parameters, lateral distances between transects were reduced accordingly. The investigators are confident that the above transect methods accounted for virtually 100% of the surface sites within the reconnaissance parameters previously described. Exceptions to this may include refuse heaps, tells destruction, small cairns and minimally exposed surficial sites, all having less than approximately 10 square meters in surface exposure.

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

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

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

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

Response to U.S. Fish and Wildlife Service

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

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

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

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

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

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

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

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

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

3-8 See revised Threatened or Endangered Species portion of the Wildlife element and the Special Status Plant Species portion of the Botanical element in the Monitoring and Evaluation section.
Mr. Barry Phelps
Deschutes Area Recreation Planner
Prineville Ranger District
Post Office Box 550
Prineville, OR 97754

January 29, 1990

Mr. Barry Phelps:

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

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

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

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

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

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

Very truly yours,

CHARLES H. TURNER
United States Attorney

cc: Charles W. Stuckey
Assistant United States Attorney
William W. Youngman
Assistant United States Attorney

September 30, 1990

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

Dear Mr. Phelps:

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

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

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

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

Very truly yours,

CHARLES H. TURNER
United States Attorney

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

January 29, 1990

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

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

Very truly yours,

CHARLES H. TURNER
United States Attorney

cc: Charles W. Stuckey
Assistant United States Attorney
William W. Youngman
Assistant United States Attorney

August 1, 1989

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

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

Very truly yours,

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United States Attorney

cc: Charles W. Stuckey
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Very truly yours,

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

Very truly yours,

CHARLES H. TURNER
United States Attorney

cc: Charles W. Stuckey
Assistant U.S. Attorney
William W. Youngman
Assistant U.S. Attorney
Deschutes River Coordinator
Oregon State Parks & Recreation Department
525 Trade Street SE.
Salem OR 97310


Dear Sir:

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

Sincerely Yours,

Regional Environmental Officer
Commission comments on Draft Plan
Page 2

Comments

Consistent with the directive of the Wild and Scenic Rivers Act, the Lower Deschutes River should be managed to protect and enhance the values for which the river was designated a part of the National System, such as the [outstanding scenic, recreational, cultural, geologic, fish and wildlife as well as historic and botanical values . . . excellent whitewater boating opportunities . . . fishing for wild trout, steelhead and salmon].

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

Jetboat Use

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

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

Recreational Use Levels

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

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

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

Permit Allocation

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

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

Alternative 4, the allocation method endorsed by the tribes and other agencies, is called the "freedom of choice" method. Under this alternative, should a limited entry system be necessary, all permits would go into a common pool that would give each private citizen an equal opportunity to obtain a permit. While a guide could apply for a permit on behalf of a particular customer, there would be no guaranteed allocation to guides. This alternative, with its market-based approach, allows the public to decide which guides they wish to use, allowing them greater opportunity in deciding what dates they desire to float, and effectively preserves the better guide services through regular market pressures. This alternative is in fact consistent with the tribes' cultural views, and move in keeping with the spirit of the Wild and Scenic Rivers Act, that rivers, such as the Lower Deschutes, be protected for the benefit and enjoyment of present and future generations.

Summary

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

cc: Fish and Wildlife Committees
Notebook

5 May 15th to September 30th.
6 July 15th through Labor Day.

Executive Director

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
975 S.E. Sandy Boulevard, Suite 202, Portland, Oregon 97234
Telephone (503) 238-0667
Fax (503) 254-4278

October 15, 1991

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

Dear Ms. Greenleaf,

The Commission welcomes this opportunity to comment on the DRAFT LOWER DESCHUTES RIVER MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT (Draft Plan). The Columbia River Inter-Tribal Fish Commission (Commission) was formed by the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. These four tribes have rights reserved by treaty to take fish destined to every other week on the river section from Beavertail Campground to the river mouth. In addition, specific trip limits, people per boat, and commercial permit requirements would be in effect. Besides the obvious enforcement barriers to implement these varied restrictions, the proposed management of jetboat use is not consistent with the WSRA Act mandate to protect and enhance river values. Jetboat use was not identified by Congress as an outstanding value to be managed for on this river, and jetboat use in fact may be inconsistent with the values that Congress has identified, such as scenic and cultural uses.

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

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cc: Fish and Wildlife Committees
Notebook

5 May 15th to September 30th.
6 July 15th through Labor Day.
The draft plan does a good job of describing existing uses and the potential impacts of those uses on water quality and riparian vegetation. A discussion of the potential cumulative effects of those impacts and a commitment to manage with cumulative effects in mind would be useful. The state's antidegradation policy should also be addressed in the plan. Under this policy water quality must be maintained or enhanced, beneficial use support. Water quality cannot be allowed to degrade (or continue to degrade) from existing levels even if numerical water quality standards are not being violated.

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

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

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

The five year delay is not necessary for several reasons:

1) It is well documented that livestock grazing in riparian zones has contributed to extensive damage to streams in the west (Armour, et al., 1991).
2) It has also been demonstrated that livestock management is the key to restoring damaged riparian areas where grazing occurs and there are no major technical impediments to improving riparian areas (GAO, 1988). The U.S. General Accounting Office has recommended both BLM and the Forest Service take steps to enhance riparian area improvement efforts.

3) The condition and trend of riparian vegetation on public lands in the Lower Deschutes is already known. This is demonstrated by Tables 4 and 5 (page 112) in the plan. A typographical error is corrected in Table 4 (92 + 37 = 129 not 12) in the plan. It is also seen that 60 percent of riparian acres are in less than good condition. Twenty seven percent are in good condition (but are not reaching full potential). Only one third of all publicly owned riparian acres in the Lower Deschutes are described as at climax condition (much of this is on islands). Table 5 indicates that less than 40 percent of riparian acres are improving. Over 60 percent are either stable at current conditions or are declining. Because of economic pressures, conditions on private and tribal lands are likely even worse.

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

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

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


October 18, 1991
Ms. Jacquie Greenleaf
Deschutes River Coordinator
Oregon State Parks and Recreation Department
526 Trade Street SE
Salem, OR 97310

Dear Ms. Greenleaf:

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

Department personnel have been active participants in the nearly four years of development and implementation of the Department's objectives to restore the wildlife species into the planning area. This wildlife management option is consistent with the Department's objectives to restore the wildlife diversity of the Deschutes River Canyon, which will also contribute toward enhanced wildlife viewing and provide for rigidly controlled hunting opportunities. Although the plan's preferred alternative addresses many issues that may directly or indirectly benefit fish and wildlife resources, the following issues are also of concern to the Department.

Horseback Use

The plan's preferred alternative would allow day-use horseback access on the east side road between Deschutes State Park and Harris Canyon (page 86, paragraph 8-4). A Coordinated Resource Management Plan was developed for the lower twenty-four miles of the river canyon shortly after the state acquired the Deschutes River property. This planning committee, comprised of local, state, and federal resource agency representatives as well as riparian, sewage and adjacent landowners, agreed that public horseback use in this segment of the Deschutes Canyon had the potential to conflict with adjacent grain farming operations, as well as livestock operations. Neighboring landowners stated that horses might introduce management activities that could significantly impact their grain production. The planning committee also expressed concern that horseback riders might disrupt authorized livestock use in the canyon.

Hiking and non-motorized bicycle use is already well established on the proposed horse trail. Serious conflicts with the other recreational users in this section of the canyon can quickly be introduced by this additional use. Some sections of this road are composed of extremely fragile soil that will easily erode when the surface crust is broken. Regular horseback riding on this unimproved road has the potential to break up the surface crust and make foot and bicycle travel more difficult. After heavy use, this fine soil can accumulate to sufficient depths so as to make walking and cycling difficult.

The draft management plan needs to be amended to more specifically address horseback access prior to regulated access. The plan should be amended to show why regulated access is needed and what the expected management activities would be. The plan states that horseback users will

Livestock Grazing

Livestock grazing impacts on riparian and upland habitat is a serious concern. The Department has made it a high priority to restore riparian habitat on state-owned lands bordering the river. The Department's restoration efforts are readily evident. For example, Table 5 (page 119) indicates that approximately seventy percent of the upland access along the river are improving in ecological condition. The preferred alternative (page 40, paragraph 1) states that public and tribal-owned lands would be managed to reach a medium of sixty percent of the vegetative potential within fifteen years. It is appropriate, therefore, to consider lowering existing livestock grazing. To meet the plan's riparian objectives, the final plan should be amended to provide detailed information on the methods used to determine vegetative site potential, vegetative trend, and the frequency of stocking during this recovery period. If the rate of recovery is insufficient to meet the plan's objectives, specific remedial measures should be discussed. It is understood that under existing vegetation recovery will likely be met more quickly than under riparian recovery. However, the same discussion concerning site potential, monitoring and specific remedial management actions should be included in the final plan.

Accelerated riparian vegetation recovery is important in the Department's attempts to rebuild depressed populations of wild summer steelhead and fall chinook salmon, as well as to maintain a healthy wild resident trout population. Improved riparian vegetation will also benefit a multitude of wildlife species, including songbirds, waterfowl, upland game birds, furbearers, raptors, and big game animals. The Department recommends that the final plan emphasize an accelerated riparian recovery and that access to the river through land purchases, easements, or exchanges with willing landowners. The Department recommends that the final plan include a detailed public access acquisition strategy to acquire large increases in river use that would likely result from major road improvements.

Improved Vehicle Access

One of the plan's more controversial issues is the potential restriction of river recreational use due to the steadily increasing numbers of people on the river. However, the plan's preferred alternative (page 82, paragraph 8-5) proposes to significantly upgrade river access roads. This proposed improvement in vehicle access will likely accelerate river use and ultimately force the management agencies to hasten implementation of a limited- or permit-entry system. Road improvements, particularly road widening, could threaten the river and its associated riparian corridor. For example, Table 5 (page 119) indicates that several new foot trails along the river. These trails could help redistribute some recreational use and potentially reduce congestion and user conflicts in other areas. The Department supports this access development and implementation of this strategy, but it will not encourage the large increases in river use that would likely result from major road improvements.

Access Acquisition

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

Improved Trail Access

The plan's preferred alternative proposes development of several new foot trails along the river. These trails could help redistribute some recreational use and potentially reduce congestion and user conflicts in other areas. The Department supports this access development and implementation of this strategy, but it will not encourage the large increases in river use that would likely result from major road improvements.
for interagency cooperation in the project. This strategy should also detail the procedures required to establish a Deschutes River Public Access Fund to be used for acquiring access. The Department suggests earmarking a portion of the river boaters pass fee for use in the public access fund.

**Recreational Use Monitoring**

The preferred alternative (page 59, last sentence) states "...indirect and voluntary management action would be given a three year period to achieve desired boater use limits." However, the plan does not provide specific information as to how, when, or where river use will be monitored during this three-year interim. The final plan should provide these specifics.

**Law Enforcement**

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

**Human Waste**

The preferred alternative (page 109, #3) states that campers will be required to carry out all human waste from sites with no sanitation facilities. This requirement should not be limited to campers only. The plan should require all boaters using sites without sanitation facilities to carry containers for human waste. Collection facilities should be provided to accommodate the dumping of human wastes at all the boat take-out sites. Despite existing river regulations requiring the burying of human waste away from the river, the problem increases throughout the season in the undeveloped areas. In some of the areas near popular, undeveloped campsites, it is difficult to walk along the river bank by the end of the recreation season because of the accumulated human waste and associated litter.

**Hazardous Substance Spills**

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

**Recreation Riparian Impacts**

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

**Motor Boat Use**

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

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

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

**Instream Flows**

The Management Standard for Instream flow levels on page 282 should be changed from 3,800 cfs to 3,500 cfs to be consistent with the 3,500 cfs instream water right that the Department applied for in January, 1991.

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

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

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

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

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

8-2 Riparian Restoration Incentive:

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

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

8-4 Horseback Use:

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

8-5 Improved Vehicle Access:

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

8-6 Access Acquisition:

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

8-7 Recreational Use Monitoring:

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

8-8 Hazardous Substance Spills:

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

8-9 Recreation Riparian Impacts:

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

8-10 Motorboat Use:

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

8-11 Instream Flows:

The suggested additions to plan wording have been made to reflect ongoing negotiations between the State of Oregon and the Warm Springs Confederated Tribes to resolve the instream flow issue.
The State Marine Board has reviewed the draft Lower Deschutes River Management Plan and Environmental Impact Statement and offers the following comments for consideration in developing the final plan. We have not attempted to address portions of the plan for which there is general agreement.

Use Limits
The plan needs to more adequately recognize that high use levels are a weekend phenomena on 8-16 weekends during the summer. A permit system to ration use should be a last resort. The biggest problem is competition for campsites during those weekends. The Deschutes is classified as a "recreational" river and should be managed to support a variety of legitimate recreation uses.

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

The preferred alternative should attempt to manage crowding through the following methods. Additional site controls should be imposed at access areas and campgrounds to prevent campsite damage and limit crowding by structured means (ie: parking capacity, limiting vehicle access). In several areas of segments 3 and 4, use can be controlled by design without the user being aware of "controls". These structural improvements should be implemented before a permit system, and be given an opportunity to work.

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

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

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

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

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

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

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

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

COMMENTS ON DRAFT LOWER DESCHUTES RIVER MANAGEMENT PLAN

(Wild and Scenic River)

Page 2

Comments

Reference is made to HB 3019 passed by the 1957 Oregon Legislature. The correct citation is HB 202 of the 1987 session. HB 3019 became Oregon law as a result of the 1981 Legislature. It authorized the Boatier Pass program. HB 202 co-authorized the Boatier Pass; designated the area as the "Deschutes River Scenic Waterway Recreation Area"; required the development of a recreation management plan; and established the Deschutes River Management Committee (see enclosure).

Land ownership. Mention should be made here that the State of Oregon claims ownership of the bed and banks (up to ordinary high water) of the river within the planning area (other than Reservation lands). The state's claim includes the Deschutes River from its mouth to the possibly beyond Pelton Re-regulating Dam. Under state law (ORS 274.052), the Division of State Lands is the agency responsible for managing the state's interest in these lands. Ownership to navigable waters of the state was granted to Oregon at statehood in 1859. Ample evidence exists to support the determination of the Deschutes WSR Area as "navigable." Commercial tourism, log drives, ferries, etc., have given credence to this claim.

Recent court cases in Alaska and Utah (particularly Alaska vs. Abtso Inc., & Bureau of Land Management) bolster the validity of Oregon's claim.

We do not expect, based on the preferred alternative, that the state's claim interferes with the extensive management planning of the river that has already taken place. In fact, the preferred alternative very effectively protects the public trust values of commerce, navigation, fisheries, and recreation.

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

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

As a result, we endorse the preferred alternative as the best means to preserve the river's remarkable values.

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

Sincerely,

James C. Neuman
Director

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

Add the Division of State Lands to the list of state and local government agencies. Include the following:

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

"DLB leases state-owned lands and minerals."

"DLB also administers the state's "removal-fill law, which protects Oregon's waterways from uncontrolled alteration. The permit review process involves coordination with the applicant, adjacent land owners, and environmental agencies from local through federal levels. Within Oregon Scenic Waterways, special authorization is needed from the Board and DLB for any alteration of the bed and banks of the lower Deschutes River (ORS 396.035)."

It would be helpful to offer a full description of the Oregon Scenic Waterway Program and the roles/responsibilities of the state agencies involved (i.e., Water Resources, Division of State Lands, Oregon State Marine Board, and specifically, State Parks).

Preferred Alternatives. The discussion states that "unstable riverbanks . . . would be stabilized." Please note that any removal/fill or alteration of the bed or banks of the river, up to ordinary high water, will require approval of the State Land Board (ORS 390.035). If more than 50 cubic yards are disturbed, a permit from the Division of..."
<table>
<thead>
<tr>
<th>Page</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Page 44 (cont.)</td>
<td>State Lands is also required (ORS 541). We would recommend that such actions as bank sloping, revegetation and other non-structural techniques be employed in these areas. Such treatment would be more consistent with the plan's overall fish/wildlife/scenic goals than hardened structures (e.g., riprap).</td>
</tr>
<tr>
<td>Page 45</td>
<td>Preferred Alternative (the addition of gravel for spawning). This action, if performed under the auspices of ODFW, is exempt from State Land Board review (ORS 390.835(2)). In addition, the work would qualify for a Removal/Fill permit general authorization if it does not exceed 100 cubic yards at a specific site.</td>
</tr>
<tr>
<td>Page 46</td>
<td>Problem--inadequate foot access. It is important to point out here, that by virtue of the public's ownership of the bed and banks of the river to ordinary high water, the potential for public access along the bank may be more extensive than has been thought or is depicted in the draft plan.</td>
</tr>
<tr>
<td>Page 84</td>
<td>Fish Habitat/Water Quality and Quantity #7. See comment from Page 44. We strongly agree that &quot;sidescasting&quot; should be terminated. All such activity done without Land Board approval and/or permit from DSL violates the Oregon Scenic Waterway Act and/or Removal/Fill Law (ORS 514). Given the high public interest in protecting and enhancing the natural and scenic values of this area, acceptable alternatives to this practice must be found.</td>
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<tr>
<td>Pages 107-112</td>
<td>Outstandingly Remarkable Values. We fully agree with the assessment of the ORVs.</td>
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Response to Oregon State Marine Board  
9-1 Alternate measures for controlling crowding were developed and incorporated into the final plan.  
9-2 Campsite capacity was considered in developing proposed use levels. Further work will be done to develop allocation methods after the Final Plan is approved.  
9-3 Existing studies do not identify significant environmental effects related to motorized boating on the Deschutes River. Additional study is proposed through the plan. Social conflicts with motorized use are the primary concern at this time.  

Response to Division of State Lands  
10-1 See revised cover letter.  
10-2 See Text Revision section.  
10-3 See revised Specific Agency Implementation and Jurisdiction Responsibilities sections under State of Oregon.  
10-4 See revised Wildlife Habitat/ Vegetation section.  
10-5 See Appendix B.  
10-6 See revised Utility and Transportation Corridors section.  
10-7 See revised Specific Agency Implementation and Jurisdiction Responsibilities section under State of Oregon.  
10-8 See revised Scenery and Geology element of Monitoring and Evaluation section.  
10-9 Agree, however, due to staff and funding limitations, this could not be completed prior to final approval of this plan. The managing agencies will develop specific standards for this item upon implementation of the plan.
The Oregon Department of Forestry has reviewed the Draft Lower Deschutes River Management Plan and Environmental Impact Statement. While we see no major forestry issues because of the large expanse of forest involved, we would like to address concerns that we feel will recur in other joint river planning projects. Our other concerns include:

1. The dual federal/state planning process, "outstandingly remarkable values" (ORV's) to be protected, boundary location, fire management and other impacts upon private lands and private property rights.

2. Corridor Boundaries

A legally sufficient and accurate description and map is required for Federal Wild and Scenic River boundaries with the consideration that they be describable features rather than curved lines or along contour lines. A number of corridor boundary segments are along curved lines described in very general terms (e.g., southerly along the mean high water line). The Scenic Waterway boundary is mostly a randomly curving boundary since it parallels the river. These random boundary lines are very difficult to locate on-the-ground when management projects are planned. The legal description of the proposed administrative boundary is displayed by township and range in Appendix A. None is displayed for either the composite area nor for the Oregon Scenic Waterway. None of the map exhibits include township and range numbers. This information is necessary for range computations and orientation. We foresee that boundaries will need to be located on-the-ground in a reasonable and cost effective manner in order to be located on-the-ground when management projects are located on-the-ground. Recreational use on the river is described in qualitative terms, not in quantitative terms, and values as to its location in map or tabular form. Generally, we find insufficient information included in the draft to make substantively reasonable and defensible boundary locations. Recreational use on the river is described in qualitative terms, not in quantitative terms. Recreational use on other values are in subjective and comparative terms that may not meet federal planning standards.

The Department of Forestry strongly encourages consideration of a reasonable application of the standards: "...average maximum of 320 acres per river mile as measured from the ordinary high water mark on both sides of the river...". By averaging minimum acres on non-federal lands, waterfront property, lands bordering river corridors. The Department of Forestry generally agrees with the emphasis of "...new values that are not readily comprehensible nor in conformance with FSH requirements."

3. Display of ORV's

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

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

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

4. Dual Federal/State River Planning Process

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

Table 1 (page 2) shows a total acreage of 41,367 acres for the 100 river miles described in this plan. Average area enclosed by the proposed plan would be slightly more than 413 acres per river mile. We find that the map of the federal segment (Map 15) tends to minimize inclusion of private lands while maximizing areas of public land. The more uniform one-quarter mile Scenic Waterway boundary adds these excluded areas to make up the joint river planning area which thus exceeds the area intended by both the federal and the state legislation.

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

In the federal planning process the determination that a river area contains "outstandingly remarkable" river values is based on professional judgement on the part of the planning team. This is a reason that is not in terms of regulation values. The draft plan is unclear whether determination of ORV's is being made only for the federal river corridor or applied within the area. Joint river planning area.

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

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

In the federal planning process the determination that a river area contains "outstandingly remarkable" river values is based on professional judgement on the part of the planning team. This is a reason that is not in terms of regulation values. The draft plan is unclear whether determination of ORV's is being made only for the federal river corridor or applied within the area. Joint river planning area.

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

The Department of Forestry generally agrees with the emphasis of the fire management program (page 105) in protection and suppression of wild fire and other undesirable changes to forest property. More specifically, we support coordination of prescribed fire with fire protection agency programs and with adjacent landowners.

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

However, consistent with this support, the FFPO encourages "cost effective federal fire management policies that emphasize planned grazing fire use with fire protection agency programs and to avoid additional impacts to the State of Oregon's forest fire protection program."

To the extent possible, the Department of Forestry, through its role in control of wildfire as the appropriate suppression response to minimize risks to bordering lands, particularly lands protected by the Department of Forestry.

Private Lands

The EIS seems to overlook the issue of private lands in the Lower Deschutes. Relationships with individuals and groups (page 23) are not explored to comprehend the private land situation within the boundaries of the planning areas comprising almost 25 percent of the surface ownership. This average overlaps the imbalance in the upper segments where 70 percent of the upper 57
miles is private and 40 percent of the next 12 miles are private. 

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

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

We appreciate the opportunity to provide comments to this phase of the planning process and hope our comments will be of use in determining the boundaries for this river. If you have any questions regarding our responses, please contact Ray Miller, 378-2644, in our Resources Planning Section.

Sincerely,

Ann Hanus
Assistant State Forester
Resource Policy Division

cc: Fred Graf, Area Director
Executive Staff

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

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

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

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

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

Response to Oregon Department of Forestry

11-1 Corridor Boundaries:

The boundary for the State Scenic Waterway is established by State law as a uniform 1/4 mile from the bank on each side of the river. The preliminary National Wild and Scenic River boundary was established in accordance with Federal law as a variable boundary not to exceed an average of 220 acres per river mile. In delineating the preliminary Wild and Scenic River boundary, efforts were made to work with all involved landowners and interested individuals and groups, including the use of detailed maps which are available for review in the Prineville District Office. A paramount consideration in preliminary boundary delineation was some form of on-the-ground identification, either physical features (canyon rims, roads, etc.) or legally identifiable lines (survey and property lines) which provide the basis for protecting the river's outstandingly remarkable values. It is also important to note that any delineated wild and scenic river management area boundary is subject to change over time if changing resource conditions or values warrant change. In addition, any project outside a designated boundary must consider potential adverse effects on nearby or downstream Wild and Scenic River areas.

11-2 Dual Federal State River Planning Process:

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

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

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

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

Page 5
August 28, 1991

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

Dear Mr. Greenleaf:

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

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

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

Sincerely,

Carl Hosticka
State Representative

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August 19, 1991

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

SUBJ: Allocation System

Dear Policy Group Members:

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

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

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

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

Sincerely,

Joyce Cohen
State Senator
District 13
Sherman County has some concerns about the development and implementation of the uses and controls on the Deschutes River. Along with controls comes responsibilities and added expenses. With the strain on funding for services already in the counties, there will need to be additional revenues from the agencies to cover those expenses incurred. There needs to be cooperation in this matter by all parties.

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

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

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

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

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

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

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

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

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

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

WATER USE CONTROL
The spread of non-use needs to be a problem where people and vehicles travel. The area along the roads and river should be periodically monitored by the local use districts and funded by the governing agencies. There needs to be more direct attention to this issue.

SUMMARY
We have attempted to address the issues concerning Sherman County. We did not take to task the alternatives that were presented in the plan, believing our comments on the issues would fall in line or add to them. The fewer controls there are, the smaller the problem of administering the program. We believe that there is a need for some controls on the use of the river or someday what you go there to see won't be there. People who use the river, either visiting or making their livelihood from it, should give something back to it. Don't just be takers.

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

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

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

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

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

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

ACCESS - ROADS, TRAILS AND LAUNCH SITES
There is a dichotomy here because the better the access the more people will use the river, which does not alleviate the problem. Improve existing
August 8, 1991

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

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

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

Again, thank you for the opportunity to comment.

Sincerely,

DECHUTES COUNTY BOARD OF COMMISSIONERS

Tom Throop, Commissioner

TT/Elb

Enclosure

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

Dear Ms. Greenleaf:

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

I lived near the Rogue River the first 16 years of my life. A recreational plan was adopted for the Rogue many years ago that emphasized commercial activity at the expense of private use. Consequently, I have concerns about the proposed allocation system for the Deschutes. The draft plan should be amended to allow more use by private boaters and the general public. There should be a place for commercial guides on the river but not to the extent that it forecloses private use. Again, please consider amending the plan to strike an acceptable balance between private and commercial use.

I appreciate the opportunity to comment.

Sincerely,

RICHARD STACH
Linn County Commissioner

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

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

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

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

Study and further revision should include consideration of the following:

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

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

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

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

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

October 3, 1991

Page Two
Dear Sirs:

I began rafting the Deschutes River from Warm Springs to Maupin in 1969 and did so annually, sometimes multiple trips, until 1994. After a 6-year hiatus, I rafted the river again in 1999 and ’01 from Warm Springs to the junction just above Maupin, almost all of Segment 1 and 2. Because of the hiatus, I have a good view of before and after the introduction of the permit system, and I wish to relate my observations to you.

On my first trip in 1969, we did not see any other rafters (we saw fishermen both in drift boats and on the bank). One of my most vivid memories was seeing a fisherman standing on the bank with bottles and cans strewn everywhere. Bottle and can litter was also present on the Reservation side at the popular gathering places of Warm Springs residents. This was before the Bottler Bill, but we did see trees deeply scarred with people’s initials; I saw remnants of trees cut down for firewood; I even saw burned trees, and with the plantings we saw at each camp site we visited, there will be more and more in the future. This is the face of the additional use that has occurred in my absence from the river.

In the 10 years between that first trip and my trip in 1984, I saw the enormous increase in use of the river and the degradation of the flora. I saw trees deeply scarred with people’s initials; I saw remnants of trees cut down for firewood; I saw concrete fireplaces built (later removed by the BLM); and I saw campsites turned into dust bowls by multiple impacts. It was very depressing for me to witness this degradation, so I did not want to float the river again to see our beautiful Deschutes damaged even more.

On my trip in 1984, I did not see any other rafters (we being approximately 30 people on four inner tube rafts), but we did see fishermen both in drift boats and on the bank. Of my most vivid memories was seeing a fisherman standing on the bank with bottles and cans strewn everywhere. Bottle and can litter was also present on the Reservation side at the popular gathering places of Warm Springs residents. This was before the Bottler Bill, but we saw trees deeply scarred with people’s initials, and with the plantings we saw at each camp site we visited, there will be more and more in the future. This is the face of the additional use that has occurred in my absence from the river.

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

My reaction is that the public on the whole is respectful of the land and wants to improve it, and with a little direction and enforcement the river blossoms and can be used by many. Also, fishermen’s boats are flooded with waves, and I am sure the banks will be damaged eventually.

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

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

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

Sincerely,

[Dictated, but not read]

J.E. Bud Clark

Mayor

Deschutes River Management Plan Policy Group

September 27, 1991

Page 3

20

The language in the plan which relates to noxious weed control, pages (96 and 105) is generally acceptable. We would like it to be noted that in addition to the weeds described in the plan a number of others, including ashland weed, Scotch thistle and white-cup are all a serious concern to the weed district.

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

It is the view of the Sherman County Weed District, that all public and private entities be aggressive and persistent in controlling noxious weed in accordance with the policy and regulations of the applicable district. Further, the management agency must have the additional funding that these measures will entail to continue the implementation of the plan.

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

Respectfully submitted,

Bob King

Sherman County Weed Board

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

17-1 See revised Emergency Services section.
17-2 See revised Fish Habitat/Water Quality and Quantity section.
17-3 See specific Agency Implementation and Jurisdiction Responsibilities section.
17-4 See Appendix B.
17-5 The BLM, State Parks and City of Maupin will jointly analyze options related to garbage collection.
17-6 The history and heritage related to settlement along the Deschutes River is recognized as an integral part of the cultural values present.
17-7 Agreement by Deschutes River Policy Group regarding use levels resolves these concerns.

Response to Sherman County Weed Control District

20-1 See revised Noxious Weed section.
I. INTRODUCTION

The Anglers' Club of Portland is a conservation and social organization composed of 50 members (all of whom are fishing specialty businesses). The Anglers' Club is well known for its conservation efforts which result in the donation of many man hours per year to habitat protection and development efforts, and the monitoring of threats to fish habitat.

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

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

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

II. SOCIAL ISSUES

1. USE LEVELS

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

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

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

a) Launch and landing area site protection (method not specific for accomplishing that goal)
b) Designate separate motorized and non-motorized boat areas at launch and landing sites
c) Redesign launch and landing sites for more efficiency.
d) Expand weekend personnel for educational purposes.

This system would be monitored and when "limits of acceptable use" have been exceeded a user allocation system would be implemented. The total season limit would be 150,000 user days and this represents an increase of nearly 22,000 user days or 16%. We are to believe that the passive management system described above will solve the overcrowding problem and accommodate an additional 22,000 user days. This is not a realistic approach to overcrowding and is in direct conflict with the Policy Group's statement on page 339 that "crowding is a significant problem in Section 2, to those river users who have historically avoided this stretch of river due to its atmosphere..." In addition, that section of river contains the town of Maupin and is adjacent to a paved road. It would also be unfair to those river users who have historically avoided this stretch of river due to its atmosphere to have to pay the price of accommodation by having the other sections of river act as overflow sections again.

The Anglers' Club of Portland believes that now is the time to address the issue of overcrowding on the Deschutes in an appropriate fashion. Public funds have been utilized to bring the Deschutes to its present state and to date the public has not been informed of the current state of the Deschutes River, the location of public and private habitat, and the potential use of the Deschutes River. Public hearings in three years only evades the issue of dealing with the problems currently documented.

The Anglers' Club of Portland believes that now is the time to address the issue of overcrowding on the Deschutes in an appropriate fashion. Public funds have been utilized to bring the Deschutes to its present state and to date the public has not been informed of the current state of the Deschutes River, the location of public and private habitat, and the potential use of the Deschutes River. Public hearings in three years only evades the issue of dealing with the problems currently documented.

2. USE ALLOCATION

Use allocation should be accomplished by that allocation which provides for the present use (as defined) and will accommodate an increased use onto habitat that is far more susceptible to damage from increased use. The present conditions of Sections 1, 3, and 4 are as follows:

a) Remove some types of use from some areas, i.e. off-highway vehicles, motor boats (the proposed limitation on power boat use does nothing to protect the undeveloped sites and seven nights in developed sites (the present rules are not enforced and no enforcement plan is made).)

b) Designate separate motorized and non-motorized boat areas at launch and landing sites
c) Redesign launch and landing sites for more efficiency.
d) Expand weekend personnel for educational purposes.

e) Design a voluntary system for staggering river starts.

The Policy Group's statement that overall levels of use should be maintained at about the current level. This statement can only be interpreted as meaning the Policy Group recognizes problems of overcrowding but is unwilling or unable to address this problem.

The Anglers' Club of Portland believes that many areas of the Deschutes are over used in certain months of the year. We concur with the 1987 Oregon State University study (the Shably Report) that concluded that the Deschutes was overcrowded in 1987. We suggest that Sections 1, 3, and 4 be regulated at a minimum not exceed 1988 levels of use. The notable exception to this recommendation is in Section 2. Studies indicate that users of this section (section 4) are greatly outnumbered by those river users who have historically avoided this stretch of river due to its atmosphere. In addition, section of river contains the town of Maupin and is adjacent to a paved road. It would also be unfair to those river users who have historically avoided this stretch of river due to its atmosphere...
It is suggested by the language of paragraph 3 on page 193 that commercial outfitters would be allowed to sell their permits. This violates the criteria established on page 54 for evaluating allocation methods. The plan should not create a private property value out of a public resource. Allowing outfitters to sell their permits does just this. There is no valid justification for this profiteering at the public’s expense. All permits should revert back to the managing agency and reallocation should be made by that agency using either a lottery system or waiting list.

3. POWER BOATS

No other issue has been as controversial as the power boat issue. As it is currently allocated, 41% of the river is reserved for power boats. These boats present multiple conflicts with other users and even among the power boat users. It is unlikely that any development plan will ever please everyone, but the development which results must be justifiable and will need to be supported by data. Power boats are primarily used by those who live in fishing towns and vacation areas along the river. Thus, the economic impact of power boats is consistently presented as negligible, whereas the impact on other user groups is not. We strongly disagree.

21-1

The Policy Group and Executive Review Board capitulated on this statement (that all users should be treated equitably) and a justification is given on page 392. The argument is that the commercial outfitters play a significant role in attracting tourists to Central Oregon, and thus are an important component of local economies. This is not a new argument, since the same one was put forth on a level playing field and not displacing public users in favor of increasing commercial use. We disagree. 11

The Policy Group’s justification also grossly underestimates the economic impact made by private river users. It should be noted that private river users comprise 80% of the number of river users. In addition, many of the commercial outfitters do not live in the area, and their presence is a façade to be an economic impact. It is thus the position of the Anglers’ Club of Portland that the economic impact of a common pool allocation system as described in the Management Plan is distorted, exaggerated, and unsupported.

The public has overwhelmingly testified that their desire is to have allocations made by the public on public access (the Warm Springs Reservation and Deschutes Club water). RESPONSE: That is part of our

2. Motorized boating is a long-established use of the Deschutes. RESPONSE: This is like saying that a neighbor with a barking dog who has lived in a neighborhood longer has the right to a neighboring motorized use is allowed along much of the river. Additionally, the plan ‘should treat all outfitted and non-outfitted public equitably.” We agree. We also realize that a total ban on power boats is politically

3. Motorized watercraft are an important means of off-season access. RESPONSE: This does not justify continued power boat use during July, August, and September. This plan would provide a motor-free environment on the river during July, August, and September. RESPONSE: This is true, but the primary area of continued power boat use are not held to the same noise standards as automobiles, many of which are held to the same noise standards as automobiles, many

4. Power people on the river during the off-season minimizes the impact of power boat use. RESPONSE: It does not minimize the impact to those other users who are on the river at those times. As a result, we would suggest the following compromise:

Do not place any seasonal or other time related restrictions on power boat use that are difficult for all parties to follow. The only justified power boat use on the Deschutes River is for law enforcement and transportation of members of other user groups in emergency situations.

We also realize that a total ban on power boats is politically

4. INCREASING USER ACCESS THROUGH ROAD AND SITE IMPROVEMENT

One of the overwhelming concerns of both the Policy Group and the public is increased use of the Deschutes. Increasing access will only aggravate this problem. Increased access will only serve to make other sections suffer the same problems presently manifested in Section 4. Increasing access not only needlessly spills revenue for use, but also increases the impact of the noise and the structure of its noise. A small group of boat users is thus more than justified in pursuing this plan.

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

21-2

Deschutes is a “recreational river” rather than a “wild river” (as commonly refers to the definition given in the Wild and Scenic Rivers Act). RESPONSE: We would agree, however, “recreational river” is not a vague or inclusive term. The conflicts created by power boat users, the increased level of river traffic created by power boat use, and the noise impact of the river atmosphere created by power boats are all inconsistent with the values of a recreational river.

7. Motorized vehicle use is allowed along much of the river. RESPONSE: It does not minimize the impact to those other users who are on the river at those times. As a result, we would suggest the following compromise:

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

b. Create a strict boundary on power boat use at Harri Island. Allow power boats unlimited use of all of Section 4 below the Island. The Dalles Dam and Hadras Dam are 5 miles from Harri Island. The Dalles Dam is downstream of Harri Island. A small group of boat users is thus more than justified in pursuing this plan.

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

21-1

When it has existed before. RESPONSE: That in part of our objection, please see the preceding discussions.

The only justified power boat use on the Deschutes River is for law enforcement and transportation of members of other user groups in emergency situations.

We also realize that a total ban on power boats is politically

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Site hardening and improvement should only take place where such development will protect natural habitat.
The Anglers' Club of Portland in general concurs with current plans for habitat protection and restoration made of the status of the Deschutes River Canyon. We greatly appreciate the level of study and concern demonstrated for the Deschutes and its environs in the Management Plan. The exception is the lack of a wild fish management plan and the reliance on the study by Peter Kingman, et al, to evaluate riparian soil conditions.

No steelhead management plan is presented or described in the Lower Deschutes River Management Plan and Environmental Impact Statement. This is an egregious oversight. It is well known and recognized that the wild steelhead population is in jeopardy. As long ago as 1977 the steelhead fishing season had to be closed on an emergent basis because of the rapid decline in the number of steelhead caught and passing over Sherars Falls.

5. RIVER SECTION BOUNDARIES
River Section 1 is the longest of the four designated river sections under the Management Plan. The other sections are 15 to 21 miles long. Section 1 is 41 miles in length. Within that 41 miles are two distinctly different areas of river use. The first is the Warm Springs to South Junction reach. This area is primarily utilized by the fishing public. It lacks any significant white water and is thus not a preferred section of river for white water enthusiasts. The second (Sherars Falls to South Junction) is located approximately 2 miles below Pelton Dam. In that part of the Plan designated "Section V, Affected Environment," the difference in trout populations is demonstrates (page 213). Not surprisingly, trout are the most prevalent in the large stonelfish (Pteronarcyca californica) that are so prevalent in Sections 1 and 2. We are also aware of the difference in trout populations in Sections 1 and 4. It is well known that these stonelfish make up a large portion of the trout populations in these areas as the table on page 13 fails to list many areas of serious bank erosion on the Deschutes within their study area.

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Fish and Wildlife (OPFW) indicate that this data is from 1987. Data from the 1990 steelhead run show an escapement of 4842 hatchery steelhead and 3693 wild steelhead. The total catch and harvest for 1990 was 11,402 steelhead. Thus in three years time the total steelhead escapement has declined by roughly 50%, and harassment has declined by more than 75%. The stonelfish (Pteronarcyca californica) that are so prevalent in Sections 1 and 2 are nearly non-existent in Sections 3 and 4. It is well known that these stonelfish make up a large portion of the trout populations at various times of the year (thus the popularity of the annual stonelfish hatch with anglers). On the other hand, certain mayflies important to the trout diet are more prolific. Recreational fishing is haphazard in Section 1 between Warm Springs and South Junction. There is significantly less trout fishing pressure in Section 4 than in other sections.

II. BIOLOGICAL AND HABITAT ISSUES
1. GENERAL STATEMENT

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

2. WILD TROUT

The goal for wild trout under the Management Plan, as stated on page 26, would be to maintain wild trout at a total population of 1,500 to 2,500 fish per mile larger than eight inches in the Metolius Creek area. Neither the Plan, nor the Preferred Alternative, provide for monitoring or management of wild trout beyond these parameters.

It is hard to believe that monitoring of the Metolius Creek area along the Metolius Creek is located approximately 2 miles below Pelton Dam. In that part of the Plan designated "Section V, Affected Environment," the difference in trout populations is demonstrated (page 213). Not surprisingly, trout are most prevalent in the large stonelfish (Pteronarcyca californica) that are so prevalent in Sections 1 and 2. We are also aware of the difference in trout populations in Sections 1 and 4. It is well known that these stonelfish make up a large portion of the trout populations in these areas as the table on page 13 fails to list many areas of serious bank erosion on the Deschutes within their study area.

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

All future use of hatchery facilities on the Deschutes River should be preceded by in-depth environmental impact studies that would detail the effect that hatchery intervention would have on wild resident steelhead populations. All further efforts to carry a fishing lure out into the river) so that even novice fishing guides and they transport as many fisherman as possible to the river. We heartily support the continued use of this slot limit.

No wild steelhead management plan is presented or described in the Lower Deschutes River Management Plan and Environmental Impact Statement. This is an egregious oversight. It is well known and recognized that the wild steelhead population is in jeopardy. As long ago as 1977 the steelhead fishing season had to be closed on an emergent basis because of the rapid decline in the number of steelhead caught and passing over Sherars Falls.

4. OTHER ANADROMOUS FISH

There was less data available to the Anglers' Club on spring and fall chinook runs. However, our concerns about these runs are the same. Large numbers of dead wild steelhead are found washed ashore from 11 Investigation of Hotorboat-Induced Streambank Erosion of the Lower Deschutes River (Kingman, et al) for data and conclusions about the nature of river bank erosion and it's effects on riparian habitat. This report was completed in 1980 and reviews the causes of the decline in the steelhead populations and to efforts to mitigate this crisis with non-hatchery intervention. These funds should be transferred to the OPFW with specific provisio
The use and effects of motorboats on the lower Deschutes River is a controversial subject with conclusions on a limited resource survey and remote sensing techniques. More study on this lower Deschutes River was conducted by a reputable professional hydrologist, who based his 21-6 Riparian habitat destruction due to bank erosion:

of the annual nms in recent years.

Steelhead of 1992, includes specific provisions for managing the steelhead population.

The Oregon Department of Fish and Wildlife is developing a comprehensive fish management plan for the lower Deschutes River and tributaries. This plan, expected to be adopted by the end 21-4 Wild Trout:
The Oregon Department of Fish and Wildlife is developing a comprehensive Fish Management Plan for the lower Deschutes River and tributaries. This plan, expected to be adopted by the end of 1992, includes specific provisions for increased trout population monitoring beyond the Nema Creek area in an attempt to gather more representative population data. The ODFW draft plan proposes to monitor trout populations in the Trout Creek and Jones Canyon area. The management plan contains important provisions aimed at restoring degraded instream and riparian habitat along the river. Aquatic and riparian habitat protection and enhancement will be important for the maintenance of resident and anadromous fish populations.

21-5 Wild Steelhead:
The Oregon Department of Fish and Wildlife is developing a comprehensive fish management plan for the lower Deschutes River and tributaries. This plan, expected to be adopted by the end of 1992, includes specific provisions for managing the steelhead population.

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

21-6 Riparian habitat destruction due to bank erosion:
The use and effects of motorboats on the lower Deschutes River is a controversial subject with many diverse opinions. The "Investigation of Motorboat-Induced Streambank Erosion of the Lower Deschutes River" was conducted by a reputable professional hydrologist, who based his conclusions on a limited resource survey and remote sensing techniques. More study on this issue is proposed in the Final Plan.
Dear Ms. Greenleaf:

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

I. Limited Entry

The Association strongly opposes the implementation of a limited entry system on the Deschutes River at this time. The data relied upon in the DRMP to support the proposed limited entry system is likely to be inaccurate. The most important, your current user conflicts on the Deschutes River are limited in scope and duration. The two areas of user conflicts take place in Segment 4 (Macks Canyon to the mouth) and in part Segment 2 (Dutchman Flat to Shears Falls). These comments are divided by issue for your consideration.

A. Segment 2

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

B. Segment 4

The conflicts in Segment 4 are the result of fishing pressure, but they arise during a limited number of days and are subject to resolution by means more easily attained than those conflicts in Segment 2. The primary conflicts occur between boating and non-boating fishers, and between guides and private fishermen. The conflicts occur primarily between July 15 and September 15. This limited conflict is no reason to apply a limited entry system now or a reason to ban power boats. See Section IV.

II. Access

The Association strongly opposes the development of better roads and hardened campsites on the Deschutes River. The improvement of roads and campsites along the Deschutes will only lead to more users and eventually and more quickly to a definite need for limited entry systems. These improvements will attract other many who do not currently use the Deschutes. The modern improvements will attract other many who do not currently use the Deschutes. These modern improvements will attract other many who do not currently use the Deschutes. These modern improvements will attract other many who do not currently use the Deschutes. These modern improvements will attract other many who do not currently use the Deschutes.

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

III. User Fees

The Association supports higher user fees for all types of users. It is our understanding from limited legal review that both Oregon State Parks and the BLM have the legal authority to charge a user fee. If this is the case, a comprehensive fee system should immediately be implemented. Boaters should pay higher fees, with power boaters paying the highest fees. These fees should also pay more than the current rates. Bank anglers, hikers, bikers and any user bringing a vehicle into the Deschutes River area to recreate should also pay a user fee. This fee could either be a daily fee. A daily fee, in my opinion, is a more easily administered fee. The fees raised by this program could help pay for enforcement and construction of outhouses. In no event should user fees be used to make "improvements" to campgrounds or roads.

IV. Power Boats

The Association would support a power boat ban on Segment 2 only during the peak season from July 15 through Labor Day. At other times of the year, the use levels are not high enough to warrant a total ban. No restrictions on power boats on Segment 3 should be implemented because the levels of use are not high enough to warrant the action. Power boats should not be restricted on Segment 3. Boats on Segment 3 should be limited to two if there continue to be conflicts between commercial and private users.

V. Environmental Protection and Conditions

The lower two miles of the river, from the bottom of Moody Rapids to the top of Rattlesnake Rapid should be for walk-in angling only between May 15 and September 15. The DRMP promotes a costly and heavy-handed solution for problems that may be environmental and symptoms of other social problems which may defy a bureaucratic fix. Effective and accurate data-gathering should be implemented together with more ambitious environmental objectives to help effect these changes. Before before adopting hard and fast limitations on use and access.

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

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

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

22-1

A. Segment 2

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

22-2

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

22-3

The Association supports higher user fees for all types of users. It is our understanding from limited legal review that both Oregon State Parks and the BLM have the legal authority to charge a user fee. If this is the case, a comprehensive fee system should immediately be implemented. Boaters should pay higher fees, with power boaters paying the highest fees. These fees should also pay more than the current rates. Bank anglers, hikers, bikers and any user bringing a vehicle into the Deschutes River area to recreate should also pay a user fee. This fee could either be a daily fee. A daily fee, in my opinion, is a more easily administered fee. The fees raised by this program could help pay for enforcement and construction of outhouses. In no event should user fees be used to make "improvements" to campgrounds or roads.

22-4

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

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

The lower two miles of the river, from the bottom of Moody Rapids to the top of Rattlesnake Rapid should be for walk-in angling only between May 15 and September 15. The DRMP promotes a costly and heavy-handed solution for problems that may be environmental and symptoms of other social problems which may defy a bureaucratic fix. Effective and accurate data-gathering should be implemented together with more ambitious environmental objectives to help effect these changes. Before before adopting hard and fast limitations on use and access.

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

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

Possible solutions could include the following:

1. limit party size by total number of people and by number of boats
2. limit total number of trips for each day of the weekend
3. limit total number of trips per party per day
4. close and sign damaged camping areas
5. raise the camping fee and charge for camping at Oak Springs

c. require outfitters and guides to hold a brief educational talk before going on the river. This could be in a lecture hall or outdoor amphitheater in Milwaukie or at Dutchman Flat where the Bureau of Land Management and the outfitters could cooperatively present an informal reorientation to river ethics. This would enable river users to be educated and give officials an opportunity to enforce the boater pass fees.

d. any limited entry plan should be administered on the 100% common pool system.

The conflicts in Segment 4 are the result of fishing pressure, but they arise during a limited number of days and are subject to resolution by means more easily attained than those conflicts in Segment 2. The primary conflicts occur between boating and non-boating fishers, and between guides and private fishermen.
water were not so blue, the vegetation and wildlife not so diverse, the views so spectacular, the flows not so strong and the fish not so skinny and wild? These are what the Deschutes River is all about. The Northwest Steelheaders believe that if baseline environmental conditions are measured, and standards for continued habitat protection are established, the user and access issues must and will fall into place.

A. Railway Operations

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

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

B. Pelton Dam

The Pelton Dam license will expire in 2001. State agencies should consider their options for the relicensing process now. The ability to control releases to scour and clean spawning gravel is of utmost concern. The natural function of high spring flows is missing from the lower Deschutes ecosystem, and the mechanical flows that are occurring is detrimental to the entire lower river. If it were not for the development of the Deschutes and their respective fisheries, removing the dam and restoring what was once a fish-liminating fishway would be the most preferable option. However, given the fisheries there now, passage options over Pelton being considered have serious implications for the wild fish populations in the river below Pelton. The question that most stakeholders would ask is, "Surely the dams have an incidental take permit, right? If so, why are we still losing fish?"

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

C. Riparian Management

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

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

The essence in the DRMP appears to be on excising grazing livestock from riparian areas during the summer months or at least particular riparian areas have been restored to acceptable levels. Experience tells us that leveling out livestock enables pastures and riparian areas to recover fairly quickly, and that most often, there is more forage for livestock and more habitat for fish and wildlife if getting and keeping the livestock off. The Northwest Steelheaders support intensive efforts to restore riparian areas, but we also wish to suggest a program that would allow successional native plants to recapture the areas as the livestock are fenced out for long periods. The time period required on a given river could be hastened and the time of exclosure should be lengthened.

Limited entry into riparian areas could occur for stock watering where there are no unaided watering options. The DRMP readily acknowledge that private landowners may have to provide water in areas of general ocean conditions. (rivers) could be attributed to varying degrees of spawning habitat, juvenile mortality due to unscreened diversions, loss of riparian protection and hooking mortality for smolt.

Competition between hatchery steelhead and wild steelhead may also be a limiting factor for wild Deschutes steelhead. The Knowledgeable Program (KSP) must be certain that its Steelhead Management Plan is being properly implemented and monitored. What if the knowledge of KSP is lacking? There may be serious questions to ask about the hatchery steelhead program’s reality and how effective it is. Why has monitoring over Pelton not solved the problem. Generally, the trout population seems to be holding its own, though the measuring stick for wild trout on the Deschutes at this time may not be within the jurisdiction of the federal government. The BLM also needs to take an active role in protecting the Deschutes. The BLM wildlife program should be developed in these areas.

VI. Legal Issues

A. NEPA

The DRMP was developed concurrently under similar state and federal laws. The Federal Wild and Scenic Rivers Act, takes supremacy over Oregon’s Bovino Watershed Act. If there are conflicting provisions or jurisdiction, the involvement of the federal government in the DRMP also triggers NEPA. The BLM requires that even a federal entity is going to take an action that significantly affects the environment, it must conduct an environmental assessment (EA) or an environmental impact statement (EIS). In this case, the active federal agency, the BLM, chose to prepare an EIS.

Preparation of this EIS must comply with existing federal regulations designed to protect wild, free-ranging salmonids, as well as with the BLM’s own NEPA regulations and guidelines. The Northwest Steelheaders find that the DRMP-EIS fails to comply with NEPA in several critical respects.

First, the cumulative impacts analysis is either lacking or non-existent. 40 C.F.R. § 1508.4(a) requires a cumulative impact assessment for projects that would impact an area with significant ecological effects. 40 C.F.R. § 1508.4(a). The DRMP also fails to consider the alteration of the lead agency. 40 C.F.R. § 1508.4(d). The DRMP also

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

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Flows in the Deschutes River must be met first, and any diversion on the Deschutes must be equipped with a pass screen. This is required by Oregon law. The DRMP also does not take a firm stand on private riparian areas. There are several alternatives, such as public ownership, riparian easements, or riparian use permits. Experience tells us that the efficiency of dam operations can be improved if dam operators are required to monitor these questions. The DRHP does not adequately address this issue.

The emphasis in the DRMP appears to be on excising grazing livestock from riparian areas during the summer months or at least particular riparian areas have been restored to acceptable levels. Experience tells us that leveling out livestock enables pastures and riparian areas to recover fairly quickly, and that most often, there is more forage for livestock and more habitat for fish and wildlife if getting and keeping the livestock off. The Northwest Steelheaders support intensive efforts to restore riparian areas, but we also wish to suggest a program that would allow successional native plants to recapture the areas as the livestock are fenced out for long periods. The time period required on a given river could be hastened and the time of exclosure should be lengthened.

Limited entry into riparian areas could occur for stock watering where there are no unaided watering options. The DRMP readily acknowledge that private landowners may have to provide water in areas of general ocean conditions. These unaided watering holes cannot escape scrutiny either. If unaided, unaided watering, if no spring is involved, would require a water right application.
22-1 Alternative methods to control crowding were adopted in the Final Plan in an attempt to avoid a limited entry system.

22-2 See Response 21-2.

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

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

22-5 See Emergency Services section.

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

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

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

22-9 See response to Anglers Club of Portland.

22-10 Although the cloud portions of the CBQ regulations require cumulative impact analysis there is not requirement to format EISs to separate direct, indirect or cumulative Impacts. The EIS planning team preferred and used an impact assessment format which combined forms or sequential impacts for easier convenience and as improved understanding by decisionmakers. The various text and tables in Chapter VI of the DEIS do summarize all forms of impacts from all potential sources. For example, Table 32, page 190, includes impacts to fish and wildlife from livestock, roads, campsites, etc., including "Overall" which was intended to equal "cumulative" impacts.

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

22-12 We agree that the DEIS "Purpose and Need" section is brief, but the essence of the EIS process is the resolution of issues as identified through the EIS scoping process (40 CFR 1501.1(d)). The major issues for the Deschutes Plan were displayed for public review and comment in the thick January 1990 mailers as well as DEIS Chapter II, beginning on page 27.

VI. Conclusions

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

Sincerely,

David A. Moskowitz
Executive Director
Gentlemen:

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

First, we recognize that at the present level of exploration, the mineral resource potential appears to be fairly limited within the area of concern and that the amount of land that will actually be closed to mineral entry is relatively small (page 125). Second, we heartily endorse the continued use of existing utility and transportation corridors for new right-of-ways (ROW) (page 106). This represents a reasonable trade-off between no new ROWs and the possible proliferation of new corridors. Third, the proposed no surface occupancy provision for leasable minerals and energy development (page 125) is very problematic, though less of a concern than closing the area to leasing all together. We suggest explaining how such a issue could be developed in a number of ways, for the benefit of both the general public and mineral industry (i.e., angle drilling from an off-shore location, placement of well heads in underground vaults, proper site reclamation, etc.).

Fourth, the discussion of collectable minerals and fossils (page 142) is welcome, but should briefly describe some of the legal limitations placed on such activities to complete the picture. Fifth, the assumption that any quantitative improvement in air quality can be achieved by removing livestock from riparian areas (page 167) is challenging and this reference should be deleted in the final EIS. The only documented benefits that we are aware of from cooling due to improved riparian habitat pertain to stream temperature and its relationship to coldwater fisheries. If there are any reports containing statistically valid data available to support the contention that there is a significant correlation between grazing and ambient air temperature except in a highly localized micro-climate, we would very much like the opportunity to review them.

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

Sincerely,

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

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Response to Northwest Mining Association

23-1 No Surface Occupancy Leases:

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

23-2 Collectable Minerals and Fossils:

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

(A) Grazing

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

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

The National Wild and Scenic Rivers Act and its Oregon equivalent the Scenic Waterways Act demand that the administrators of these designated areas shall place primary emphasis on "protecting its esthetic, scenic, historic, archaeological, and scientific features." USC 16 § 1281(a), ORS 196.355(1). The Preferred Alternative does not follow these standards because it greatly overemphasizes the benefits of grazing. The loss of grazing in riparian areas would only result in three lessees of public land losing 300 AMU's of forage. The Preferred Alternative finds these impacts outweigh all of the beneficial results of Alternative No. 4. The costs of fencing and the development of upland springs are significant, however these

(B) Revegetation

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

(C) Recreational Use

Camping in sensitive wildlife habitat should be prohibited, and the restrictions of Alternative No. 4 (pg. 53) should be integrated into the Preferred Alternative. Also, Alternative No. 3's (pg. 70) firm stand on rehabilitating riparian and wildlife areas, including

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

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

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

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

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

Alternative No. 4's approach to foot access should also be integrated. Trails parallel to the river already exist. If these do not prove sufficient, then only naturally appearing point access trails would be provided with consideration to the riparian areas. The Preferred Alternative's approach to constructing new trails is a waste of both resources and the limited amount of riparian area.
Also, this alternative contains a provision designating mountain bike trails. It there actually proves a demand for these, they must be provided for well away from the sensitive habitat.

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

(ii) Requiring A Permit Fee For Recreational Use.

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

The pass would also be a convenient vehicle for increasing user knowledge. The education methods common to all Alternatives (pg.103) shows the River Management Committee's (RMC) commendable commitment to informing users of the riparian ecosystem's importance. In addition, recreational boaters should be informed of good land and water use practices that help prevent erosion of the river bank. If brochures were distributed with the user passes in some packet form, a more economic, efficient, and arguably effective way of informing the public would be achieved. The literature is more likely to be read after purchasing a pass than when walking past a brochure box, eagerly awaiting the wetting of a fishing line.

(iii) Management Practices Not Addressed In The DEIS.

(A) Water Quality Standards.

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

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

(B) Fishing Quality.

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

(C) Disaster Management.

According to the DEIS, the "managing agencies will coordinate with the railroad in development of an emergency plan for responding to the potential chemical or other hazardous material spills in the canyon." pg. 103. However, are the local counties and regional federal land managers prepared if such a disaster occurs? Will there be any extra steps for prevention or has any money been allocated for acquiring equipment ahead of time to reduce damages once they occur? Do local communities currently have the equipment and training to handle a toxic transport disaster? If not, then rail users should be asked to provide the necessary equipment and training. The Deschutes River deserves the best prevention plan possible. One that merely delegates responsibility after the fact is unacceptable. This emergency plan must be adequately discussed in the final management plan.

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

Sincerely,

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

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

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

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

24-5 Water Quality Standards:

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

24-6 Fishing Quality:

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

24-7 Disaster Management:

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

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

First, the preferred alternative will eliminate or greatly curtail existing and grandfathered recreational uses in violation of the Wild and Scenic Rivers Act of 1968 and the amendment to that statute contained in the Omnibus Oregon Wild and Scenic Rivers Act of 1988. Accordingly, this prohibition is not an erosion factor on the river.

Second, the proposed restrictions on boater use and the massive reallocation of that use from weekends to weekdays are unsupported and will not be allowed to continue. Each of these fundamental legal objections to the Draft Plan is discussed more fully below.

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

The BLM Cannot Arbitrarily Reduce Levels of Allowable Use from Weekends to Weekdays Without a Supporting Study.

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

Where the effect of these new restrictions would be to substantially reduce public access and put most of the existing public outfitters out of business, the government cannot proceed on chis course without running afoul of the prohibition in the Administrative Procedures Act against arbitrary and capricious decision-making. The Ninth Circuit and other federal courts have repeatedly held that an agency’s action is arbitrary and capricious where it is not supported by substantial evidence. See, e.g., American Tuna Boat Ass’n v. Baldrige, 718 F.2d 403 (D.C. Cir. 1983), cert. denied, 464 U.S. 861 (1983); Deschutes River Coordinator v. BLM, 706 F. Supp. 78 (D. Or. 1988); The National Marine Fisheries Service v. Abegle, 507 F. Supp. 431 (E.D. Cal. 1980). Without a study or factually based justification for the usage levels set out in the preferred alternative, the proposed new restrictions would constitute “arbitrary and capricious” action by the implementing federal agency in violation of the Administrative Procedures Act.

The Preferred Alternative Cannot Abrogate Pre-Existing Rights.

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

The combination of the “subject to existing rights, privileges” language contained in the Wild and Scenic Rivers Act and the clear statement by Senator Hatfield that “grandfathered uses are all grandfathered uses and are allowed to continue to the extent they are currently practiced” demonstrates that the management of the Deschutes River must be tailored to accommodate all of the uses existing in 1988 as they were practiced at that time.

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

DESHUTES RIVER MANAGEMENT PLAN

The BLM cannot arbitrarily reduce levels of allowable use from weekends to weekdays without a supporting study. The preferred alternative eliminates or greatly curtails existing and grandfathered recreational uses in violation of the Wild and Scenic Rivers Act of 1968 and the amendment to that statute contained in the Omnibus Oregon Wild and Scenic Rivers Act of 1988. Second, the proposed restrictions on boater use and the massive reallocation of that use from weekends to weekdays are unsupported and its implementation would constitute "arbitrary and capricious" action by the implementing federal agency in violation of the Administrative Procedures Act.

The Preferred Alternative Cannot Abrogate Pre-Existing Rights.

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

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

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25-1

DESHUTES RIVER MANAGEMENT PLAN

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basis that land and water uses and activities occurring at the date of the Act's passage (October 28, 1988) can continue in manner and degree, assuming those uses and activities were not adversely impacting the outstandingly remarkable values which resulted in the river's designation.

The Wild and Scenic Rivers Act of 1968, Section 3(c)(1) states "For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for each river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the Act." Section 10(a) of the Act states "Each component of the National Wild and Scenic Rivers System shall be administered in such a manner as to protect and enhance the values which caused it to be included in said system without, if possible, any interference with public use and enjoyment of those values. In such administration, primary emphasis shall be given to protecting its aesthetic, scenic, historic, archaeological and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area."

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

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

25-1 The Preferred Alternative Cannot Abrogate Pre-Existing Rights. Special recreation use permits are issued under the general authority of the Secretary of the Interior to regulate use of the public lands and related waters, pursuant to section 302(b) of the Federal Land Policy and Management Act of 1976. Special recreation use permit requirements are set forth in 43 CFR Subpart 8372 which provides in part: "The approval of an application and subsequent issuance of a special recreation permit is discretionary with the authorized officer." (43 CFR 8372.3). Accordingly, BLM has the discretion to reject a special recreation permit application where such application conflicts with BLM objectives, responsibilities, or programs for management of the public lands.

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

17. Exclusion: The Special Recreation Permit (SRP) does not create an exclusive right of use to any area by the permittee. Should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety and the environment, etc.

18. Permit Value: No value shall be assigned to or claimed for the permit, or for the occupancy of use of Federal lands and related waters. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM. In the event of default or any mortgage or other indebtedness, creditors shall not succeed to the permit privileges may be cancelled by the BLM. If the permittee goes into a Section 7 bankruptcy, permit privileges will be automatically cancelled and revert to the BLM.

Since the BLM does not recognize any special recreation permit possessory interest, no abrogation of pre-existing rights affecting Federal lands and related waters is deemed to occur through permit changes or revocation.

25-2 The BLM Cannot Arbitrarily Reduce Levels of Allowable River Use Below 1988 Levels or Reallocate That Use From Weekends to Weekdays Without a Supporting Study. All Omnibus Oregon Wild and Scenic River Act management plans are being prepared on the basis that land and water uses and activities occurring at the date of the Act's passage (October 28, 1988) can continue in manner and degree, assuming these uses and activities were not adversely impacting the outstandingly remarkable values which resulted in the river's designation.

Response to Haglund and Kirtley for Deschutes River Public Outfitters and Oregon Guides and Packers
October 31, 1991

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

Dear River Policy Group:

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

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

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

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

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

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

Sincerely,

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

Response to Oregon Cattlemen's Association

26-1 See revised Law Enforcement and Information Education sections.
Banfield, Food & Drug Administration

October 11, 1991

Mora, Oregon 97040

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

Dear Sir or Madam,

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

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

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

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

Response to Sherman County Cattlemen’s Association

27-1 We agree that vegetative potential varies considerably from site to site. Evaluations conducted on grazing allotments do take this into account and systems are developed on a case-by-case or pasture-by-pasture basis to enhance the resource values. Monitoring studies are currently in place to document results of management changes.

27-2 The limitation to grazing between November 1 and May 1 is restricted to those grazing allotments which contain Deschutes River or associated tributary riparian zones. Allotments and/or pastures not fitting this category may be grazed outside of the above timeframes, providing the grazing is managed to not be detrimental to the resource. Most livestock operators who have a practical understanding of livestock.

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

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

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

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

Sincerely,

John Fields, President
Sherman Co. Cattlemen’s Association

July 16, 1991

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

In Response:

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

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

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

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

Thank you for your consideration.

The Dalles Convention & Visitors Commission

July 11, 1991

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Deschutes River Coordinator  
October 15, 1991

Page 3

On page 95 under Hanagement Common to All Alternatives, Fish Habitat/Water Quantity and Quality, No. 12, it states ... cleaning of silt from spawning gravel beds. Releases will be monitored to determine the effect on spawning beds.

Page 3

If an artificial flood is deemed necessary and prudent, water for such a flood will be released from storage at Pelton/Round Butte Dam. The high flow period is generally from March through June, although certain conditions can result in other periods of high flow. A flood is used to improve the spawning habitat of fish, particularly salmonids, and is an important factor in maintaining river ecosystems.

On page 115, under Resource Values, it states that: “Protection of the stability of the Deschutes River, and not its floods, that make it a winter months.” A graph (Figure 4) showing flow at the Pelton and Hood Reservoirs is included.

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Deschutes River Coordinator  
October 15, 1991

Page 2

2. Regulating the River Flow

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

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

On page 122 of the Fish and Wildlife, Fish Habitat Section, the gravel study (Huntington 1985) was referred to and conclusions listed about changes in quantity and quality of the gravel. Huntington also investigated the affects of the Pelton/Round Butte Dam complex on the magnitude and frequency of high-flow events in the Lower Deschutes River. This information was apparently overlooked. His conclusion: “Despite concern that the PGE hydrocomplex has reduced the peak flows in the Lower Deschutes, maximum daily flows for water years following completion of the PGE hydrocomplex have not been substantially lower than those recorded prior to complex completion. In fact, the average of these peak flows for the post-complex period (MY 1966-1983) is 6760 cfs, over five percent greater than the average of 6820 cfs for the pre-complex period (MY 1925-1963).” The two highest flow events on record at the Pelton USGS gauge since records started in 1925 occurred in 1946 and 1982, after the Pelton/Round Butte Hydroelectric complex was constructed.

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Deschutes River Coordinator  
October 15, 1991

Page 4

5. Changes in Temperature

On page 122, under the Fish Habitat subsection, it states that: “In addition to the alteration of seasonal runoff patterns, we discussed in the water section, water temperatures also have been altered by the presence of these structures. The warmest water temperatures in the lower Deschutes River before and after construction, Average annual minimum temperature (minimum daily flow) for the post-complex period has been 3290 cfs, while that for the pre-complex period was 3460 cfs. This represents less than a five percent change.

Page 4

Deschutes River Coordinator  
October 15, 1991

Page 5

6. Changes in Flow Patterns

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Page 5

Deschutes River Coordinator  
October 15, 1991

Page 5

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

Respectfully,

Jim Wyatt  
Vice President  
Pelton/Round Butte Project

Peggy Bowles  
Project Superintendent  
Pelton/Round Butte Project

PG&E recognizes that there may be losses of gravel below the Pelton/Round Butte Project because gravel is not able to move through our reservoirs as silt. Thus, silt moved from immediately below the Pelton Reregulating Dam is not replaced, and gravel quality can actually be increased. In addition, the lower Deschutes River has often been used for fishing during spring runoff prior to the construction of Pelton and Round Butte Dams. Curbed water discharges were used to trap gravel deposits, resulting in higher water quality for the Lower Deschutes than before the projects were in place. PG&E looks forward to working with management agencies to address the problem of gravel recruitment.

Deschutes River Coordinator  
October 15, 1991

Page 5

6. Changes in Flow Patterns

On page 115, under Resource Values, it states that: “Protection of river water quality and flow is affected by... the lack of adequate established minimum instream flows...” We strongly disagree that the minimum flows we maintain under its current license is adequate. As stated on page 115, under terms of our federal license, we maintain at least 3,500 cfs from March through June, and 3,000 cfs for the rest of the year. Huntington (1995) also looked at minimum flows in the Lower Deschutes River before and after construction. "Average annual minimum flow (minimum daily flow) for the post-complex period has been 3290 cfs, while that for the pre-complex period was 3460 cfs. This represents less than a five percent change.

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Deschutes River Coordinator  
October 15, 1991

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Deschutes River Coordinator  
October 15, 1991

Page 5

5. Changes in Temperature

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Deschutes River Coordinator  
October 15, 1991

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Page 5
Response to Portland General Electric Company

29.1 Regulating the River Flow:

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

29.2 Reduction in the Magnitude and Frequency of High Flow Events:

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

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

29.3 Minimum Instream Flows:

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

29.4 Changes in the Timing of High Flow Events:

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

29.5 Changes in Temperature:

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

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

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

Thanks for the opportunity to comment.

Sincerely yours,

(Dr.) Terrence J. Frest

RECEIVED

June 19, 1981

June 21

OEC 24th Ave, NE
Seattle, WA 98115

(206) 527-0764

The comments' applicability to other alternatives will be noted. I have previously stated that my opinion that current and previous usage levels and management have impacted these species negatively; and that maintenance of current usage levels without additional management; or increased usage of the area, even with ameliorating management, will result in a further decline or extinction of some or all of the Table 1 taxa. Hence, Alternative 2, 3, and 5 should be rejected out of hand; and 2) at least some of the taxa in Table 1 should be proposed for listing (aside from the two that are currently candidates) even if Alternative 4 is adopted.

COMMENTS ON PROPOSED ALTERNATIVES

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

Moreover, all of the alternatives except Alternative 1 envision development of some (numbers from 6-41) of the upland springs for cattle, either as a replacement for riparian access or as a supplement to (eg. pp. 40-41 see also p. 176, Table 20)3/4.4. In many cases, existing camp sites at Trout Creek, South Junction, and Ferry Canyon (e.g. pp. 227, 234, 271), has no indication that mitigation of this sort is not to or is to be considered to the point at which listing is impossible. In any case, I would recommend that all of these taxa listed in Table 1 be proposed as candidates for federal listing now I believe that I have supplied sufficient information in previous sendings to justify this statement, and would be happy to supply additional information if requested.

2) Proposed alternatives 4 comes most close to achieving the goal of zeroes production, and might prevent some of the Table 1 species from declining to the point of extinction or of making listing necessary. However, it appears very unlikely that the alternative will be implemented. Even if it were to be, at least two major problems remain; they are discussed under points 1) and 2) below. As it is most likely that an alternative similar to the draft plan's Preferred Alternative will be selected, most of my comments will be directed at it. Where relevant,

In the accompanying document. As time allows, I may make additional comments. As written, the Preferred Alternative does successfully attempt to address some of the management problems associated with the occurrence of two large, non-interbreeding species of riparian areas near Bend (Table 43, pp. 274-275); for roads, those at Trout Creek; Buckhollow; Maupin-Harper Flat, and Mack Canyon (Table 44, pp. 216-217). I also note that the impacts of "improvements" to roads and campgrounds, and factors affecting spring water quality in the surrounding land (outside the proposed river corridor) is also public land, and common sense as well as any source management/conservation strategy for the animal and plant taxa involved should at least cover the immediately downstream populations. In short, spring and river habitats are not the only matters of concern here, and the Deschutes system includes more than the river itself and a 1/4 mi. corridor, both biologically and hydrologically.

Sincerely yours,

(Deixis)
Response to Deixia Environmental Consultants

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

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

30-3 See revised Emergency Services section.
31-2 The executive summary in the first paragraph also makes reference that the management of the natural resources and recreational resources have been developed and analyzed in accordance with state and federal requirements. However, no mention is made as to which state and/or federal requirements are being addressed.

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

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

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

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

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

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

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

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

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

Sincerely,

LEE ENGINEERING, INC.

F. Duane Lee, P.E.
Gary Kish  20305 NW Reeder Road, Sauvie Island, Oregon 97231-6906

October 11, 1991

Deschutes River Coordinator
Oregon State Parks & Recreation
525 Trade Street SE
Salem, Oregon 97310

RE: Draft Deschutes River Plan

To the planning committee,

After careful study, it is my opinion that the proposed Deschutes River Plan - Preferred Alternative is severely flawed and is not in the public's best interest.

The following are the issues that I deem to be most important:

And the root cause of the erosion is nearly always cattle.

4. The data presented on the cost of fencing the riparian areas is obfuscatory. All that is shown is the "Total" cost and this includes both BLM and Tribal lands. In fact, only about 22 miles of fencing is needed to fully protect the mainstem public lands (BLM). The huge proportion of the fencing cost "Total" comes from the 40-some miles of Tribal-side lands that require fencing. Because the Tribes are not legally bound by this proposed agreement, it is inaccurate and a misrepresentation to include their lands in this manner.

Recommendations

It is absurd to limit and restrict public usage of the Deschutes without first eliminating cattle from the public riparian areas. The public should refuse to pay a user fee as long as cows are allowed to use the Deschutes for $1.96 per month.

1. Cattle must be eliminated from the public land (BLM) riparian areas through exclosure fencing.

2. Tributaries must also be included in an exclosure fencing plan.

3. Private landowners should be encouraged with incentives to restrict riparian grazing on their lands.

GRAZING

I firmly believe that decades of riparian grazing is the chief element for causing this whole river planning process to occur. If the riparian areas were not suffering from the impacts of grazing it is likely that the riverbanks could withstand virtually any level of recreational use without significant degradation. What has brought us all to this management/planning juncture is the fact that the public is demanding recreational use from a severely compromised and damaged riparian zone.

A river guide who comes from a ranching background asserted to me that 1 cow does the damage of over 100 people to the river's banks.

Plan Weaknesses

32-1 The plan does not adequately address the negative effects of riparian zone grazing.

32-2 There is no economic analysis given to explain or support why riparian grazing on BLM land should continue. What revenue is collected from grazing fees on the BLM's Deschutes allotments?

32-3 The plan does not address at all, grazing on Deschutes' tributaries. Tributary grazing severely impacts spawning areas and causes sedimentation of the mainstem. Any discoloration in the Deschutes can always be traced to sedimentation of the tributaries.

COMMERCIAL GUIDES & OUTFITTERS

I am adamantly opposed to giving guides and outfitters preferential treatment including the enactment of any allocation system that creates a private property right, commoditization or marketable asset.

As individuals who reap monetary benefits from the resource, guides and outfitters should be held to the highest standards of conduct. Outfitter activities and operations should have minimal impact upon the resource and other publics. This is not the case now and I will cite two recent instances from recent personal experience to illustrate.

First, large groups organized by outfitters impact the resource in a disproportionate manner. Large groups concentrate boats and people on the river banks. Because they are a "group" they tend not to disperse for privacy as small unrelated groups would but instead congregate for the social aspect. This concentration magnifies the groups impacts leading to trampling and killing of the vegetation and denuding the banks by pulling large numbers of rafts over the banks repeatedly. Furthermore, outfitters tend to use the same...
camps over and over through the season. At times they maintain almost a constant presence on a small area. Again this consistent, focused use amplifies the damage.

A good example of this is in the Mecca Flat area immediately upstream of the parking lot. For various reasons, in the last two seasons rafting outfitters have begun using this spot as a staging area. Reportedly I’ve returned to this spot at the end of the day and been shocked by a sudden transformation. Where there may have been one person camping in the morning a small village of 10 to 20 tents has appeared as an outfitter has brought their clients in. Of course, all down rafts have been pulled ashore damaging the vegetation. Intensive use by outfitters has quickly degraded this prime camping and fishing area. Also, these large groups negatively impact the non-outfitted public by depriving them of camping areas.

This next example illustrates how at least some guides think the river is “theirs” and impact the non-guided public. This July I had hiked upstream from the South Junction campground on the railroad tracks about two miles, gaining access to the river about a mile above the “Green Valley Farm”. As I walked to the river bank I passed a guide who was setting up camp. He asked me where I was going and I pointed to the head of the riffle in front of us. He stated that I shouldn’t go there saying, “we don’t like people fishing in front of our camp when we have clients”. A discussion revealed that his clients weren’t due for about five hours. Still this guide tried to intimidate me from fishing a piece of water that I had walked nearly an hour in the hot sun to reach. I have heard of the guides and outfitters held to these rules. These rules should include:

* Large camps should be made at least 30 feet from the waters edge.
* Boats should be anchored in the river rather than drug over the banks.

3. Hardened large group sites should be developed. Outfitters with large groups would be required to use only these special sites.

4. I fully support the concept of “Freedom of Choice” for river use permits and I am adamantly opposed to any system that sets aside a proportion or quota for commercial interests. The entire Deschutes user public should compete equally for use permits if limited entry is required. Freedom of choice, for river permits, is the only option that treats all users fairly and equitably!

ROADS & IMPROVEMENTS and ACCESS

I am completely opposed to the proposed plan to upgrade the roads with paving, guardrails etc. I encourage the planning committee to look towards the Park Service’s management of Yellowstone Park roads. Improvements are minimal considering the 2.5 million annual visitors. Yellowstone’s roads are generally maintained for slow speeds and guardrails are almost nonexistent.

The plan to upgrade the roads is ill conceived and unneeded. The result would be contrary to most of the plans stated objectives. We do not need more people driving faster on the access roads but this is exactly what proposed road “improvements” would cause.

The plan did not define objectives for acquiring new easements for public access across private lands. A goal should be to create an uninterrupted hiking trail along the East bank from Warm Springs to the confluence with the Columbia. Additional access for bank anglers could lessen the demand for float trips, reduce crowding among bank anglers, and would create an outstanding recreation trail for hikers, backpackers, and perhaps mountain bikers.

Additionally, a grave mistake was made when Section 1 was defined. The reality of river travel was not recognized. Section 1 should have stopped at Trout Creek, in light of the fact that the majority of anglers floating the river there use the Warm Springs to Trout Creek stretch for day trips.

Recommendations

1. Access roads should be maintained according to present service standards and schedules.

2. No new paving should be done in the river corridor.
3. No guardrails should be installed anywhere.

4. Vehicle pullouts should not be mandated or built.

5. Easements should be negotiated with landowners to allow for public passage on the banks.

6. The proposed management plan should have as an objective the creation of an uninterrupted foot along the East bank and a mechanism for funding acquisitions and easements.

7. Recognize, for the purpose of issuing use permits, Section I as Warm Springs - Trout Creek.

POWER BOATS

Without doubt, power boats have been the source of greatest controversy on the Deschutes. I believe that the uproar over power boats was an initiator for this planning process. I feel that without exception never have so few (power boat operators) inconvenienced, harassed, threatened, and generally created ill-feelings among so many.

Recommendations

1. The Deschutes should be managed exclusively for wild trout, salmon and steelhead.

2. To sustain the quality of the fishery catch & release regulations must be maintained on wild trout and steelhead.

3. Action should be taken to halt the decline of the river’s wild steelhead.

4. Emphasis should be placed on acquiring easements to allow angler access through private lands. A funding mechanism should be created to support a program of acquisition and easements.

I hope that the Planning Committee will give these and other comments careful consideration before finalizing such a far-reaching plan as that which has been proposed.

Plan Weaknesses

The proposed plan does not adequately recognize the fact that the non-motorized public is fed up with the presence of the power boats on the Deschutes, the arrogance of their operators and that as well of their lobbyists and promoters such as the Oregon State Marine Board.

Recommendations

1. Power boats should be banned entirely from the Deschutes below Pelton/Round Butte.

FISH & WILDLIFE

Iow would argue that the Deschutes is a real treasure. We must guard this treasure jealously and not allow it to slip through our grasp.
Response to Nick Kaiser

33-1 We agree, the sites shown are on private land. The map has been corrected.

33-2 See revised User Fee section.

33-3 Maps 1 and 2 show the combined State Scenic Waterway and National Wild and Scenic River boundary. This represents the entire planning area covered by this plan. Maps 13 and 14 showed just the National Wild and Scenic River boundary as required by Congress.

33-4 Maps 5 and 6 showed developed areas which affect scenic quality. Maps 7 and 8 showed existing roads and trails. The maps were not intended to be all inclusive showing every development, road and trail. The features you mentioned have been noted and will be included in the more site specific inventories that will be done as the plan is implemented.

33-5 See revised Boating: Motorized section.
August 20, 1991

Jacqueline Greenleaf
Deschutes River Coordinator
Oregon State Parks
525 Trade Street, S.E.
Salem, OR 97301

Dear Ms. Greenleaf:

I would like to make the following comments on the Lower Deschutes River Management Plan:

1. The Plan as a data base utilizes boating statistics from 1988. I question the validity of the statistics and wonder if the committee wouldn’t be well-advised to utilize boater day statistics from an average planning period of three to five years rather than a single year. Certainly, with this year as an indicator, boater days are significantly less than those reported in the plan for the same time period in 1988.

2. All four segments of the river are considered in the plan for the same planning period. Proposed restrictions encumber all four segments. The river is used for different purposes in those four segments, and it seems onerous to me to treat all four segments in common. A better approach would be to treat segment 1, a trout fishery, different than segment 2, whitewater boater use, with segment 3, combined trout and steelhead, and finally, segment 4, primarily steelhead fishing use separate and distinct.

3. The Plan indicates certain improvements would be made. I am most concerned about improving the access which would result in additional user days. Improving the access road north of Shears Falls would result in significantly higher use, creating additional user conflicts and increasing enforcement requirements.

4. A detailed plan and survey of campgrounds on the lower river in segment 4 has been completed. The plan indicates a need to harden in permanent campground locations and closing others. Hardening in campites (hardening is not defined) on the lower river will only serve to do more damage to riparian areas concentrating the use. The overall impact of this strategy will be negative.

I would encourage the committee to examine the data they are using as a basis for preferred alternatives represented in the Deschutes River Management Plan. I hate to recommend spending additional user fees for completing studies, but I really feel that the data base is too limited in scope and unreliable to make the kinds of decisions outlined in the plan.

Enhancing user access seems counter productive, creating additional access from the west side to Ferry Canyon will have a major impact. Improving the Deschutes River access road could create significant enforcement problems. At this time, based on the user day data contained in the plan, a limited entry system is not warranted in my opinion.

Best regards,

Craig J. Rhea
27510 S.E. Haley Road
Boring, OR 97009

Response to Craig J. Rhea

34-1 The Policy Group agreed to use the more current and accurate 1990 Boater Pass data.

34-2 See revised Management Goals and Standards section.
Development of the Deschutes Management Plan has been of considerable interest, as I am a land owner there with a life-long appreciation for the canyon as a whole, including both the high desert terrain and the riparian zone, with all the diversity of plant and animal life therein.

The main focus of my concern is the area between Warm Springs and Trout Creek, since that is where my property is located. I believe the question voiced at the Portland hearing that this area be managed as a sub-segment has merit and should be considered. Perhaps the very recent decision by the Fish and Wildlife Commission to close winter fishing adjacent to Reservation land below the bridge at Warm Springs makes that whole area worthy of distinct consideration, since it will be exempt from the year-round fishing pressure on the remainder of the management area.

Even under recent conditions, the Warm Springs-Trout Creek section is somewhat different from the rest of segment I. Because rafts drift through the area so quickly and there are no major rapids, it is a pass-through area for them. Fishermen drift through for take-out at Trout Creek, or hike in from camps or parking at Mecca or Trout Creek. It is primarily a day-use area.

The management plan nearly ignores bicycle use in the area. During the past two years, there has been an increase in mountain bike traffic, which has caused the majority of our trespass problems. These individuals are not fishermen (although there are fishermen who use bicycles and cause no problems) and are not interested in staying on the river trail. This breed seems to feel the whole canyon is a park designed for their use, and they do not respect fences and closed gates. I would urge you to be pro-active with your Plan by designating areas suitable for mountain bike use, rather than having to be reactive later when other river users complain about being bumped off trails and seeing bicycle tracks chewed into hill sides, with the resulting disturbance to plant and animal life.

The expenditure of funds for roads and campgrounds in the area which will not be open for year-round fishing should be re-examined. For example, will use in the Mecca area justify expenditure of between $600,000 and $700,000 for roadwork, boat launch and twenty campsites that will really only be occupied from the April opening until November 17? Since the Commission's announcement of winter closure has been made before your final deliberations, there is time to make adjustments in the Plan. The need for campground improvement on the lower sections of the river was frequently mentioned at the hearings, so there are undoubtedly other uses for the funds.

Sincerely,

Jan Luelling

Response to Jan Luelling

35-1 See revised Management Goals and Standards section.

35-2 See revised Access: Roads, Trails and Launch Sites section.
Dear Sirs:

The following are a few concerns that I have with the management plan.

ENVIRONMENT

This plan has no provisions for any kind of hazardous spill, whether caused by a railroad car, truck, or from a source upstream from the wild and scenic section.

36-1 The plan does nothing to regulate tank cars hauled by the railroad or by truck. There is nothing to prevent a spill similar to the one on the Sacramento River.

36-2 There are no provisions to clean the garbage caused by the railroad.

SAFETY ISSUES

As a kayaker, fisherman, and rafter, the problem of jetboats is to me, primarily a safety issue. What is different from any other user is that jetboaters are not only a danger to the operator, but also to anyone else using the river. As was pointed out in the Portland meeting, anyone can buy a boat and be on the river today without any skills or license to prove that he has these skills.

36-3 The other safety issue is the use of alcohol when boating. This is the most dangerous activity on the river.

Finally, it must be recognized that whitewater boating is an assumed risk sport. Each of us are responsible for our actions, not the State, BLM, or any other government agency.

ACCESS

It is stupid to initialize a permit program that would only affect three weekends out of the year. This plan would do nothing to reduce environmental damage, which would be the main reason for a permit system. I agree that the plans for a permit system should be read if overcrowding becomes excessive. If such people translates into approximately 300 paddle crafts. The people at Whitewater Base have recorded days with over 600 rafts at Bascom and those days while crowded, were not unattainable. A limit of 3500 for 4 consecutive weekends could be such a starting point for limitations. The only fair permit system is the freedom of choice system.

The reason the Deschutes gets crowded is because all other streams with decent whitewater are pretty much dried up in the summer. This is the only reason we are tolerant of crowds, and why we do not want the kind of limitations placed on this stream found on other streams.

If limitations are placed on this river, the crowds will probably go to other streams like the White Salmon, which cannot take anywhere near the kind of traffic the Deschutes can handle, and is considerably more dangerous than the Deschutes.

CAMPING

The single factor that limits the number of people in the area available for campsites. This is especially true in section 1. As much as possible, campsites should be moved away from the riparian zone. No campsites should be closed without another one replacing it. I would rather see a campsite reservation system used before a permit system is initiated. The state parks system already has one in place and could be used here without any additional cost.

Section 2 needs several sites to be developed like Beavertail or Jacks Canyon. These could be away from the river, or on top of the canyon.

Toilets are badly needed at Oak Springs.

FEES

Access Fees, if charged, should be equitably charged to everyone. The easiest to enforce method would be to institute a Sno-Park type of vehicle permit. Any vehicle parked along an access road would be subject to the permit. The money should be used to pay for road maintenance, fire fighting, emergency services and any other services required on public land.

Response to Jeffrey Bohren

36-1 See revised Emergency Services section.
36-2 See revised Use Levels and Allocation sections.
36-3 See revised Camping section.
October 11, 1991

Deschutes River Policy Group
Oregon State Parks
Post. Office
Trade Street SE
Salem, OR 97310

Chairman:

I am writing to express my comments as you act toward your final recommendations about the Deschutes River Management Plan, in particular concerning Segment 4 and livestock grazing.

Your proposed lower Deschutes River Management Plan and Environmental Impact Statement thesis states on page 41 that you intend to set a grazing period of November 1 to May 1 in order to accelerate ecological improvement while minimizing conflicts between recreational demand and grazing management during that time period. I would strongly recommend against this proposal and I do so under the following observations.

I am the current operator of a farm along the Deschutes River in Wasco County, M.P. 7-11, Segment 4. During the 1930's, my grandfather tried early grazing in February one year and that event impressed him not to ever try it again. If you have seen how steep the canyon hills are, perhaps you can visualize what happened. The sagehills were scarred up as a result from cattle sliding in the wet soil. Also, the grass was "washy" and contained very little harvest value. Practical experience from this attempt to judge the ecosystem proved unsatisfactory and the theory of winter grazing was rejected for our area.

Alternate grazing patterns should take into account historical observations.

Not long after the State of Oregon acquired the Deschutes, I invited Dr. Tom Bedell (OSU Extension Rangeland Resources Specialist), Karl McKinney (IRBM Range Specialist), Sandy Mcnab (Wasco County Extension Agent), and Bill Sanford (then with Fish and Wildlife, retired) to discuss grazing alternatives compatible with Fish and Wildlife objectives. The conclusions drawn by these professionals were that our current grazing system (May 15 thru September 1) showed no soil erosion and adequate cover existed, given the frequency of river fires over the years and the land topography itself. Essentially, Bedell and McKinney recommended no change in grazing patterns and to continue monitoring. Stream enclosures with water gaps were installed along the river to protect the riparian zone.

You mention the desire to minimize conflicts between recreational and grazing interests. Your terminology assumes that the two demands are substitutes (more of one and less of another, given a fixed resource) when we have seen that they can be complementary. The water gap fences have gates built in to allow access by fishermen walking along the river bank. They open the gate and close it behind them. More times than one we have had to go down to close gates left open by hikers/fishermen to prevent cattle from wandering into enclosed areas. When we have talked to nearby fishermen as to why the gates are open, they claim that the grass is too much along the bank and need not be moved in order to enhance their fishing experience. While we hear folks talk negatively about cattle, we manage to find so many that can see their advantages.

As natural resource managers, we carefully consider the benefits and costs in reaching decisions to guide our business and to make a living, just as you do with the resources you have at hand in making policy. Since my family lives and works in the Deschutes River area, we are directly affected with our decisions and their outcomes.

Respectfully,


david e. wagenblast
6320 kelly cutoff road
the dalles, or 97058

Response to David E. Wagenblast

37-1 Management strategies and applications change over time as new information becomes available. A number of benefits occur with the November to May timeframe that don't occur in the warmer months. Livestock spend less time at watering locations and tend to range further in cooler weather, seeking out forage which is growing up, highly palatable and nutritious. Because of the reduced tendency by livestock to group up, damage to riparian areas is reduced or avoided. Riparian shrubs and trees are dormant or just coming out of dormancy, and far less palatable than the early growth of grasses, so the incidence of livestock browsing in these areas is drastically reduced between November and May. Because use occurs when plants are dormant, any grazing use which does occur would have little or no effect on the plant's growth cycle.
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Dear Coordinator:

Below are my comments on the Draft Lower Deschutes River Management Plan and EIS.

Please define "floating craft", as this term is not in the glossary. A "floating craft", I take it, is not the same as "boat" in the glossary? The term "floating craft" should include all tubes, toys, air mattresses, and those that would require permits if "boats" would be required to display permits. It would be unfair, arbitrary and capricious to discriminate between one type of recreational non-motorized floating craft and another.

For allocation purposes only, Alt. 4 should be the selected alternative since it rates a "+M" and the preferred alternative only a "+L".

I support and endorse the implementation of the 100% common pool allocation method as best applying the 11 public criteria developed by the Deschutes River Policy Group. An analysis of Table 27 clearly shows that Alt. 4 is much more consistent with the established criteria. A point assignment of 1, 2, or 3 to +L, +M, and +H (and corresponding negative numbers to -L, -M, and -H), shows that Alt 4 rates an "+L", while the preferred alternative only rates A "+4". Using your established criteria, the selected alternative must be Alt 4.

I suggest that the decision not to make the 100% common pool the preferred alternative was based purely on the desire to protect the reality of the private property rights created by a split allocation system.

Hunting guides also function well and prosper across the country and there are no split allocation systems for hunting licenses or special game. Why wouldn't the same 100% common pool system work for commercial river runners?

There appears to be a perception by the board that noncommercial boaters don't play a critical role in supporting the local economy also. I would venture to say that if the noncommercial river runners decided to boycott the Deschutes River in response to an unfair permitting system, that the board and local businesses would change their minds on this matter rather quickly.

Thank you for receiving my comments.

Ronald W. Rogers
6827 Creekside Dr.
Redding, CA 96001

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Thank you for receiving my comments.

Ronald W. Rogers
6827 Creekside Dr.
Redding, CA 96001

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To: Deschutes River Coordinator

I have some concerns about the Deschutes River Management Plan.

1. Why wasn’t there an economic impact statement done for the communities being affected by this plan? The Deschutes River Management Plan should be working with the communities to help boost their economy. I’ve seen no proof of that. All I’ve seen is some power hungry people who put the management plan together who have set forth rules and regulations that will not affect them, and they do not care how they will affect the river users.

2. Private Property being managed by the BLM

I would like to know how many acres of private property will be managed by the BLM. It is my understanding that the Sherars Bridge Site owned by the Confederated Tribes would be managed by the BLM. I do not want my tax dollars going to pay for the management of private property!

The BLM Management of the Sherars Bridge Site, and any other private property, would be unjustly enriching the Confederated Tribe, and all other private property owners, and there property.

It is the responsibility of all private property land owners to maintain their own land, as for the Sherars Bridge site, the BLM

3. Had a chance to buy the Sherars Bridge Site when the Confederated Tribes offered it. If it was so important for the BLM to manage this property they should have bought it.

4. I do not support the lower Des River Management Plan because (1) it limits access to the river, (2) it starts an entry process that benefits the rich because they can afford to take time off work to visit the river seven days a week, whereas the poor working stiff can only afford to apply on weekends when the bulk of the people will be, hopefully, lessening their odds.

I think the whole plan should be thrown out and started over from scratch.

5. Private Property being managed by the BLM

I hope that the Des. River Coordinator and the Oregon State Dept. of Parks and Rec., have invited us all to submit our views in good faith to hear our concerns and use our testimony, and not to have some predetermined outcome for all of this. We shall soon see when the management plan is completed. Remember, all concerned are waiting for the outcome!

Jim Herring
5063 S. Hwy 97 #34
Redmond OR 97756
Dear Policy Group Members,

I have been waiting to write the committee in response to the Proposed Draft Plan because I wanted to evaluate the comments that my friends and I have made. The most common comment that I received is that the B.M. should not take control of the mussel management of the lower 100 miles of the Deschutes River. As someone who works to Pass HB 372, I believe this concern is justified. The next most common concern is the proposed Limited Entry Permit System. I have been informed that these proposed alternatives are not warranted.

My concerns are more direct. The Proposed Draft Plan is cumbersome and hard to understand. Every proposal for an alternative is given a written positive note, and the others are a very negative note. This gives the reader the impression that the only alternative proposed with positive impacts is the preferred alternative. Yet, this evaluation by the writers, in their own opinion, is not warranted.

My own concern is the purchase of the lower 12 miles by the State. This is a very public plan and one that is unnecessary. All users involved are against this plan. The Fishers and Guides receive the least portion of the complaints because they are very mobile and can move about the river with ease. The only conflict is not the ability to make a living from the water. The conflict is that the fishers have an advantage over the guides, or vice versa. The guides and fishermen will not be happy until this advantage is eliminated.

We are often referred to as a selfish lobby of selfish interests, by the hikers and fishers, as well as some of the managing agencies. The foot is the policy group has been pushed by anti-Fishers, and has adopted an Anti-Fishers stance. If one needs the commendation be the Anti-Fishers, carefully, they will see that they feel there was no conflict. I have this selfish and unwarranted. I do not believe that the policy group has recognized the restrictions on use, as a legitimate use, and a use that many, many, people enjoy.

Our compromiss are many and must be taken as a good feature. We are giving up some of our use in order to assist those who want an experience without conflict. Listed below are my recommendations only. Any other regulations are not acceptable until other uses are also restricted.

I am pleased to say that the Alternative, that would cause the lower 12 miles to be managed by the proposed alternative provides lower use levels. Apparently, the policy group feels that the Limited Entry Permit System is the preferred system to be used to manage the lower 100 miles. As the preferred alternative is adopted, it would be impossible to combine these two systems.

Spending of compensation, I believe the Fishers and Guides have been willing to do so. Yet, one must agree, it would be better and preferred for the management plans to be made more effective. It generally runs most of my trips in Segment 4, so I will address this issue for the Segment. Policy Plan was started in the 1980s, and will not be the early 80s when the Fishers started to increase in great numbers. As the

Footnote: Restrictions Acceptable.

1. No damaged water, low to medium river levels from July 19th to September 15th.

2. No more than two trips per day from July 19th to September 15th.

3. No camping 5 kilometers from the river at designated boat ramps.

4. No fishers, boat ramps from July 19th to September 15th.}

Footnote: Guides Use

1. Same as above.

2. All guides and outfitters will be regulated by the B.M. Pest control from Guides and Outfitters by the B.M. in the lower 12 miles of state-owned lands will be put in a special account to be used by the State of Oregon, on the lower Deschutes River.
3. An economic analysis was done as part of the Draft Plan and Environmental Impact Statement. Various meetings and personal interviews were conducted with residents and business people from Maupin, The Dalles, Biggs Junction, Madras, Tygh Valley, Dufur and Wann Springs. The final plan recognizes the economic dependency these communities have on the Deschutes River.

4. The BLM should meet with all of the communities now involved in Segment Y to discuss these proposals and come up with solutions to lessen the conflict.

In closing I would like to make one more point. The Proposed Draft Plan fails to explain the difference in the designation of a Recreational River versus a Wild or Scenic River. I think this would help the users understand the planning process. As proposed in the Draft Plan, this would be the only Recreational River that possesses a limited entry permit system for its total length.

40-1

Response to Michael Sallee

40-1 Recreational rivers are defined by the Act to be "...Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

Wild rivers are defined by the Act to be "...Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with waterfronts or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America."

The management objectives for a wild river emphasize protecting the values which make it outstandingly remarkable while providing river-related outdoor recreation opportunities in a primitive setting. While the objectives for a recreational river emphasize providing a variety of opportunities for engaging in recreation activities, the mandate to protect and enhance the outstandingly remarkable values also exists.
Agencies and Organizations Commenting on the Supplement to the Draft Plan/EIS.

The following agencies and organizations responded to the Supplement to the Draft Plan/EIS:

Environmental Protection Agency
National Park Service
Bureau of Reclamation
Bureau of Indian Affairs
Confederated Tribes of the Warm Springs Reservation
Members of Congress (Les Au Coin, Ron Wyden, Peter De Fazio, Mike Kopetski)
Oregon Secretary of State
Oregon State Treasurer
Oregon State Marine Board
Wasco County Court
Jefferson County Court
Mayor of the City of Portland
City of Maupin
Oregon Cattlemen's Association
National Wildlife Federation
The Wilderness Society
Northwest Rafters Association
Oregon Rivers Council
National Organization for River Sports
Anglers Club of Portland
Oregonians in Action
Willamette Kayak and Canoe Club
Santiam Whitewater Association
Santiam Flycasters
Deschutes Homeowners Association
The Dalles Rod and Gun Club

Public Responses

A total of 264 separate responses were received by the Prineville BLM District Manager in reaction to the public's concern over the issue of public access upriver from the Deschutes Club locked gate.

Overall, individual written responses (198) accounted for 75% of the opinions received. These were written letters with urgent and often emotional messages. Hearing testimony (39) accounted for 15% of the public comment with letters from 27 agencies and organizations comprising the remaining 10%. Most of those testifying at one of the hearings also submitted written comments. A small number of responses (9) came from a form letter.

Due to the single issue focus of the supplement, nearly every respondent addressed the preferred alternative (Alternative 5) in one way or another. A total of seven people and two government entities supported the preferred alternative with 139 (119 writing and 20 testifying) specifically opposed the preferred alternative and the potential vehicle access condemnation elements associated with it. An additional 74 people (64 writing and ten testifying) specifically supported Alternative 2 with the 'no public easement and ban on motorboat use in the area'. Another 28 people (23 writing and five testifying) favored Alternative 3 and an additional 12 people (11 writing and one testifying) favored Alternative 1. Alternatives 1 and 3 provide for motorboat use to continue either on a year-round or seasonal basis in this area.

Table 1 displays public responses to the alternatives.

It should be noted that the total number of comments supporting or opposing a particular alternative exceed the total number of letters and testimony received. This is because several commentors specifically supported or opposed more than one alternative and some did not specifically support or oppose any alternative.

Specific Public Reaction to the Preferred Alternative

Of the 264 letters and individual testimony received, 248 recommended a decision different than the preferred alternative. Seven individuals supported the preferred alternative while nine letters did not recommend any course of action.

Of those supporting the preferred alternative, the rationale included:
Table 1
Public Response to the Alternatives

<table>
<thead>
<tr>
<th>Number Specifically Supporting Alternative</th>
<th>Number of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (no action)</td>
<td>12</td>
</tr>
<tr>
<td>2 (no easement, motorboat ban)</td>
<td>74</td>
</tr>
<tr>
<td>3 (no easement, limited motorboat use)</td>
<td>28</td>
</tr>
<tr>
<td>4 (easement for nonmotorized use, motorboat ban)</td>
<td>6</td>
</tr>
<tr>
<td>5 (preferred alternative - easement for limited motorized use, eventual motorboat ban)</td>
<td>7</td>
</tr>
<tr>
<td>6 (easement with motorboat use)</td>
<td>5</td>
</tr>
<tr>
<td>7 (no easement with perpendicular access road)</td>
<td>0</td>
</tr>
<tr>
<td>8 (no easement with perpendicular access road and trail)</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number Specifically Opposing Alternative</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (no action)</td>
<td>2</td>
</tr>
<tr>
<td>2 (no easement, motorboat ban)</td>
<td>5</td>
</tr>
<tr>
<td>3 (no easement, limited motorboat use)</td>
<td>5</td>
</tr>
<tr>
<td>4 (easement for nonmotorized use, motorboat ban)</td>
<td>12</td>
</tr>
<tr>
<td>5 (preferred alternative - easement for limited motorized use, eventual motorboat ban)</td>
<td>139</td>
</tr>
</tbody>
</table>

1) “As a citizen of the United States, I consider our public lands to be the property of the citizens of this country, and have always considered it an injustice when a few landowners can deny me access to my public property just because the only reasonable access crosses private property.”

2) “Your preferred Alternative is a reasonable balance between the need for access and solitude on the Deschutes. This stretch of the river does not provide a wilderness experience anyway, and I don’t think Alternative 5 will substantially change the character of the river trip experience. I particularly like your idea of allowing mountain bike use on the road.”

3) “I have fished the river for many years, but have not had the opportunity to see that section of the river. A few years ago I rode my bicycle in but was rudely told to turn around and get out with my bike. I just don’t think it is right that only a select few have access to the section of river, when much public BLM land is included in this section.”

4) “Unless there are compelling reasons that would negatively affect the public at large, I see this proposal as enhancing access to the public.”

5) “In my opinion, public land is not public without access.”

6) “In this area, the road bed is already established, a pattern of controllable recreation activity is established and the bulk of this use is seasonal. It seems reasonable to me for the BLM to guide these uses more actively in the future so that wildlife habitat and recreational opportunities can be balanced.”

Those opposing the preferred alternative generally did so for one or more of the following reasons:

1) “Condemnation of private land, even for public easements, contradicts assurances given private landowners when the Oregon Omnibus Wild and Scenic Rivers Act was enacted. It violates the longstanding federal and state policy of only acquiring land from willing sellers, a policy ratified throughout the Deschutes River planning process.”

2) “Resource values would be degraded by increased motor vehicle access, bicycle access and boat launching. I value the river section above the existing gate for its remoteness. This is...
the only remaining river section largely inaccessible to motor vehicles. Access to public land is already available for hikers and boaters seeking to escape crowds. Opening the gate for increased motor vehicle access is contrary to the public planning goals of protecting this section of the Deschutes River from further development.

3) "Costs vastly exceed benefits. Condemning the road and upgrading it for public use would cost millions. The BLM would have to pay for the land it takes, rebuild the road and tunnels, compensate landowners for loss of privacy and then pay ongoing operation and maintenance costs. All this for a relatively small number of off-season motor vehicle users? The BLM has not had adequate funds to take care of the lands it manages now. Taxpayer money would be much better spent protecting the resources."

4) "Trespass, vandalism and fire, already too common, would increase. These are serious problems. The plan was intended to resolve them, not increase them by putting more private land at risk."

5) "Landowners in this section of the Deschutes have reciprocated by allowing BLM to use the existing road for administrative purposes without charge. Private lands between the existing gate and Maupin are open to public recreation. Hikers are allowed to walk in and fish on private property south of the gate. Landowners have worked with BLM and state agencies on riparian and wildlife enhancement projects and have pursued wildlife enhancement projects independently."

6) "As acknowledged in the Two Rivers Resource Management Plan ("RMP"), public land adjacent to the Deschutes is legally and physically accessible now. The river is a public highway for boaters. A standard common to all alternatives in the Draft Plan and contained in the RMP is that access will be acquired only from willing sellers. After the Executive Review Board met in February, the BLM should have simply asked landowners in the area if they would be willing to sell easements. If the answer was "no", acquisition of access should have been dropped from further consideration."

7) "The BLM should return to the fundamental objectives of the Deschutes River planning process: cooperation with private landowners and other responsible management agencies, management of this section of the river for dispersed recreation, reduction of user conflicts and reduction of environmental impacts."

8) "We are ruining the atmosphere. We are polluting the water. We are destroying the forests. We are killing off entire species left and right. Opening the Deschutes Club locked gate is one more step in that direction."

9) "The present inaccessibility to wheeled vehicles is an extremely important aspect of the quality of enjoyment had by those with the ambition to hike in that region. At present, access to that area is available to anyone with the ambition to hike or to drift down the river in a boat. Although there is limited motorized traffic, one can still gain a sense of solitude from the quietness of the region. There are too few locations left in the northwest that provide even this limited amount of solitude and freedom from excessive noise pollution caused by increased traffic."

10) "Opening this stretch of water to public travel will devastate the native trout fishery we have all worked too hard to protect. It will also cause major damage to private and public property along the roadway. With the budget constraints that the BLM is operating under, where do you get the people to patrol, clean up the public mess and maintain the road?"

11) "The non-public road access has kept that section of the river the most productive, natural and valued section by hikers and boaters alike. Opening of the gate would lead to degradation of the fish habitat, poorer water quality, destruction of nature, increase of fire hazard, vandalism and trespassing on private lands. The BLM land is presently being utilized by fisherman rafters from the river, and public road access would further increase the competition that already exists for its use."

12) "Even though this is being considered for off-season access, it is the first step in opening it up all year. After all the money BLM would have to spend to purchase condemned private land and do road improvements it would only be a matter of time before pressure would exist for year-round access. Off-season use only would not justify the expense to pursue this."

13) "You have a stretch of river that is exceptional and currently open to the public. You have owners along the east side of the river who are truly interested in preserving the nature of this area for
all to enjoy. This at little or no cost to the public coffers. There is too little of this special-experience land left in this increasingly crowded country. Making something too easy to enjoy ruins it for those willing to make the small sacrifices it takes to expose themselves to something as special as this unspoiled stretch of the Deschutes.”

14) “By opening the road to additional vehicular traffic and building a new boat launch ramp, you will open an additional portion of that fragile and already overused system to additional human traffic, thereby further damaging the banks and the protected portions of the river. The protection that it currently receives through limited access benefits everyone (up and down river) by serving as a preserve and nursery ground, supplying the majority of the river with young fish and invertebrates.”

15) “It has generally been my experience that the more easily people are able to acquire things (whether they be material goods or access to places), the less they tend to value them and the more likely they are to squander or degrade them.”

16) “Due to public vehicle access, much of the Deschutes River has already been overused and over-fished and has been spoiled from an environmental standpoint. On the contrary, that stretch of the Deschutes, which you propose to open for public vehicle access, has remained unspoiled since the railroad pulled up its track and sold the right of way. It is a monument to the good environmental efforts of the private property owners and the Warm Springs Indian Tribe. You are going in the wrong direction. You should be applauding their efforts, not impeding them. You are running counter to the very definite trend throughout the country to preserve the naturalness and beauty of our country. The million and a half dollars you intend to spend on this project can be much better spent in a positive effort to preserve, not destroy.”

17) “The difference between the private area and that now open to the public is striking. The private land has been preserved in its natural state and native plants extend to the edge of the river. In the area north of the gate, the whole access to the river has been severely damaged by motor vehicles and is essentially a parking lot. The Deschutes Club has a long history of responsible stewardship of the land and should be allowed to continue in this capacity.”

Specific Public Reaction to the Other Alternatives

Of those specifically commenting on other alternatives, the greatest support was expressed for Alternative 2 (no easement, motorboat ban), followed by Alternative 3 (no easement, limited motorboat use) and Alternative 1 (no action). Alternatives 4, 6, 7 and 8 received little or no support.

The reasons expressed for supporting Alternative 2 were the same as those given for opposing the preferred alternative as well as Alternatives 4, 6, 7 and 8. Reasons given for supporting Alternatives 1 and 3 were similar and centered around the continuation of motorboat use in this area. They included:

1) “Without access, the action by the Executive Board increased the personal value of a select river user group at the expense of the public. The Deschutes Club has denied access to public lands to the North Junction residences thus without some modification of the current plan for all practical purposes this 20-miles stretch of the river becomes the exclusive use of a few people.”

2) “If motorboats get banned, I and the river will survive, but that sure doesn’t make it right. It sure is going to gall me that I will be denied access to my favorite hunting and fishing places, places which are on public land and public water, while those rich or lucky enough to have a key to the locked gate will have it all to themselves.”

3) “I have never noticed crowding in this section of the river during the off-season. I find it hard to believe that the occasional motorboat use in these sections presents any serious problem to the landowners. The limited motorboat use permitted under Alternative No. 3 would seem to allay even these concerns. Further, it would continue to provide adequate off-season access to segments of the river without the expenditure of any public funds.”

4) “The most intense riparian impact is by those user groups that just walk up and down the streambanks, camp on the riverbank, etc. This includes especially car access fishermen, dirt bikers and even driftboaters. I appreciate with my own eyes the tremendous degradation I have seen over the last 20 years. The least impact is by a motorboat user who rides to their fishing site, gets out and fishes, and moves on. In many cases, especially in the winter, the motorboat user would chose to return downstream and stay in a motel or camp near their car.”
5) "We feel once again you have singled out the jetboats for a ban. If there is to be a ban, then every one and, we said everyone, should be barred. God created this river for everyone to enjoy, not just a few drifters and mountain bikers."

List and Summary of Comments Submitted by Various Agencies and Organizations

Agencies -

Environmental Protection Agency: "Based on our review, we are rating the preferred alternative in the supplemental draft EIS LO (Lack of Objectives). This alternative identifies no adverse environmental effects from the access component of the management plan."

National Park Service: "We are submitting a "no comment" response.

Bureau of Reclamation: "We have reviewed the subject document and feel that there would be no significant impacts on Bureau of Reclamation projects within the Lower Deschutes River drainage area resulting from implementation of any of the alternatives."

Bureau of Indian Affairs (Portland): "The Bureau of Indian Affairs is concerned with the inconsistency regarding access that occurs between the DEIS and the Supplement. We are not aware of any process that has occurred within the Executive Review Board or the Policy Group that allows for this unilateral change in policy. Our preferred alternative is the "Preferred Alternative" as described in the Draft Environmental Impact Statement (DEIS)."

Bureau of Indian Affairs (Warm Springs): "The Bureau of Indian Affairs, Warm Springs Agency as a participant in the planning process and as a Federal agency with a fiduciary trust relationship with the Confederated Tribes of Warm Springs feels that the access proposals set up in this Supplement to the original Draft Plan and EIS go far beyond the scope of the authority of the Executive Review Board (ERB) as set up in the Memorandum of Understanding signed by the participating agencies (the Policy Group).

To put it briefly, the BIA feels that it was never our intent that the ERB could modify such basic agreements on which there was unanimous consensus such as the Management Common to All Alternatives. All of the alternatives presented, with the exceptions of Alternatives 1 and 2 violate the cited provision.

The Preferred Alternative as outlined in the original Draft Plan and EIS is the preferred alternative of the Bureau of Indian Affairs, Warm Springs Agency."

Confederated Tribes of the Warm Springs Reservation: "The Supplement is unnecessary. There is no need or mandate for the BLM to achieve different means of access to this segment of the river by an easement across private land or road construction through the canyon. Simply put, there is adequate access at this time. The banning of motorized watercraft will not significantly impact access and will improve the recreational opportunities on this segment of the river.

The Supplement fails to consider in any depth the impacts to water quality, fisheries, wildlife, cultural resources and recreation. The BLM has failed to take a hard and long look at the impacts of the Alternatives 3, 4, 5, 6, 7 and 8 on the human and natural environment."

Members of Congress (Les AuCoin, Ron Wyden, Peter DeFazio, Mike Kopetski): "In drafting and debating the Oregon Omnibus Wild and Scenic Rivers Act, the Oregon Congressional delegation repeatedly stated the view that condemnation from unwilling sellers should not result from this legislation. While we understand the need for the Bureau to manage their lands and to provide public access to these important resources, we also strongly encourage the BLM to pursue alternatives which do not adversely impact the private property owners along the Deschutes River. We also believe that agency language which raises the specter of condemnation will make planning, management and future additions to the wild and scenic system nearly impossible. Imply or otherwise, the possibility of condemnation now confronts property owners along this stretch of the Deschutes. We urge you to make alterations in the DEIS so as to remove this troubling prospect."

Oregon Secretary of State, Phil Keisling: "I believe it is critical that we strike a careful balance between providing public access to precious natural resources and protecting them from intrusion. The relatively secluded stretch of river in question can already be reached easily by boat or by foot. To spend millions of dollars to purchase private land (from possibly unwilling sellers), condemn and upgrade a road, and pay ongoing operation and maintenance expenses, simply to provide access to an estimated additional 30 persons per day, violates this sense of balance, and at unjustifiable cost."
Oregon State Treasurer, Anthony Meeker: "Alternative 5 is a very public-oriented alternative, however it has major drawbacks. They are:

1) increased vehicle traffic into this relatively undisturbed area during the fall, winter and spring (ecologically fragile periods);
2) increased costs of land management e.g. easement acquisition, caretakers, road building and maintenance and tunnel repair and bypass costs; and,
3) increased public use of area and thus increased chance for user conflicts.

For these reasons, I oppose Alternative 5 and any alternative that allows vehicular traffic and requires extensive use of BLM funds. In these times of budget uncertainty, funds could be better spent elsewhere for a greater number of people.

Oregon State Marine Board: "After considering all of the alternatives in the draft, we keep coming back to the same conclusion we arrived at in the planning process: there is no compelling reason to remove motorboat access during the off season.

The issue addressed by this EIS is very real. During the off season (fall-winter-spring), the locked gate prohibits access to public lands along the Deschutes River since for practical reasons, persons aren't going to float the entire river to gain access to the lands just above the locked gate. Although walking provides one means of access to the east bank, there is no access by boat to the west bank.

The proposed management action of prohibiting motorboat use in three years would preclude a legitimate means of public access above the locked gate. There are no compelling environmental or social reasons given for a ban on this form of public recreation access in the original EIS or this supplement.

Although there is a clear social problem between motorized and nonmotorized users during the peak summer season, there is very little conflict during the off season. There are no social, environmental or safety problems with the limited use of motorboats during the off season.

Motorboats provide a legitimate means of recreation access to public lands and waters without additional taxpayer expense for acquisition of easements and expensive capital improvements. We believe that Alternative 3 represents a very workable compromise to this access issue. Similarly, Alternative 1, the no action alternative, is acceptable. However, a ban on motorboats in three years without some equivalent form of public access is not acceptable.

Wasco County Court: "Now, therefore, it is hereby resolved: That the Wasco County Court supports the Bureau of Land Management's staff recommendation to open the "locked gate" above Maupin, Oregon, if public access to public land by jetboat is eliminated under the Lower Deschutes River Management Plan and Environmental Impact Statement."

Jefferson County Court: "Off season access should be provided by jetboat use as outlined in Alternative 1 or Alternative 3. To do anything else is a waste of time and energy. However I will qualify this with the fact that public road access should be the preferred alternative if jetboat use is banned.

A few motorized boats in the off season will have little impact either socially or environmentally on the river corridor. Currently private subdivisions like Dant, North Junction and the Deschutes Club all operate motorized vehicles along the river. Burlington Northern operates motorized trains along the river. You would be hard pressed to find any problems caused by off-season motorized boats."

Mayor of the City of Portland, Bud Clark: "I feel strongly that regulations should remain unbroken and the private road on the eastside of the river south of Maupin should remain closed to motor vehicles for off-season access to public lands behind the existing gate. The status quo is working.

The Deschutes River Management Plan should also continue to protect the river from being turned into a place where only those with money can use it. This is a state of democracy — let the people use and preserve the resources here.

I urge you to make no changes at this time and only to move very cautiously with clearly defined goals in the future."

City of Maupin: "The City adopted this resolution in support of the BLM staff recommendation to open the road above the Deschutes Club's locked gate to ensure public access upriver of Maupin.

It is hereby resolved that the City of Maupin support the Bureau of Land Management staff recommendation for the Deschutes River Plan to open the "LOCKED GATE" of the Deschutes Club for public access to public land on the Deschutes River above Maupin, Oregon."

Organizations -

Oregon Cattlemen's Association: "The members of the Oregon Cattlemen's Association go on record
opposing the condemnation of the private road on the eastside of the Deschutes river south of Maupin to motor vehicles in order to gain off-season access to public lands behind the existing gate.

Condemnation of private land, even for easements, contradicts assurances given private landowners when the Oregon Omnibus Wild and Scenic Rivers Act was enacted. It violates the longstanding federal and state policy of only acquiring land from willing sellers, a policy ratified throughout the Deschutes River planning process.

Resource values could be greatly impaired with motor vehicle and bicycle access. Degraded fish habitat, poor water quality and riparian vegetation destruction could also occur. Trespass, vandalism and fire, already too common, would increase. These are serious problems. The plan was intended to resolve them, not increase them by putting more private land at risk.

The costs for upgrading the road and buying the land would place an extra burden on an already financially burdened government.

National Wildlife Federation: "NWF believes the Preferred Alternative in the Draft Management Plan/EIS provides adequate access to the river resource, while ensuring that the qualities which make the Deschutes a Wild and Scenic River will be preserved. Further, this alternative also bans motorboats, which NWF considers imperative to the future well-being of the Deschutes River."

The Wilderness Society: "Because walk-in and bike-in access would be compatible with continued recovery of degraded fish habitat in Segment 1, because fish are an outstanding resource of the river and because no need for motorized vehicle access and a new launch have been shown, a management plan incorporating Alternative #2 would best meet the enhancement policy of the National Wild and Scenic River Act and the management goals stated in the DEIS."

Northwest Rafters Assn: "The NWRA supports Alternative 2 - for a number of reasons. They are as follows:

1. Power boats are banned in three years, so why create a launch that will be useless in a short period of time.

2. Deschutes River users have "voiced" their concerns about motorized use in the river corridor. So, why remove powerboats and replace them with cars, trucks and motorized road vehicles.

3. A number of people have also raised concern about levels of use on the river. This would seem to encounter increased use.

4. The Wild and Scenic Rivers Act and the State Scenic Waterway program already have a difficult enough time selling the merits of river protection programs without fighting a Federal agency and condemnation proposals. This is one of the public's greatest fears when it comes to environmental protection issues.

5. $1.5 million dollars could be better spent by improving other river access points between the "Locked Gate" and Maupin, including development of a river information and education center at the old train depot currently owned by the BLM."

Oregon Rivers Council: "The primitive and remote nature of this area of the Lower Deschutes wild and scenic corridor is integral to the recreational value. Increasing the number of visitor days to over 4,000 during the 7-month off-season will have a detrimental effect on the resource. Additionally, we are concerned that the fisheries resource was not directly addressed in the Supplement.

According to BLM estimates, the cost of the land acquisition and subsequent road maintenance will be approximately $1.5 million. This is an inappropriate use of limited public money. BLM funds are finite and should be spent on protecting and enhancing the outstandingly remarkable values, not on increasing access for a specific group of motor vehicle users.

For these reasons, ORC recommends that the BLM not pursue acquiring easement south of the locked gate near Maupin and choose Alternative 2."

National Organization for River Sports: "The BLM is one member of the managing agencies group in a cooperative agreement to develop plans for the Deschutes River. They have clearly overstepped their authority by not following the agreed upon process for decision making.

For the BLM to attempt to circumvent the public process that has been ongoing for over 4 1/2 years casts a shadow on the entire process. To continue such a policy in the face of overwhelming opposition and with no organized public effort to support its position, will certainly raise questions about the agency's motives. The BLM should, as gracefully as possible, back away from this ill-conceived effort.

We wish to go on record in support of the original ERB decision to adopt Alternative 2. The preferred alterna-
tive, number 5 in the Supplement, would create adverse consequences never anticipated in the original process.”

**Anglers Club of Portland**: “The Anglers’ Club supports Alternative 2. Our reasons are as follows:

a) The present proposed management plan will limit use to the 1990 user level. Based on use in 1991 and 1992, this means there will need to be management plans created that will decrease present use levels to those of 1990. The BLM should be concentrating on determining how decreases in user levels will be accomplished rather than on increasing access.

b) The present estimate of $1.5 million does not include severance costs or costs associated with pursuing access in court. The Deschutes Landowners Committee has already made known their willingness to challenge the easement acquisition on legal grounds. As a result, acquisition of the easement will in all likelihood be far more expensive than is presently being estimated. The BLM would, under the preferred alternative, use federal money to litigate their way to implementing this alternative and use federal funds for construction, to provide access for only five cars per day. This is not effective use of federal tax dollars.

c) The new preferred alternative will change the nature of section one of the river. Presently floating that section of river requires a commitment to at least floating from Trout Creek to the locked gate. This in turn helps decrease user levels without active management intervention. Increased user levels in the winter will change the atmosphere of isolation presently enjoyed in this area in the off season. Decreasing user levels between October 15 and May 15 helps the riparian zone recover from the summer users’ abuses.

d) If any further federal dollars are to be spent, they should be spent on acquiring grazing rights to decrease riparian damage by cattle. BLM seasonal grazing should provide only limited access to the river through the use of fenced exclusions.

e) The BLM claims a financial benefit of $58,000 per year to the town of Maupin by adopting the new preferred alternative. This estimate is based on expenditures of $55 per day by 1,050 visitors during the off season. These figures are not derived from any referenced data in the text. It is doubtful that one day visitors not hiring commercial guides would spend $55 per day. We conducted an informal poll of regular river users and found that their annual expenditures were under $55 per year, and that their average expenditure per trip was more on the order of less than $5 per day. Many visitors spend no money in Maupin. The financial benefit to Maupin, a town where the tourist facilities are typically closed in the off season, has at best been grossly over-estimated.

f) We support the banning of powerboat use.”

**Oregonians in Action**: “Condemnation would contradict assurances given private landowners when the Oregon Wild and Scenic Rivers Act was enacted. Such public acquisition and condemnation should only be employed when there are strong and compelling reasons for doing so. Our review of the Environmental Impact Statement indicates lack of justification for such action.

Apparently little attention was given to the adverse impact on private property from trespass, vandalism and fire. Providing vehicular access would increase such risks.

The proposal is wholly at odds with the fiscal nightmare the federal government is in. The estimated $1,425,000 of federal funds needed to acquire the road and rebuild or repair the road, and tunnels, etc. does not include severance damages which could be very substantial.

Access to public lands is already available for hikers and boaters. The high costs involved vastly exceed the benefits from the increased access it would provide. Worse yet, the increased access will likely degrade the resource values in the area.”

**Willamette Kayak and Canoe Club**: “We feel that Alternative #2 is the most reasonable plan for several reasons:

1) Alternative #2 will maintain a high quality recreational experience for those who float the river above Maupin, without incurring the ridiculously high costs associated with the Preferred Alternative (#5). Under Alternative #2, the current uncrowded conditions that most river runners experience above the Deschutes Club locked gate would be maintained and enhanced by the absence of motorboats and crowds.

2) The section of river from Two Springs Ranch to the Deschutes Club Gate is currently a nice tranquil place to camp, particularly in the early spring and late fall. This tranquility would be lost
with the adoption of the Preferred alternative, which would allow up to five cars/day to come up the road next to these campsites, and put up to 30 more people on this river segment.

3) The WKCC is opposed to the Preferred alternative (#5) because the cost of this proposal vastly exceeds the benefits to the public. We feel that the million and a half dollars that the BLM proposes to spend on acquisition and maintenance of vehicular access to this section of river, could be put to much better use. The benefits of this expenditure would also go to a very small segment of the public that managed to be one of the five/cars/day allowed above the Deschutes Club gate. We suspect that the people most likely to take advantage of this access on a "first come-first served basis," would be commercial outfitters from the Maupin area. Use of this area for commercial day trips during the off-season months is sure to create political pressure to open up this area for day trips during the summer months. The eventual result of this process may be the extension of the over-crowded, circus-like atmosphere that exists below the Deschutes Club locked gate, upstream to Two Springs Ranch."

The Santiam Whitewater Association: "This access will extensively diminish the quality of our experience on this river by extending the crowded condition that is currently the norm on the river below the locked gate. Thus, we feel that access SHOULD NOT be increased from the present time. The locked gate should remain in its current location."

Santiam Flycasters: "The most cost effective alternative would be Alternative 4, an access easement through the Deschutes Club to BLM properties. This guarantees public access would never be cut off."

Deschutes Home Owners Association: "The Deschutes Home Owners Association ("DHOA") opposes the preferred alternative (Alternative #5) in the Supplement to the Draft Lower Deschutes River Management Plan and Environmental Impact Statement. The DHOA's position is that:

- Acquisition of an easement can only be by condemnation in this case, because there is no "willing seller". Condemnation of private property should be a last resort of the government and should be based upon a great public need and benefit.

- Acquisition of a road easement is unjustified in this case because most of the BLM land is on the west side of the river and access to these lands has always been available by downstream boating access. There is no public need to condemn the private road on the east side.

The DHOA is also particularly opposed to public automobile access because of the very real possibilities of trespass and vandalism to our homes. The area where our homes are located is extremely remote and accessible only by a cable operated boat. The BLM has said it would be able to identify public users by license plates or some other method. However, the homeowners are often away from their cabins for weeks or months at a time, especially during the winter. Any theft or vandalism would be extremely difficult to track down as to exact date.

Another concern unique to the Dant community is the very real possibility of public use of our cable operated boat, if the public were allowed automobile access on the east side. The cable-operated boat was installed in about 1945 as a means of access for the mine workers to the perelite mine on the west side of the river. The curious public user will undoubtedly see the cable boat as an easy, direct way to get access to the west side public lands. There is a minority of the public who always ignores any signs. Such a user could seriously harm himself or the boat by improper use."

The Dalles Rod and Gun Club: "With more access, during the off season, the Club feels there would be an increase in Vandalism, Trespass and Fire on our properties at Davidson Flats. The Club voted unanimously to support Alternative 2."

Bureau of Land Management Response: A number of concerns and challenges were raised through the public comment period on the Supplement. A description of how the major concerns were addressed follows. A full set of the written public comments and the hearings record is available at the BLM office in Prineville.

The value of public access: The importance of general public access to public land is recognized. The analysis of this issue was conducted in the Supplement in the context of the resource and management goals for this segment of the river.

Condemnation: Condemnation, by Federal policy, is a last resort to resolve public land management or access issues. While it is a tool which could fit under one or more of the alternatives analyzed in the Supplement, it is not the preferred approach.
Effect of changes in access on resource values:
The alternatives analyzed in the Supplement would yield up to a maximum of six percent change in use on Segment 1. Changes would occur in the off-season when use is presently low. The density of use during this period would continue to be low. Significant adverse impacts to soils, vegetation, cultural resources, visual quality and opportunities for recreation would not occur under Alternatives 2, 3, 4, 5, 6 and 8. Some impacts would occur with construction of a new road segment under Alternative 7.

Costs of implementation: This is a significant factor in selecting the Final Plan decision and is analyzed in the Supplement. Approximate costs and benefits have been identified for each alternative.

Legal access: Portions of the road alignment upstream from the locked gate are covered by a publicly owned right-of-way. However, no legal public access exists immediately upstream from the locked gate to connect to a publicly-owned road or land between the locked gate and the current jetboat deadline.

Fishing pressure: Significant changes in fishing pressure are not expected under any of the alternatives with possible exception of Alternative 1 (No Action). Should unexpected problems arise, the managing agencies would have additional mechanisms available to manage the amount and timing of fishing.

Expansion of off-season access to year-round access: No alternative under the Management Plan or the Supplement would allow year-round road access to the general public between the locked gate and the current jetboat deadline.

Comparison with areas below the locked gate: It is true that use levels are higher below the locked gate than above. The differences between these areas were recognized in the Final Plan. Both areas include public land managed by the Bureau of Land Management. Much of the natural resource management above the locked gate has been jointly implemented by BLM and the private landowners. The Confederated Tribes of the Warm Springs own a small portion of the area analyzed in the Supplement. Examples of the changes in management that have been made include a bank stabilization project and changes in grazing management (including livestock exclusion).

Access for homeowners: The Final Plan grants an exception to the ban on motorized boats for residents using them for access. This would be continued under any of the alternatives analyzed through the Supplement.

Selection of the Preferred Alternative: Alternative 5 was the proposal developed by the Executive Review Board for the area between the locked gate and the current jetboat deadline. It was not developed unilaterally by the Bureau of Land Management. Also on the Board were representatives from the State of Oregon, the Confederated Tribes of the Warm Springs and local government. The level of interest, the public comment received and the analysis developed verifies that the Supplement was necessary before a final decision was made. The analysis and the opportunities for public comment on this issue were not adequate through the Draft Environmental Impact Statement.

Relationship of changes in use to use levels in the Final Plan: Use levels in the Final Plan are based on the primary boating season, not the off-season. None of the alternatives analyzed in the Supplement affect use in the primary boating season.

Vandalism, fire and trespass: These are valid concerns. Only the no action alternative would allow continued use without controls identifying the individuals using the area in the off-season.

Environmental Impact Statement Text Revisions
Public comments on the Draft Lower Deschutes River Management Plan and Environmental Impact Statement resulted in several changes to the Preferred Alternative as the proposed decision was developed in the final plan.

Some changes to the text of the environmental impact statement are also necessary as a result of public comment. They are as follows:

Under Related Federal, Tribal, State and Local Planning and Management Responsibilities on page 17, add the following:

Oregon Water Resources Department

The Oregon Water Resources Department is responsible for the management and allocation of the State's water resources. The Water Resources Department reviews and grants instream water rights to protect streamflows for public purposes. Instream water rights can be granted in two ways: (1) conversion from minimum perennial stream flows and (2) application from the three state agencies that can apply: Department of Fish and Wildlife, Parks and Recreation Department, and Department of Environmental Quality. The Scenic Waterways Act requires Water Resources
Dept. concurrence on proposed land condemnations, new scenic waterway management plans and scenic waterway additions proposed by State Parks and Recreation Department for designation by the governor. The Water Resources Dept. must also assure its actions have no adverse effects to fish, wildlife and recreation.

Oregon Division of State Lands

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

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