

Acknowledgments . . .

The U.S. Forest Service Umatilla and Wallowa-Whitman National Forests and the Bureau of Land Management Vale District acted as cooperating agencies in the writing of this report; their assistance was critical in its development. Much of this document was taken directly from, based on, or summarized from, the U.S. Forest Service's earlier study of the Wallowa River, the Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement. Both the Bureau of Land Management and the National Park Service were cooperating agencies on that study.

By necessity, and to make this report complete for the Secretary of the Interior, Bruce Babbitt, much of this document is virtually identical to the U.S. Forest Service report. While this is a separate action, and the report must be complete enough for Secretary Babbitt to render a decision, there was no need to duplicate the earlier work of the U.S. Forest Service, thereby incurring greater cost to the Department of the Interior and the citizens of the United States.

Executive Summary

This document is in response to a request by the state of Oregon to designate a segment of the Wallowa River into the National Wild and Scenic Rivers System as a state-managed river. Under section 2(a)(ii) of the national Wild and Scenic Rivers Act, the Secretary of the Interior is granted the authority to designate a river at the request of a state, provided certain conditions are met. The National Park Service has found, as explained in this report, that the state and the river meet these conditions and is recommending to the Secretary of the Interior that the Wallowa River be designated into the National Wild and Scenic Rivers System with a classification of recreational.

To coincide with the 25th anniversary of Earth Day, a draft of this report was released for public and agency review on April 21, 1995, and was noticed in the *Federal Register* on that date. Over 700 copies of the draft report were initially sent to all persons, organizations and agencies with a known or potential interest in designation of the Wallowa River. In addition, newspapers in the area of the Wallowa River and in the state of Oregon announced the availability of the report.

The initial public review period was scheduled to run through June 7, 1995. This period was subsequently extended 15 days to June 22, with the extension noticed in area newspapers and in the *Federal Register* on May 30, 1995. The 90-day federal agency review period, as required by the national Wild and Scenic Rivers Act, ended on July 21, 1995. All comments postmarked by the respective dates were considered to be timely.

Only nine sets of comments, including telephone calls, were received. Of this, four were from federal agencies that, while not endorsing designation, had no objections to designation. Of the remaining letters, only one person opposed designation, and the rest of the letters firmly supported designation. All of the letters received are reprinted in Appendix G starting on page 67. National Park Service responses to comments or issues raised can be found in the same appendix beginning on page 79.

The prevalent reason for the low response rate was the fact that the U.S. Forest Service has been working with local communities for the past four years on wild and scenic river designation. A legislative environmental impact statement (EIS), prepared by the U.S. Forest Service at the direction of Congress under the 1988 Oregon Omnibus Rivers Act, was released in September of 1994. This EIS is currently undergoing the process of receiving formal approval by the Department of Agriculture. In the EIS, the U.S. Forest Service recommends as the preferred alternative wild and scenic river designation of the Wallowa through section 2(a)(ii).

As the EIS did a thorough job of assessing potential impacts to the environment from designation, the National Park Service choose to adopt it in fulfillment of National Environmental Policy Act requirements. On July 14, 1995, the U.S. Forest Service filed the EIS with the U.S. Environmental Protection Agency as required. Simultaneously, the National Park Service filed notice with the U.S. Environmental Protection Agency that it was adopting the EIS. Both of these actions were noticed in the *Federal Register* on July 21, 1995. The National Park Service also notified all parties of its adoption intentions in the draft report and in the *Federal Register* notice of April 21, 1995.

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INTRODUCTION

Purpose

On December 29 of 1994, Oregon Governor Barbara Roberts petitioned the Secretary of the Interior (Secretary) to exercise his authority under section 2(a)(ii) of the national Wild and Scenic Rivers Act (WSRA; Public Law 90-542, as amended) to designate the Wallowa River as a national wild and scenic river. This application was forwarded to the National Park Service (NPS) and assigned to the Pacific West Field Area to evaluate and to make certain determinations as required under the WSRA and Department of the Interior guidelines. This document is the culmination of those determinations. An assessment of impacts to the environment, as required by the National Environmental Policy Act (NEPA; Public Law 91-190), has already been completed through the *Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement* (LEIS), which was prepared by the U.S. Forest Service (USFS), Umatilla and Wallowa-Whitman National Forests. The NPS has determined that the LEIS contains a thorough assessment of impacts to the environment resulting from wild and scenic river designation. As such, the NPS has adopted the LEIS as allowed by NEPA in fulfillment of NEPA requirements.

In the LEIS, the USFS concluded that the river was eligible for designation into the National Wild and Scenic Rivers System (System). However, rather than the more common avenue of designation, Congressional action, the LEIS concluded that the river, its multi-objective uses, and the people around it, would best be served through designation as a state-managed river. A full explanation of the reasons for this conclusion, and the benefits of such a designation, are described in the LEIS.

For a river to qualify for the System through section 2(a)(ii) of the WSRA, four requirements must be met.

- 1) The river must first be designated as a component of a state's wild or scenic rivers system by, or pursuant to, an act of the legislature of that state.
- 2) Management of the river must be administered by an agency or political subdivision of the state, except for those lands already administered by an agency of the federal government.
- 3) The river must meet eligibility criteria common to all national wild and scenic rivers, i.e., the river must be free-flowing as determined by standards set by the Departments of the Interior and Agriculture and possess one or more outstanding resources of significance to the region or nation.

- 4) There must be effective mechanisms and regulations in place -- local, state or federal -- to provide for the long-term protection of those resources for which the river was deemed eligible.

In addition, if designated, the river is given one of three classifications. Each classification carries with it different responsibilities in management and protection. As defined by the WSRA, the three classes of rivers are:

- 1) *Wild river areas* -- Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.
- 2) *Scenic river areas* -- Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
- 3) *Recreational river areas* -- Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Finally, before the Secretary can take action, a proposed wild and scenic designation must be evaluated for potential impacts to the environment as required by the NEPA, and both the proposal and the NEPA documentation must be circulated to appropriate federal agencies for review as required by both the NEPA and the WSRA. The NPS also releases the report and NEPA documentation for extensive public review and comment.

Report Structure

As this is a companion document to the LEIS, and complete analyses can be found there for topics such as eligibility and alternatives to designation, many subjects are deferred to the LEIS. This report deals only with those subjects directly related to the four basic questions that must be addressed in determining eligibility under section 2(a)(ii) of the WSRA. In some instances, for example, eligibility, this report will provide a summary of the findings of the LEIS; the complete discussion will be found in the LEIS.

This first section presents a summary of the WSRA, provides a description of the river segment being considered for designation, and identifies the principle assessments and documents that are referenced in this report.

The second section describes the Wallowa River's status as a state-protected river and begins to examine the existing state protection mechanisms, which are more fully considered in the Resource Protection Section. This section of the report, and most sections to follow, concludes with findings on whether the requirements for designation have been met.

In the third section, the river's eligibility and classification is evaluated. The question of free flow is addressed, and natural, cultural and recreational resources are evaluated to determine their significance to the nation or region. This section is primarily a brief summary of the LEIS.

Section four provides a summary of the protection mechanisms already in place, determines if they are sufficient to protect the river's resources in perpetuity, and considers if they provide an adequate framework for future management.

The final section summarizes the report and includes the National Park Service's preliminary recommendations on the state of Oregon's application for wild and scenic river designation for the Willowa River.

Wild & Scenic Rivers Act - Criteria and Process

Enacted in 1968, the WSRA was intended to preserve selected free-flowing rivers in their natural condition for the use and enjoyment of the public. This alternative to dam construction was intended to balance the nation's water resources development policies with river conservation and recreation goals. Designated rivers receive protection from new hydropower projects and from other federally assisted water-resource projects -- as defined through grants, licenses, permits or funding -- that would alter the river's free-flowing characteristics, or have a direct and adverse effect on the river's outstanding resources.

The WSRA established two processes by which a river could enter the National Wild and Scenic Rivers System. One is through direct congressional designation. This is frequently preceded by a congressional amendment to section 5(a) of the WSRA, authorizing a study to assess a river's qualifications for the System before Congress takes action to designate the river.

Rivers can also be added to the System through an administrative action by the Secretary of the Interior. Section 2(a)(ii) of the WSRA allows the governor of a state to apply to the Secretary for national designation. The NPS then evaluates whether the requirements of section 2(a)(ii) have been met and prepares a draft report and an assessment of the environmental impacts of designation. The NPS also publishes a notice of proposed administrative designation in the *Federal Register* and notifies the Federal Energy Regulatory Commission (FERC) and other affected federal agencies of the pending action. Following a 90-day comment period for federal agencies and a concurrent 45 day comment period for the public, the NPS advises the Secretary of its findings. If the Secretary agrees that the application meets the requirements, the Secretary publishes a notice of administrative designation in the *Federal Register*, and the river is added to the System.

Rivers designated under section 2(a)(ii) receive the same protection afforded all rivers in the System. Rivers designated through this process are managed by the state, or political subdivision of the state, rather than the federal government, except for those lands owned by the federal

government. Section 2(a)(ii) is ideally suited to rivers where there is a strong tradition of state or local management and protection of the river.

When a river is added through section 2(a)(ii), it is done with the condition that it be administered without cost to the federal government. This means that there can be no condemnation or other acquisition of lands or water rights by the federal government related to wild and scenic river designation. This prohibition does not extend to state and local governments. It is also important to recognize that this restriction does not apply to federal actions that could reasonably be pursued regardless of designation. This is particularly important when considering a river such as the Wallowa which flows through federal lands and where the Bureau of Land Management (BLM) is actively involved in resource management which may involve acquisition of property rights from willing sellers.

Wallowa River Segment Proposed For Designation

The Wallowa River is located in northeast Oregon and drains 928 square miles in the central area of the Grande Ronde Basin. From its source in the Eagle Cap Wilderness, the river flows north to Wallowa Lake, which is a spectacular example of a glacial moraine lake. The river's origin, the snowfields of the Wallowa Mountains, is a range of jagged peaks with alpine meadows and dense timber, giving way to Pine Valley to the south, Baker and Grande Ronde Valleys to the west, Wallowa Valley to the north, and dropping sharply into the Snake River to the east.

After the river leaves Wallowa Lake, it flows northwest through the pastoral Wallowa Valley, large areas of which are used for agriculture of which about two-thirds is irrigated. Near the town of Lostine, the Wallowa is joined by the waters of the Lostine River.¹ Upon leaving the Wallowa Valley, the river enters a narrow canyon. The segment proposed for designation begins within this canyon at the river's confluence with the Minam River.² The Wallowa River from this point to its confluence with the Grande Ronde River³ is a 10-mile long reach; this is the segment proposed for designation. The Grande Ronde River then flows 80 miles northeast to its confluence with the Snake River in Washington just a few miles north of Hells Canyon National Recreation Area.

¹ *The Lostine River is a national wild and scenic river. From its headwaters to its confluence with the Wallowa River, 11 miles of the river is classified as wild and 5 miles as recreational.*

² *The Minam River is a national wild and scenic river. For 39 miles from its headwaters at Blue and Minam Lakes to the Eagle Cap Wilderness boundary -- a point 8 miles above the segment being considered for designation here -- the Minam River is classified as wild.*

³ *The Grande Ronde River is a national wild and scenic river. From its confluence with the Wallowa River to the Oregon-Washington state line, 26.4 miles of the river is classified as wild and 17.4 miles as recreational.*

Existing Assessments and Reports

The section of the Wallowa River proposed for designation has been examined several times before. In 1980, the river's nationally outstanding resources were noted in the NPS's *Nationwide Rivers Inventory* (NRI). Within the last two years, two separate documents have been released specifically addressing its future use. Much of this report has been taken from, or is based on, the *Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement*. The LEIS is also serving as the environmental analysis required under NEPA for the designation being considered here. Likewise, much of this report is dependent on the BLM's *Wallowa & Grande Ronde Rivers Final Management Plan/Environmental Assessment* (Management Plan). The Management Plan is pivotal to the state's ability to ensure permanent protection of resources, and will be addressed at greater length later, so it will only be touched on at this point. Following is a brief description of these prior reports.

Nationwide Rivers Inventory

When the WSRA was passed in 1968, it included a provision to identify possible additions to the National Wild and Scenic Rivers System. Section 5(d) states:

The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all federal agencies as potential alternative uses of the water and related land resources involved.

In 1980, the NPS released the NRI, which is a listing of rivers that, at first analysis, are potential candidates for study and/or inclusion into the System. In the NRI, the Wallowa River was identified as one of those possible future additions to the System. The significant resources noted by the NRI included the river's exceptional scenic quality, its complex canyon environments, and the outstanding recreational boating possibilities. The NRI also noted the Wallowa's linkage between the equally outstanding Minam and Grande Ronde Rivers, thereby possibly creating a system of protected rivers with resources important to the nation.

Congressional Wild and Scenic River Study

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Public Law 100-557) authorized the Secretary of Agriculture to study the Wallowa for potential designation. In September of 1994, the USFS released the *Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement*. Currently, a record of decision (ROD) is being finalized and approved by the Department of Agriculture. It is uncertain when an ROD will be signed; however, it is not necessary for the Department of Agriculture to sign an ROD prior to the Department of the Interior taking action on the state of Oregon's petition for designation.

Bureau of Land Management Resource Management Plan

In December of 1993, in conjunction with the USFS, the Washington State Shoreline Program, and the Oregon Parks and Recreation Department (OPRD), the BLM released the *Wallowa & Grande Rivers Final Management Plan and Environmental Assessment*. This plan sets forth specific guidelines for the management of the two rivers and adjacent public lands. Through the authority of the states of Oregon and Washington, this plan extends to all adjacent lands.

The Management Plan is comprehensive in dealing with the management of cultural and natural resources along the lower Wallowa River. Management issues addressed include, but are not limited to watershed and riparian protection, water quality, timber production practices (including old growth forests), fish and wildlife habitat (including diversity and threatened and endangered species), Native American treaty rights, traditional life-styles, visual resources, recreation, cultural and historic resources, energy resources, private property, safety, and wild and scenic rivers. A more detailed discussion can be found in the Resource Protection Section of this report, and a full analysis can be found in the Management Plan available through the BLM Vale District.

STATE DESIGNATION AND MANAGEMENT FRAMEWORK

There are two requirements relating to state policy and management which must be met before the Secretary of the Interior can take action to designate a river under section 2(a)(ii) of the WSRA. The first is that the river must be designated as a component of a state wild, scenic, or recreational river system by, or pursuant to, an act of the state legislature. The second requirement is that the river be administered by an agency or political subdivision of the state at no cost to the federal government, except for those lands already in federal ownership. This requires that the state has an adequate framework in place through which to manage the river and has the legal and administrative resources with which to accomplish these goals. The purpose of this section is to determine whether the state of Oregon's application meets the above two requirements.

State Scenic River Designation

The Oregon Scenic Waterways Act (OSWA; ORS 390.805 to 390.925) is a statewide law for river conservation established by popular vote in 1970; it is administered under the authority of the Oregon Parks and Recreation Department (OPRD). The overall purpose of the state program is to recognize certain waterbodies that possess outstanding scenic, fish, wildlife, geologic, botanical, historic, archaeological, and outdoor recreation values. The OSWA's intent is to preserve and protect the natural setting, water quality, and free-flowing condition of these waters. Dams, reservoirs, impoundments and placer mining are prohibited in state-designated scenic waterways. The OSWA does not restrict the use of existing water rights, allow public use of private property without consent of the landowner, or require existing developments or private property uses to be removed.

Initially, six rivers (Rogue, Illinois, Owyhee, Minam, John Day, Deschutes) were designated into the Oregon Scenic Waterways System. These rivers were subsequently added to the National Wild and Scenic Rivers System. In November of 1988, Oregon's voters approved Ballot Measure 7, adding several more rivers and 573 river miles to the Oregon Scenic Waterways System. Included in Ballot Measure 7 was the Wallowa River from its confluence with the Minam River at the hamlet of Minam to its confluence with the Grande Ronde at Rondowa -- the segment being considered here.⁴ There are now 19 rivers (1,148 miles) and one lake in the Oregon Scenic Waterways System.

Like the national WSRA, the OSWA has two mechanisms through which a river can be added to the state system. Rivers can be added to the system through designation by the Governor or the legislature. Rivers can also be added to the system by direct vote of the citizens of Oregon, as in the Oregon Rivers Initiative (Ballot Measure 7).

⁴ Also included was the Grande Ronde River from Rondowa to the Oregon-Washington state line.

State and Local River Management Framework

State resource and land management agency actions regarding the Willowa River are governed by several laws and regulations. The Oregon Comprehensive Waterway Management Plan and the OSWA are the two most significant for determining if the state of Oregon has a management framework adequate for administration of a national wild and scenic river. Others will be discussed in the Resource Protection Section.

Oregon Comprehensive Waterway Management Plan

The Oregon Comprehensive Waterway Management Plan (1988) was implemented to improve, develop and conserve Oregon's waterways. This plan addresses the needs and uses of all Oregon rivers and reflects a balancing of the competing uses of state waterways. It consists of a broad range of elements including statutes, administrative rules, and planning or management documents that may be applicable statewide or to a specific basin, stream reach, or waterway use. The plan's most relevant aspect is the Oregon Scenic Waterways Program, under the OSWA, which is discussed below.

Oregon Scenic Waterways Act

As mentioned above, the OSWA was enacted in 1970. Although a far-reaching law with fairly complicated administration, the OSWA has proven to be one of the best state river laws in the country. It has also proven to be one of the most active and successful. As mentioned above, several rivers have been added to the state system since passage, with many rivers subsequently being added to the national system through the Omnibus Oregon Wild and Scenic Rivers Act of 1988. Recently, the state system was also used to add the upper Klamath River to the national system through section 2(a)(ii) as a state-administered river.⁵

The Oregon Scenic Waterways Program promotes cooperative protection and wise use of rivers in the system by all agencies (federal, state and local), individual property owners, and recreation users. Program goals are:

- To protect the free-flowing character of designated rivers for fish, wildlife, and recreation. No dams, reservoirs, impoundments, or placer mining activities are allowed on scenic waterways.⁶

⁵ *Governor Roberts petitioned for designation of the upper Klamath River to the national system on April 22, 1993 (Earth Day). Secretary Babbitt designated the river on September 22, 1994. The city of Klamath Falls, Oregon, is now suing to have the designation reversed.*

⁶ *This only applies to state-licensed dams. Designation into the state rivers system does not protect the river from hydroelectric dam construction under a license issued by the FERC.*

- To protect and enhance scenic, aesthetic, natural, recreation, scientific, and fish and wildlife values along scenic waterways. New development or changes of existing uses proposed within a scenic waterway are reviewed before they may take place.
- To protect private property rights. The OSWA discourages unsightly structures or inappropriate development that could be a nuisance to neighboring landowners or even depreciate property values. It protects against pollution and the disturbance of adjacent surface lands by placer mining. It also prohibits public use of private property without explicit consent of the landowner.
- To promote expansion of the scenic waterway system. The OSWA sets up a process for adding new rivers to the system and establishes criteria for candidate rivers.
- To encourage other local, state, and federal agencies to act consistent with the goals of the program. The OPRD reviews plans and decisions made by other agencies to ensure consistency with the Oregon Scenic Waterways Program.

Management of the Oregon Scenic Waterways System is principally the responsibility of three state agencies -- the OPRD, the Water Resources Department, and the Division of State Lands. The OPRD does this in accordance with an adopted river management plan; the other two agencies manage rivers through the establishment of agency rules. Jurisdictional boundaries for a scenic waterway include the river and its shoreline and all the land and tributaries within one-quarter mile of its banks. Under the OSWA, changes in existing land use activities on non-federal lands within one-quarter mile of each river bank must be reviewed by the appropriate state managing agency. State rules for land management can be found in the Oregon Administrative Rules (OAR 736-40-005 to 736-40-095). In addition to the general rules governing the program, specific rules are generated for management of each river segment in the system. These rules are created through the management planning process and tailored to the actions necessary to maintain the existing character of the designated river corridor.

As mentioned, the OSWA and the Oregon Parks and Recreation Commission's (Commission) rules require the evaluation of proposed land use changes within one-quarter mile from each bank of the river for their potential impacts on aesthetic and scenic values, as viewed from the river. Property owners wanting to build roads or houses, develop mines, harvest timber, or undertake other similar projects, must provide written notification to the OPRD. OPRD evaluation of the project is coordinated with other natural resource agencies (federal and state) having regulatory responsibility and with the local jurisdictions. The OPRD relies on its river classification and administrative rules for each segment of the scenic waterway to determine whether the proposed project is incompatible or inconsistent with the designated classification.

The OPRD works with the landowner to reach a mutually satisfactory resolution of any conflicts. Where such a resolution cannot be reached, the Commission must decide within one year of the original notification whether to pay the property owner for the land or the development rights. If the Commission does not decide within one year to acquire the land or development rights, then the landowner may proceed in accordance with the original development proposal.

Other state and local agencies must comply with the scenic waterway laws and rules. The OPRD also works closely with federal agencies to assure their actions are compatible with scenic waterway law, rules, and resource management recommendations.

The goal of the scenic waterway management planning process is to develop a comprehensive and workable management plan which will protect or enhance the special attributes of the designated river corridor, while recognizing existing land uses and management practices on adjacent lands. Primary emphasis is the protection of aesthetic, scenic, fish and wildlife, scientific and recreational features. The intent is to maintain the scenic “status quo” condition of the area, without “turning back the clock” on existing land uses. The mechanisms for protection and enhancement include:

- ***River Classification*** -- Within the management plan, scenic waterways are classified into one or more of six possible classifications according to the present character of the landscape and the level and type of development.
- ***Administrative Rules*** -- Once the classifications are set, specific guidelines for new development and landscape alterations are established as rules.
- ***Other Management Recommendations*** -- These are suggestions for actions to protect corridor values, to be implemented by persons or agencies other than the OPRD.

As mentioned, there are six different possible classifications for a river in the Oregon Scenic Waterways System, each being used to establish specific management goals and guidelines. These classifications, and their management goals, are described below.

- ***Natural River Areas*** are generally inaccessible except by trail or river, with primitive or minimally developed shorelands. Preservation and enhancement of the primitive character of these areas are the goals of this and the next two classifications.
- ***Accessible Natural River Areas*** are relatively primitive, undeveloped areas with access by railroad or lightly traveled road.
- ***Natural Scenic View Areas*** are designated where one riverbank is inaccessible, undeveloped or primitive in character while the opposite bank is accessible and developed.
- ***Scenic River Areas*** may be accessible by roads, but are largely undeveloped and primitive except for agriculture and grazing. River segments considered “Scenic” are managed to maintain or enhance their high aesthetic quality, recreation value, fishery and wildlife habitat. The intent is to preserve their largely undeveloped character while allowing continuing agricultural uses.
- ***Recreational River Areas*** are readily accessible by road or railroad, with some agricultural, commercial and/or residential development along the banks; the river may have undergone some impoundment or diversion in the past. River segments considered “Recreational” are managed to allow continuance of compatible river-oriented outdoor

recreation opportunities, to the extent that these do not substantially impair the natural beauty of the scenic waterway or diminish its aesthetic, fish and wildlife, scientific and recreational values.

- ***River Community Areas*** are river segments where the density (residential tract or platted subdivision) of existing structures or other developments precludes application of a more restrictive classification. River segments considered “Community Areas” are managed to allow development that is compatible with county zoning and blends into the natural character of the surrounding landscape. This also means protecting riparian vegetation and encouraging activities that enhance the landscape.

The rules established for each river classification generally allow some new construction and continued use of existing structures. Though some improvements require notification, review and approval, many others do not. For example, notification and approval is generally not needed for construction of new fences; maintenance of farm buildings, fences or outbuildings; laying of irrigation lines; crop rotation; removal of danger trees; construction of grain storage facilities under certain conditions; maintenance of existing residences and outbuildings; minor residential remodeling; construction of garages adjacent to existing homes; certain changes in homesite landscaping; maintenance of roads and bridges; and firewood cutting for personal use.

Mining, road building, construction of most new structures, placement of mobile homes, land clearing, and timber harvest are examples of activities requiring approval. River classifications and the associated rules or guidelines determine how the natural and scenic beauty of the river will be maintained.

The Wallowa River has an adopted state scenic waterways management plan. Under the state management plan, the Wallowa River has been classified as: a River Community Area immediately around Minam; a Recreational River Area from the boundary of the Community Area to the north boundary of Minam State Park; and an Accessible Natural River Area from the north boundary of Minam State Park to the confluence with the Grande Ronde River. Generally, a River Community Area sets standards that allow further development while ensuring that visual impact to the river remains unobtrusive. Most new development must be screened from the river, either naturally or through plantings, and other types of development must blend into the natural landscape. Recreational River Areas protect an area’s recreational qualities while allowing some unobtrusive development. The goals of this classification are essentially the same as for a River Community Area; however, the standards are higher. An Accessible Natural River Area is undeveloped, its condition is generally pristine or near pristine, and the river is managed to preserve the natural appearance of the area. Only low-impact activities are allowed. The OPRD is required to ensure that new activities will not "substantially impair the natural beauty" of the scenic waterway. A project on non-federal lands may be denied if its approval would result in changing the potential river classification. This requirement is in effect regardless of whether or not a final management plan is adopted.⁷

⁷ For a more thorough detailed description of what each of these classifications entail, please turn to Appendix C.

The OPRD administers the Willowa Scenic Waterway in cooperation with the BLM, USFS, and Willowa and Union Counties. The state of Oregon claims ownership of the bed and banks of the Willowa River from the confluence of the Grande Ronde River upstream to at least Minam. State and local governments administer regulations on state and private lands within the river corridor. The Oregon Land Use Act of 1973 requires that local comprehensive plans be consistent with the 19 statewide goals adopted by the State Land Conservation and Development Commission. Goal 5, "Open Spaces, Scenic and Historic Areas and Natural Resources," provides for protection of a variety of natural and cultural resources, including "potential and approved federal wild and scenic rivers and state scenic waterways." The BLM administers federal lands in the river corridor in cooperation with appropriate state and local agencies to protect the outstandingly remarkable values of the state scenic waterway.

The implications of these state management responsibilities, and their ability to protect the river's resources, are addressed under the Resource Protection Section.

Conclusions

Based on the designation of the Willowa River as a state scenic waterway in accordance with the OSWA, the first section 2(a)(ii) criterion has been satisfied. Further, a state management framework for the protection of the Willowa River has been established; the second section 2(a)(ii) criterion has been fulfilled.

EVALUATION OF ELIGIBILITY & CLASSIFICATION

Since the LEIS contains a thorough analysis of the eligibility and classification of the Willowa River for national wild and scenic river designation, this section provides a summary of those findings.

Eligibility Findings

The WSRA requires that, to be eligible for inclusion in the national system, a river or river segment must be free-flowing and, with its immediate environment, must possess one or more outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.

Free-Flowing Condition

Free-flowing, as defined in section 16(b) of the WSRA, is applied to "any river or *section of a river*," and means:

. . . existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures . . . shall not automatically bar its consideration for inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the National Wild and Scenic Rivers System.

The entire study segment, which contains no dams or diversion structures, was found to be free-flowing. Approximately one-third of the structure of the east river bank of the study segment has been affected by sidecast fill from an adjacent railroad grade. The railroad grade along this river segment was completed in 1908 and was constructed of native materials. This use of native materials, and revegetation of the river bank over the past 87 years, has minimized the impact of the railroad grade upon the river. In general, the railroad grade follows the streamcourse and did not straighten or otherwise significantly alter the waterway; modifications are minor and do not disrupt the free-flowing character of the river.

In support of a nearby fish hatchery, two dams were constructed to supply water to the hatchery. A three-foot high water supply dam was built in 1905, three-quarters of a mile upstream of the hatchery. At the hatchery site in 1907, a larger dam was erected of log cribs filled with the rock blasted from the canyon by the railroad construction. This larger dam was destroyed in 1924, and little evidence of either dam remains. Overall, the waterway is modified to an extent comparable with other wild and scenic rivers having roads and/or railroads paralleling them, such as the Klickitat, lower Deschutes, North Umpqua or Merced Rivers.

Outstandingly Remarkable Values

The second criterion that a river must meet to be eligible for inclusion in the System is that it must possess one or more outstandingly remarkable values. The term "outstandingly remarkable" is not precisely defined in the WSRA. As directed by 1982 interagency guidelines, the determination of whether or not a river area contains outstandingly remarkable values is based on the professional judgement of the interdisciplinary study team. However, the USFS and the BLM, at least within the states of Oregon and Washington, have attempted to develop standards for certain categories of values. Where possible, this report defers to the standards and findings of the USFS and the BLM.

Scenic Resources

Under USFS and BLM guidelines, the criteria for an outstandingly remarkable rating are:

The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions within the geographic region. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment length and not common to other rivers in the geographic region.

The study corridor contains vistas characterized by striking rock formations and vegetative variety. The canyon supports mixed conifer stands consisting of Douglas-fir, grand fir, ponderosa pine, and western larch. A visitor to the canyon enjoys a varying panorama dominated by the contrast between bare rock, forest stands and open grassland. Interest is added to each view by the swift flow of the river, typically in the form of rapids, continuous waves, and occasional eddies. Seasonal changes bring additional variety to this natural appearing viewshed.

Only at the beginning and end of the study segment are modern roads and buildings visible. For the majority of the canyon, human impacts are unobtrusive and largely limited to views of the railroad grade along the river, glimpses of powerlines and primitive roads, occasional evidence of timber harvest and ranching activities, and an historic log cabin.

The scenic and visual resources of the Wallowa/Grande Ronde River system had been evaluated by the OPRD in the 1985 Oregon Scenic Waterways Study of the Grande Ronde and Wallowa Rivers. That study rated the Grande Ronde/Wallowa River outstanding in 6 of 7 scenic categories. As a result, the 1985 study's summary rating was "outstanding."

According to the Statewide Comprehensive Outdoor Recreation Plan for Oregon (Region 12), the area's mountain ranges and canyons provide the scenery that characterizes the beauty of the region. The lower Wallowa River Canyon exemplifies the canyons of this region and is visually enhanced by the swiftly flowing river. Each of the 11 wild and scenic rivers within this region has had scenery identified as an outstandingly remarkable value, and the region also supports two National Scenic Byways. In light of all the above, the scenery of the lower Wallowa River Canyon is determined to be "outstandingly remarkable."

Recreation Resources

The outstandingly remarkable rating criteria are:

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

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

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

The lower Wallowa River Canyon, from Minam to Rondowa, serves as the gateway to popular Wallowa/Grande Ronde River float trips beginning at the confluence of the Minam and Wallowa Rivers. Recreation is an outstandingly remarkable value for the designated portions of the Grande Ronde River. Access to the Wallowa/Grande Ronde River System allows for trips of 2-5 days in length. Alternative access to the Grande Ronde River can be found by putting in at the town of Elgin; however, this is usually boated as a one-day trip rather than as access to the lower Grande Ronde. Attributes that make the study segment the preferred choice for beginning a multi-day float trip are: the presence of rapids throughout the study segment, more rapids overall than on the Elgin to Rondowa float, a longer float season, and a shorter vehicle shuttle.

Use surveys conducted in 1984, and over the period of 1987-1989, show that the Wallowa/ Grande Ronde system is visited by recreationists of geographically diverse origins. Eighty-four percent of visitors to the river are from outside northeast Oregon, 22 percent are visitors from outside the tri-state region of Oregon, Washington and Idaho, and international visitors were present each season. Visitors travel long distances to recreate along the Wallowa/Grande Ronde system due to the fact that:

- The rivers are floatable from ice break-up in the spring until freeze-up in the winter. This is an unusually long float season for rivers with only minor upstream impoundments.
- The river provides a rare, 2- to 5-day duration, primitive float experience for individuals of beginning and moderate skill levels.
- The recreational experience occurs within a pleasingly diverse landscape. Typical float trips begin on the Wallowa River, in a setting dominated by coniferous forests, and end on the Grande Ronde River in a semi-arid grassland steppe.

In addition to day and over-night boating by canoe, drift boat, kayak and raft, other recreational uses considered to be of exceptional quality include anadromous fishing and big game viewing/hunting. These recreational opportunities available on the lower Wallowa River, and its role as the recreational access to the Grande Ronde River, are determined to be of outstandingly remarkable value.

Fish

The USFS and BLM criteria for an outstandingly remarkable rating for fish resources are:

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

The river is internationally, nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed threatened, endangered and sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

The Wallowa River drainage historically provided passage for, and/or produced, runs of several anadromous fish species. These included spring and early fall chinook salmon, summer steelhead, coho salmon and sockeye salmon. Currently the only anadromous fish utilizing the lower Wallowa River are spring chinook (*Oncorhynchus tshawytscha*) and summer steelhead (*Oncorhynchus mykiss*). Chinook use the lower Wallowa for passage, and to some extent for rearing purposes. Steelhead use the segment for rearing and passage and a tributary, Howard Creek, for spawning. Anadromous salmonids can also be found in the Minam River and its tributaries, Big Canyon Creek, Bear Creek, Lostine River, Prairie Creek, Spring Creek, Hurricane Creek, Trout Creek, Rock Creek, Whiskey Creek, and Parsnip Creek. All of these waterways are tributary to the Wallowa.

Although diminished in numbers of stocks and population, the salmonid stocks using the lower Wallowa River are of national importance, as demonstrated by treaties between sovereign nations concerning these anadromous fish populations and by the listing of spring/summer chinook in this area as an endangered species under the national Endangered Species Act. Likewise, these Wallowa River populations are critical components of the Grande Ronde River sub-basin fishery, which is cited in outdoor publications and commercial outfitter/guide advertising. The domestic importance of these and other northwest anadromous fish populations is further demonstrated by existing fisheries management and/or restoration agreements, including the Columbia River Fish Management Plan, the Pacific Salmon Treaty, the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program, the Lower Snake River Fish and Wildlife Compensation Program, and a growing list of other programs.

Prior to fur trading influences and European settlement, Native Americans had sole use and occupancy of the lands and its resources. The Wallowa River is within lands described in the Treaty of 1855 negotiated with the Nez Perce Tribe, wherein the Tribe reserved specific rights to take fish.

The lower Wallowa River provides habitat for native anadromous and resident fish species. It should be noted that, as described in the LEIS, impacts to water quality, temperature and flow regime are negatively affecting habitat quality. However, the presence of notable anadromous fish species justifies a determination that fisheries is an outstandingly remarkable value for the lower Wallowa Canyon, especially in light of the current precipitous fall in salmonid stocks in the Pacific Northwest.

Wildlife

USFS and BLM criteria for outstandingly remarkable wildlife are:

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

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

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

The high degree of habitat diversity of the lower Wallowa River supports many species of special interest. Threatened, rare, or endangered species that use the lower Wallowa River Canyon include the bald eagle⁸ and peregrine falcon. The abundant game species found in the Canyon include: Rocky Mountain elk,⁹ mule deer, white tailed deer, bear, cougar, turkey, grouse, quail, ducks and geese. The non-game species that attract the most attention include river otters and Lewis' woodpeckers.

Use of the lower Wallowa River Canyon, as a winter feeding area by the threatened bald eagle, creates a sufficient basis for determining that wildlife is an outstandingly remarkable value. This determination is strengthened by the significance of the Nez Perce treaty rights regarding hunting, by the use of the area as an important winter elk range, and by the diversity of plant communities within the study area.

Other Exceptional Values

In addition to the four resource categories summarized above that are considered to be nationally or regionally significant, and therefore qualify the Wallowa River for the National Wild and Scenic Rivers System, the river has many other resources of note. While these other natural and cultural resources are not considered to be "outstandingly remarkable" for the purposes of designation, they contribute to the unique character of the Wallowa River. In the future, this combination of resources might, itself, be considered unique. Among the many natural and cultural resources of the Wallowa River are the following.

⁸ *The Wallowa River Canyon provides a wintering area for seven to nine bald eagles and has historically provided bald eagle nesting sites.*

⁹ *The lower Wallowa River is an important deer and elk winter range.*

Geology. The lower Wallowa River flows through the thick basalt lava of the Columbia River Plateau, created by a series of volcanic eruptions 15 to 30 million years ago. Basalt is the dominant rock type, and volcanic features such as columnar basalts, pillow lavas, and red scoria occur in the parallel, bench-shaped flows. Softer, lighter-colored sedimentary interbeds of sandstone and mudstone sometimes contain plant fossils or thin seams of coal. All of these geologic features contribute substantially to the scenic qualities of the river and the diversity of plant and animal communities found there. They are, however, not unique to the area and can be found in more dramatic detail in the nearby Imnaha and Snake River Canyons.

Historic. Many historic resource sites exist throughout the lower Wallowa River Canyon, including early railroads and related structures, early fisheries management structures, and a ranch house. Around the turn of the century, a hotel and bridge at Minam, fish hatchery, and dam were constructed in the Canyon. Although there is little, if any, visible evidence of the hotel and fish hatchery, foundation pilings from the hatchery are easily observed. In addition, a railroad grade from Rondowa to Minam was constructed by hand and finished in 1908; associated structures for the construction and maintenance of the rail line were also constructed in the lower Wallowa River Canyon. The railroad grade is still in use, and archeological evidence of the structures associated with the railroad are observable. Finally, there is a hand-built logging road along portions of the left bank of the river and a historic log ranch house visible from the river.

The settlement and development of northeast Oregon was not dependent upon the presence of rail service, though it has contributed to the economic growth of the area. Excellent opportunities exist to interpret an early fisheries management activity located upon public land. While these historic resources are of significant interest, they are typical of those found throughout this area, and are not considered to be outstanding.

Prehistoric. The Wallowa River corridor has been extensively utilized by Native Americans for over 8,000 years as a hunting, fishing, and gathering area. The lower Wallowa River Canyon was a traditional use area of the Nez Perce Tribe and other nearby Sahaptin-speaking tribes during prehistoric and historic times, although information indicates that there were only two or three encampments within the wild and scenic river study area, as the narrow and rugged canyon left few sites suitable for encampments. There are also indications of religious uses of the area associated with the Nez Perce Tribe. No systematic cultural resource inventories have been completed for the river corridor; however, preliminary investigations indicate that the river flats were occupied and there may be evidence of burial sites, pit houses, sweat lodges, and rock shelters.

Since cultural resource inventories have not been conducted in the lower Wallowa River Canyon, it is undetermined what level of significance prehistoric use had in the corridor. Because all significant drainages in northeastern Oregon were utilized by Native Americans, in the absence of known rare, one-of-a-kind, or sites with unusual characteristics or exceptional human interest value(s), the prehistoric cultural values do not meet the criteria for outstandingly remarkable based on current knowledge of the Canyon. Further investigation might lead to the conclusion that prehistoric sites should also be considered as an outstanding resource.

Outstandingly Remarkable Values Of The Wallowa River, Oregon	
Resource	Characteristics
Scenic	Landscape dominated by striking geologic formations and vegetative variety, highlighted by moving water; human impacts are unobtrusive; part of an exceptionally scenic region supporting numerous state and federal recreation areas and two scenic byways.
Recreation	Unusually long boating season; the start to a rare multi-day trip for beginning boaters for a variety of craft; high scenic value; serves as a gateway to the scenic Grande Ronde River; provides a blend of other recreational opportunities such as salmon fishing and hunting.
Fish	Historic habitat for runs of steelhead and chinook, sockeye and coho salmon; nationally and internationally important runs of spring chinook and summer steelhead; potentially important for future salmon restoration efforts in the Columbia/Snake River System.
Wildlife	High diversity and substantial populations of numerous game and non-game species; supports hunting treaty rights with the Nez Perce Tribe; important deer and elk wintering range; supports peregrine falcons and bald eagles; historic nesting area for bald eagles.

Classification

After determining a river's eligibility for inclusion in the National Wild and Scenic Rivers System, it must be classified according to the category -- wild, scenic or recreational -- that best fits each eligible segment. Classification is based on the degree of naturalness and extent of development of the river and its adjacent lands as they exist at the time of the study.

As mentioned at the onset, there are three classification categories for designated rivers as defined in section 2(b) of the WSRA.

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

Scenic river areas -- Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely undeveloped, but accessible in places by roads.

Recreational river areas -- Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

A wild river would be an undeveloped river with limited access by trail. The existence of a few inconspicuous roads leading to the boundary of the river area at the time of study would not necessarily bar wild river classification. To qualify for scenic classification, the river segment should not show substantial evidence of human activity. The portion of the watershed within the boundary of a scenic river may have some discernible existing development. A recreational classification would be appropriate in developed areas, such as where a river runs parallel to roads or railroads, with adjacent lands that have agricultural, commercial, or other developments -- provided that the waterway remains generally natural and riverine in appearance.

Water resource development, shoreline development, accessibility, and water quality are the criteria that are considered when determining classification. Each criterion is important, but their collective intent is more important. Although each classification permits existing development, the criteria do not imply that additional inconsistent development is permitted in the future. Developments that are compatible with designation would be allowed, provided they are carried out in an environmentally sound manner.

In providing a classification for the Wallowa River, the USFS considered breaking the study segment into smaller units to consider different classifications for each. This is often done for rivers in the System. For example, a river might be wild in its mountainous headwaters, scenic through multiple-use lands, and recreational in its more populous lower valley. The potential breaks the USFS considered were from Minam to Minam State Park, from Minam State Park to Howard Creek, and from Howard Creek to Rondowa. Factors considered in deciding whether to classify the reach as a whole or to further segment it included: 1) Management strategies for administering the river area; 2) the effect of landownership patterns on management strategies; and 3) the desire to avoid excessive segmentation of the river area. Because landownership in each of the potential sub-segments is characterized by the same landownership pattern, there is the potential for a consistent management strategy throughout the river area. In addition, the degree of naturalness is largely the same for the entire segment from Minam to Rondowa. In light of these considerations, the study area was analyzed and classified as a single river segment. Again, a the full description of the classification can be found in the LEIS.

Water Resource Developments

Currently, there are no impoundments on the study segment of the Wallowa River. At each end of the segment, the waterway is modified by bridge piers. The left bank of the river is natural in appearance; the right bank presents a marked contrast. A railroad grade parallels and is in close proximity to the river for most of the study segment. Thirty to forty percent of river bank is modified by the sidecast fill of the railroad. The rocky sidecast, like riprap, stabilizes the stream bank. This impedes the natural processes of the river creating and changing its channel. The presence of the sidecast has covered or modified areas that once sustained natural riparian plant

communities. However, while the railroad has led to some modifications of the waterway, the impacts are not overpowering, and the river retains its essential natural character. The impacts and the proximity of the railroad do preclude the river from being classified as wild or scenic. The level of developments affecting the river channel mandates a classification of recreational.

Shoreline Development

As mentioned above, the right bank has been modified by the railroad bed, while the left bank of the river has a consistently high degree of naturalness for the entire length of the study segment. The minor exceptions to this naturalness are the vestiges of some very short segments of a primitive, historic, hand-built logging road within the riparian zone and some limited impacts to riparian vegetation by livestock grazing and recreational camping.

Only at the beginning and end of the study segment are modern roads and buildings visible. For the majority of the canyon, human impacts are unobtrusive and largely limited to views of the railroad grade along the river; glimpses of powerlines and primitive roads; occasional evidence of timber harvest and ranching activities; and an historic log cabin. The presence of the roads and railroad preclude the application of a wild classification. Under BLM and USFS wild and scenic river criteria, the study segment provides a good match with the shoreline development of a scenic classification, with the exception of timber harvesting. Ongoing timber harvest and evidence of past timber harvest matches better with a recreational classification. In light of the above, shoreline development is determined to be at the recreational classification level.

Accessibility

As mentioned previously, this reach of the Willowa River is easily accessible. There is a railroad grade in close proximity to the river for the entire study segment from Minam to Rondowa. The railroad grade is visible from almost all points along the river; however, the railroad may soon be abandoned, the rails removed, and the land either sold or converted to a rail-trail. Roads parallel approximately half of the length of this river segment. There is a two-mile long road from Minam to Minam State Park that runs along the left river bank; almost all of the road is well screened from the river by vegetation and/or distance. The road provides ready access to the upper two miles of the study segment. From Howard Creek to Rondowa, three miles of primitive logging road run along the right side of the river on private land. In places, this road is screened from the river; in other spots, it is highly visible. The road is closed by cooperative agreement with the Oregon Department of Fish and Wildlife (ODFW) from August to November; historically, it has been kept open the rest of the year. Public use of the road is limited by remoteness from paved roads. There are other primitive private roads that are occasionally visible from the river. Bridges cross the river only at the upper and lower boundaries of the study segment. Although there is some form of road or railroad present along the entire reach, in general, the presence of the roads do not command attention when viewed from the river due to screening by vegetation or topography. Accessibility, when viewed from the perspective of transportation structures in the corridor, is clearly at a recreational classification level.

Accessibility when viewed from the perspective of a visitor's actual ability to get to the river yields a different result. Only the roaded segment of the river, from Minam to Minam State Park, is easily accessible. The railroad carries freight but not passengers. The road from Rondowa to Howard Creek is privately owned, remote, and recommended only for high-clearance vehicles. However, because the overall basis for classification is the degree of naturalness, or inversely, the degree of evidence of human activity in the river area, greater weight is given to the presence and impact of transportation structures than to the current use of those structures. Therefore, the presence of roads and the railroad combine to create a degree of naturalness that corresponds with the access criteria for a recreational classification.

Water Quality

The 1988 Oregon Department of Water Quality's Statewide Assessment of Nonpoint Sources of Water Pollution provides water quality information on approximately 110,000 miles of rivers, streams and creeks within or along Oregon's borders. The study segment of the Wallowa River is grouped with the immediately upstream river segment of the Minam to Bear Creek in the assessment. The entire segment has a variety of moderate and severe water quality problems resulting from nonpoint source water pollution. The statewide assessment identifies erosion, elimination of thermal cover, disturbance by human or animal traffic, vegetation removal, water withdrawal, reservoir storage and release, altered physical characteristics of the stream, bank filling, channelization/wetland drainage, and animal waste as the probable causes of water quality problems found in the Wallowa River. The lower Wallowa River does not have water sufficiently pure, clean, or clear to support a wild river classification. Water quality criteria do not differentiate between scenic and recreational river areas; water must simply be of sufficient quality to support the resources for which the river was designated, which it clearly is here.

Conclusions

The river meets or exceeds all of the eligibility requirements for designation into the National Wild and Scenic Rivers System. It is free-flowing as defined by Departments of the Interior and Agriculture guidelines and possesses at least one outstandingly remarkable value; in fact, the Wallowa River possesses four classes of resources found to be remarkable.

With regard to classification, the river segment does not meet all of the criteria for a wild classification. Shorelines are not primitive, the study segment is accessible by roads or railroads for its entire length, and waters are not pristine. The Wallowa River does not meet the definition of scenic due to the level of shoreline development and the continual presence of roadways. The Wallowa River does meet the criteria for a recreational classification. The study segment is free of impoundments, the shoreline is essentially natural in character and largely undeveloped; the evidence of human activity is present but is not the dominant feature of the landscape. Water quality is sufficient to support the river corridor's outstandingly remarkable values. The river qualifies for designation as a national recreational river.

EVALUATION OF PROTECTION & MANAGEMENT

One of the requirements under section 2(a)(ii) is that there are adequate mechanisms in place to protect the outstandingly remarkable resources that cause the river to be eligible for the System. These mechanisms may be federal or state laws and regulations, special designations, local zoning, or any other land use and resource protection overlay. Various protection mechanisms are in effect for the Wallowa River Canyon. These include federal and state laws and regulations, BLM management guidance from the *Wallowa & Grande Ronde Rivers Final Management Plan/Environmental Assessment*, and local zoning.

Federal Laws and Regulations

Legal guidance for planning and management of BLM-administered lands in the Vale District, including the Wallowa Canyon, is derived from numerous statutes and executive orders. Most of these statutes apply to all lands of the United States; however, several are specific to federally managed lands.

Statutes and Regulations Common to All Lands

American Indian Religious Freedom Act	Northwest Power Act
Antiquities Act	Oregon Omnibus Wild and Scenic Rivers Act
Archaeological Resource Protection Act	Sikes Act
Bald and Golden Eagle Protection Act	Soil and Water Resources Conservation Act
Clean Water Act	Taylor Grazing Act
Clean Air Act	Wild and Scenic Rivers Act
Electric Consumers Protection Act	
Endangered Species Act	
Federal Power Act	
Fish and Wildlife Coordination Act	
Geothermal Steam Act	
Historic Sites Act	
Historic Preservation Act	
Land and Water Conservation Fund Act	
Migratory Bird Treaty Act	
Migratory Bird Conservation Act	
Mineral Leasing Act	
Mining Law	
Mining and Minerals Policy Act	
National Environmental Policy Act	

Statutes and Regulations Specific to Federal Lands

Executive Order 11514 -- Protection and Enhancement of Environmental Quality
Executive Order 11593 -- Protection and Enhancement of the Cultural Environment
Executive Order 11644 -- Use of Off-Road Vehicles on the Public Lands (1972)
Executive Order 11988 -- Protection of Floodplains
Executive Order 11990 -- Protection of Wetlands
Federal Land Policy and Management Act
Oregon and California Sustained Yield Act

State and Local Laws and Regulations

There are several state and local laws and regulations that apply directly to private lands in the Wallowa River Canyon. The most relevant are the Oregon Land Use Act (requiring county comprehensive planning), Wallowa and Union County zoning ordinances, the OSWA, and the Oregon Forest Practices Act.¹⁰

Oregon Land Use Act

The Oregon Land Use Act requires that local comprehensive plans be consistent with the 19 statewide goals adopted by the State Land Conservation and Development Commission. In the Wallowa and Union Counties' Comprehensive Plans,¹¹ the following goals are applicable to the Wallowa River Canyon: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 4 (Forest Lands), Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 6 (Air, Water and Land Resources Quality), Goal 8 (Recreational Needs), and Goal 9 (Economy). Goal 5 provides for the protection of a variety of natural and cultural resources, including "potential and approved federal wild and scenic rivers and state scenic waterways." This is to be accomplished through plan inventories and local regulations to prevent conflicting land uses to the extent possible. The counties' plans identified state scenic waterways, watersheds, fish and wildlife habitat (specifically riparian, and big game -- deer and elk -- winter range) as significant resource categories in the Wallowa River Canyon. Goal 5 will be updated to reflect new inventory data and as the designation of the river changes.

¹⁰ *Local zoning is driven by the Oregon Land Use Act. Counties must develop Comprehensive Land Management Plans that meet the goals of the Oregon Land Use Act. These land use plans are then approved by the Oregon Land Conservation and Development Commission. Other state laws then modify, add to, or set standards and specifications for, the goals of the Oregon Land Use Act. For example, the new rules adopted September 1, 1994, under the Oregon Forest Practices Act, set new standards for riparian protection along state scenic rivers. These new standards are then incorporated into local zoning and land use plans.*

¹¹ *The Wallowa County plan was written in 1977 and adopted by the Oregon Land Conservation and Development Commission that same year. The Union County plan was written in 1983 and adopted by the Commission in 1985.*

Wallowa and Union County Zoning

Most of the study reach is in Wallowa County (90%), with a small segment (10%) in Union County. Both counties have zoned the river corridor as Timber/Grazing, with a very small segment immediately around the Minam Store and Motel zoned as R-3, Rural Service Area. Both of these delineations are consistent with the recreational classification of the Wallowa River. Following are brief descriptions of these zoning classifications. The complete set of standards can be found in Appendices D and E.

Rural Service Areas

Rural Service Areas are established to provide commercial uses servicing the needs of rural residents. They also try to provide limited commercial services for tourism consistent with the rural character of the area. Most essential services are permitted outright, such as single-family homes, locally used recreational facilities, churches, schools, restaurants, small retail stores, utilities, and home-based occupations. Small commercial opportunities are either permitted outright, or are permitted conditionally. These include automobile service stations, commercial recreation facilities, and tourist accommodations. Building codes are quite strict and are designed to minimize visual impacts. While some conditionally permitted activities within the area might be less than desirable in a wild and scenic river corridor, such as mobile home parks, the overall impact and intent of the Rural Service Area, and its very limited size, is in keeping with a recreational classification for the Wallowa River.

Timber/Grazing Zones¹²

Timber/Grazing zones provide for commercial farm and forest activities. Only new uses that are compatible with agricultural activities are permitted. The overall intent is to “guarantee the preservation of the areas so classified for farm use free from conflicting non-farm, non-forest use.” Agricultural uses and necessary buildings are permitted outright, with buildings being subject to strict building standards and substantial lot sizes. Other uses permitted conditionally include sawmills, utilities, home-based occupations, some temporary buildings, fishing camps, and locally used recreation areas. Again, there are some activities conditionally allowed that would be less than preferred in wild and scenic river corridors, such as television transmission towers and private airstrips. However, considering the very rural character of the area, other overlaying laws and regulations, the land ownership pattern, and the future plans of the BLM,¹³ the impacts from these other allowed uses, if any are ever considered, would be minimal at worst.

¹² *Union County is in the process of amending its criteria for Timber/Grazing zones. However, it is expected that changes will not significantly impact management of the river. Zoning must still conform to Oregon Comprehensive Water Management Plan, the new forest management rules established under the Oregon Forest Practices Act, and the OSWA. In fact, the majority of the proposed amendments will clarify zoning ordinances and will better serve the long-term protection of the river.*

¹³ *The BLM manages 41% of the river corridor, and plans include acquiring more of the corridor from willing sellers.*

Oregon Scenic Waterways Act

The OSWA was described in detail in the State Management Section; however, several points should be emphasized. Under the OSWA, changes in existing land use activities on private lands within one-quarter mile of each river bank must be reviewed by the OPRD. The OSWA also specifies that the free-flowing character of state scenic waterways will be maintained in quantities necessary for the highest and best uses of the river, which are recreation, fish and wildlife (ORS 390.835). State rules for land management can be found in the Oregon Administrative Rules.

Oregon Forest Practices Act

The Oregon Forest Practices Act (ORS 527.710) places restrictions on timber harvests and techniques on private and state lands near state Large Type F waters.¹⁴ Among other requirements, landowners must retain a riparian management area along streams, protect wetlands, safeguard waters flowing into Type F streams, protect sensitive species and their habitat, and provide for aquatic and upland habitats. Reforestation and soil protection requirements are strict. Landowners and logging operators must notify the Oregon Department of Forestry at least 15 days in advance of commercial logging operations on private forests. Written plans describing logging operations must be filed when activities occur within 100 feet of a Type F stream. A complete listing of restrictions under the Oregon Forest Practices Act can be found in Oregon Department of Forestry rules adopted September 29, 1991, August 3, 1992, and September 1, 1994.¹⁵

Resource Management Plan

In December of 1993, the BLM released the *Wallowa & Grande Ronde Rivers Final Management Plan/Environmental Assessment*. This Management Plan encompasses a one-half mile wide corridor (corresponding to the width of the Wallowa State Scenic Waterway) for the 90-mile stretch of the Wallowa and Grande Ronde Rivers reaching from Minam to the Snake River. Although the portion of the Grande Ronde River from the confluence of the Wallowa River to the Oregon-Washington state line was the only designated wild and scenic river segment at the time of

¹⁴ A new nine-tiered system of classification was adopted September 1, 1994. The lower Wallowa River has been reclassified as a Large Type F stream, large dealing with size and F denoting management for fish. The Wallowa was previously a Class I water; Class I waters were considered important for fisheries, domestic use, and recreational values.

¹⁵ The new regulations adopted September 1, 1994, are generally more restrictive. For example, under the new restrictions, the first 20 feet in a Riparian Management Area is now a no-cut zone. Understories must remain intact immediately adjacent to Type F streams, and overhanging trees must be left. Although the buffer strip along a stream remains at 100 feet, timber harvests must now leave a basal area retention of 220 square feet of basal area per 1,000 linear feet of stream instead of the previous 50 percent shading requirement.

release, it was decided that a management plan encompassing the entire reach was preferable. There were several reasons for this decision. First, these three segments are managed as one river corridor under the BLM Baker Resource Area Management Plan (RMP) and the Wallowa-Whitman National Forest Plan. Second, the Wallowa River was being studied by the USFS for possible designation into the System. Third, the Washington State Legislature was, at the time, considering the lower Grande Ronde for wild and scenic river designation. And fourth, the Wallowa River is considered to be the gateway to the wild and scenic Grande Ronde River.

When the Management Plan and the LEIS were written, the BLM managed only 340 acres, or 12%, of the Wallowa River corridor (see Former Landownership Pattern Table below). Since the release of those two documents, the BLM has acquired an additional 850 acres from willing sellers as part of their normal planning processes (see Current Landownership Table below). Together with the OPRD, state and federal agencies now manage 1,792 acres, or 62%, of the river corridor. As mentioned previously, the RMP calls for additional purchases from willing sellers.¹⁶ The implication of this land being in state and federal ownership is that protection as a wild and scenic river is guaranteed for those lands.

Former Landownership Pattern		
Landowner	Acres	Percent
Private	1,958	67.5
Oregon State Parks	602	20.8
BLM	340	11.7
USFS	0	0.0
Total	2,900	100.0

Current Landownership Pattern		
Landowner	Acres	Percent
Private	1,095	37.8
Oregon State Parks	602	20.8
BLM	1,190	41.0
USFS	0	0.0
Wallowa County	13	0.4
Total	2,900	100.0

BLM Allocations and Resource Classifications

Under the RMP, the BLM made certain allocations and/or resource classifications for the Wallowa River Canyon including Eligible and Suitable Recreational River Area, Special Recreation Management Area, and Visual Resource Management Class II. Each of the classifications has associated management guidelines to which the Baker Resource Area will adhere.

¹⁶ The BLM has made an offer on an additional 160 acres of land in the proposed Wallowa wild and scenic river corridor. This would bring BLM management to 1,350 acres (47%) and total public ownership to 1,952 acres, or 67%. The offer is being considered.

Eligible and Suitable Scenic River Area

As mentioned earlier, the USFS and the BLM found the lower Wallowa River both eligible and suitable for designation as a recreational river under the WSRA. According to BLM Manual section 8351.32C, when a river segment is determined eligible for the System and given a tentative classification (wild, scenic or recreational), its identified outstandingly remarkable values are afforded adequate protection, subject to valid existing rights, to maintain those resources on an interim basis. Management activities and authorized uses are not allowed to adversely affect either eligibility or the tentative classification until the eligibility determination is superseded. Public notification of this interim protective management could occur no later than publication of a draft resource management plan; however, protective management was initiated as soon as eligibility was determined, which in this case was July 1989. Protective management was made permanent with the adoption of the December 1993 Management Plan.

In general, protective management of the Wallowa River Canyon did not change after it was found to be eligible in 1989, although certain activities that could have adversely affected the eligibility or classification would not have been approved. To date, no action has been denied under protective management.

The BLM's protective management is in effect on all BLM-administered lands along the Wallowa River Canyon. This protective zone extends from rim to rim or 1/4 mile from the normal high water mark on each side of the river, whichever is greater. The BLM's protective guidelines do not directly affect private lands.

The corridor along recreational river segments are managed under Visual Resource Management (VRM) Class II objectives. Timber harvest is prohibited in the riparian management area. Water quality is maintained or improved. Hydroelectric power facilities are not permitted. Mining is permitted, subject to existing regulations. Inconspicuous roads and trails may be constructed. Agricultural practices and grazing are allowed to continue at current levels. Recreation facilities are allowed if they are screened from the river. Public use is encouraged, although public use and access can be regulated. New rights-of-way are discouraged. Motorized travel is allowed, prohibited, or restricted as necessary.

Special Recreation Management Area

The BLM establishes these administrative units to direct recreation program priorities to areas where a commitment has been made to provide specific recreation activities and experience opportunities. These areas usually require a high level of recreation investment and/or management. The specific recreation activities provided in the Wallowa River Complex Special Resource Management Area are whitewater boating, fishing, hunting and camping. The experience provided in this area is a semi-primitive, motorized opportunity, in which the area is characterized by a predominantly unmodified natural environment with an opportunity to use motorized vehicles. Recreation is managed to protect the river and the recreation resources. (See the Baker Resource Area RMP/EIS for more information.)

Visual Resource Management Class II

On BLM-administered lands, VRM classes and objectives provide different levels of protection. The objective of VRM Class II management is to retain the existing character of the landscape. The level of change to that landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color and texture found in the predominant natural features of the characteristic landscape. The Wallowa River Canyon is managed to meet VRM Class II objectives.

BLM/Oregon Memorandum of Understanding

The OSWA encourages state agencies to enter into agreements with other governmental units to assist in the management of designated rivers. This is especially relevant in Oregon as most of the rivers in the Oregon Scenic Waterways System lie on federal or tribal lands. To facilitate and enhance cooperation between the OPRD, USFS and BLM, the three agencies entered into a statewide memorandum of understanding (MOU) for the management of state scenic waterways. In addition, the BLM and OPRD are developing an MOU specific to the management of the Wallowa River.

Statewide Agreement

Under the statewide MOU, the three agencies agree to work cooperatively to protect the outstanding features of rivers designated into both state and federal river systems. This includes consultation and cooperation on writing resource management plans, establishing rules and guidelines, consolidating planning processes, and providing early notification of land activities. The MOU emphasizes thorough communication. The complete agreement can be found in Appendix B.

Wallowa River Agreement

Currently, the BLM Vale District and the OPRD are in the process of developing an MOU specifically on management of the Wallowa River and each agencies' responsibility in implementing the components of the Management Plan. Details of the MOU are being discussed and are not available at this time; however, a comprehensive agreement on management will ensure that threats to outstanding resources will not be overlooked and that each agency will work with the other to ensure that actions are consistent with the goals of the OSWA and the WSRA.

Other Resource Classifications and Protections

The classifications, land use protections, and laws described below (PACFISH, Columbia River Basin Fish and Wildlife Program, Grande Ronde Subbasin Plan, Northwest Power Planning Council Protected Area, Columbia River Fish Management Plan, Native American Treaties, Wallowa County/Nez Perce Salmon Habitat Recovery Plan, Pacific Salmon Treaty, Endangered Species Act, Pacific Bald Eagle Recovery Plan) also provide protection to the natural and cultural resources of the Wallowa River. These other factors either directly protect, set standards for protection, or influence management decisions for the Wallowa River Basin.

PACFISH

Due to the dramatic declines of salmonid stocks in the Pacific Northwest -- often despite intensive efforts to arrest these declines -- the BLM and the USFS have developed an ecosystem-based, aquatic habitat and riparian-area management strategy commonly known as PACFISH. PACFISH is aimed at amending forest practices on public lands to protect and enhance habitat critical to salmon. This includes both instream habitat and supporting upland areas throughout the watershed. This reevaluation of management activities and practices initially was to occur on BLM and USFS lands within the range of the northern spotted owl and affect those practices not already being considered under the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (FEIS).¹⁷ While the Wallowa River does not lie within lands that are part of the FEIS, PACFISH was extended to apply to all streams on public lands supporting Pacific Northwest salmonid stocks. PACFISH has resulted in the development of new standards in forest management for five key factors -- pool frequency, water temperature, large woody debris, bank stability, and width-to-depth ratio. The BLM and USFS are in the process of inventorying streams on federal lands supporting anadromous fish to determine whether or not these standards are being met.

PACFISH includes a long-term strategy for managing anadromous fish habitat on federal lands. "Key watersheds" are being identified to be given high priority for protection and restoration. Stream buffers are being defined for both fish bearing and non-fish bearing streams. These "riparian habitat conservation areas" will be subjected to management prescriptions that will limit land use activities that might harm anadromous fish. When fully implemented, PACFISH will make a significant contribution to the long-term protection of salmon and steelhead spawning and rearing areas on lands managed by the BLM and USFS.

¹⁷ The FEIS contains measures for maintaining and restoring anadromous fish habitat for all or part of fifteen national forests and six BLM districts within the range of the northern spotted owl and which accommodate naturally reproducing stocks of anadromous fish.

Columbia River Basin Fish and Wildlife Program

In December of 1980, the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96-501, more commonly known as the Northwest Power Act) authorized the states of Idaho, Montana, Oregon and Washington to enter into an interstate compact to create a policy-making and planning body for hydroelectric power and Columbia Basin fish and wildlife. As a result, the Northwest Power Planning Council (Council) was formed to correct and balance the impacts of hydroelectric dams and their operation on fish and wildlife resources.

One of the Council's first charges was to develop a Columbia River Basin Fish and Wildlife Program that not only dealt with the impacts of future hydroelectric constructions and operations, but also attempted to correct past damages. Once developed, the agencies controlling the Columbia River -- Bonneville Power Administration, Army Corps of Engineers, Bureau of Reclamation, FERC -- were charged with the plan's implementation. While implementation of the plan is continually shrouded in debate and legal action -- and the specific points of the plan are far too complex for analysis here -- it is fair to say that it has had, and will have, long-term positive impacts on management and protection of fish and wildlife resources in the Wallowa River. For a discussion of the Columbia River Basin Fish and Wildlife Program, please contact the Council.

Grande Ronde Subbasin Plan

Under the Columbia River Basin Fish and Wildlife Program discussed above, individual plans are developed for specific subbasins, one of which is the Grande Ronde. These subbasin plans are then incorporated into the larger Columbia Basin plan.

Under the Grande Ronde Subbasin Plan,¹⁸ the ODFW, Washington Departments of Wildlife and Fisheries, USFS, U.S. Fish and Wildlife Service, Nez Perce Tribe, and others set as their goals: a gain in fish habitat quality and quantity; development of a database on habitat; development of monitoring programs on land use; and development of minimum instream flow targets. Again, the net result of this plan relevant to the Wallowa River is the setting of management direction in the protection of river resources and the supporting uplands.

Northwest Power Planning Council Protected Area

The Wallowa River has been designated a protected area by the Northwest Power Planning Council pursuant to the Northwest Power Act and the Council's Northwest Power Plan. Protected area amendments adopted by the Council in 1988 identify the region's most valuable fish and

¹⁸ Pursuant to measure 7.0C.1 of the Columbia River Basin Fish and Wildlife Program, current subbasin plans are to be updated by December 31, 1995, based on other management plans and appropriate additional information. Measure 7.0C.4 requires fishery managers to base these plans on an ecosystem approach to restoration. The Council insists that the plans recognize that the conservation of existing salmonid genetic resources found in the Columbia Basin is basic to a sustainable fishery.

wildlife habitat. Rivers meeting this standard were designated protected areas.¹⁹ The amendment stated that “no new hydroelectric developments should be allowed in protected areas” and identified actions the FERC and other federal agencies should take in support of the designation. The Council's Northwest Power Plan and Protected Areas Program has been found to constitute a comprehensive plan pursuant to the Electric Consumers Protection Act.

Columbia River Fish Management Plan

As settlement in the case of *United States et al. v. Oregon, Washington et al.*, the Columbia River Fish Management Plan was adopted by the Departments of the Interior and Commerce; the Nez Perce Tribe; the Confederated Tribes of the Umatilla Indian Reservation; the Confederated Tribes of the Warm Springs Reservation; the Confederated Tribes and Bands of the Yakama Indian Nation; the states of Idaho, Oregon and Washington; and the Shoshone-Bannock Tribe. The details of the suit are not relevant here; what is important is that the goal of the plan is to rebuild weak runs of salmonids in the Columbia River Basin.²⁰

Under the plan, the parties set management goals and agree to use habitat protection authorities, enhancement efforts, artificial production, and harvest management to try to produce sustainable fish runs. But perhaps the most relevant aspect of the plan to the possible designation of the Willowa River as wild and scenic is that it establishes procedures for communication and dispute resolution. In any event, the Columbia River Fish Management Plan helps to ensure cooperation in fish and habitat protection.

Native American Treaties

The entire study corridor is within the lands that were ceded to the United States government, through a ratified treaty, by the Nez Perce Tribe. The study corridor does not include any reservation lands. Under the provisions of the 1855 and 1863 Treaties, members of the Nez Perce Tribe retained the rights and privileges to hunt, gather roots and berries, and pasture stock on non-claimed federal lands within the corridor. In addition, these treaties entitle members of the Nez Perce Tribe to fish at all usual and accustomed fishing sites. The Nez Perce Tribe continues to use the area for hunting, fishing and other traditional practices at usual and accustomed places. The Nez Perce Tribe actively pursues protection of cultural and sacred sites, which include burials, and other treaty rights. Their rights to believe, express and exercise their traditional religions (including having access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites) are also protected by law.

¹⁹ *The lower Willowa River was recognized as a protected area because of its anadromous fishery, bull trout, and bald eagles. Spring and summer runs of chinook salmon as listed are endangered species, bull trout are C2 species, and bald eagles are considered threatened.*

²⁰ *The plan also sets out harvest schedules and quotas between treaty Indian and non-Indian fisheries in the ocean and Columbia River Basin.*

Members of the Confederated Tribes of the Umatilla Indian Reservation have treaty interests in fisheries that depend upon habitat within the study corridor and have a high level of interest in a variety of sites within the study corridor.

Wallowa County/Nez Perce Salmon Habitat Recovery Plan

Prompted by the 1992 listing of the Snake River chinook salmon as threatened under the Endangered Species Act, Wallowa County and the Nez Perce Tribe, supported by the BLM, USFS and state agencies, developed the Wallowa County/Nez Perce Salmon Habitat Recovery Plan. The goal of the plan is:

To develop a management plan to assure that watershed conditions in Wallowa County provide spawning, rearing and migration habitat required to assist in the recovery of Snake River salmonids by protecting and enhancing conditions as needed. The plan will provide the best watershed conditions available consistent with the needs of the people of Wallowa County, the Nez Perce Tribe, and the rest of the United States, and will be submitted to the National Marine Fisheries Service for inclusion in the Snake River Salmon Recovery Plan.

As noted, the primary emphasis of this plan is habitat protection. However, the plan focuses not on instream or riparian habitat, but instead tries to consider and plan for the entire watershed. Integral to this, the plan addresses water quality and quantity and the upland conditions necessary to maintain both. The result is a fairly comprehensive set of recommendations for area streams on everything from livestock management to road construction. In some instances, the plan goes on to identify key agencies in the implementation of specific items. The plan is being implemented as opportunities arise; it is being used to direct other planning decisions by county, state and federal agencies. When fully implemented, the Wallowa County/Nez Perce Tribe Salmon Recovery Plan will provide a major component of protecting Wallowa River resources.

Pacific Salmon Treaty

The Pacific Salmon Treaty is an agreement between the United States and Canada principally aimed at providing ocean harvest regulations that ensure increased fish escapement of salmon stocks back to the upper Columbia River. While removed from the direct management of resources in the Wallowa River, the Pacific Salmon Treaty does help to protect the outstanding fish resources of the river.

Endangered Species Act

Salmon stocks in the Pacific Northwest have been in serious decline over the past few decades, with the result that several runs have become extinct and more are in danger of extinction. Within the Wallowa River, spring/summer chinook and fall chinook runs are listed as threatened; steelhead have been petitioned for listing. The Wallowa River is considered as critical habitat for these species. A recovery plan is due soon from the National Marine Fisheries Service (NMFS);

the plan will influence and direct land use towards recovery of these runs, which in turn should have a positive effect on the Wallowa River.

Pacific Bald Eagle Recovery Plan

The lower Wallowa River is identified in the Pacific Bald Eagle Recovery Plan as providing one “Target Recovery Territory” as a part of the overall plan to reestablish bald eagles in a nine-state area. Although the area is listed as critical bald eagle wintering habitat, no active bald eagle nests are known. However, the study area is considered as having high potential for nesting due to excellent habitat and limited human access. There is also a high potential that communal roost sites exist within the study area; funding constraints have not allowed for confirmation. Several communal roost sites have been located both upstream and downstream from the study corridor. Limiting disturbance and maintaining habitat for roosting, nesting and foraging sites will be a major consideration in any plan developed for the river.

Conclusions

At present, the Wallowa River has sufficient mechanisms in place to almost fully protect the outstanding resources found there. The one gap in protection is from the potential negative impacts of hydroelectric development and/or federally assisted water resource projects.²¹ The legal and regulatory overlays present are adequate to disallow almost all potential threats to river resources; it is not clear if they would be sufficient to stop projects proposed under the Federal Power Act. National wild and scenic river designation, in conjunction with the existing and proposed land use and resource protection overlays, would fully protect the nationally significant resources of the lower Wallowa River. In addition, all of the special classifications outlined above, including existing and proposed designations, are fully compatible and complimentary with national wild and scenic river designation. Designation will provide a common direction for the implementation of the various plans and ensure long-term resource protection for the Wallowa River.

²¹ Currently, there are no active plans to develop hydroelectric facilities within the Wallowa River corridor; the same applies to any federally assisted dams or water-resource projects. However, the potential exists for future dam and water-resource project proposals.

CONCLUSIONS AND RECOMMENDATIONS

In evaluating Governor Roberts' request to designate the Wallowa River into the National Wild and Scenic Rivers System, the National Park Service finds that:

- The Wallowa River is designated into a state wild and scenic rivers system as required by section 2(a)(ii) of the National Wild and Scenic Rivers Act.
- The Wallowa River is free-flowing as defined by the Departments of the Interior and Agriculture.
- The Wallowa River possesses outstandingly remarkable scenic, recreation, fish and wildlife resources that are valuable to the region and the country.
- The Wallowa River meets the qualifications to be classified as recreational under the national Wild and Scenic Rivers Act.
- The state of Oregon, together with the BLM and Wallowa and Union Counties, has adequate mechanisms in place to protect the free-flowing character and the outstandingly remarkable resources of the lower Wallowa River if the river is designated wild and scenic. The state and the BLM also have the management framework and resources necessary to implement those laws and regulations.
- The *Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement*, conducted by the U.S. Forest Service fulfills all requirements of the National Environmental Policy Act. The impacts of the LEIS's preferred alternative, designation as a state-managed river under section 2(a)(ii) of the national Wild and Scenic Rivers Act, are fully assessed and addressed in the report.

Based on these findings, the National Park Service concludes that all requirements of section 2(a)(ii) of the national Wild and Scenic Rivers Act and Department of the Interior guidelines have been met and, in most instances, exceeded. Designation of the lower Wallowa River into the National Wild and Scenic Rivers System is in the public interest. The National Park Service therefore recommends that the state of Oregon's application for wild and scenic river designation for the lower Wallowa River be approved. The recommended designation extends from the confluence of the Wallowa River with the Minam River (river mile 10) to the confluence with the Grande Ronde River (river mile 0). The river is recommended for designation as a National Recreational River.

APPENDICES

- A - Glossary & Abbreviations Used*
- B - Memorandum of Understanding for River Management*
- C - State Scenic Waterways Administrative Rules*
- D - Union County River Zoning Ordinances*
- E - Wallowa County River Zoning Ordinances*
- F - Distribution List For the Draft Report*
- G - Comments Received and Responses*
- H - Report Preparers & Reviewers*

Appendix A - Glossary & Abbreviations Used

2(a)(ii)	Section 2(a)(ii) of the National Wild and Scenic Rivers Act, allows a state to petition the Secretary of the Interior to add a river to the National Wild and Scenic Rivers System with state management
BLM	United States Bureau of Land Management
Commission	Oregon Parks and Recreation Commission
Council	Northwest Power Planning Council, established by the Northwest Power Act to plan for electric power and protection of fish and wildlife in the Pacific Northwest
Department	United States Department of the Interior
DOD	United States Department of Defense
Draft Report	<i>Draft Wallowa River 2(a)(ii) Wild and Scenic River Study Report</i> , the draft version of this report, prepared by the National Park Service to provide for public input into its final recommendations to Secretary of the Interior Bruce Babbitt
EIS	Environmental Impact Statement
FEIS	<i>Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl</i>
FERC	United States Federal Energy Regulatory Commission
LEIS	<i>Wallowa River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement</i>
Management Plan	<i>Wallowa & Grande Ronde Rivers Final Management Plan/Environmental Assessment</i>
MOU	Memorandum of Understanding, agreement between the Bureau of Land Management, the United States Forest Service, and the Oregon Department of Parks and Recreation on management of rivers in Oregon or management of the Wallowa River
NEPA	National Environmental Policy Act

NMFS	United States National Marine Fisheries Service
NOAA	United States National Oceanic and Atmospheric Administration
NPS	United States National Park Service
NRI	Nationwide Rivers Inventory, a listing of potential additions to the National Wild and Scenic Rivers System released in 1980 by the National Park Service
ODFW	Oregon Department of Fish and Wildlife
OPRD	Oregon Parks and Recreation Department
OSWA	Oregon Scenic Waterways Act
RMP	Bureau of Land Management Baker Resource Area Management Plan
ROD	Record of Decision, signed by an agency on finalization of an environmental impact statement
Secretary	Secretary of the Interior
System	National Wild and Scenic Rivers System
USFS	United States Forest Service
VRM	Visual Resource Management, used by the Bureau of Land Management to classify the scenic quality of an area to help direct management decisions
WSRA	National Wild and Scenic Rivers Act

Appendix B - Memorandum of Understanding for River Management

MEMORANDUM OF UNDERSTANDING FOR RIVER MANAGEMENT

This agreement is between the United States, Bureau of Land Management (BLM) acting by and through the Oregon State Director; the USDA Forest Service (FS), acting by and through the Regional Forester, Region 6; and the State of Oregon, by and through the Parks and Recreation Department (Parks).

Witnesseth:

WHEREAS, on various rivers throughout Oregon, the State of Oregon, the BLM, and the FS administer, manage or regulate the use of lands within certain river corridors and have various programs and responsibilities in regard to these programs and lands under their respective jurisdiction; and

WHEREAS, the State of Oregon, under the State Scenic Waterways Act and the BLM and FS under the Federal Wild and Scenic Rivers Act are charged with parallel duties of identification, planning, and administration of rivers with special qualities as set out in those acts; and

WHEREAS, the State of Oregon, BLM, and FS have differing authorities, jurisdictions, and administrative capabilities as to the lands and waters within the river corridors; and

WHEREAS, the State of Oregon and the United States have common objectives as to the planning and management of these lands and water resources making it desirable for the State of Oregon and the United States to cooperate in the planning and management of these resources; and

WHEREAS, the Regional Forester, FS, has the authority to enter into this agreement by virtue of the authority granted to the Secretary of Agriculture by Sec. 11, P.L. 90-542 as amended thereto; and

WHEREAS, the State Director, BLM has the authority to enter into this agreement by virtue of the authority granted to the Secretary of the Interior by the Federal Land Policy and Management Act (42 U.S.C. 1737) and for components of the National Wild and Scenic Rivers Systems by virtue of P.L 90-542 as amended; and

WHEREAS, the State of Oregon, by and through Parks enters into this agreement by virtue of the authority granted by ORS 390.140(2)(b); and

NOW THEREFORE, it is agreed between the parties as follows:

- A. When the State of Oregon, the BLM, or the FS determine that a river corridor is under formal consideration for designation under either the State or Federal rivers programs,

they will notify the other parties and afford them an appropriate opportunity for participation in consideration of the river corridor for designation.

- B. The FS and the BLM agree to consult and cooperate with Parks when conducting resource management planning within designated wild and scenic river corridors, designated State scenic waterways, rivers considered candidates for State and Federal designation or other rivers mutually agreed upon and identified.
- C. When a river which is designated by the State of Oregon as a scenic waterway includes Federal lands within its boundaries, Parks will consult and cooperate with the BLM and/or FS as appropriate during the establishment of management guidelines and administrative rules.
- D. Work projects or activities which involve transfer of money, services or property will require execution of a separate agreement. Alternative agreements include Challenge Cost-Share Agreements, Participating Agreements, Procurement Contracts and local Memorandum of Understanding. Each project will be signed and documented by the responsible organizational line officer using the appropriate agreement. These agreements will address such matters as planning for recreational developments, acceptable types and levels of use, resource management program constraints and guidelines, and administrative arrangements including the transfer of funds and the sharing of personnel to effectively plan for and manage river corridors. If either Federal agency does not manage lands in a particular river corridor, that agency need not be a party to the supplemental agreement for the river.
- E. It is recognized that it is in the best interest of the State and Federal agencies to avoid duplicative planning processes on designated rivers. Therefore, to the greatest extent possible, management planning on designated rivers shall be consolidated into one process -- State and Federal -- that satisfies the needs of both entities.

In some cases, it may be necessary to determine a lead or coordinating agency to facilitate the process. The responsibilities of the various involved parties shall be enumerated in a memorandum of understanding as described in (D) above.

- F. Parks will, to the extent possible, communicate with affected State agencies regarding FS or BLM river corridor planning and management activities subject to this agreement.
- G. BLM and FS fully recognize the need to notify and consult with Parks at the earliest possible opportunity regarding land use activities on Federal lands that may impact the natural resource values of the rivers shown in Attachment A of this agreement. Parks review shall be to determine an activity or project's compatibility with the maintenance of the river's natural beauty according to the standards in the scenic waterway management rules (OAR Chapter 736 Division 40).

- H. It is recognized that the parties to this Agreement and their agencies and representatives have responsibilities under statute or otherwise which cannot be waived or abrogated. This agreement does not affect such non-discretionary mandates.
- I. Nothing in this Agreement shall commit the parties or their agencies or representatives to the expenditure of funds not authorized by law.
- J. Any party may withdraw from this Agreement upon written notice to the other parties. The withdrawal of one or more parties shall not affect the validity of this Agreement as to the remaining parties.
- K. Amendments to this Agreement may be proposed by any party and shall become effective on approval by all parties.
- L. No member or delegate to Congress or resident Commissioner shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporate for its general benefit.
- M. Attachment A is a list of existing State scenic waterways. [Not attached]
- N. Attachment B is a list of existing Federally designated rivers. [Not attached]

The Parks and Recreation Commission, by a duly adopted delegation order number 1, authorized the State Parks Director to execute this agreement on behalf of the Commission. Approval for this delegation order was given at its January 26, 1990, meeting.

State of Oregon, by and through its State Parks and Recreation Department

/s/ Dave Talbot - Director

United States of America, by and through its USDA Forest Service, Region 6

/s/ John F. Butruille - Regional Forester

United States of America, by and through its USDI Bureau of Land Management, Oregon State Office

/s/ William Leuscher - State Director

Appendix C - State Scenic Waterway Administrative Rules

The Oregon Scenic Waterways System relies on six different classifications in order to develop administrative rules and river management plans. The six classifications are:

- *Natural River Areas* are generally inaccessible except by trail or river, with primitive or minimally developed shorelands. Preservation and enhancement of the primitive character of these areas is the goal of this and the next two classifications.
- *Accessible Natural River Areas* are relatively primitive, undeveloped areas with access by railroad or lightly traveled road.
- *Natural Scenic View Areas* are designated where one riverbank is inaccessible, undeveloped or primitive in character while the opposite bank is accessible and developed.
- *Scenic River Areas* may be accessible by roads, but are largely undeveloped and primitive except for agriculture and grazing. River segments considered Scenic are managed to maintain or enhance their high scenic quality, recreation value, fishery and wildlife habitat. The intent is to preserve their largely undeveloped character while allowing continuing agricultural uses.
- *Recreational River Areas* are readily accessible by road or railroad, with some agricultural, commercial and/or residential development along the banks; the river may have undergone some impoundment or diversion in the past. River segments considered recreational are managed to allow continuance of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not substantially impair the natural beauty of the scenic waterway or diminish its aesthetic, fish and wildlife, scientific and recreational values.
- *River Community Areas* are river segments where the density (residential tract or platted subdivision) of existing structures or other developments precludes application of a more restrictive classification. River segments considered community areas are managed to allow development that is compatible with county zoning and blends into the natural character of the surrounding landscape. This also means protecting riparian vegetation and encouraging activities that enhance the landscape.

Wallowa River Classification and Land Management Rules

The OPRD applies three of these classifications to the Wallowa River Scenic Waterway. Each of these classifications carries with it specific guidelines under the Oregon Scenic Waterways Act.

Minam River Community Area

Existing development at Minam includes a small store, motel, private residence, mobile home used as a headquarters for the BLM river rangers, graveled parking lot, small electrical power relay station, and boat ramp. This entire area, zoned Rural Service on the Wallowa County zoning map, is classified as a *River Community Area*. The management goal is to allow further development while ensuring that the development's visual effect from the river is unobtrusive.

River Community Area Land Management Rules

That segment of the Wallowa River zoned Rural Service by Wallowa County at Minam.

Rule: This River Community Area shall be administered consistent with the standards set by OAR 73640-035 and OAR 736-40-040 (1)(f). In addition to these standards, all new development shall comply with Wallowa County land use regulations.

New mining operations and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or native vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of development may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to totally obscure the altered improvement site.

If land is to remain in forest use, visible timber harvest may be allowed provided that: 1) the operation complies with the relevant Forest Practices Act rules; 2) harvest methods with low visual impact are used; and 3) the effect of the harvest enhances the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management tree density patterns -- prior to 1920).

New roads constructed for timber harvest or mining shall be partially screened, either with vegetation or topography. If inadequate topography or vegetative screening exists, the road may be permitted if vegetation, preferably native, is established to provide partial screening of the road within a reasonable time (4-5 years). The condition of "partial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to allow a partially filtered view (at least 30% filtering) of the road.

Improvements needed for public recreation use or resource protection may be visible from the river, but shall be designed to blend with the natural character of the landscape.

Whenever the standards of OAR 736-40-035 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

Recreational River Area

From the north boundary of the Minam River Community Area to the north boundary of Minam State Park the river is classified as a *Recreational River Area*. This segment, approximately two miles long, provides both land-based and river-based recreation. The maintained gravel road to the State Park provides easy access to the entire segment for boaters, hunters, anglers, hikers, picnickers, campers and swimmers. The management goal is to preserve the area's recreational quality and ensure that any new developments are unobtrusive.

Recreational River Area Land Management Rules

That segment of the Wallowa River from the River Community Area to the north boundary of Minam State Park.

Rule: This Recreational River Area shall be administered consistent with the standards set by OAR 736-40-035 and OAR 736-40-040 (1)(c)(B). In addition to these standards, all new development in resource zones (i.e., farm and forest related dwellings) shall comply with Wallowa and Union County land use regulations.

New structures and associated improvements (except as provided under OAR 73640-030 (5)) shall be partially screened with native vegetation and/or existing topography. If inadequate topography or vegetative screening exists on a site, the structure or improvement may be permitted if vegetation (preferably native) is established to provide partial screening of the proposed structure or improvement within a reasonable time (4-5 years). The condition of "partial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation to partially obscure (at least 30%) the viewed improvement or structure, or allow a partially filtered view (at least 30% filtering) of the proposed structure or improvement.

New mining operations and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or existing vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of development may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of "substantial screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to totally obscure the altered improvement site.

Visible tree harvest may be allowed provided that: 1) the operation complies with the relevant Forest Practices Act rules; 2) harvest methods with low visual impact are used; and 3) the effect of the harvest enhances the scenic view within a reasonable time (5-10 years). For the purposes of this rule, "enhance" means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management density patterns -- prior to 1920).

New roads constructed for timber harvest, mining or any other purpose shall be moderately screened with vegetation and/or topography. If inadequate topography or vegetative screening exists, the road may be permitted if vegetation (preferably native) is established to provide moderate screening of the road within a reasonable time (4-5 years). The condition of "moderate screening" shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to allow moderately filtered view (at least 50% filtering) of the road.

Improvements needed for public recreation use or resource protection may be visible from the river, but shall be designed to blend with the natural character of the landscape.

Whenever the standards of OAR 736-40-35 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

Accessible Natural River Area

From the north boundary of the Recreational River Area to the Wallowa's confluence with the Grande Ronde, the river is classified as an *Accessible Natural River Area*. This segment, about 8 miles long, is the least developed portion of the Wallowa Scenic Waterway.

Visible from the river are a few primitive, private roads high on the slopes, the railroad track on the right bank, a power line, and a railroad bridge and older structures at Rondowa. Harvesting timber has been a normal and continuing activity in this area, and its visual impact, for the most part, has been minimal. Visual intrusions are localized, and the overall impression is primitive and isolated. The management goal is to maintain the primitive character of the landscape.

Accessible Natural River Area Land Management Rules

That segment of the Wallowa River from the north boundary of the Recreational River Area to the Wallowa's confluence with the Grande Ronde.

Rule: This Accessible Natural River Area shall be administered consistent with the standards set by OAR 73640-035 and OAR 73640-040 (1)(e)(B). In addition to these standards, all new development in resource zones (i.e., farm and forest related dwellings) shall comply with Wallowa and Union County land use regulations.

New structures and associated improvements shall be totally obscured from view from the river by existing vegetation and/or topography except as provided under OAR 736-40-030 (5) and excepting minimal facilities needed for public outdoor recreation or resource protection.

New mining operations and similar improvements shall be permitted only when they are substantially screened from view from the river by topography and/or native vegetation. If inadequate topographic or vegetative screening exists on a site, mining and similar forms of

development may be permitted if vegetation is established which would provide substantial screening of the affected area. The condition of “substantial screening” shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to totally obscure the altered improvement site at all stages of its development.

Visible tree harvest may be allowed provided that: 1) the operation complies with the relevant Forest Practices Act rules; 2) harvest methods with low visual impact are used; and 3) the effect of the harvest is to enhance the scenic view within a reasonable time (5-10 years). For the purposes of this rule, “enhance” means to improve timber stand health, including reducing stand density, by emulating the mosaic character of the natural forest landscape (pre-forest management tree density patterns -- prior to 1920).

New roads may be permitted only when fully screened from the river by topography or existing vegetation.

Existing visible roads may be upgraded when those roads are moderately screened or moderate screening is established. No side cast which would be visible from the river is permitted. Excess material shall be hauled to locations out of sight from the river. If inadequate screening exists, upgrading the road may be permitted if native vegetation is established to provide moderate screening of the road within a reasonable time (4-5 years). The condition of “moderate screening” shall consist of an ample density and mixture of evergreen and deciduous vegetation (preferably native) to allow a moderately filtered view (at least 50% filtering) of the road.

Proposed utility facilities shall share existing utility corridors, and any vegetation disturbance shall be kept to a minimum.

Improvements needed for public recreation use or resource protection may be visible from the river, but shall be primitive in character and designed to blend with the natural character of the landscape.

Whenever the standards of OAR 73-640-035 and the above rule are more restrictive than the applicable County Land Use and Development Ordinance, the above Administrative Rules shall apply.

Appendix D - Union County River Zoning Ordinances

The Wallowa River corridor is zoned as A-4 Timber/Grazing in Union County. Below are the relevant zoning ordinance sections.

ARTICLE 5.00 A-4 TIMBER-GRAZING

5.01 PURPOSE

The A-4 Timber-Grazing Zone is intended to conserve and maintain agriculture and forest land in accord with the Timber-Grazing Land Use Plan classification provisions.

5.02 PERMITTED USES

The following uses are permitted outright in an A-4 Zone:

1. Farm use.
2. The propagation or harvesting of a forest product.
3. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
4. Operations for the exploration for and production of geothermal resources as defined in Section 1.08 and oil and gas as defined in Section 1.08, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (1) (a) or (b).
5. Operations for the exploration of minerals as defined in Section 1.08. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (1) (a) or (b).
6. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
7. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
8. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
9. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1981, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
10. Replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Property per ORS 358.480.
11. Seasonal farm-worker housing as defined in Section 1.08.
12. Creation of, restoration of or enhancement of wetlands.
13. A winery, as described in ORS 215.452.
14. A dwelling to replace an existing dwelling if:
 - A. The existing dwelling is habitable as defined in Section 1.08; and
 - B. The replacement dwelling will be located on the existing homesite area; and
 - C. The existing dwelling will not be used as a second dwelling on the parcel upon completion of the replacement dwelling.
15. Rehabilitations, replacements, minor betterment repairs and improvements, and other similar construction activities of private or public parks, playgrounds or community centers which are not considered to have land use impacts.
16. The breeding, boarding and training of horses for profit.

5.03 CONDITIONAL USES

1. The following uses may be established in an A-4 Zone subject to applicable standards in Article 21.00 and approval by the Planning Commission:
 - A. Farm-related dwellings located on parcels predominantly capable of farm use may be established in an A-4 Zone subject to finding by the Planning Commission that the proposed dwelling can satisfy all of the following criteria:

Criteria -

 - 1) The parcel is currently employed in farm use; where the day-to-day activities are principally directed to the farm use on the parcel, and
 - 2) The dwelling is customarily provided in conjunction with farm use; and
 - 3) The parcel is large enough for the appropriate continuation of the existing commercial agricultural enterprise in the area.
 - 4) The dwelling meets one or more of the following farm dwelling categories:
 - a) Single-family dwellings and other buildings customarily provided in conjunction with farm use.
 - b) A single-family dwelling located on the same lot or parcel as the dwelling of the farm operator.
 - c) A single-family dwelling occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
 - B. Farm dwellings located on parcels predominantly capable of growing a commercial stand of timber as defined in Section 1.08 if:
 - 1) The parcel is currently employed in farm uses; where the day-to-day activities are principally directed to the farm use on the parcel, and
 - 2) The dwelling is customarily provided in conjunction with farm use; and
 - 3) The parcel is large enough for the appropriate continuation of the existing commercial agricultural enterprise in the area.
 - 4) The dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in Section 1.08. This determination shall be based at a minimum on the applicant providing the following information:
 - a) A detailed forest management plan including; the condition and productivity of the lands to be managed; a chronological description of commercial forest management activities to be undertaken by the resident(s) or under contract; and estimates of yield, labor and expenses.
 - b) A map and information showing the site for the proposed dwelling.
 - c) A description of related fire safety measures based on standards in section 5.05.The above information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine the following factors. The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density and harvest; and the development and safety standards in Section 5.05 have been adequately addressed. If Oregon Department of Forestry does not respond within 45 days of receiving notice, the County may proceed with application review.
 - 5) There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling on the forest operation.
 - 6) The property qualifies for and is enrolled in one of Oregon's forest tax programs.
 - 7) The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.
 - 8) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit

or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

- 9) The forest lands to be managed by the resident of the proposed dwelling meets the stocking and survival requirements of the Forest Practices Rules for the Eastern Region (OAR 629-24-402).
- 10) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 11) An application for a forest management dwelling is not complete for the purpose of requiring a governing body to take final action on the permit within 120 days, as required by Article 24.00, until all the required information including the review and evaluation by the Oregon Department of Forestry is submitted to the governing body or its designate.
- 12) The parcel on which the dwelling would be located was lawfully created prior to adoption of OAR 660-06-028.
- 13) Nothing in this section relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on farm/forest lands.
- 14) Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands.

C. Single-family non-farm dwellings subject to the following criteria:

- 1) The dwelling is compatible with farm uses as defined and is consistent with the intent and purpose set forth in the Oregon Agricultural Land Use Policies in ORS 215.243;
- 2) The dwelling does not interfere seriously with accepted farming practices as defined in ORS 215.203 (2)c, on adjacent lands devoted to farm use;
- 3) The dwelling does not materially alter the stability of the overall land use pattern of the area;
- 4) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
- 5) The dwelling complies with other conditions set out in Section 21.07 6. for farm assessment disqualification;
- 6) The dwelling may be allowed on forest land which has not received forest deferral three (3) out of the last five (5) years;
- 7) The dwelling complies with such other conditions as the governing body considers necessary;
- 8) The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection;
- 9) The dwelling meets development and fire siting standards in Section 5.05.

2. Commercial activities that are in conjunction with farm use.

3. The following mining or processing uses are subject to standards in Section 21.07 3.

A. Mining and processing of geothermal resources as defined in Section 1.08 and oil and gas as defined in Section 1.08 not otherwise permitted under Section 5.02 4.

B. Mining of aggregate and other subsurface resources subject to the following:

- 1) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining a surface area of more than one acre;
- 2) A permit for mining aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.

C. Processing, as defined by Section 1.08, of aggregate into asphalt or Portland cement; and

D. Processing of other mineral resources and other subsurface resources.

4. Private parks (see standards for a mobile home park in Section 21.07 4.), playgrounds, hunting and fishing preserves and campgrounds.

5. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.

6. Golf courses.

7. Churches.
8. Public or private schools including all buildings essential to the operation of a school.
9. Commercial utility facilities for the purpose of generating power for public use by sale.
10. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities (personal use airport definition Section 1.08).
11. Home occupations which can annually meet the conditions in Section 21.07 2.
12. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Section 1.08. Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
13. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
14. Dog kennels.
15. Transmission towers over 200 feet in height.
16. Residential homes as defined in Section 1.08, in existing dwellings subject to standards in Section 21.07 6.
17. The propagation, cultivation, maintenance and harvesting of aquatic species.
18. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
19. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
20. Improvement of road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
21. Room and board arrangements for a maximum of five unrelated persons in existing residences.
22. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.

5.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the A-4 Timber-Grazing Zone shall be 80 acres.

5.05 DEVELOPMENT AND FIRE SITING STANDARDS

The following standards shall apply to all development in an A-4 Timber-Grazing Zone.

1. Any proposed division of land included within the A-4 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).
2. The Planning Commission and Board of Commissioners shall not approve any proposed subdivision or partition of a lot or parcel described in Section 5.03 1. A. & B. (farm-related dwellings).
3. The Planning Commission may approve a proposed division of land for non-farm uses, except dwellings set out in Section 5.03 16. (residential homes) and 23. (hardship dwellings), if the parcel is not larger than the minimum size necessary for the use.
4. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.
5. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.
6. Each residential dwelling or structure in forested areas shall maintain a primary fuel break of not less than 30-feet. Dead and down material shall be removed and no ornamental shrubbery, single specimen trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Wider breaks may be required on slopes greater than 30 percent on advice of a State Forester. A secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.

6. Signs shall be limited to the following:
 - A. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.
 - B. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:
 - 1) Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
 - 2) Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
 - 3) Businesses which have no buildings located on the premises or have buildings and parking area allowing sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
 - 4) Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.
 - C. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division.
No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.
7. Private roads accessing two or more residences in a forested area shall meet road design standards as follows:
 - A. A 20 foot road surface width capable of supporting gross vehicle weights of 50,000 pounds.
 - B. A minimum curve radius of 48 feet.
 - C. A vertical clearance of 13 feet 6 inches.
 - D. Dead-end roads over 150 feet in length shall have turnarounds of not less than 48 feet radius.
 - E. Bridges, culverts and other structures in the road bed shall be constructed and maintained to support gross weights of 50,000 pounds.
 - F. Road grades shall not exceed an average of 8 percent with maximum of 12 percent on short pitches. Variances may be recommended by the appropriate rural fire protection district.
8. Driveways accessing a single residence in a forested area shall meet road design standards as follows:
 - A. A 12 foot road surface width capable of supporting gross vehicle weights of 50,000 pounds.
 - B. A minimum curve radius of 48 feet.
 - C. A vertical clearance of 13 feet 6 inches.
 - D. Driveways in excess of 200 feet require 20 feet wide by 40 feet long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less.
 - E. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius.
 - F. Bridges, culverts and other structures in the road bed shall be constructed and maintained to support gross weights of 50,000 pounds.
 - G. Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches. Variances may be granted by the appropriate rural fire protection district.
9. Roofing and exterior wall materials used for dwellings in forested areas shall utilize noncombustible or fire resistant materials (avoid wood shake or wood shingle materials).
10. Emergency water storage for dwellings during Department of State Forestry designated fire season in forested areas shall have a minimum capacity of 500 gallons (year-round source) with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator will be provided in case of a power failure.

Appendix E - Wallowa County River Zoning Ordinances

The Wallowa River corridor is zoned as R-3 Rural Service immediately around the settlement of Minam in Wallowa County. The rest of the river corridor is zoned Timber/Grazing. Below are the relevant zoning ordinance sections.

ARTICLE 21 RURAL SERVICE R-3

SECTION 21.010, PURPOSE: The purpose of the Rural Service, R-3, zone is to provide standard for establishment of commercial uses servicing the needs of rural residents, and limited tourist commercial services consistent with the maintenance of the rural character of the area.

SECTION 21.015, PERMITTED USES: In the R-3, the following uses and their accessory uses are permitted outright.

1. Farming, excluding livestock feed or sale yards.
2. Non-farm single-family residence.
3. Retail store, office or service establishment limited to a total of 5,000 square feet.
4. Automobile service station.
5. Park, playground or community building.
6. Church or school.
7. Utility facility.
8. Restaurant.
9. Home-based occupation, subject to Article 35.

SECTION 21.020, BUILDINGS AND ACTIVITIES PERMITTED CONDITIONALLY: In the R-3 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Article 9.

1. Recreational facilities and commercial activities provided in conjunction there with.
2. Tourist or travelers accommodations.
3. Automobile repair garage.
4. Mobile home park and travel trailer parks.
5. Multi-family dwellings not exceeding the property development standards.

SECTION 21.025, PROPERTY DEVELOPMENT STANDARDS:

A. Lot Size:

1. The minimum average width of lots served by an approved community or public water system and an approved community or public sewage system shall not be less than fifty feet with a minimum area of 6,000 square feet.
2. The minimum average width of lots served by either an approved community or public water system or an approved community or public sewage system but not served by both, shall not be less than one hundred feet with a minimum area of 15,000 square feet.
3. The minimum average width of lots not served by either an approved community of public water system or an approved community or public sewage system shall be one hundred fifty feet with a minimum of one acre.

B. Dimensional Standards:

1. Lot coverage: The main building and accessory buildings located on any building site or lot shall not cover more than thirty percent of the total lot area.
2. Building Height: No building or structure shall be erected or enlarged to exceed two stories or more than twenty five feet in height.
3. Setbacks: The minimum front setback from a lot line shall be twenty feet. Side and rear setbacks from lot lines shall be ten feet.

C. Parking shall be in accordance with Article 33 of this ordinance.

ARTICLE 16
TIMBER-GRAZING

SECTION 16.010, PURPOSE: The purpose of the timber-grazing zone is to provide areas for commercial farm and forest activities and permit the establishment of only those new uses which are compatible with agricultural and forest activities. The intention of the timber-grazing zone is to guarantee the preservation of the areas so classified for farm and forest use free from conflicting non-farm, non-forest use.

SECTION 16.015, PERMITTED USES: In the T/G zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance. Applicable review standards for dwelling and structure applications will be determined by the Planning Department based on the predominant use of the tract on January 1, 1993. Where the predominant use as of January 1, 1993 was forest, the standards of this Article shall apply. In which case, the provisions of Section 16.025(7) shall only apply to that portion of the subject property in forest use on that date. Where the predominant use of the tract on January 1, 1993 was agriculture, the standards of Article 15 of this ordinance shall apply.

1. Cultivation, management, protection and harvest of forest crops.
2. Farm uses.
3. Nonresidential buildings customarily provided in conjunction with farm and forest uses subject to the provisions of Article 3 and Article 4.
4. A single family dwelling on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall not be a United States Forest Service road or Bureau of Land Management road and shall be maintained and either paved or surfaced with rock. In addition, the following standards shall apply:
 - A) The tract or parcel upon which the dwelling is to be located was lawfully created prior to January 1, 1985;
 - B) The criteria of Section 16.025(5), (6) and(7) shall be met;
 - C) The application for the dwelling satisfies the pertinent criteria of Article 36;
 - D) If the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the siting of the dwelling shall only be allowed if the lot or parcel consists of at least 160 acres;
 - E) If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed;
 - F) The lot or parcel on which the dwelling is to be sited must have been lawfully created;
 - G) The lot or parcel on which the dwelling is to be sited must have been acquired by the present owner prior to January 1, 1985 or by devise or by intestate succession for a person who acquired the lot or parcel prior to January 1, 1985. (Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.)
 - H) No other dwelling exists on the tract.
 - I) The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
5. A single family dwelling on a tract of at least 240 contiguous acres if:
 - A) No other dwelling exists on the tract; and
 - B) The criteria of Section 16.025(5), (6) and (7) is met; and
 - C) The application for the dwelling satisfies the pertinent criteria of Article 36; and
 - D) The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
6. A single family dwelling on a tract of at least 320 acres in one ownership that is not contiguous but is in the same county or adjacent counties and zoned for forest use where no dwelling exists on the tract. The applicant shall provide evidence of the following:
 - A) That the covenants, conditions and restrictions form provided by the Planning Department has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - B) The criteria of Section 16.025(5), (6), and (7) is met.
 - C) The application for the dwelling satisfies the pertinent criteria of Article 36.

- D) The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
7. A single family dwelling on a lot or parcel where no dwelling exists if the lot or parcel is composed of soils that are:
- A) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - (i) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (ii) At least three dwellings existed on January 1, 1993 on the other lots or parcels;
 - (iii) The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 - (iv) No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract;
 - B) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - (i) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (ii) At least three dwellings existed on January 1, 1993 on the other lots or parcels;
 - (iii) The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 - (iv) No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract;
 - C) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - (i) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (ii) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
 - (iii) The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 - (iv) No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract;
 - D) If the tract contains 60 acres or more and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - (i) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream;
 - (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - E) If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
 - F) The criteria of Section 16.025(5), (6) and (7) shall be met. The pertinent criteria of Article 36 shall be satisfied and the application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
8. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
9. Farm use as defined in ORS 215.203.
10. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
11. Temporary portable facility for the primary processing of forest products.
12. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

13. Private hunting and fishing operations without any lodging accommodations.
14. Towers and fire stations for forest fire protection.
15. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
16. Caretaker residences for public parks and fish hatcheries.
17. Uninhabitable structures accessory to fish and wildlife enhancement.
18. Temporary forest labor camps.
19. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
20. Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465, Goal 8 and Article 20.
21. Alteration, restoration or replacement of a lawfully established dwelling that:
 - A) Has intact exterior walls and roof structure;
 - B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - C) Has interior wiring for interior lights;
 - D) Has a heating system; and
 - E) In the case of replacement is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

SECTION 16.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY IN THE T/G ZONE: The following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9.

1. Permanent facility for the primary processing of forest products.
2. Permanent logging equipment repair and storage.
3. Log scaling and weigh stations.
4. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
5. Parks and campgrounds as defined in Section 1.065.
6. Mining and processing of oil, gas or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 16.015(12) and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
7. Television, microwave and radio communication facilities and transmission towers.
8. Fire stations for rural fire protection.
9. Utility facilities for the purpose of generating of power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
10. Aids to navigation and aviation.
11. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
12. Reservoirs and water impoundments.
13. Firearms training facility.
14. Cemeteries.
15. Private seasonal accommodations for fee hunting operations may be allowed subject to Article 16, Section 16.015(4), (5), (6) or (7), Section 16.025(5) and (6) and the following requirements:
 - A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - B) Only minor incidental and accessory retail sales are permitted;
 - C) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 - D) Other conditions imposed by the review authority.
16. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal) with rights-of-way 50 feet or less in width.
17. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
18. Home occupations as defined in Article 35.
19. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, such personal hardship relating to the

aged, infirmity or other persons incapable of maintaining a separate residence necessitating someone living on the same premises. The following conditions shall apply:

- A) The applicant must have a signed physician's statement indicating the need for care.
 - B) The permit shall be issued for a specific person and for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased.
 - C) The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electrical and access DEQ shall approve the sewer provisions.
 - D) Granting of the permit shall not constitute as approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.
20. Expansion of existing airports.
21. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Article 9, Section 9.020(7), Section 16.025(5), (6), (7) and the following requirements:
- A) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - B) Only minor incidental and accessory retail sales are permitted;
 - C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 - D) Accommodations must be located within 1/4 mile of fish bearing Class I waters; and
 - E) Other conditions imposed by the review authority.
22. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

SECTION 16.025, PROPERTY DEVELOPMENT STANDARDS:

1. Parcel size: The minimum lot size for creation of a new lot or parcel in the T/G zone shall be 160 acres. Land divisions of less than 160 acres in size may be allowed for uses listed in OAR 660-06-023(3)(m) through (o) and (4)(a) through (n) provided that such uses were approved conditionally and that the subject parcel is the minimum necessary for the use.
2. Access:
 - A. Parcels less than the minimum lot size must have existing public access and must be within existing public school bus service.
 - B. Parcels meeting the minimum lot size may be served by a private easement.
3. Setbacks: No structure other than a fence or sign shall be closer than twenty five feet from a property line. There shall be a one hundred foot setback from all streams, rivers and lakes, unless otherwise specified by this ordinance.
4. Frontage: Minimum lot frontage for all parcels abutting a public road shall be two hundred feet.
5. Siting Standards:
 - A) The siting requirements may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees. Dwellings and structures shall be sited on the parcel so that:
 - (i) They have the least impact on nearby or adjoining forest or agricultural lands;
 - (ii) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (iii) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (iv) The risks associated with wildfire are minimized.
 - B) The applicant shall provide evidence to the review authority that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriate of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:
 - (i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - (ii) A water use permit issued by the Water Resources Department for the use described in the application; or

- (iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well or is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

6. Fire Safety Design Standards

- A) Roads and driveways should be wide enough for fire equipment.
- B) There should be more than one entrance/exit to a dwelling.
- C) Dead-end roads and cul-de-sacs should be large enough for fire equipment to turn around.
- D) A fuel break of at least 30 feet shall be provided and maintained around all structures. A secondary fuel break shall be constructed and maintained in accordance with Recommended Fire Siting Standards for dwellings and Structures and Fire Safety Design Standards for Roads (Oregon Department of Forestry, March 1, 1991).
- E) All brush and trees that are touching the structures shall be removed.
- F) Trees shall have limbs pruned 8 to 10 feet above the ground.
- G) Roofs shall be made of non-flammable material.
- H) All vents and other openings should be screened.
- I) Chimneys shall have a spark arrestor.
- J) The water source for fire protection should be an independent system.
- K) Water stand pipes should be located at least 50 feet from the dwelling.
- L) A dwelling shall not be sited on a slope greater than 40 percent.
- M) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the director may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road accesses shall be provided to within 15 feet of the water's edge for fire-fighting pumping units. The road access shall accommodate the turn around of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

7. Stocking Standards

- A) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.
- B) The Planning Department shall notify the county assessor of the above condition at the time the dwelling is approved.
- C) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.
- D) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

SECTION 16.030, SPECIAL NOTIFICATION: Ditch companies that may be affected by a partition or subdivision being considered for approval shall receive notification. The Oregon Department of Fish and Wildlife and Oregon State Forestry shall receive notification of all partitions and subdivision applications.

Appendix F - Distribution List For Draft Report

The draft report was distributed to the heads of the following federal agencies for comment.

Federal Energy Regulatory Commission
United States Department of Agriculture
United States Department of Agriculture, Forest Service
United States Department of Agriculture, Soil Conservation Service
United States Department of Commerce, National Marine Fisheries Service
United States Department of Commerce, National Oceanic & Atmospheric Administration
United States Department of Energy
United States Department of Energy, Bonneville Power Administration
United States Department of the Army, Corps of Engineers
United States Department of the Interior, Bureau of Indian Affairs
United States Department of the Interior, Bureau of Land Management
United States Department of the Interior, Bureau of Mines
United States Department of the Interior, Bureau of Reclamation
United States Department of the Interior, Fish and Wildlife Service
United States Department of the Interior, Geological Survey
United States Department of Transportation
United States Environmental Protection Agency

The following libraries received copies of the draft report to be placed in general readership. Where appropriate, multiple copies were sent for distribution to branch libraries.

Baker County Library, Baker City, Oregon
Union County Library, La Grande, Oregon
Union County Library, Elgin, Oregon
Wallowa County Library, Enterprise, Oregon
Wallowa County Library, Joseph, Oregon
Wallowa County Library, Wallowa, Oregon

In addition, the U.S. Forest Service and the National Park Service compiled an extensive list of all known persons, agencies, elected officials, businesses and organizations having an interest in the designation of the Wallowa River into the National Wild and Scenic Rivers System. The draft report was distributed in accordance with the following lists.

Federal Officials

Senator Mark Hatfield
Senator Bob Packwood
Congressman James Bunn
Congressman Wes Cooley

Congressman Peter DeFazio
Congresswoman Elizabeth Furse
Congressman Ron Wyden

Tribal Governments and Affiliations

Nez Perce Tribe
Nez Perce Fisheries Management

Confederated Tribes, Umatilla Indian Reservation
Confederated Tribes, Yakama Nation

State Officials

Oregon Governor John Kitzhaber
State Senator Gordon Smith
State Senator Greg Walden

State Representative Ray Baum
State Representative Lynn Lundquist
State Representative Charles Norris

Local Officials

Baker County Board of Commissioners
Baker County Watermaster
La Grande Mayor
Umatilla County Board of Commissioners
Umatilla County Watermaster
Union County Board of Commissioners

Union County Court
Union County Planning Commission
Union County Watermaster
Wallowa County Board of Commissioners
Wallowa County Court

Federal, State, Local Agencies and Affiliated Organizations

Federal Agencies

Advisory Council on Historic Preservation
Department of Agriculture -
 Animal and Plant Health Inspection Service
Department of Agriculture -
 Office of Equal Opportunity
Department of Agriculture -
 Forest Service -
 Deschutes National Forest
 Malheur National Forest
 Mt. Hood National Forest
 Ochoco National Forest
 Pacific Northwest Region
 Payette National Forest
 Umatilla National Forest
 Umpqua National Forest
 Wallowa-Whitman National Forest
 Willamette National Forest
Department of Agriculture -
 National Agricultural Library
Department of Agriculture -
 Rural Electrification Service

Department of Commerce -
 NOAA Ecology and Conservation Division
Department of Defense -
 Chairman, DOD Explosive Safety Board
Department of Defense -
 Deputy Assistant Secretary (Environment)
Department of Defense -
 Engineering & Housing Support Center
Department of Defense -
 Deputy Assistant Secretary of the Air Force
Department of Defense -
 Chief of Navy Operations
Department of Energy -
 Bonneville Power Administration
Department of Energy -
 Office of NEPA Project Assistance
Department of Health and Human Services
Department of Housing & Urban Development
Department of Housing & Urban Development -
 Regional Administrator, Region 10

Department of the Interior -
 Bureau of Land Management -
 Baker Resource Area
 Cottonwood Resource Area
 Salem District
 Department of the Interior -
 Director, Environmental Project Review
 Department of the Interior -
 Fish and Wildlife Service -
 Columbia Basin NWR
 Pacific Northwest Region
 University of Idaho
 Department of the Interior -
 National Park Service -
 Alaska Region
 Mid-Atlantic Region
 Midwest Region
 Nez Perce National Historical Park
 North Atlantic Region
 Rocky Mountain Region
 Southeast Region
 Southwest Region
 Washington Office
 Western Region

Department of the Interior -
 Office of the Solicitor, Pacific Northwest
 Department of Transportation -
 Federal Aviation Administration
 Department of Transportation -
 Federal Highway Administration
 Department of Transportation -
 U.S. Coast Guard
 Environmental Protection Agency -
 Federal Agency Liaison Division
 Federal Energy Regulatory Commission -
 Assistant General Counsel
 Federal Energy Regulatory Commission -
 Chief, Environmental Evaluation Branch
 Federal Energy Regulatory Commission -
 Director, Division of Environmental
 Analysis
 Federal Energy Regulatory Commission -
 Office of Hydropower Licensing
 Interstate Commerce Commission

Oregon State Agencies

Governor's Forest Planning Team
 Oregon Department of Agriculture -
 Natural Resources Division
 Oregon Department of Environmental Quality
 Oregon Department of Energy
 Oregon Department of Forestry
 Oregon Department of Fish and Wildlife
 Oregon Department of General Services
 Oregon Dept. of Geology & Mineral Industries
 Oregon Department of Human Resources -
 Employment Division

Oregon Department of Land Conservation
 Oregon Department of Parks and Recreation
 Oregon Department of Transportation
 Oregon Division of State Lands
 Oregon Economic Development Department
 Oregon Land Conservation and
 Development Commission
 Oregon State Marine Board
 Oregon Water Resources Department
 State Economist

Washington State Agencies

Washington Department of Fish & Wildlife
 Washington Department of Natural Resources

Washington Parks & Recreation Commission

Local Agencies and Organizations

Asotin County Planning Commission
 Baker County Chamber of Commerce
 Blue Mountains Intergovernment Council
 Columbia River Inter-tribal Fish Commission

Eastern Oregon Organization of Counties
 Enterprise School District
 Grant County
 Joseph Public Schools

La Grande Chamber of Commerce
Union County Chamber of Commerce
Umatilla County Cooperative Extension Service
Union County Cooperative Extension Service
Union County Soil & Water Conservation District

Wallowa County
Wallowa County Chamber of Commerce
Wallowa County Cooperative Extension Service
Wallowa County Soil & Water Conservation District
Wallowa Public Schools

Businesses, Environmental Organizations, Farm Organizations, Others

1000 Friends of Oregon
4-O Cattle Company
America Outdoors
American River Management Society
American Rivers
American Rivers, Northwest Office
American Sportfishing Alliance
American Whitewater Affiliation
Angora Hiking Club
Antler & Fin Club
Asotin Telephone Company
Association of Northwest Steelheaders
Audubon Society of Lane County
Audubon Society of Portland
Baker City Herald
Baker County Livestock Association
Baker Record-Courier
Blue Mountain Audubon Society
Blue Mountain Community College
Blue Mountains Native Forest Alliance
Blue Mountains Research Council
Brad Edwards Guide Service
Bragg Invest Company
Briggs Guide Service
California Fireplace
Central Oregon Community College
Central Oregon Environmental Center
Central Oregon Fly Fishers
Colorado State University Library
Columbia Basin Fish & Wildlife Authority
Columbia River Gorge Commission
Defenders of Wildlife
Dougherty Logging
Eagle Valley Agriculture
East Oregon Sportsmen Council
East Oregonian
Eastern Oregon Mining Association
EDAW, Incorporated
Ellingson Lumber Company
Environmental Federation of Oregon
Environmental Impact Services
Eugene Canoe and Kayak Club

Fredrick Trust
Friends of the Earth
Grande Ronde Model Watershed
Grande Ronde Whitewater Boat Club
Greenpeace
Headwaters
Hells Canyon Adventures
Hells Canyon Guide Service
High Country News
High County Outfitters
Humboldt State University
Idaho Rivers United
IEPLC Forest Watch
Imnaha Grange
Izaak Walton League, Oregon Division
Izaak Walton League, Portland Chapter
Johnson State College
KCMB Radio
KEOL Radio
KWRL Radio
KWVR Radio
La Grande Bird Club
La Grande Observer
Land Trust Alliance
Landow Associates
Larry N. Sokol & Associates
Lewiston Morning Tribune
Maxi Mill, Incorporated
Mazamas
Micropower Electronics
Minam General Store
Minam Motel
Mount St. Helens Protective Association
National Audubon Society
National Organization for River Sports
National Wildlife Federation
National Wildlife Federation, Northwest Office
Native Forest Council
Nature Conservancy
Nike International
North Cascades Conservation Council
Northwest Dories

Northwest Environmental Advocates
Northwest Environmental Defense Center
Northwest Forestry Association
Northwest Power Planning Council
Northwest Rafters Association
Northwest Steelheaders
Northwest Voyagers
Northwest Watershed Alliance
Oregon Environmental Council
Oregon Farm Bureau
Oregon Guides & Packers Association
Oregon Kayak and Canoe Club
Oregon Legal Services Corporation
Oregon League of Conservation Voters
Oregon Natural Resources Council
Oregon Parks Association
Oregon Public Broadcasting
Oregon River Experiences
Oregon Speleological Society
Oregon State Grange
Oregon State Library
Oregon State University
Oregon Trout
Oregon Wildlife Heritage Foundation
Ouzel Outfitters
Pacific Marine Technology
Pacific Northwest 4-Wheel Drive Association
Pacific Outdoor Alliance
Pacific Rivers Council
Panhandle Sportsman Club
Prairie Wood Products
Quality River Experiences
Rainier River Runners
Rio Bravo Cattle Company
River Access for Tomorrow
River Network
Rivers Council of Washington
Rouge Wood Products Incorporated
Salmon For All

Santiam Fly Casters
Sasquatch Bow Hunters
Sierra Club, Blue Mountain Group
Sierra Club, Juniper Group
Sierra Club, Oregon Chapter
Southern Oregon College
Spokane Daily Chronicle
Spokane Mountaineers
Statesman Journal
Steens Wild River Tours
Stevens Equipment
The Observer
The Oregonian
The Register Guard
Tri-State Steelheaders
Trout Unlimited
Trout Unlimited, Corvallis Chapter
Trust For Public Land
Umatilla Sage Riders
Union County Steelheaders
University of Minnesota
University of Oregon, Outdoor Program
University of Oregon, Library
University of Washington, Library
Vancouver Audubon
Walla Walla Union-Bulletin
Wallowa County Chieftain
Wallowa County Republican Central Committee
Washington State Snowmobile Association
Washington State University
WaterWatch of Oregon
Wells Fargo Reality Service
Western Washington University
Wetlands Conservancy
Wild Water Adventures
Wilderness River Outfitters
Wilderness Society
Wilderness Watch
Willamette Canoe and Kayak Club

Local Landowners

Beuler Ranch Partnership
Boise Cascade
Lorna P. Carlson
Bessie & Melva Fleser
Charles & Mary Ann Fleser
Carrie Wheeler Gerber
Holly Gibbons
Shawna R. Gilbert
Dale D. Jacobs

Stephen B. Kahn
Kimberly K. Kennedy
Jessie Laird
Roy M. Leverenz
Jack & Gwendolyn Lively
G. David & Kathryn McKell
K. M. Meyer
Francis D. Miller
Linda Miller

Pacific Power and Light
Edward Fienchey Piona
Ridge-Brighton Properties
Warren and Jacqueline Scott

Joseph and Joy Wheeler
Carrie Wheeler
Dave, Gerald and James Whitney
Union Pacific Railroad

Individuals

Glen & Berniece W. Adair
Henry V. Albaro
Aleene C. Alford
Steve Anderson
Steve Backstrom
Denny Bailey
William L. & Cecil M. Bailey
Forest & Cleora Baker
J. E. Baldi
Franklin Ball
George Ball
Tom Ballantyne
John A. K. Barken
James J. & Melinda Barnes
David C. Barnhart
Fred Barstad
Elmer Bates
Roberta Bates
Scott Bauska
Joe Beach
Theron Bennett
Gary Bickel
James E. Billings
Mack & Marian Birkmaier
Leonard Black
Raymond R. Blomquist
Wade T. Booher
Roy & Joan Booth
Ben & Joan Lathrop Boswell
Mike Bowen
F. Anne Bramhall
Kalman Brauner
Dewett & Marcella Britton
Wayne & Donna Bronson
Bill & Bernice Brown
Ernest P. Browne
Jim Burns
Harold J. & Eva J. Busch
Richard Bush
Steve Bush
Herbert Butler
Brad Byron
Polly B. Cadd
Alvin B. Caldwell
Leona Carlson

Joe & Chet Carnahan
Harold & Cynthia Carney
Allan R. Carpenter
Gayle L. Case
Willis A. Cawley, Jr.
Cynthia K. Chandler
George W. Chandler
Chuck E. Chase
Dan Chevalier
Gussie Wanda Chilcott
David Childs
Bob Chrisman
Errol Claire
Colleen Clark
Todd Clay
Arnold Coe
Frank J. Colton
Barbara J. Combs
Wayne Cook
Jasper Coombes
Jin Cox
Jim Coxen
Dr. Phillip Crabtree
Larry Cribbs
William Eugene Critchfield
Paul E. Cromer
Jeff Crook
Melvin E. Crow
Joseph L. Darrensbourg
John E. Davis
Robert L. Davis
Todd Davis
Gregory & Diana Davnrainville
Carmen Dawson
Jim Deaney
Norman & Cheryl Dejong
Gene Dennis
Lawson R. Denny
Louie Dick
Dale E. Dietzman
Jerry Doherty
Elden Doser
Gerald Duberow
Cornelia Dubois
John E. Duckworth

Dick Dufourd
Susie M. Eckerson
Jerry & Mary Edel
Cecil L. Edwards
Don Eixenberger
Robert P. Ellingson, Jr.
James Enbysk
Jan Euhus
Jack Evans
George Fenton, Jr.
David L. Fields
Donald R. & June Fish
Donald Franzwa
Henry Freeman
Michael Frolander
Joe Fulton
Robert J. & Carol Garnett
Ryan Gary
Gene Gaston
Gordon George
Stepehn A. Gianni
Benji Gilchrist
Steve Gill
Vincent Gironda
Tom Glassford
Judd Glissmeyer
Willard A. Godfrey
Marcy Golde
Robert G. Golledge
Richard & Sandra Good
Marvin Gottschall
Dick Grace
Robert G. Grader
Harvey H. & Ruth M. Graham
R. D. Graunitz
Liz Greenhagen
Ira Griffith
Clarence & Laverne Haas
Mike Haglund
Wendell P. Haley
Wade Hall
Larry L. Hamilton
Ramona Hammerly
Diana M. Hanna
Andrew L. & Merced Hansen

Mrs. Don Hanson
Jerry Haram
Lula Harlow
Al Haroun
Phyllis W. Hass
John H. & Kathleen J. Hatton
Leland C. Hayes
Robert J. Heald
Tim Heater
Frank C. Heath
Dave Heida
Anona M. Heimbigner
Richard Helfrich
James E. & Vera Henderson
Mark & Debbie Henjum
Douglas & Karen M. Herb
John R. Herbst
D. & C. Herburger-Barnes
David R. Hersman
Larry N. Hicks
Frank Hoffman
John E. & Thelma E. Hoffman
Roger Holden
Velva Hicks Holdren
Carmelita Holland
Jim Holliman
Melva Horn
Richard F. & Mildred Horton
Steve Howland
Meredith Lynne Huestis
Bob Hughes
Ric Ingham
Raymond Isaacson
Arleigh Isley
Mel Jackson
Rene' F. Jansen
Warren Jeffery
David M. Johns
George Johnson
Greg Johnson
Jared & Jenielle Johnson
Robert N. Johnson
David & Marilyn J. Jones
Evelyn M. Jones
Clifford P. Judy
Dorothy Coots Justice
Paul (Mike) Kahout
Alexander & Laura Kalish
Glenn Kaufman
Don & Becky Keeling
Sherry Keller
James & Juliet Kelly

Mark S. Kielty
Vernon & Alice G. Knapp
Fred E. Koontz
James R. Kopp
Dennis J. Koss
Carl R. Kostol
Cindy Kuchenbecker
John H. Kuitert
Scott Lafranchi
Duncan Lagoe
Rich Lague
Gary Lane
Craig J. Larison
Bernice C. Lathrop
Melvin Lathrop
Anthony & Loraine La Vance
Charles E. Leach
Frank & Loraine Lehrman
Stanley J. Lenox
Gary M. Lisher
Jesse O. Loftis
Mrs. Barbara Long
David A. Lorence
Franklin H. Lovell
Patrick W. Lowe, Jr.
Mike Mahon
Warren L. & Mary Delta Maillon
Billie Ruth Mann
Craig P. Markham
James N. & Karen Markley
Larry Marks
Thomas J. Marum
Dorothy Mason
Donald & Thlema Maxwell
Thaddieus & Valarie McCray
Doug McDaniel
Gail McDougall
Bill L. McDowell
Gary & Glenda McFetridge
Charles & Kathleen M. McKay
R. P. McKenzie
Mathis J. McKeon
Randy McKone
David Mitchell McNeal
Gerry Meyer
Gerald W. & Joan A. Michel
Andy Millar
Ron Miller
Billie L. & Ralph E. Milton
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The availability of the draft report was announced in the *Federal Register*.

Appendix G - Comments Received and Responses

It is the policy of the NPS to provide the public every reasonable opportunity to play a role in determining the policies and influencing the decisions of the agency. On April 21, 1995, the NPS released the draft of this report for public comment; the initial comment period was scheduled to close on June 8, 1995. On May 30, 1995, the public comment period was extended to June 22, 1995. The federal agency review period closed on July 20, 1995. All comment period dates were noticed in the *Federal Register* and were announced to area newspapers. The original comment period was also identified in the cover letter to the Draft Report.

As the USFS has been working with the public for four years on potential wild and scenic river designation -- and has already released a report on designation -- the level of response to the draft report was predictably light. The NPS received only nine sets of comments from the public and state/federal agencies on the draft report during the comment periods; these are reproduced on the next nine pages.

All comments that the NPS considered or felt compelled to respond to are enclosed in boxes and are numbered. Immediately following the comment letters (pages 68 - 76) are the responses to the comments, numbered accordingly.

Please note that the letters have been sized to fit the page. In addition, addresses, names and telephone numbers have been removed from letters received from private citizens. This was done to ensure privacy. Letters and comments received from public entities and organizations and government officials are printed intact.

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Responses

- 1 - Under section 2(a)(ii) of the WSRA, the NPS does not have the discretion to consider alternatives to state management, and the Secretary does not have authority to impose federal management on the river. The only options available to the Department are no designation or designation as a state-managed river. One of the requirements of 2(a)(ii) designation is that the state has the ability and regulatory structure in which to protect the river in perpetuity. If in the judgement of the NPS the state does not meet this requirement, then it would recommend to the Secretary that the river not be designated. In the case of the Willowa River, the NPS has found that the state of Oregon has met, and in most instances exceeded, all prerequisites for designation. Both the State and local governments have a long standard of acceptable management of the Willowa.

In addition, section 2(a)(ii) directs that if federal public lands are included in the designated corridor, the agency directed with management shall continue to manage those lands in cooperation with the state. In the Willowa River corridor, the BLM currently manages 41% of the land. They will continue to do so in accordance with accepted standards set by the BLM for management of wild and scenic rivers.

No further action is necessary.

- 2 - This is a valid concern, although it appears there may be some confusion over the definition of a National Recreational River. Recreational refers to a classification based on the degree of development in the river corridor. It has little, if any, correlation to recreational activities. The use of the word "recreational" as a classification standard is an unfortunate quirk in the WSRA.

However, the idea that recognition as a wild and scenic river might lead to any increase in river use is a possibility, and impacts from such a possibility must be addressed. The LEIS does assess impacts that might result from increased use, and the NPS believes that the assessment is accurate. The impacts identified are minor and should not negatively impact the river. In addition, the BLM, USFS and the State are involved in anadromous fish restoration and planning activities in the Grande Ronde Basin, along with the NMFS and including PACFISH. Impacts to the river will be closely tracked, and management decisions will reflect the long-term survival of salmonids. Separate from this, the State and the BLM will be required under the WSRA to consider protection of salmon stocks. Much of the justification for designation identified under the Evaluation of Resource Protection Section is based on fish and wildlife laws and full participation in salmon restoration programs. Both the State and federal agencies are also required under the WSRA to protect and enhance the "outstandingly remarkable" resources of the Willowa River, one of which is the fisheries resource.

No further action is necessary.

- 3 - To a point, this statement is correct. The state of Oregon has the mechanisms in place to almost fully protect the Wallowa River. That is the basis for most of this report. What the State cannot do, however, is protect the Wallowa River from federal water projects, including FERC licensed dams. Wild and scenic river designation under section 2(a)(ii) closes this last gap in protection.

In addition, wild and scenic river designation provides direction to the management practices of the BLM, the major land manager in the Wallowa River corridor, as well as the state of Oregon. While it is entirely possible, and highly likely, that the most appropriate management practices would be implemented in any event, wild and scenic river designation ensures it.

No further action is necessary.

- 4 - The entire principle of designation under section 2(a)(ii) is to leave management in the hands of local and state governments. As has been stated throughout this document, the Wallowa River will be managed by the same agencies which currently manage it -- without federal involvement and at no cost to the federal taxpayer, except for those lands managed by the BLM.

No further action is necessary.

Appendix H - Report Preparers & Reviewers

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