

# WILD & SCENIC RIVERS — SUITABILITY REPORT

**SOUTHWEST OREGON**

**U.S. Department of the Interior  
Bureau of Land Management**



The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation.

The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In fiscal year 2013, the BLM generated \$4.7 billion in receipts from public lands.

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## **Section 1: Executive Summary**

### **Introduction, Project Area and Preliminary Determinations**

In October 1990, the US Department of the Interior, Bureau of Land Management’s (BLM) western Oregon District’s (Coos Bay, Eugene, Medford, Roseburg and Salem) and the Klamath Falls Field Office of the Lakeview District completed the eligibility phase of a Wild and Scenic River (WSR) evaluation as part of the resource management plan (RMP) revision process (BLM 1995). The result of this planning effort was the identification of fifty-one eligible river segments across the western Oregon.

This study process assesses the suitability of these fifty-one river segments that have been previously identified as eligible components of the National Wild and Scenic Rivers System. The project area for this suitability study includes all river segments within the BLM’s western Oregon district boundaries that have been determined to meet the eligibility criteria for Wild and Scenic Rivers.

Table 2 shows the preliminary suitability determinations for each segment. Of the 51 stream segments determined to be eligible in the 1990 RMP process, the BLM determined that 6 segments are suitable for Wild and Scenic River designation, while 45 segments were found not suitable during the BLM’s administrative process.

#### ***Why Conduct a Suitability Study and Why Now?***

Section 5(d)(1) of the Wild and Scenic Rivers Act (Public Law 90-542; 16 US Code 1271-1287) directs Federal agencies to consider potential Wild and Scenic Rivers in their land use planning process. To fulfill this requirement, whenever the BLM undertakes a land use planning effort (for example, an RMP) it may choose to analyze river and stream segments that might be eligible or suitable for inclusion in the National Wild and Scenic Rivers System (NWSRS).

Six Western Oregon BLM districts are simultaneously revising their respective RMPs for BLM-administered public lands under one environmental impact statement (EIS). This WSR suitability study is being conducted now because the BLM has made the decision to perform suitability determinations as part of the RMP process.

#### ***Suitability Phase***

The purpose of the suitability phase of the study process is to determine whether eligible rivers would be appropriate additions to the NWSRS by considering tradeoffs between corridor development and river protection. The suitability evaluation does not result in actual designation but is only a suitability determination for designation. The BLM cannot administratively designate a river as the result of a planning decision or other agency decision into the NWSRS, and no segment studied is designated or will be automatically designated as part of the NWSRS. Rivers found not suitable by the managing agency conducting the suitability study would be dropped from further consideration for inclusion into the National Wild and Scenic Rivers System.

### ***What is a Wild and Scenic River?***

Congress enacted the Wild and Scenic Rivers Act (WSR Act) on October 2, 1968, to address the need for a national system of river protection. As an outgrowth of a national conservation agenda in the 1950s and 1960s, the WSR Act was in response to the dams, diversions, and water resource development projects that occurred on America's rivers between the 1930s and 1960s. The WSR Act stipulated that selected rivers should be preserved in a free flowing condition and be protected for the benefit and enjoyment of present and future generations. Since 1968, the WSR Act has been amended many times, primarily to designate additional rivers and to authorize the study of other rivers for possible inclusion into the NWSRS.

The WSR Act seeks to protect and enhance a river's natural and cultural values and to provide for public use consistent with its free flowing character, water quality, and Outstandingly Remarkable Values (ORVs). A WSR designation affords certain legal protection from development. For instance, new dams cannot be constructed, and Federally-assisted water resource development projects that might negatively affect the designated river values are not permitted within the designated segment. Where private lands are involved, the Federal-managing agency works with local governments and landowners to develop protective measures.

As of June 2009, 203 river segments, totaling over 12,560 miles, had been protected in the NWSRS (Interagency Wild and Scenic Rivers Coordinating Council 2010). These nationally recognized rivers make up a valuable network of natural and cultural resources, scenic beauty, and recreational opportunities.

### ***Steps in the Wild and Scenic Study Process***

A WSR study process is composed of two main components: the eligibility phase and the suitability phase. At this point, the BLM has completed the eligibility phase and is completing the suitability phase for all eligible rivers within the planning area for the western Oregon RMP. The eligibility and suitability phases were conducted in accordance with BLM Manual 6400 *Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, Planning, and Management* (BLM 2012), The Wild and Scenic River Study Process Technical Report (Interagency Wild and Scenic Rivers Coordinating Council 1999), and with the WSR Act.

#### ***Eligibility Phase***

The eligibility phase was completed for the western Oregon BLM districts in October 1990. Below is a brief description of the steps, which were implemented in completing the eligibility phase. The process described in the following paragraphs has been completed and is included here as a reference. For a complete description of the segments analyzed and methodology used, see the BLM's Final Wild and Scenic River Eligibility Reports for each western Oregon BLM District (BLM 1990).

#### ***River and Stream Identification***

The WSR Act defines a river as, "a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes." All rivers, which have the potential for WSR designation, must be identified and evaluated. Rivers identified for review may be divided into segments for evaluation purposes. There are no specific requirements for segment length.

A river study area extends the length of the identified river segment and includes the river area, its immediate environment, and shall total an average of no more than 320 acres per mile from ordinary high-water mark on both sides of the river.

### ***Eligibility Evaluation***

Each identified river segment shall be evaluated to determine whether it is eligible for inclusion as a component of the NWSRS. Determinations of eligibility shall be documented by the authorized officer (BLM Field Office Manager) prior to the formulation of alternatives but no later than the release of the draft land management plan or land management plan amendment.

The WSR Act states that, in order to be found eligible, a river segment must be “free flowing” and contain at least one river-related valued considered “outstandingly remarkable.”

Free flowing is defined by section 16(b) of the WSR Act as “existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway.” The existence of small dams, diversion works, or other minor structures at the time the river is being considered should not automatically disqualify it for consideration as a potential addition to the NWSRS. Congress did not intend to require rivers to be “naturally flowing,” in other words, flowing without any upstream manipulation except by nature. The presence of impoundments above or below the segment (including those that may regulate flow regime through the segment), or existing minor dams or diversion structures within the study reach do not eliminate a river from consideration.

To be considered outstandingly remarkable, a river’s related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale.

### ***Assign Tentative Classification***

If the eligibility phase determines segments to be eligible, the appropriate agency shall assign a tentative classification and management measures needed to ensure appropriate protection of the values supporting the eligibility and classification determinations. There are three classes for rivers designated under the WSR Act: Wild, Scenic, and Recreational. Classes are based on the type and degree of human development and access associated with the river and adjacent lands at the time of the eligibility determination. The classification does not reflect the types of values present along a river segment. The classification assigned during the eligibility phase is tentative and may be changed by the managing agency in the final RMP in order to fit with other land management prescriptions, provided the revised classification was analyzed in the Draft RMP as part of the National Environmental Policy Act of 1969 (NEPA) process. Final classification is a congressional legislative determination, along with designation of a river segment as part of the NWSRS.

### ***Results of the Eligibility Phase***

The eligibility studies previously completed determined fifty individual segments within BLM-administered lands in western Oregon met the eligibility criteria for inclusion into the NWSRS. Under the 1995 RMPs, the Record of Decisions included these 51 river segments as eligible candidates for the National Wild and Scenic Rivers System. These segments are currently managed under interim protection

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until the BLM makes land use plan decisions regarding their suitability. As part of the current planning effort, the BLM studied these 51 eligible segments for suitability. Table 1, identifies the 51 eligible rivers, their outstandingly remarkable values, total miles, and acres of BLM-administered lands within study river corridors.

**Table 1.** Eligible Wild and Scenic Rivers within the western Oregon planning area.

<b>Study River Name</b>	<b>Outstandingly Remarkable Values</b>	<b>Total (Miles)</b>	<b>BLM-administered Lands (Acres)</b>
Alsea River	Fish, Recreation	16.5	404
Antelope Creek	Fish	21	718
Applegate River	Fish	48	839
Big Butte Creek	Fish	12	706
Cheney Creek	Fish	7	710
Clackamas River	Recreation, Fish	15.4	30
Cow Creek	Fish	61	3339
Drift Creek	Fish	30.1	150
Elk Valley Creek	Fish	6	464
Fall Creek - Eugene	Recreation	2	87
Fall Creek - Salem	Fish	11.7	670
Kilches River	Fish, Recreation	15.7	66
Lake Creek	Fish, Recreation	19.4	483
Left Fork Foots Creek	Fish	4	131
Little Applegate River	Fish	23	1367
Little Luckiamute River	Ecology	27.1	40
Little North Santiam River	Fish, Recreation, Scenery	17.2	1,205
Lobster Creek	Fish	16.6	352
Luckiamute River	Cultural, Ecology	61.2	623
McKenzie River	Fish, Recreation, Scenery	48.7	1,203
Middle Santiam River	Cultural, Ecology	7.9	193
Nehalem River	Recreation, Fish	123.6	40
Nelson Creek	Fish	9.7	833
Nestucca River Segment B	Recreation, Wildlife	8	212
North Fork Clackamas River	Fish	14.4	389
North Fork Gate Creek	Fish	1.7	199
North Fork Siletz River	Fish, Recreation, Scenery	66.2	54
North Fork Trask River	Fish, Recreation	19.5	444

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<b>Study River Name</b>	<b>Outstandingly Remarkable Values</b>	<b>Total (Miles)</b>	<b>BLM-administered Lands (Acres)</b>
North Santiam River	Fish, Recreation, Scenery	46	375
Quines Creek	Fish	7	816
Riffle Creek	Fish	6	762
Rogue River	Fish, Recreation	63	708
Sams Creek	Fish	8	497
Sandy River	Recreation, Fish Cultural, Scenery	26.3	1519
Siletz River	Fish, Recreation, Scenery	66.2	54
Sixes River	Fish, Historic	28.9	281
South Fork Coos River	Fish, Recreation	31.6	551
South Fork Coquille	Fish, Prehistoric	35.2	152
South Fork Gate Creek	Fish	2.1	108
South Fork Little Butte Creek	Fish	24.5	452
South Fork Trask River	Fish	9.3	69
South Umpqua	Cultural, Fish, Historic, Wildlife	75.2	602
South Yamhill River	Cultural, Ecology	62.5	0
Molalla River-Table Rock Fork	Cultural	13.4	1,480
Trask River	Fish, Recreation, Wildlife	19.5	444
Tualatin River	Cultural	80.4	326
Umpqua River	Fish, Geologic, Historic, Prehistoric, Recreation, Scenery	109.5	2,403
West Fork Illinois River	Scenery	17	1154
Willamette River	Cultural, Ecology, Fish, Recreation, Wildlife	161.3	83
Wilson River	Fish, Recreation, Wildlife	30.8	108
Yaquina River	Fish	54.38	269
<b>Totals</b>		<b>1,692.7</b>	<b>29,378</b>

***Suitability Phase***

The purpose of the suitability phase of the study process is to determine whether eligible segments would be appropriate additions to the NWSRS by considering tradeoffs between corridor development and river protection. The suitability evaluation does not result in actual designation but only a determination of suitability, which provides a basis for determining which rivers, should be recommended for inclusion into the National System. The BLM cannot administratively designate a stream via a planning decision or other agency decision into the NWSRS, and no segment studied is designated or will be automatically designated as part of the NWSRS. Only Congress can designate a Wild and Scenic River. In some instances, the Secretary of the Interior may designate a WSR when the governor of a state, under certain circumstances, petitions for a river to be designated. Members of Congress will ultimately try to designate



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suitable segments through proposed legislation. Rivers found not suitable by the managing agency conducting the suitability study would be dropped from further consideration for inclusion into the National Wild and Scenic Rivers System.

As part of the current planning effort, the BLM studied these fifty-one eligible segments for suitability as part of this Environmental Impact Study planning process. This Draft Suitability Report and subsequent determinations are included in Section 3 of this document. Table 2 identifies the six eligible Wild and Scenic Rivers within the planning area that were found suitable for inclusion into the National System.

**Table 2.** Suitable Wild and Scenic River determinations within the western Oregon planning area.

<b>River Segment Name</b>	<b>District</b>	<b>Wild and Scenic River Classification</b>	<b>River Miles</b>
Little North Santiam River	Salem	Recreation	17
North Fork Siletz	Salem	Scenic	11
Rogue River	Medford	Recreation	63
Sandy River	Salem	Recreation	26
Table Rock Fork Molalla	Salem	Recreation	13
West Fork Illinois	Medford	Scenic	17
<b>Totals</b>			<b>147</b>

## Section 2: Methodology

This section describes the methodology implemented to evaluate eligible river segments for suitability. The criteria used to evaluate Eligible River and stream segments are those described in BLM Manual 6400, *Wild and Scenic Rivers- Policy and Program Direction for Identification, Evaluation, Planning and Management* (BLM 2012) and recommendations from the Interagency Wild and Scenic Rivers Coordinating Council (1999).

### ***Suitability Criteria Used To Evaluate River and Stream Segments***

A suitability study is designed to answer the following questions to determine whether eligible rivers would be appropriate additions to the NWSRS:

- Should the river’s free flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
- Will the river’s free flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated, and alternative protection methods considered.
- Is there a demonstrated commitment to protect the river by any non-Federal entities that may be partially responsible for implementing protective management?

As provided in the WSR Act and incorporating the above guidance from the Interagency Wild and Scenic Rivers Coordinating Council (1999), the following 13 suitability criteria factors, identified in BLM Manual Section 6400 (BLM 2012), were applied to each eligible river segment in the suitability study:

1. Characteristics that do, or do not, make the area a worthy addition to the National System. These characteristics (free flowing and outstandingly remarkable values) are described in the WSR ACT and may include additional factors.
2. The current status of land ownership and use in the area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.
4. The extent to which the agency proposes the administration of the river, including the costs thereof, be shared by state and local agencies.

5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state and local agencies.
6. The estimated cost to the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.
7. A determination of the extent that the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.
8. An evaluation of local zoning and other use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.
9. The state/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of state and local governments. Such mechanisms may include, for example, statewide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.
10. The support of opposition to designation that exists. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; state, local, and tribal governments; national and local publics; and the state's congressional delegation should be considered.
11. The consistency of designation with other agency plans, programs, and policies in meeting regional objectives. Designation may help or impede the goals of tribal governments or other Federal, state, or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a scarce recreation activity or setting to the National System may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.
12. The contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach (e.g., expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system-headwaters to mouth-or watershed). Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.
13. The potential for water resources development. The intent of the WSR ACT is to preserve selected rivers from the harmful effects of water resources projects. Identify any proposed water resource projects that may be foregone, as designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, bridge construction, and channelization.

### ***Data Sources and Methodology***

BLM relied on several sources; including geographic information systems data, district specific resource area specialists, contracted workers, public and agency specific information sources, other agencies, and public input. The result was a compilation of data applicable to the suitability criteria. This data was then used to determine the suitability of a particular segment.

### ***Geographical Information Systems***

Geographic information systems data compiled by the BLM were used to generate segment maps. This information was also utilized, where appropriate to address suitability criteria factors.

### ***BLM Interdisciplinary Team***

The BLM interdisciplinary team consisted of outdoor recreation planners, hydrologists, fisheries biologists, wildlife biologists, planning and environmental coordinators, botanists, and other key specialists from each BLM district and the Oregon/Washington BLM State Office within the planning area. The interdisciplinary team provided information pertaining to suitability criteria factors and reviewed data from additional sources, such as agency and public input for accuracy. Once all available data was compiled, the team evaluated each segment and made a suitability determination.

### ***Public Input***

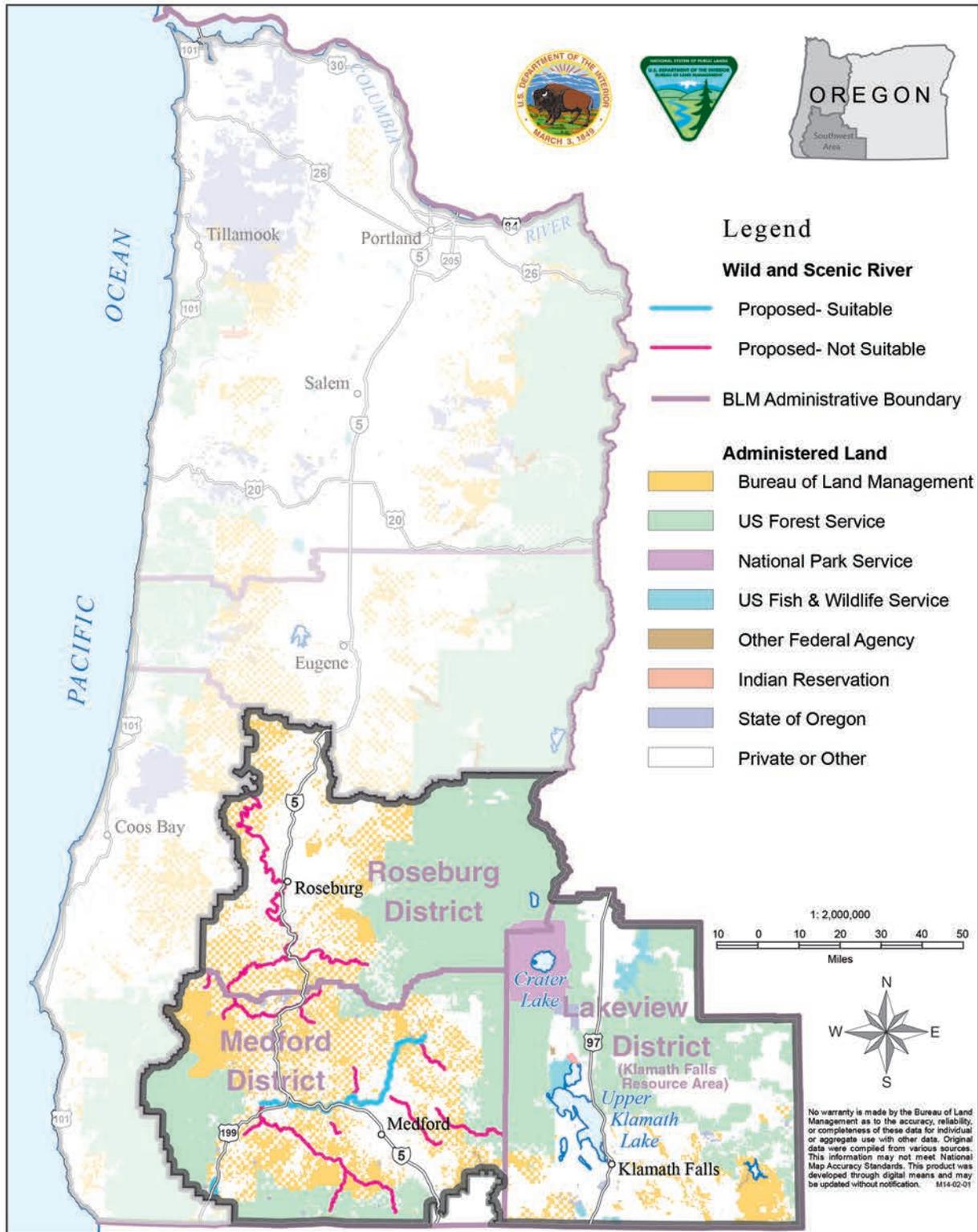
During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the 4 recreation workshops and received 232 river specific comments via an online survey. A summary of the key findings from this outreach effort can be found at

<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>

### ***Southwest Suitability Area Overview***

The Southwest Wild and Scenic River Suitability Report encompasses all eligible Wild and Scenic Rivers within the Roseburg and Medford Districts and the Klamath Falls Resource Area of the Lakeview District. Map 1. provides a spatial overview of the proposed rivers indicating those rivers that were found suitable and non-suitable during this administrative review.

Map 1: Southwest Oregon Wild and Scenic River Suitability Overview



Southwest Oregon Wild and Scenic River Suitability

## **Section 3: Western Oregon Wild and Scenic River Suitability Reports**

This section presents the data collected for each eligible river segment in a narrative format and the resulting BLM determination of suitability. Data collection was guided by the 13 specific criteria described in section 2.1, and data are presented for each segment in the order below:

- Characteristics that do or do not make the river a worthy addition to the NWRs;
- The status of land ownership and minerals (surface and subsurface) use in the area, including the amount of private land involved and associated or incompatible uses;
- Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS, and values that would be foreclosed or diminished if the area were not designated;
- Federal, state, tribal, local, public, or other interest in designating or not designating the river;
- Estimated cost of acquiring necessary lands, interests in lands, and administering the area if designated;
- Ability of the agency to manage and protect the river area or segment as a WSR, or other means to protect the identified values other than WSR designation;
- Historical or existing rights that could be adversely affected with the designation;
- Adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development;
- Consistency of designation with other agency plans, programs, or policies;
- Contribution to a river system watershed or basin integrity; and
- Other issues and concerns, if any.

This administrative determination will receive further review and possible modification before potential recommendation by the Director of the Bureau of Land Management to the Secretary of the Interior, by the Secretary to the President of the United States, and by the President to Congress. Congress has the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.

Impacts that would occur from designating or not designating the suitable river segments have been analyzed in chapter three of the Environmental Impact Statement (EIS) associated with the western Oregon RMP. The BLM will consider public review and comment on suitability determinations included in the Draft RMP EIS before it makes a final suitability determination. Maps and corresponding reports have been included for all eligible rivers segments. River specific information can be accessed at the BLM district office that completed the suitability determination or at the following web link:

<http://www.blm.gov/or/plans/rmpswesternoregon/deis.php>

**Section 3: Medford District Wild and Scenic River Suitability Reports**

**Antelope Creek Wild and Scenic River Suitability Determination**

**Table 3.** Antelope Creek Wild and Scenic River suitability.

<b>Segment Name:</b>	<b>Antelope Creek</b>
Segment Description:	Headwaters of Antelope Creek downstream to the confluence with Little Butte Creek
Total Segment Length:	20.68 miles
Length on BLM Land:	1.34 miles
Total Segment Area:	6,647.04 acres
Area on BLM Land:	717.86 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Antelope Creek segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the fisheries ORV.

**Antelope Creek Suitability Factor Assessment**

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

**Outstandingly Remarkable Values**

Fish: Antelope Creek is almost entirely private, of the 20 mile segment length approximately ½ mile is in BLM ownership. The stream is low gradient and historically important for coho and steelhead. Fish habitat is degraded and simplified and much of the flow is diverted for irrigation purposes.

The Antelope Creek Bridge is a wooden covered bridge that once crossed Antelope Creek near Medford, Oregon. It was listed on the National Register of Historic Places in 1979 but was delisted in 1988. The bridge was taken down, reassembled by volunteers in 1987 to cross a different creek near Eagle Point.

**Other River Values and Characteristics**

Setting: Antelope Creek Access and Development Along the 20.6 mile Antelope Creek segment, at least 26 bridges cross the river for motorized access. Some provide access to private residential holdings. Two RR crossings and several pedestrian bridges are also present. Bridges appear to span the entire river without support piers in the river channel. (One location has several large white structures in the creek. It is unknown by aerial observation what they are. They do not appear to impede the creek’s flow.) Public access to the river is legal where Federal, State or County lands border it. However, access to a majority of the river may be restricted due to private land ownership. Public roads are maintained by the State (Hwy. 62), Jackson County (140, East Antelope Rd), and BLM on the eastern end. The Lost Creek Bridge crosses Antelope Creek near the Yankee Cr. Road and is registered with the NPS as a Historic Site. Communities along the river’s western end include White City and Eagle Point. Only a small section of Eagle Point’s city limits lies within the ½ mile corridor. The eastern end of Antelope Creek is characterized by the rural/agricultural developments between the two cities. Cleared fields for crops or livestock grazing are common along the creek corridor. Eastward, the segment gives way to fewer farmlands but has a few, spread out private residences. The creek is small enough that several fording locations can be seen across the river. The far eastern end is in a forest setting with past evidence of timber harvests. There is no visible roadway along the creek along this two mile section. No recreation developments were noted along the creek. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. The entire river segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 20.7 mile segment is a combination of federal (BLM) and private lands (Table 4). The BLM manages 1.34 miles (6.5 percent) of shoreline along this segment. Five parcels cross the river for ownership on both sides. Another 13 BLM parcels lie within the corridor but do not border the riverbed. There are 18 total BLM parcels within the corridor. These all lie on the southeast end of the river corridor nearest the headwaters. BLM manages 717.86 acres (10.8 percent) within the river corridor.

**Table 4.** Land ownership within the Antelope Creek corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	717.86	10.8%
Private	5,929.18	89.2%

The Oregon State Water Resources Department records 29 water rights and 39 points of diversion on the 20.7 mile Antelope Creek from Antelope Creek to confluence with Little Butte Creek. Table 5. shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 5.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Ground Water	Irrigation	2	2	0.23	
Storage	Industrial/Manufacturing Uses	2	2	0	0
	Recreation	1	1	0	0
	Storage	3	3	0	1,200.2
	Temperature Control	1	1	0	5.4
	Wildlife	1	1	0	0.2
Surface Water	Anadromous and Resident Fish Habitat	1	1	9.12	
	Domestic Including Lawn And Garden	1	1	0.01	
	Industrial/Manufacturing Uses	2	2	1.53	
	Irrigation	10	17	18.79375	370
	Irrigation And Domestic	2	2	0.36	
	Livestock	2	2	0.02	
	Municipal Uses	1	1	0.33	
	Supporting Aquatic Life and Minimizing Pollution	1	1	5	
Temperature Control	2	2	3.48		
<b>Totals</b>				<b>38.87375</b>	<b>1,575.8</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

No mining claims on federal lands-per Little Butte Watershed Analysis; 86% of the BLM land is in grazing allotments within the Little Butte Watershed.

Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river’s existing condition and protect the identified Outstandingly Remarkable Values.

Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation. Rio Climax and Heppsie Timber Sales are in the area-Road work is under protest

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Antelope Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time, state and local agencies would likely not be able to administer this segment.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Jackson County has designated the following land use zones along the river corridor:

- Exclusive Farm Use (68%)
- Woodland Resource (18%)
- Forest Resource (6%)
- Rural Residential (6%)

- Open Space Reserve (2%)

The southeastern end has more Forest Resource and woodland resource lands while the northwestern end has most of the Rural Residential and Exclusive Farm Use divisions. Other zones are intermittently scattered along the river corridor.

The purpose of the Exclusive Farm Use district is intended to conserve agricultural land and implements the Oregon Agricultural Land Use Policy.

The purpose of Forest Resource and Woodland Resource districts are intended to conserve forest lands.

Additional zoning definitions: <http://www.co.jackson.or.us/Files/Chapter%205.pdf>

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extend onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to

preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

**Criteria 10: The existing support or opposition of designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; state, local, and tribal governments; national and local publics; and the state’s congressional delegation should be considered.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Antelope Creek during this multi-phased outreach effort. Overall public interest in designating this segment would most likely be divided. Support would likely come from hunters, recreationists, environmental groups, and others who use the area for non-consumptive purposes. Opposition would likely come from the mineral proponents who may view designation as potentially restricting exploration and extraction within the river corridor and from landowners who may see designation as limiting management of their private land adjacent to the river segment

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability, however, do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act which states that timber on the O&C lands shall be managed with timber thereon sold, cut and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. The Act anticipates creating thousands of new jobs in Oregon's forested communities, ensuring the health of federal forests for future generations, and providing long-term funding certainty for Oregon's rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon Rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production. (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013)

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other agency lands lie within the river corridor. The majority of land ownership along this river consists primarily of private land holdings (89.2%). Current uses and common management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and current uses identified in Question 1.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency's MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures, which may adversely affect their production, economic stability, or social goals.

A Water Quality Restoration Plan was completed in February 2011 by the Medford District Bureau of Land Management which covers the Gold Hill-Rogue River Watershed North area, including Antelope Creek. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and

communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

There are no designated Wild and Scenic Rivers within the Antelope Creek watershed nor have there been any legislative proposals for additional federal protection of Antelope Creek or its tributaries.

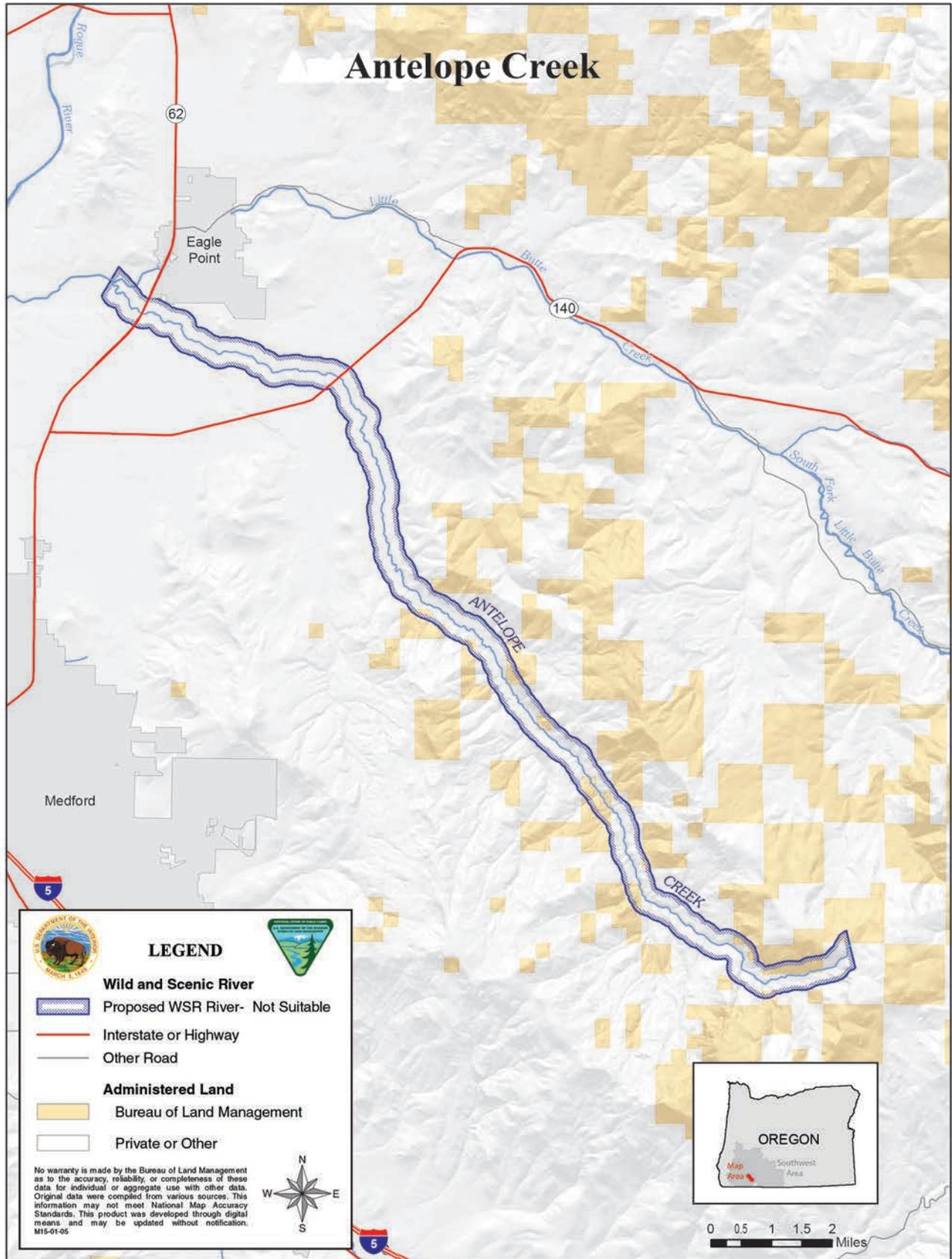
Impacted beneficial uses from mouth to Climax include cold water fish, other aquatic life and aesthetics (from WA)-Causes of non-point source pollution include surface erosion and water withdrawal associated with irrigated cropland, pastureland, livestock grazing, surface runoff, construction and transportation network-Little Butte WA. Native resident steelhead trout; water quality limited for temperature in summer from mile 0 to 19.7; meets target for percent affected shade; exceeds e coli standard (from WQMP).

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Antelope Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Antelope Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 1.3 of the total 20.7 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. The aquatic habitat is in poor condition and the water withdrawals further limit the habitat. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality, and outstandingly remarkable values.



## Applegate River Wild and Scenic River Suitability Determination

**Table 6.** Applegate River Wild and Scenic River suitability.

Segment Name:	Applegate River
Segment Description:	Applegate Lake Dam downstream to the confluence with the Rogue River
Total Segment Length:	47.52 miles
Length on BLM Land:	1.30 miles
Total Segment Area:	14,770.70 acres
Area on BLM Land:	839.14 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Applegate River segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the fisheries ORV.

### Applegate River Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Fish: The Applegate Watershed is considered a BLM Priority Watersheds outlined in the 2015 Strategic Plan. This plan is focused on future restoration needs to achieve resilient aquatic and riparian habitats, conserve listed species and their habitats, and maintain water quality and availability for its many beneficial uses.

The Applegate River system is an important tributary to the Rogue River for anadromous salmonids spawning and rearing habitat. Although the Applegate Subbasin is only about twelve percent of the total acreage in the Rogue, it provides spawning habitat for an estimated one-third of all the coho salmon coming up into the Rogue River (USDA and USDI 1998). Stream surveys indicate that 236 miles of streams in the subbasin support anadromous species, primarily in the main stem of Applegate River, Slate Creek, Cheney Creek, Williams Creek, Thompson Creek, Little Applegate River, Beaver Creek, Palmer Creek, and Star Gulch. Anadromous fish distribution is often limited by waterfalls or steep gradient cascades in tributaries. Although the USFS and BLM manage nearly 70 percent of lands within the Applegate Subbasin, only 28.4 percent (67 miles) of the anadromous fish-bearing streams cross federal lands.

Resident or non-anadromous trout also occur naturally (rainbow and cutthroat) or have been introduced for recreational purposes (brook trout and brown trout). Rainbow and cutthroat trout are found throughout

the subbasin. Several other species of introduced game fish also inhabit the Applegate River system, as do numerous native non-game species. Various species of amphibians and reptiles occur in the subbasin including sensitive species such as the tailed frog, red-legged frog, foothills yellow-legged frog, Pacific giant salamander, and western pond turtle.

*Special Status Fish* - Two special status fishes, coho salmon and Klamath Mountains Province steelhead spawn and rear in the Applegate-Star/Boaz Watershed Analysis Area. The National Marine Fisheries Service (NMFS) listed coho salmon in the Rogue and Klamath river basins on June 6, 1997 as threatened under the Endangered Species Act.

*Other Native Fish* - Cutthroat Trout are present in the mainstem of the Applegate River. Some cutthroat may only use tributaries to spawn in during the spring, but spend the rest of their lives in the Applegate River. Rainbow trout are the same species as steelhead. Rainbow spend their whole lives in fresh water and they commonly migrate into tributaries to spawn. Rainbow trout are only present in the mainstem of the Applegate River.

*Aquatic Habitat*: Values of fish habitat in the Applegate river are documented at less than outstandingly remarkable: Settlement and agricultural activities have had the biggest impact on the Applegate River. As farmers and ranchers cut off side channels and floodplains for pasture, water tables in adjacent riparian areas dropped. Once abundant side channel and complex alcove habitat, which are important for young fish, have disappeared. The river has been straightened and channelized causing it to downcut. Channelization may have changed sediment distribution, possibly affecting the amount or stability of spawning gravels. In addition, both irrigation and the Applegate Dam have changed flood and summer low flows in the river (see Hydrology), which may have reduced the amount or quality of spawning gravels.

Channel conditions and sediment transport processes in the Applegate-Star/Boaz Watershed Analysis Area have changed since Euro-American settlers arrived in the 1830s primarily due to mining, road building, and removal of riparian vegetation. Historical mining confined channels, encouraged channel downcutting, destroyed riparian habitat and removed trees, which contributed to habitat degradation. Use of small dredges has minimal impact on habitat; however, it does loosen and displace the spawning gravels. Unsurfaced roads (road-related erosion) that parallel streams and road crossings also contribute fine sediments to streams and rivers. Fine sediments have a cumulative impact on water quality. Sedimentation effects on fish are substrate embeddedness, poor pool quality, reduced hiding cover, and damaged fish gills.

Although little is known about fish movement in the Applegate system, it appears that tributaries, like Star Gulch, are critical for all fish species. The Applegate River is too warm, harbors predators such as introduced bass, and lacks complex habitat for young fish. Therefore, survival of young fish may be better in the tributaries. Although larger fish may rear in big pools, the Applegate River probably functions primarily as a migration corridor. Summer habitat data is not available for the Applegate River. In general, the river is wider and shallower than it used to be. Backwaters and side channels are almost nonexistent and the once extensive beaver marshes are gone. Dikes and roads confine the channel and homes line the banks. Pool habitat has probably been drastically reduced from historical levels. The

Applegate River has very little woody material. Over the years, various agencies and residents have pulled most of the logs out of the river during flood clean-up and damage prevention efforts. Agencies and residents are concerned about debris jams piling up on private property, damaging buildings near the channel, damaging bridges, or diverting the river and causing bank failures. Where possible, logs and debris jams should be left on banks and in the river to provide fish habitat.

The Applegate River has little vegetative cover for fish, few backwaters and side channels, and inadequate large woody material. Pool habitat is also limited. The Applegate Dam probably prevents adequate spawning gravels from moving downstream, however, it does provide cool water to keep temperatures in this section well below the State temperature criteria of 64 °F. There are no barriers to juvenile or adult fish within the Applegate-Star/Boaz Watershed Analysis section of the Applegate. Although larger fish may rear in big pools, the Applegate River probably functions primarily as a migration corridor.

In the Applegate River, the limiting factors for long-term sustainability of native fish and other aquatic species are high summer water temperatures, lack of side channels and edgewater rearing habitat (especially for coho salmon), lack of winter habitat, and flood refugia. Introduced fish species like largemouth bass may also be a big problem, especially for juvenile fish. .

### **Other River Values and Characteristics**

**Wildlife:** Deer, elk, bear, small mammals, and predators all flourished. Native burning and natural fires promoted a highly diverse landscape with many ecotones, which provided good habitat for these species. However, they are common to the area and not considered to be of an outstandingly remarkable value.

**Recreation:** There are no developed recreation sites in the analysis area. Recreational use includes: dispersed camping, as well as activities such as swimming, hunting, fishing, mushroom picking, sightseeing, and mining. Common recreation values in this area are considered less than remarkable.

**Historic:** Named for Oregon pioneer Lindsay Applegate, who encountered the river during his 1848 trip south to the California goldfields, the Applegate River was subjected to intensive, large-scale placer gold mining from the 1850s to the 1890s. Mining and later irrigation withdrawals have adversely affected the stream's anadromous fishery, but the lower river still draws winter steelhead anglers. In 2008, efforts were underway to reduce barriers to fish passage and improve salmon-spawning habitat. The Applegate Valley—long a sleepy, rural area located off the region's main travel routes—supported small farms, ranches, and sawmill communities until well after World War II. The mountainous watershed's occasional propensity for extreme high-volume flows and destructive winter floods led the Army Corps of Engineers to construct, in 1979-1981, the Applegate Dam as part of its Rogue Basin flood-control project. The scenic Applegate Valley's popularity has grown significantly since that time, with a steady influx of new residents building large homes on wooded ten-to-twenty-acre parcels and the development of vineyards and wineries.

**Setting: Applegate River Access and Development:** Along the 47.5 mile Applegate River, 12 transportation bridges, and one pedestrian bridge cross the river. Bridges appear to span the full width of the river, but some could have support piers within the river channel. Public access to portions of the river is legal where Federal, State or County lands border the river. Legal access to a majority of the river may be restricted by private land ownership. Public roads are maintained by divisions of Federal (US 199), State (Hwy. 238), and Josephine and Jackson Counties. Paved roads run parallel to the river for its entire length. Communities along the river include Applegate, Murphy, Wilderville and Redwood. Over five miles of the river lies within the Rogue River-Siskiyou National Forest. Almost the entire river corridor is encompassed in a rural interface setting. Farmland development and livestock border the river on both sides. Visual impacts from human occupation and development can be readily seen from the river. The area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. Sights and sounds of man are readily evident, and the concentration of users is often moderate to high. Developed sites, roads, and trails are designed for moderate to high uses. The river meanders with looping segments that create islands. Several adjacent ponds can be seen along its pathway. From aerial observation, there is a perpendicular structure across the river near Murphy which may impact the free flowing requirement of the river. The river segment has minor obstacles that may affect its free flowing nature.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 47.5 mile segment is a combination of federal (BLM), Corp of Engineers, private and USFS lands (Table 7). The BLM manages 1.3 miles (5.7 percent) of shoreline. Two BLM parcels contact one side of the river and three parcels cross to both sides. An additional 16 parcels lie within the corridor but do not contact the shoreline. There are 21 total BLM parcels in the river corridor. BLM manages 839.14 acres (5.7 percent) within the river corridor.

**Table 7.** Land ownership within the Applegate River corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	839.14	5.7%
Corp of Engineers	88.03	0.6%
Private	12,736.27	86.2%
USFS	1,107.26	7.5%

The Oregon State Water Resources Department records 616 water rights and 786 points of diversion on the 47.5-mile Applegate River. Table 8. shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

## Wild & Scenic Rivers Suitability Report – Southwest Oregon

**Table 8.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>	
Ground Water	Commercial Uses	1	1	0.041		
	Frost Protection	1	2	0.3342		
	Irrigation	33	39	6.3237		
	Irrigation, Livestock and Domestic	1	1	1.8827		
	Primary and Supplemental Irrigation	2	2	0.271		
	Temperature Control	1	1	1.94		
Storage	Aesthetics	2	4	0	25	
	Fire Protection	1	3	0	0	
	Fish and Wildlife	1	3	0	0	
	Fish Culture	4	4	0	40,002.45	
	Industrial/Manufacturing Uses	1	1	0	4.59	
	Multiple Purpose	1	1		4.5	
	Storage	3	3	0	6	
	Wildlife	2	2	0	7.5	
	Surface Water	Agriculture Uses	1	1	0	
		Domestic	18	20	0.3382	
Domestic Expanded		2	2	0.01	2.1375	
Domestic Including Lawn and Garden		4	4	0.08		
Fire Protection		3	3	0.01	2.1375	
Fish Culture		4	5	362.03		
Human Consumption		2	2	0.01		
Industrial/Manufacturing Uses		9	21	2.98	4.5	
Instream Uses		1	1	0.977		
Irrigation		503	570	130.40337	81.2	
Irrigation and Domestic		15	15	10.6		
Irrigation, Livestock and Domestic		6	6	25.175		
Livestock		35	37	6.33332		
Mining		1	1	40		
Pond Maintenance		1	1	0.037		
Primary and Supplemental Irrigation		4	4	0.173		
Recreation		1	1	0.004		
Storage	5	5	2.184			
Supporting Aquatic Life	3	3	825			
Temperature Control	1	1	1.1			
Wildlife	1	1	0.01			
<b>Totals</b>				<b>1,418.24749</b>	<b>40,140.015</b>	

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

People living within this area made their living from ranching, farming, mining, and logging for much of this century. Beneficial uses that are dependent on aquatic resources include: domestic water supply, irrigation, livestock watering, cold water fish, other aquatic life, wildlife, recreation, and aesthetics.

The majority of BLM roads were constructed during the 1960s as haul roads for timber. Timber harvest on federal land other than salvage logging virtually halted in 1991 when the northern spotted owl was listed as a threatened species under the Endangered Species Act. Logging has resumed under the 1994 Northwest Forest Plan using different types of harvest methods, such as commercial thinning, density management, and mortality salvage. Current habitat conditions are a result of human activities, such as logging, agriculture, and fire suppression.

The Rogue River National Forest manages two facilities within the river corridor (T.39S., R.3W., Section 28). The Star Ranger Station is located on the Applegate River approximately 1/4-mile south of Star Gulch. An associated work station site is located along the Star Gulch road approximately 1/4-mile from the Applegate River Road. The work station site has been utilized over the years by the Forest Service for various purposes, including housing fire crews, a day care center, and the Americorp.

The BLM has issued two rights-of-way for water lines are in sections that drain into the Applegate River. There are two known unauthorized waterlines in the area. Other unauthorized uses probably exist in the analysis area, such as garbage dumping, especially in those sections where private and federal lands are intermixed. Due to the large amount of contiguous federal ownership in this analysis area and small amount of rural interface, unauthorized use is not as common as compared to other watersheds with greater amounts of mixed ownership. There are a total of 25, 518 acres under permit to graze within the Applegate River segment (Table 9).

**Table 9.** Existing BLM grazing permits Applegate River segment.

Name	Allotment Number	Total Acres	Status	Season of Use	Preference AUMs <sup>1</sup>
Applegate	20201	25,518	Vacant	4/15-6/30	672

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river’s existing condition and protect the identified Outstandingly Remarkable Values. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated. Through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Applegate River segment was added to the National Wild and Scenic Rivers System, either the Bureau of Land Management or the United States Forest Service would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

The Applegate Partnership is a community-based non-profit, non-government 501(c)(3) voluntary organization involving industry, conservation groups, natural resource agencies, and residents cooperating to encourage and facilitate the use of natural resource principles that promote ecosystem health and diversity. Through community involvement and education, this partnership supports management of all land within the watershed in a manner that sustains natural resources and that will, in turn, contribute to economic and community well-being and resilience.

The Applegate Partnership was approached in 1994 by the State of Oregon to act as the Watershed Council for the Applegate Valley in support of the Oregon Plan for Salmon and Watersheds. The Applegate River Watershed Council (ARWC) became the implementing group for restoration projects primarily on private lands in the Applegate. The Partnership and the ARWC have been successful in helping shift the management approaches taken by private landowners as well as public land managers in the Applegate Valley.

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river’s outstandingly remarkable values and preventing incompatible development.**

The Applegate River lies within two counties. Josephine on the west end (45%), and Jackson on the east end (55%).

Josephine County has designated the following land use zones along the Applegate River:

- Agriculture (Exclusive Farm Use) (42%)
- Rural Residential (31%)
- Aggregate Resource (mineral) (18%)
- Forest (8%)
- Industrial (1%)
- Commercial (<1%)

Agriculture and Rural Residential districts are zoned intermittently along the river corridor, with slightly more Agriculture zoning on the eastern end.

Agriculture: The purposes of the Exclusive Farm and Farm Resource Zones are to preserve agricultural land most appropriate for farm use and to provide beneficial uses for lands not capable of farming without creating conflicts between suburban expansion and farm use. The Farm Zones are intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activities. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of the Farm Zones should recognize that the intent of the Farm Zones is to protect resource activities, and in the event of a conflict between residential use and resource practices, this code will be interpreted in favor of resource practices.

Rural Residential: The purpose of this zone is to preserve the rural character of Josephine County while providing areas for rural residential living. Densities established by this zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality. There are restrictions to the acreage as further breakdowns.

Further summary of zoning can be found at: <http://www.co.josephine.or.us/Files/zonedescriptions.pdf>

Jackson County has designated the following land use zones along the river corridor:

- Exclusive Farm Use (75%)
- Rural Residential (12%)
- Woodland Resource (11%)
- Forest Resource (2%)
- Aggregate Removal (<1%)

The zoning districts are intermittently scattered along the length of the river in Jackson County.

The purpose of the Exclusive Farm Use district is intended to conserve agricultural land and implements the Oregon Agricultural Land Use Policy.

Additional zoning definitions: <http://www.co.jackson.or.us/Files/Chapter%205.pdf>

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extend onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural, or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to the Applegate River during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The Applegate River originates on the Rogue River-Siskiyou National Forest and runs downstream through private and BLM lands. The Rogue River-Siskiyou National Forest did not study their segment of the River for eligibility in the Wild and Scenic River system. The BLM determined that a 47.5 mile segment is eligible, including a portion of the segment on USFS lands. With BLMs finding of eligibility, the FS indicates that they may study the river for eligibility at a later date. Agencies would collaborate in the process. The Forest Service feels that the potential future designation should not deter from its plans, programs, and policies in meeting regional objectives, as they would be involved in the planning process. The Forest Service and Bureau of Land Management follow management prescriptions of the Northwest Forest Plan. Management actions should be consistent.

Besides BLM and a small number of Corp of Engineers land (0.6%), no other agency lands lie within the river corridor.

The U.S. Army Corps of Engineers (USACE) manages 88 acres (0.6%) within the Applegate River segment. USACE’s mission is to provide vital public engineering services to strengthen our Nation’s security, energize the economy, and reduce risks from disasters.

The USACE has conveyed interest in coordinating and cooperating with the BLM if planning proceeds with a suitability study. The Corps desires consistency in developing compatible land/resource use goals, to be good stewards and efficiently manage mutually-shared public resources. A proposal for W&SR designation that includes Corps lands would require thorough environmental and programmatic review by the Corps District and Project Offices.

A Wild and Scenic River designation is likely consistent with some Corps goals but may not be compatible with others. Case in point: restoration of listed fish is a National goal that may be promoted by such a designation. However, fisheries restoration projects, like construction of mandated fish passage or collection facilities, may not be compatible. The Corps would be unlikely to support designation that would unduly restrict or affect the primary missions of flood damage reduction, hydropower production, or fisheries management and, in some cases, irrigation responsibilities.

Lands below the Corps dams are maintained for a variety of purposes. In all cases these lands must remain available in order to rebuild the dams upon structural failure. This is part of the Corps justification for retaining them. Dams have life spans and eventually will be re-constructed. The Corps would need specifics from BLM regarding the effects that a W&SR designation would have on the Corps ability to accomplish routine operations, maintenance and special project needs such as major reconstruction.

The majority of land ownership along this river consists primarily of private land holdings (86.2%). Current uses and private management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and uses identified in Question 1.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in January 2005 by the Medford District Bureau of Land Management which covers the Applegate Subbasin Watershed. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment

plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

The Applegate River is a 51-mile long tributary of the Rogue River in the U.S. state of Oregon. It drains approximately 698 square miles. Rising in northern California, it soon crosses the border and flows northeast then northwest to meet the Rogue about 6 miles west of Grants Pass. It drains forested foothills of the Siskiyou Mountains along the Oregon–California border.

The Applegate River is downstream of the Applegate Dam, several miles into Oregon. The United States Army Corps of Engineers began construction of the dam in 1974, and it was completed in 1980. From Applegate Dam, the river flows north and slightly east. About 8 miles from California, it flows under the McKee Bridge. Near Ruch, the Applegate turns and flows northwest through the unincorporated communities of Applegate and Provolt. Near Provolt it passes from Jackson County to Josephine County. Tributaries in this area include Thompson Creek and Williams Creek, and both flow north. From Williams Creek the Applegate turns west and flows through Murphy. It then turns north through Wilderville. The river empties into the Rogue River 6 miles west of Grants Pass, just above the start of the Wild and Scenic section of the Rogue.

There are no designated Wild and Scenic Rivers within the Applegate River watershed. Several tributaries have been studied for suitability.

### **Criteria 13: The potential for water resources development.**

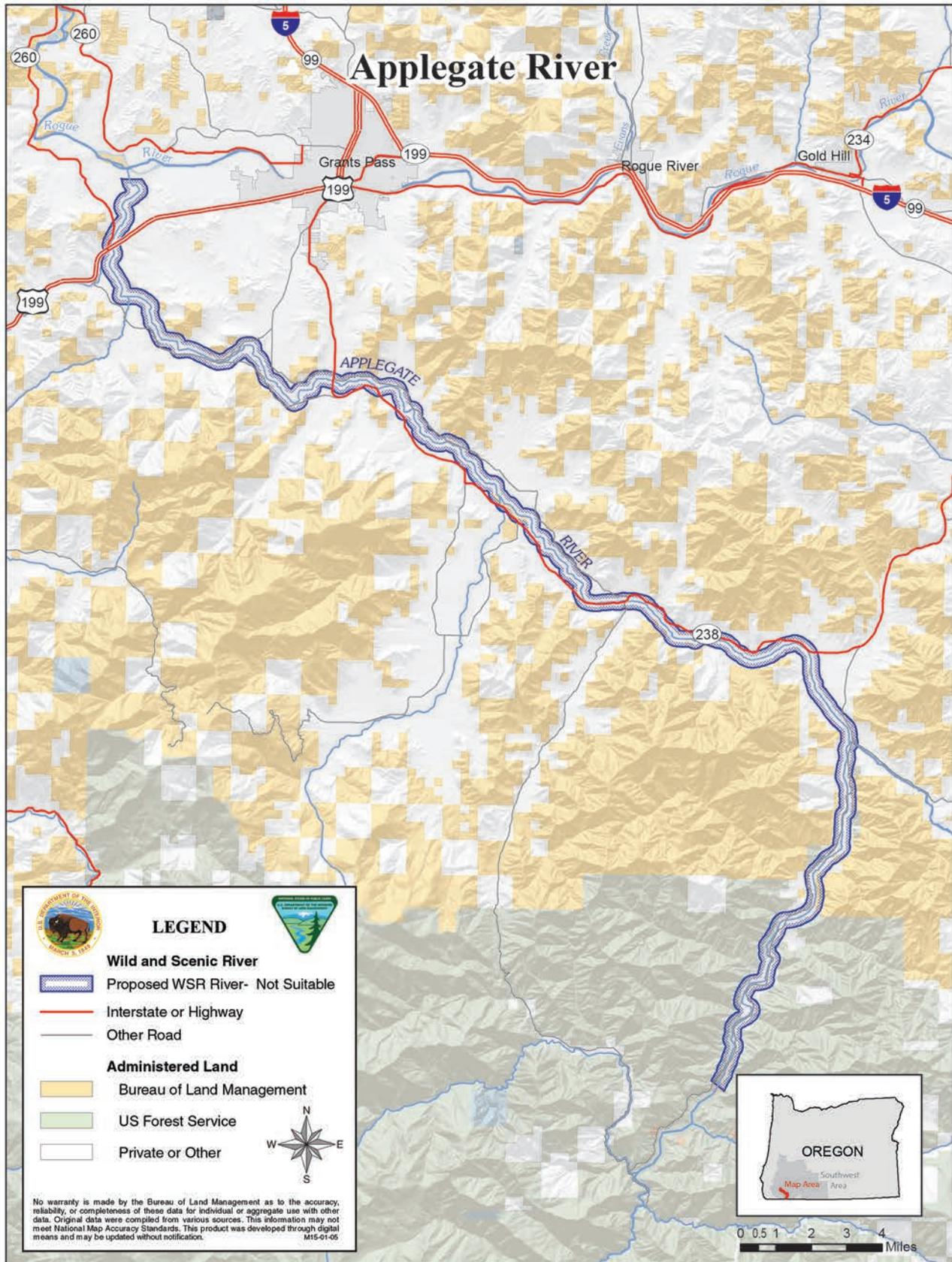
No plans for significant water development in the segment were identified during this study.

## **Applegate River Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds the Applegate River to be **non-suitable for inclusion into the National Wild and Scenic Rivers System**. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 1.3 of the total 47.5 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult.

While the Applegate River is an important fish stream and a priority basin for the Healthy Land – Aquatic and Riparian Program most of the Applegate River is in private ownership and would subsequently be difficult to manage for Wild and Scenic values. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable values.

# Wild & Scenic Rivers Suitability Report – Southwest Oregon



## Big Butte Creek Wild and Scenic River Suitability Determination

**Table 10.** Big Butte Creek Wild and Scenic River suitability.

Segment Name:	Big Butte Creek
Segment Description:	Confluence of the North Fork and South Forks of Big Butte Creek downstream to the confluence with the Rogue River
Total Segment Length:	11.93 miles
Length on BLM Land:	2.03 miles
Total Segment Area:	3,546 acres
Area on BLM Land:	706.04 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Big Butte Creek segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the fish ORV below.

### Big Butte Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

**Fish:** Big Butte Creek is a top producer of native anadromous salmonids that spawn and rear in the Big Butte Creek Watershed: coho salmon, Chinook salmon (spring runs), steelhead trout (summer and winter runs) and resident trout. The Creek is the upper most tributary of the Rogue River below the Lost Creek Dam (and associated fish hatchery) which is used by wild anadromous fish. Its flow is characterized by a high volume of high quality cold water, fed by Big Butte Springs. Northern California/Southern Oregon Coho salmon, a species listed as threatened under the Endangered Species Act (May 1997) are present in Big Butte.

*Aquatic Habitat:* Anadromous fish population numbers have declined in the past years. This can, in part, be attributed to landscape management practices. Loss of riparian vegetation leads to higher stream temperatures. Increased harvesting activities has led to a greater number of roads, more compacted soils, and less vegetation in the clear cuts in the uplands to hold soils in place during storm events and periods of high runoff. This increased the amount of sediment reaching the streams, and resulted in the loss of spawning habitat and macro invertebrate prey species for juvenile and resident fish. Inadequate culverts which block fish passage for resident and anadromous fish may also impact migration and genetic diversity of fish populations.

### Other River Values and Characteristics

Wildlife: With harvesting old growth timber, habitat for old growth dependent wildlife species has rapidly declined. Density studies of the northern spotted owl indicate that population numbers are declining. Spotted owl habitat has been reduced within the last two decades, to the point where none of the existing spotted owl sites have >40% nesting, roosting, foraging habitat within the provincial radius of the province (1.2 miles). Weak population connectivity within the provinces because of poor habitat conditions in areas of checkerboard ownership is a serious threat to owl populations. Population declines in pine martin, fisher, and wolverine can also be attributed to the loss and fragmentation of old growth habitat.

The current condition is primarily due to human initiated disturbance in the watershed. Land management activities have altered wildlife habitat and populations in a variety of ways. Loss of old growth and mature forest habitat, fragmentation of old growth patches, removal of riparian vegetation, increased road building, suppression of fire, extensive rural residential development, and the introduction of cattle grazing are the major sources of change. Wildlife values are therefore considered less than outstandingly remarkable.

The water quality of the Big Butte Creek watershed is generally high and supports several species of trout and salmon. The watershed area is also home to more than 152 species of birds, 63 species of mammals, 19 species of reptiles, and numerous plants.

Historical: Big Butte Creek's watershed was originally settled over 8,000 years ago by the Klamath, Upper Umpqua, and Takelma tribes of Native Americans. In the Rogue River Wars of the 1850s, most of the Native Americans were either killed or forced into Indian reservations. The first non-indigenous settlers arrived in the 1860s, and the area was quickly developed. The creek was named after Snowy Butte, an early name for Mount McLoughlin. In the late 19th century, the watershed was primarily used for agriculture and logging. The small city of Butte Falls was incorporated in 1911.

Recreation: There are no developed recreation sites managed by the BLM in the corridor area. Dispersed recreational use that may occur in the area includes hunting, fishing, mushroom picking, and mining. Common recreation values in the river corridor are considered less than remarkable. Outside of the river study area on National Forest land, recreation activities occur on a year-round basis throughout the Big Butte Creek Watershed. Summer use is dominated by dispersed camping (at developed and dispersed sites), hiking, picnicking, and fishing but includes other activities such as mountain biking, horseback riding, off-highway vehicle (OHV) use, and pleasure driving. Fall use is primarily big game hunting. Winter uses at the higher elevations on national forest land are mostly centered on Nordic skiing and snowmobiling.

A section of Big Butte Creek in Jackson County is 9.5 miles long and is rated by American Whitewater as a class III-IV section. It is rated high for its Oregon scenery and the playfulness of the water. This river is not for beginners.

Scenic: Visual resources are the land, water, vegetation, structures, wildlife, and cultural modifications that make up the scenery of BLM administered lands. Criteria used to determine Visual Resource Management (VRM) classes are: scenery quality ratings, public sensitivity ratings, and the seen area

distance zone. Management objectives are to maintain, enhance, or preserve scenic values which are one-of-kind. The viewshed from Lost Creek Lake and the Cobleigh Road from Highway 821 (Butte Falls Highway) to the junction of the “A” and “B” Road (T34S, R2E, Sec. 7, SE¼) are classified as VRM II, which allows for low levels of change to the characteristic landscape within the foreground/middleground (i.e., within one mile or to the first ridge, whichever is closest) of Cobleigh Road. Management activities may be seen but should not attract the attention of the casual observer. BLM’s ability to affect any area’s overall scenic quality depends, to a large degree, on land ownership patterns. In most of the Lower Big Butte watershed, public lands are intermingled with private lands. Management activities on these lands can dominate the visual landscape regardless of BLM’s management activities. The remainder of the river study area is managed as VRM III and IV.

Setting: Big Butte Creek Access and Development: Along the 11.9 mile Big Butte Creek, two bridges cross over the river for motorized access. Legal public access to the creek may be restricted at 80% of the segment due to private land ownership. The Crowfoot Road parallels the river on the northern end for over 2 ½ miles. The remainder of access roads on backcountry gravel or dirt surfaces provides proximity to the river through the corridor. There are no communities along the river corridor. The south end of the river is short of Butte Falls by one mile. The primary features and uses of the landscape are forest management practices in a Roaded Natural to Rural setting. The Roaded Natural landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. On the hillsides adjacent to the corridor are active and past timber harvest plots. There are about 30 residences along the river on the north end of the river. Light numbers of agricultural and residential developments exist in the southern half of Big Butte Creek. This area is characterized by a modified natural environment. Opportunities to affiliate with others are often prevalent. Sights and sounds of man are readily evident, and the concentration of users is often moderate. The entire river segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 11.9 mile segment is a combination of federal (BLM), and private lands (Table 11). The BLM manages 2.03 miles (17 percent) of shoreline. Four BLM parcels cross the creek for ownership on both sides. Ten more lie within the corridor, but do not border the creek. There are fourteen total BLM parcels. BLM manages 706 acres (19.9 percent within the river corridor).

**Table 11.** Land ownership within the Big Butte Creek corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	706.04	19.9%
Private	2,839.98	80.1%

The Oregon State Water Resources Department records 16 water rights and 24 points of diversion on the 12 miles of Big Butte Creek from Big Butte Creek to the Rogue River. Table 12. below shows water types and uses.

**Table 12.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>
Surface Water	Irrigation	15	23	101.377	
	Power Development	1	1	100	
<b>Totals</b>				<b>201.377</b>	<b>0</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

The Lower Big Butte watershed has seen sustained and regular growth of private residences. Though livestock ranching continues in the watershed, especially in the lower elevations, it is not as prevalent as in the past, as larger parcels have been divided into smaller tax lots to become residential building sites. Easements into much of this area are few and access is limited to areas via County roads. As the rural residential population in the watershed increases, the likelihood of simple access to federal lands will continue to diminish.

The Medford District RMP identified four potential recreation sites on BLM lands within or immediately adjacent to the river segment: Box Creek (T34S, R2E, Sec.33), Cobleigh Bridge (T34S, R2E, Sec 29), Rocky Hill (T34S, R2E, Sec 25), and Fredenburg (T35S, R2E, Sec 3). These sites could provide public access to Big Butte Creek from public lands, but have not been developed to date.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river’s existing condition and protect the identified Outstandingly Remarkable Values. With designation, BLM’s management presence would increase. Designation of the river segment would coincide with the low intensity of recreational management already proposed for the area. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Big Butte Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

### **Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM *would not* pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is *privately owned*, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

**Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

Jackson County has designated the following land use zones along the river corridor:

- Forest Resource (43%)
- Woodland Resource (32%)
- Open Space Reserve (13%)
- Exclusive Farm Use (10%)
- Rural Residential (2%)

The Southeastern end has more Forest Resource lands while the Northwestern end is where all Rural Residential and OSR divisions are located. Other zones are intermittently scattered along the river corridor.

The purpose of Forest Resource and Woodland Resource districts are intended to conserve forest lands.

Additional zoning definitions: <http://www.co.jackson.or.us/Files/Chapter%205.pdf>

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extend onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon's rivers and streams include municipal drinking water;

irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Big Butte Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other agency lands lie within this river corridor. The majority of land ownership along this river consists primarily of private land holdings (80%). Current uses and common management

practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and current uses identified in Question 1.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in January 2008 by the Medford District Bureau of Land Management which covers the Big Butte Creek Watershed. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

Big Butte Creek is a 12-mile-long tributary of the Rogue River in the U.S. state of Oregon. It drains approximately 245 square miles of Jackson County. The north fork of the creek begins on the slopes of Rustler Peak and the south fork's headwaters are near Mount McLoughlin. Flowing west, they meet near the city of Butte Falls, and the main stem flows generally northwest until it empties into the Rogue River about 1 mile southwest of William L. Jess Dam and Lost Creek Lake. The BLM manages 20 percent of the land within the Watershed and 31 percent of the anadromous salmonid habitat crosses BLM-administered land.

Big Butte Creek is the lone Rogue tributary used by Spring Chinook for spawning. Most spring Chinook spawning occurs in the main stem Rogue where they are susceptible to impacts associated with Lost Creek Reservoir. Big Butte Creek is important to long term Spring Chinook population viability because this subpopulation is not negatively affected by the operation of Lost Creek Reservoir.

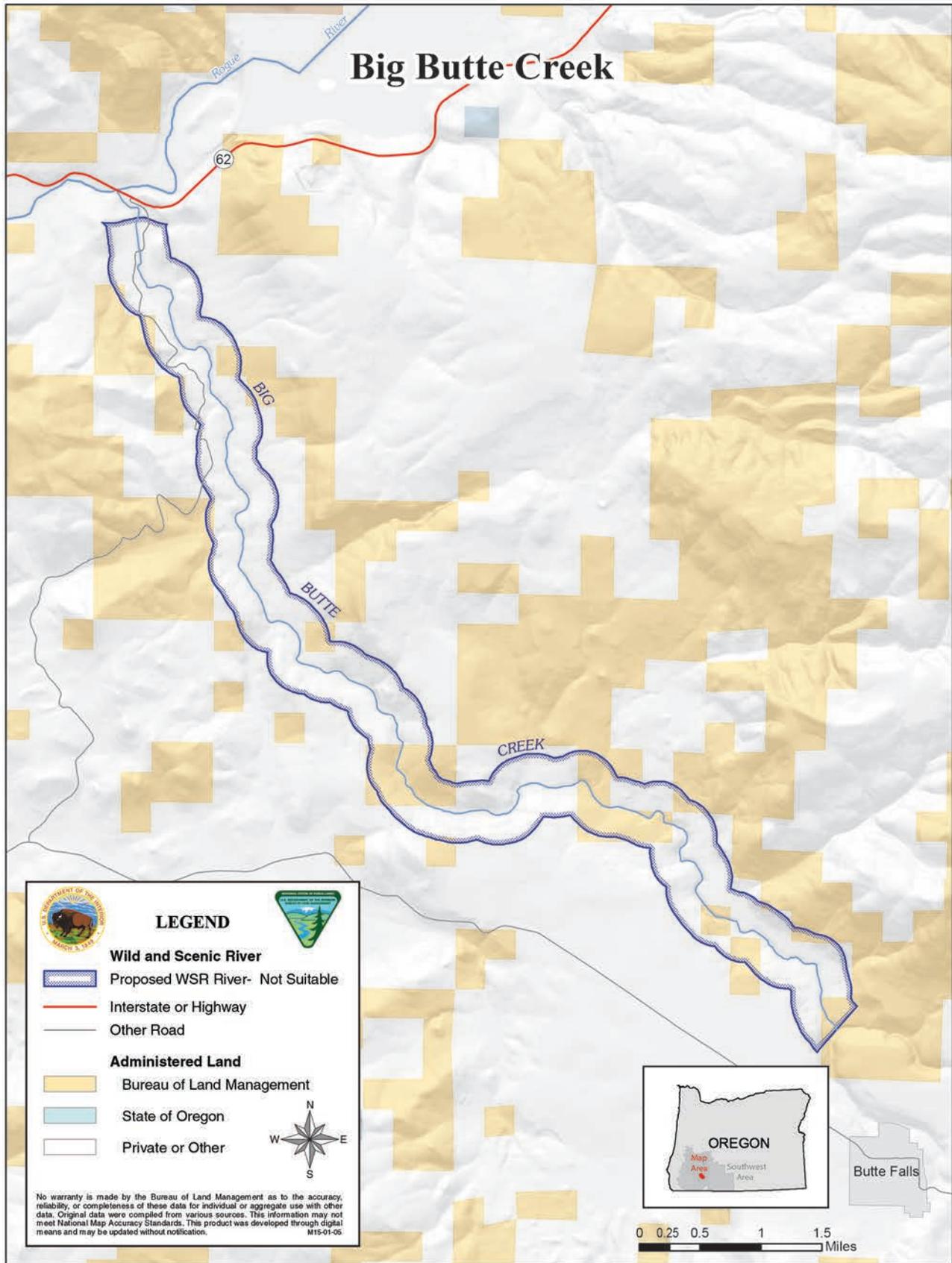
There are no designated Wild and Scenic Rivers within the Big Butte Creek watershed nor have there been any legislative proposals for additional federal protection of Big Butte Creek or its tributaries. The North Fork of Big Butte Creek was found not suitable as a wild and scenic river.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Big Butte Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds big Butte Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 2 of the total 11.9 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable values.



## Cheney Creek Wild and Scenic River Suitability Determination

**Table 13.** Cheney Creek Wild and Scenic River suitability.

<b>Segment Name:</b>	<b>Cheney Creek</b>
Segment Description:	Headwaters of Cheney Creek downstream to the confluence with the Applegate River
Total Segment Length:	6.51 miles
Length on BLM Land:	2.15 miles
Total Segment Area:	1,963.56 acres
Area on BLM Land:	710.54 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Cheney Creek segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the fisheries ORV.

### Cheney Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Fish: Cutthroat trout, steelhead, coho and Chinook salmon are found in the Cheney/Slate watershed. Each is a cold water species and requires complex habitats especially in the early life stages. Quantitative abundance estimates are unknown. Nongame species such as speckled dace, Pacific lamprey, sculpin, and redbreast shiner also inhabit the streams.

Aquatic Habitat: Cheney and Slate creeks provide some of the better habitat for anadromous fish in the Applegate River basin. Habitat includes streambed substrate quality and quantity conducive for fish spawning. Pools, large woody debris, and log jams provide good quality for fish rearing. Although Cheney Creek has limited summer flows, it has high potential for providing fish rearing habitat. Some of the unnamed tributaries to Cheney Creek are dewatered for irrigation and are considered "areas of lost fish production."

Cheney Creek spawning is excellent, yet rearing area is fair to poor due to low summer streamflows and the lack woody debris in the stream. Rearing pools in the mainstem were nil. The riparian area lacked conifers and adequate shade. Both major forks of Cheney Creek have spawning areas only in the lower reaches. Rearing opportunity in these forks are limited by low summer flows and the lack of wood in the stream.

**Other River Values and Characteristics**

River Setting- Access and Development Along the 6.5 mile Cheney Creek, approximately three bridges and several private residential creek crossings traverse the creek. The northern two miles of Cheney Creek is private land, characterized by open agricultural lands and clearings with residential home sites. Public access on this end may be restricted. This area is characterized by a modified natural environment. Opportunities to affiliate with others are prevalent. Sights and sounds of man are readily evident. On Cheney Cr. Road, access is provided to the river from BLM lands in a forested setting. There are no community developments along the river corridor. Wilderville lies within a mile of the north end. On the southern end of the creek’s corridor, alternating BLM and private lands show evidence of forest management. The setting is Roded Natural. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. A network of gravel roadways meander through the hillsides. No agricultural, residential, recreation or business developments are noted in this area. The entire river segment is free flowing with no impoundments.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 6.5 mile segment is a combination of federal (BLM) and private lands (Table 14). The BLM manages 2.15 miles (33 percent) of shoreline. Three BLM parcels span the full river corridor; one borders the riverbed on one side only, while one parcel has no contact with the riverbed but lies within the ½ mile wide corridor. There are five total BLM parcels. BLM manages 710.54 acres (36.2 percent) within the river study corridor.

**Table 14.** Land ownership within the Cheney Creek corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	710.54	36.2%
Private	1,253.02	63.8%

The Oregon State Water Resources Department records 20 water rights and 26 points of diversion on the 6.5 mile Cheney Creek from Cheney Cr. to the Applegate River. Run date is June 1. Table 15. below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 15.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>
Ground Water	Irrigation	2	2	0.15	
Surface Water	Anadromous and Resident Fish Rearing	1	1	1.62	
	Domestic Expanded	1	1	0.01	
	Fisheries Enhancement	2	2	0.091	
	Irrigation	14	19	2.043	
	Pond Maintenance	1	1	0.05	
<b>Totals</b>				<b>3.964</b>	<b>0</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

Current human use of the watershed includes suburban settlement, agriculture, timber management, mining, and dispersed recreation. There is almost no economic base in the area. Residents report a changing settlement pattern from agriculture to more suburban use and use by retirees or commuters to Grants Pass. Many commuters are upper, middle-class professionals who can afford the higher real estate values in the area. People living in the area include farmers, natural resource workers, retirees, environmentalists, commuters, teachers, those involved in light technology, and horse ranchers. The population is increasing with many newcomers in the area. The majority of the settlement is located in the area of Highway 199, Fish Hatchery, and Cheney Creek roads. There are scattered homes along the Cheney Creek Road.

There has been a noticeable increase in timber cutting on nonfederal lands. Timber has been harvested from the Cheney/Slate watershed for over 50 years. Within the last 30 years, advances in harvesting technology and road access have led to the majority of the forestlands being entered. The practice of clear-cutting during the 1970s and 1980s led to blocks of land that were denuded of trees, burned, and replanted. This has led to noticeable reduction in the amount of large woody material on the landscape especially in riparian areas. Currently, new forestry practices promote a lighter touch on the land through ecosystem management that considers more than just harvesting trees.

Over fifty percent of the land in the Cheney/Slate watershed is owned by private individuals. Moreover, most of the "bottom land," where a major portion of the fishery streams exist, are controlled by private individuals. Land management constraints are less stringent than those regulating federal lands. Private landowners can manage their lands as they choose as long as they are within the guidelines of Oregon's State Forest Practices Act. There is no coordinated management objectives established for private lands. The majority of the settlement is located in the area of U.S. Highway 199, Fish Hatchery and Cheney Creek roads. Wilderville, Wonder, and Love Station are "developed" sites in the Cheney/Slate watershed.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated. Through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

The federal agencies have no authority over private land use. Many natural surfaced road systems are built over private lands and are a major source of erosion and sedimentation into streams. There are approximately 6 miles of road per square mile on privately owned lands. This is a concern in the Cheney/Slate watershed and will require community involvement by private landowners to establish a policy on nonfederal land transportation management.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Cheney Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time state or local agencies would likely not be able to administer this segment.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Josephine County has designated the following land use zones along Cheney Creek:

- Forest (92%)
- Residential (8%)
- Agriculture (<1%)

The latter two zones lie on the northern end of Cheney Creek. Percentages are approximate.

The Forest Commercial and Woodlot Resource Zones are intended to implement the Goals and Policies of the Josephine County Comprehensive Plan by conserving and protecting lands for forest uses. The Forest Zones are designed to provide a classification for commercial forest lands in private ownerships and for public lands administered by forest management agencies, encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards.

*Further summary of zoning can be found at: <http://www.co.josephine.or.us/Files/zonedescriptions.pdf>*

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extend onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program

and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Cheney Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or**

**designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

**Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other agency lands lie within this river corridor. The majority of land ownership along this river consists primarily of private land holdings (64%). Current uses and common management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and current uses identified in Question 1.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in January 2005 by the Medford District Bureau of Land Management which covers the Applegate Subbasin Watershed, including Cheney Creek. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to

develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

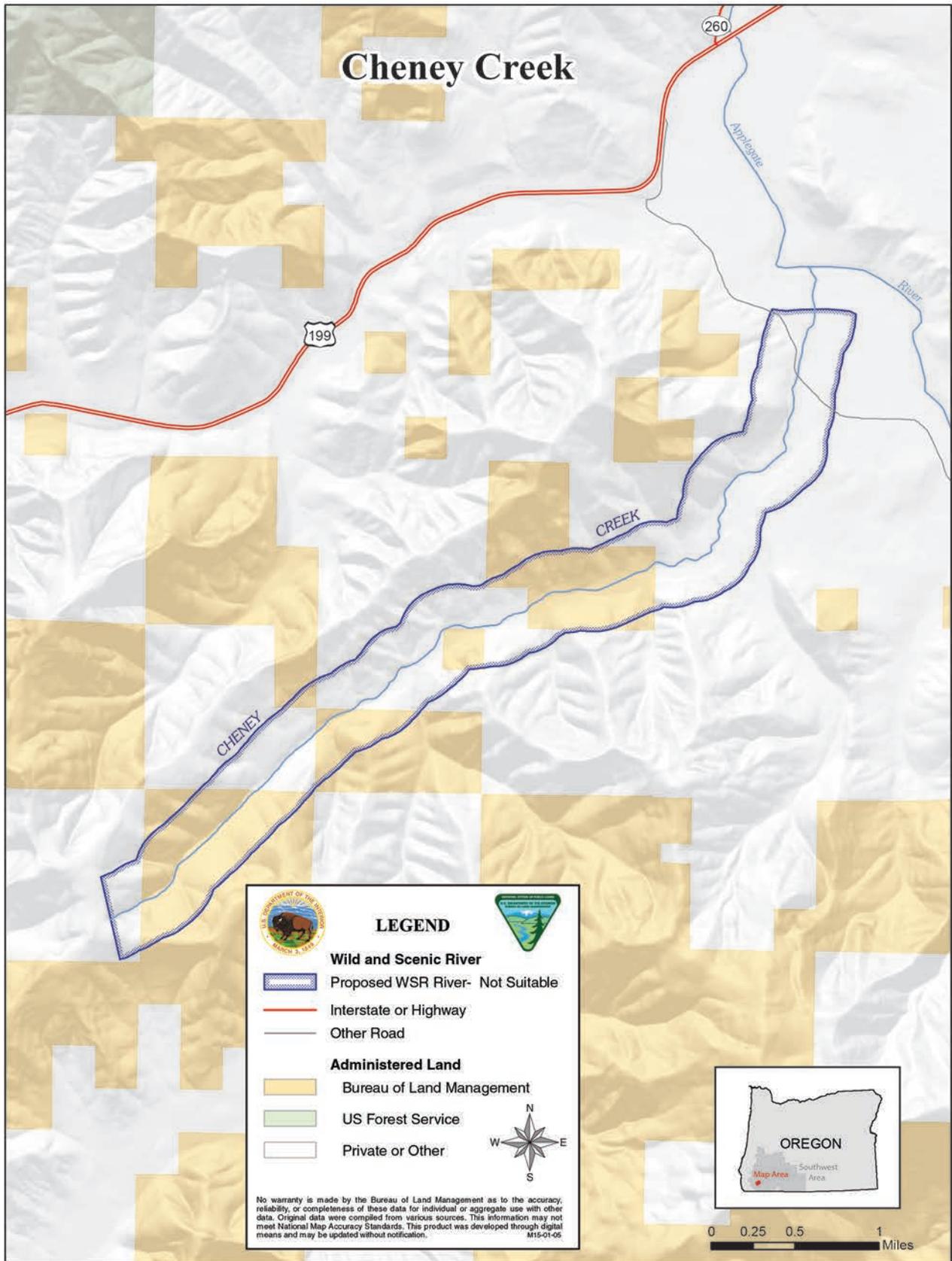
There are no designated Wild and Scenic Rivers within the Cheney Creek watershed nor have there been any legislative proposals for additional federal protection of Cheney Creek or its tributaries.

### **Criteria 13: The potential for water resources development..**

No plans for significant water development in the segment were identified during this study.

## **Cheney Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Cheney Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 2.1 of the total 6.5 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable values.



## Cow Creek Wild and Scenic River Suitability Determination

Table 16. Cow Creek Wild and Scenic River suitability.

Segment Name:	Cow Creek, Roseburg District Cow Creek, Medford District
Segment Description:	Medford District – From Galesville Dam to West Fork – Cow Creek  Roseburg District – From West Fork of Cow Creek to confluence with South Umpqua
Total Segment Length:	61.23 miles
Length on BLM Land:	10.03 miles
Total Segment Area:	18,686.18 acres
Area on BLM Land:	3,339.23 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Roseburg District – Fish and Wildlife, Historical, Cultural  Medford District – Fish and Wildlife
Description of ORVs:	The eligibility determination for Cow Creek was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the ORVs for Cow Creek.

### Cow Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

**Fish:** The Cow Creek system supports population of fall Chinook and coho salmon, winter steelhead, and cutthroat trout. Although exact population numbers of each are not known they are probably comparable to similar stream reaches of the South Umpqua system. Historically, George Riddle wrote that there were so many fish in Cow Creek that the Native Americans could catch several hundred salmon in one night (Riddle 1953). When the fall rains came there would be hundreds of salmon in sight at one time. By 1953, there were few if any salmon in Cow Creek. Table 17 provides a summary of the fish species present within the Umpqua river basin.

The Oregon State Parks publication “Recreation Values on Oregon Rivers” classifies Cow Creek as having substantial fishing related recreation values (Class 2) but no outstanding values.

With the construction of Galesville Dam some 60 miles upstream (1985), anadromous fish runs became blocked from about eleven miles of the main stem of Cow Creek that had been used historically. Water quality below the dam has been improved during the summer both in temperature and volume. In a 1990

letter to the Medford District, The Oregon Dept. of Fish and Wildlife indicated a significant improvement in salmonid fish habit quality in the entire length of Cow Creek below Galesville Dam, particularly for fall Chinook. Thousands of coho and steelhead smolts are released below Galesville Dam every year to mitigate the effects of the dam on anadromous fish. Coho, steelhead, and fall Chinook populations in Cow Creek appear to have benefitted from the relatively cool water the dam releases.

*Steelhead* - The natural production of steelhead in Cow Creek and perhaps in its tributaries was considered to be low at the time Galesville Dam was constructed. The number of steelhead increased sharply from 1988 to 1990, which may have been because steelhead began spawning in Cow Creek or production in its tributaries increased.

*Chinook Salmon* - The ODFW smolt trapping data show 2,325 fall Chinook salmon were captured in 1999. About 6,654 fall Chinook were captured in 2000. All of these Chinook leave Cow Creek in a pre-smolt stage, spend some time rearing in the Umpqua River, and then migrate out to the ocean.

*Coho Salmon* - About 4,000 coho salmon spawned in the South Umpqua River Basin with 1,450 spawning in Cow Creek. Coho salmon in the South Umpqua River Basin are suffering the same declines as other coastal stocks. These declines may have resulted due to the degradation of coho salmon habitat, the effects of extensive hatchery releases, and overfishing. Coho salmon have been observed in the Lower Cow Creek. Extensive spawning surveys have not been conducted in Cow Creek. The densities of spawning coho observed in Cow Creek during the mid-1990s were well below the optimum (Cramer et al. 1997). The ODFW smolt trapping data show 62 coho fry and 547 coho smolts were captured in 1999. About 1,044 coho fry and 1,370 smolts were captured in 2000. The National Marine Fisheries Service (NMFS) listed the Oregon Coast Coho Salmon Evolutionary Significant Unit (ESU) as a threatened species in 1998 under the Endangered Species Act (ESA) of 1973 (Federal Register, Vol.63, No. 153/ Monday, August 10, 1998/ Rules and Regulations). Critical habitat for Oregon Coast Coho Salmon was designated on February 16, 2000.

*Cutthroat Trout* - Cutthroat trout in the Lower Cow Creek can be divided into three distinct groups based on differences in life histories. The three groups include resident, fluvial (in-river migratory), and anadromous (or sea-run). Resident cutthroat trout do not migrate long distances, instead they remain in tributaries near spawning and rearing areas and maintain small territories (Trotter 1989, as cited by Johnson et al. 1994). They appear to be slower growing than their fluvial and sea-run counterparts, seldom growing larger than six to eight inches in length. Resident cutthroat trout rarely live longer than two or three years (Wyatt 1959, Nicholas 1978, as cited by Johnson et al. 1994). Fluvial cutthroat trout rear in large river basins but do not migrate to the sea. Similar to sea-run cutthroat trout, fluvial cutthroat trout migrate into smaller tributaries to spawn. Little is known about fluvial cutthroat trout. This life history group was discovered only recently in the Umpqua River Basin. Fluvial cutthroat trout have been reported below barriers or in locations occupied by anadromous fish on rare occasions. Anadromous (sea-run) cutthroat trout rear in estuaries or make short ocean migrations and then return to freshwater streams to spawn. Unlike other anadromous salmonids, sea-run cutthroat trout do not overwinter in the ocean and rarely make long migrations across large bodies of water.

Fisheries habitat and fish are considered to be outstanding remarkable.

**Table 17.** List of fish species occurring in the Umpqua River Basin.

Type	Common Name
Native Anadromous	Sea-run Cutthroat trout, Coho salmon, Summer/Winter Steelhead trout, Spring/Fall Chinook salmon, Green Sturgeon, White Sturgeon, Pacific lamprey.
Native Resident	Cutthroat trout, Rainbow trout, Oregon (Umpqua) chub, Umpqua dace, Longnose dace, Umpqua squawfish, Largescale sucker, Redside shiner, Speckled dace, Brook lamprey, Sculpin species.
Non-Native	Brown trout, Brook trout, Lake trout, Kokanee Largemouth bass, Smallmouth bass, Sunfishes Yellow perch, White Crappie, Black Crappie, Black Bullhead, Brown Bullhead, Yellow Bullhead, Peamouth, Striped Bass, Shad, Mosquito fish, Threespine stickleback, Olympic mudminnow.

Wildlife: Many wildlife species use the different habitat types present in Lower Cow Creek area. The various vegetation types provide habitat to many terrestrial vertebrate species and thousands of invertebrate species.

Historical: The Lower Cow Creek has been used by humans for thousands of years. Uses in the area have included hunting and gathering, fur trapping, subsistence and commercial agriculture, transportation, logging and lumbering, and recreation. The Cow Creek Indians followed a seasonal way of life hunting deer and elk, gathering nuts, berries, seeds, and roots, and fishing. Fur trappers and settlers arrived in the Cow Creek Valley in the 1800s. The discovery of gold brought miners to southern Oregon by 1851. Construction of the Oregon and California (O and C) railroad was completed to the community of Riddle in 1882, allowing transportation of goods and people to the north. In 1889, completion of a rail line south of Riddle through the Cow Creek canyon allowed access to markets in southern Oregon and California (Beckham 1986). The introduction of rail service allowed agriculture to have more influence on the local economy. With this rich history and the railroad, historical values are considered to be outstandingly remarkable.

Cultural: There are two pre-historic sites, (35 DO 80, 35, DO 81) eligible for National Register designation. One of these (35 DO 80) also has significant historical value. These sites are on private land but are judged to be outstandingly remarkable.

**Other River Values and Characteristics**

Recreation: In the Roseburg and Medford District, the Cow Creek corridor has a comparatively low to moderate number of recreation users. The Cow Creek Back Country Byway and Oregon State Tour Route parallel the river for good public access through this scenic corridor. Along the byway are several interpretive kiosks, rustic public gold panning area, a portion of a bikeway from Glendale to Powers, one BLM campground and numerous dispersed day-use areas. The byway is an asphalt surfaced road with scenic viewsheds along private and public lands under active timber harvest management. Recreational mining, gold dredging and panning, and driving for pleasure are popular activities along the Cow Creek corridor, though limited in numbers of participants. Swimming is a frequent activity of local residents. The BLM-administered lands within 1/4 mile of Cow Creek are in a Special Recreation Management Area of the Roseburg District. Other forms of recreation commonly observed include, hunting,

photography, picnicking, limited dispersed camping, shooting or target practice, and gathering (berries, flowers, mushrooms, greens, and rocks). Overall, recreation values are considered to be less than outstandingly remarkable.

**Scenic:** On the Roseburg District's section of the creek, the Cow Creek Road runs along one side of the creek and a railway runs along the other side for the entire length of the Cow Creek Canyon. Several railroad trestles and tunnels are seen from the creek and roadway. There are scenic elements in the canyon, particularly in the spring, however, they are less than outstanding.

**Setting: Cow Creek Access and Development** The Cow Creek Back Country Byway offers an alternate route for travelers from Interstate 5 by forming a loop between mileposts 80 (Glendale) and 103 (Riddle). The byway follows the original Oregon and California railroad, constructed during the 1870's. Two steel girder bridges built in 1905 are still in use today while Tunnel No.1, built in 1883, is still visible but no longer in use.

Along the 61 mile Cow Creek segment, 18 transportation bridges, three RR bridges and one pedestrian bridge cross over the creek. Most bridges span the full width of the Creek, but some may use support piers within the channel. Public access to Cow Creek and along its corridor is available from government lands for most of its distance. Access roads within the river corridor sometimes run on both sides of the creek. Paved roads are maintained by Douglas County and the BLM. Cow Creek runs alongside Interstate 5 for several miles. The Cow Creek O&C Rail line parallels Cow Creek from Glendale nearly to Riddle. The setting varies from Roaded Natural to Rural. In Roaded Natural areas The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. In the rural settings, the area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users is often moderate or higher. Developed sites, roads, and trails are designed for moderate to high uses.

Communities within the river study area include Azalea, Glendale, and Riddle. From Galesville Reservoir to about four miles past Glendale, there are a steady number of private rural residences and cleared lands with agricultural or livestock developments. This section is a rural interface area. Continuing downriver, the area moved toward a forest environment which is actively managed by private timber industry companies and the BLM. The northernmost six miles reverts to rural interface with logging plants, the Town of Riddle and many private residences with agricultural/livestock developments bordering the creek. Human alterations are visible from the creek throughout the corridor. The creek is accessible at many points on BLM, County and private lands. Day-use activities and recreational gold panning sites dot the creek along the way. Recreation site development at Scull Creek Campground, Island Cr. Day-Use Area and the Cow Creek Recreational Gold Panning Area are modest. The entire creek segment is considered free flowing.

### **Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 61.23 mile segment is a combination of federal (BLM), private, and State lands (Table 18). BLM manages 10.3 miles (16.8 percent) of shoreline along this segment. Sixteen BLM

parcels span the riverbed for ownership on both sides, one parcel borders the shoreline on one side, while 13 lie within the corridor but do not contact the riverbed. There are 30 BLM parcels total.

BLM manages 3,339.23 acres (17.9 percent) within the study corridor.

**Table 18.** Land ownership within the Alsea River corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	3,339.23	17.9%
Private	15,241.23	81.6%
State Department of Forestry	105.72	0.5%

The dominant human uses in the watershed have been timber production, transportation, agriculture, and recreation activities. There are no treaty rights or tribal uses in the watershed, although, tribal members may use the area. Private ownership along the lower Cow Creek Valley consists primarily of timber companies, but also of agricultural and urban (residential) lands near the communities of Azalea Glendale and Riddle. The upland areas are mainly private forested lands intermingled with BLM-administered lands. Timber harvesting on private forest lands could be expected to be influenced by tree maturity, market conditions, and other economic factors.

The Oregon State Water Resources Department records 349 water rights and 542 points of diversion on the 61-mile Cow Creek River from Tiller to its junction at the South Umpqua River. Table 19 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

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**Table 19.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>
Ground Water	Commercial Uses	1	1	1.67	
	Domestic	1	1	0.045	
	Irrigation	19	19	1.9608	
	Primary and Supplemental Irrigation	1	1	0.04	
Storage	Fire Protection	4	4	0	3.9
	Fish Culture	1	1		4,000
	Industrial/Manufacturing Uses	3	3	0	2,522.4
	Irrigation	1	1	0	0.1
	Livestock	2	2	0	2.1
	Multiple Purpose	8	8		4,010.36
	Municipal Uses	1	1		4,450
	Recreation	1	1		16,424
	Road Construction	2	2	0	0
	Storage	4	8	0	10,957.14
	Wildlife	4	4	0	5.86
Surface Water	Anadromous and Resident Fish Rearing	1	1	20	
	Campsite	1	1	0.025	
	Domestic	26	28	1.47	22
	Domestic and Livestock	2	4	0	
	Domestic Expanded	7	9	0.04	6
	Domestic Including Lawn and Garden	6	7	0.06	
	Fire Protection	2	3	0.23	
	Fish Culture	2	3	200	4,000
	Industrial/Manufacturing Uses	24	41	10.5562	297
	Irrigation	217	272	37.16015	1,304.058
	Irrigation, Livestock And Domestic	5	5	2.2785	
	Livestock	10	12	0.32245	
	Municipal Uses	8	10	5.81	
	Pollution Abatement	1	2	0.52	0
	Power Development	2	3	200.4666	0
	Primary And Supplemental Irrigation	6	45	0.8	1,275.16
	Quasi-Municipal Uses	5	7	1.44	145
	Recreation	1	2	0.02	
	Road Construction	2	7	0.2	10
	Sawmill	2	3	0.9166	0
Storage	4	4	0.23	5	
Supporting Aquatic Life	5	5	136.07		
<b>Totals</b>				<b>622.3313</b>	<b>49,440.078</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. With designation, BLM's management presence would increase. In the Roseburg District, since this segment is within the Cow Creek Special Recreation Management Area (SRMA), designation of the river segment would coincide with the intensity of recreational management already proposed for the area. Planning for recreation sites and facilities would complement designation and would ensure the continued availability of recreation opportunities occurring in this river segment. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Cow Creek segment were added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

### **Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time, state and local agencies would likely not be able to administer this segment.

### **Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM *would not* pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is *privately owned*, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

### **Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river’s outstandingly remarkable values and preventing incompatible development.**

Douglas County has designated the following zones along Cow Creek:

- Timberland Resource (37%)
- Exclusive Farm Use Grazing (24%)
- Farm-Forest (17%)
- Rural Residential-2 (7%)
- Agriculture and Woodlot (4%)
- Rural Residential-5 (4%)
- Rural Community Commercial (<1%)
- Rural Service Center Commercial (<1%)
- Water Impoundment (near Galesville dam (<1%))
- Rural Industrial (<1%)

Smaller zones lie near the communities of Azalea, Quines Creek, Fortune Branch, Glendale Junction, Glendale and Riddle. Percentages are approximate. A solid block zoned Timberland Resource lies on the middle half of the Cow Creek corridor.

The Timberland Resource classification is intended to conserve and protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by non-forest related residential, commercial and industrial activities.

The purpose of the Exclusive Farm Use-Grazing zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural

activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grazing, rangeland and other less intensive agricultural uses.

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extend onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards "not to be exceeded" for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon's rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

**Criteria 10: The existing support or opposition of designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; state, local, and tribal governments; national and local publics; and the state’s congressional delegation should be considered.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Cow Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

**Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The headwaters of Cow Creek originate on the Umpqua National Forest. The eligible segment on BLM lies west of Forest boundaries and falls short of USFS lands by several miles. The Umpqua National Forest analyzed several rivers in August 1988 for possible eligibility to the National Wild and Scenic

River system; however the study did not include the upper portions of Cow Creek. No eligibility status was given to this river.

No other Federal agency lands are near this river. The majority of land ownership along this river consists primarily of private land holdings (81.6%). Current uses and common management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and current uses identified in Criteria 1.

The Oregon Department of Forestry (ODF) manages 105.7 acres within the Cow Creek corridor. Forest. ODF is directed to manage State Forest and Common School Lands for the greatest permanent value, including healthy, productive, and sustainable forest ecosystems that over time and across the landscape, providing a full range of social, economic and environmental benefits to the people of Oregon. Forests are intensively managed for sustainable forest ecosystems. Other benefits result from managing properly functioning aquatic habitats for salmonids, and other native fish and wildlife habitat; productive soil, and clean air and water; protection against floods and erosion; and recreation. While there may be some degree of overlap among some of the management objectives, ODF has determined that a WSR designation for forests and rivers managed by ODF would be inconsistent with the statutory and constitutional standards ODF is directed to uphold. Specific inconsistencies exist between the Wild and Scenic River program (recreational class) and ODF State Forest management prescriptions.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

Two Water Quality Restoration Plans were completed in 2004 by the Medford District Bureau of Land Management which covered the Upper and Middle Cow Creek Watersheds. The Lower Cow Creek Water Quality Restoration Plan was completed in November 2002 by the Roseburg District

Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in the this creek or river. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water

quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws, which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

Cow Creek is a medium-sized river in southwestern Oregon, a tributary of the South Umpqua River. It drains an area of over 400 square miles on the western foothills of the Cascade Range and within the Oregon Coast Range. The vast majority of the basin is within Douglas County and a tiny portion in the southeast extends into northern Jackson County. The stream rises in the Umpqua National Forest at the confluence of South Fork Cow Creek and East Fork Cow Creek. The south fork, which is much larger, is sometimes considered the main stem. In its first few miles the creek flows west through an agricultural valley and through Galesville Reservoir. Cow Creek runs alongside Interstate 5 for several miles and receives Windy Creek from the north at Glendale, Oregon. The stream then bends northwest into a canyon, receiving West Fork Cow Creek on the left and Middle Creek from the right. It then continues northwards, bending steadily eastwards and doubling back on its former course. The river emerges from the mountains near Riddle, and bends sharply south around a ridge, joining the South Umpqua about 2 miles west of Canyonville.

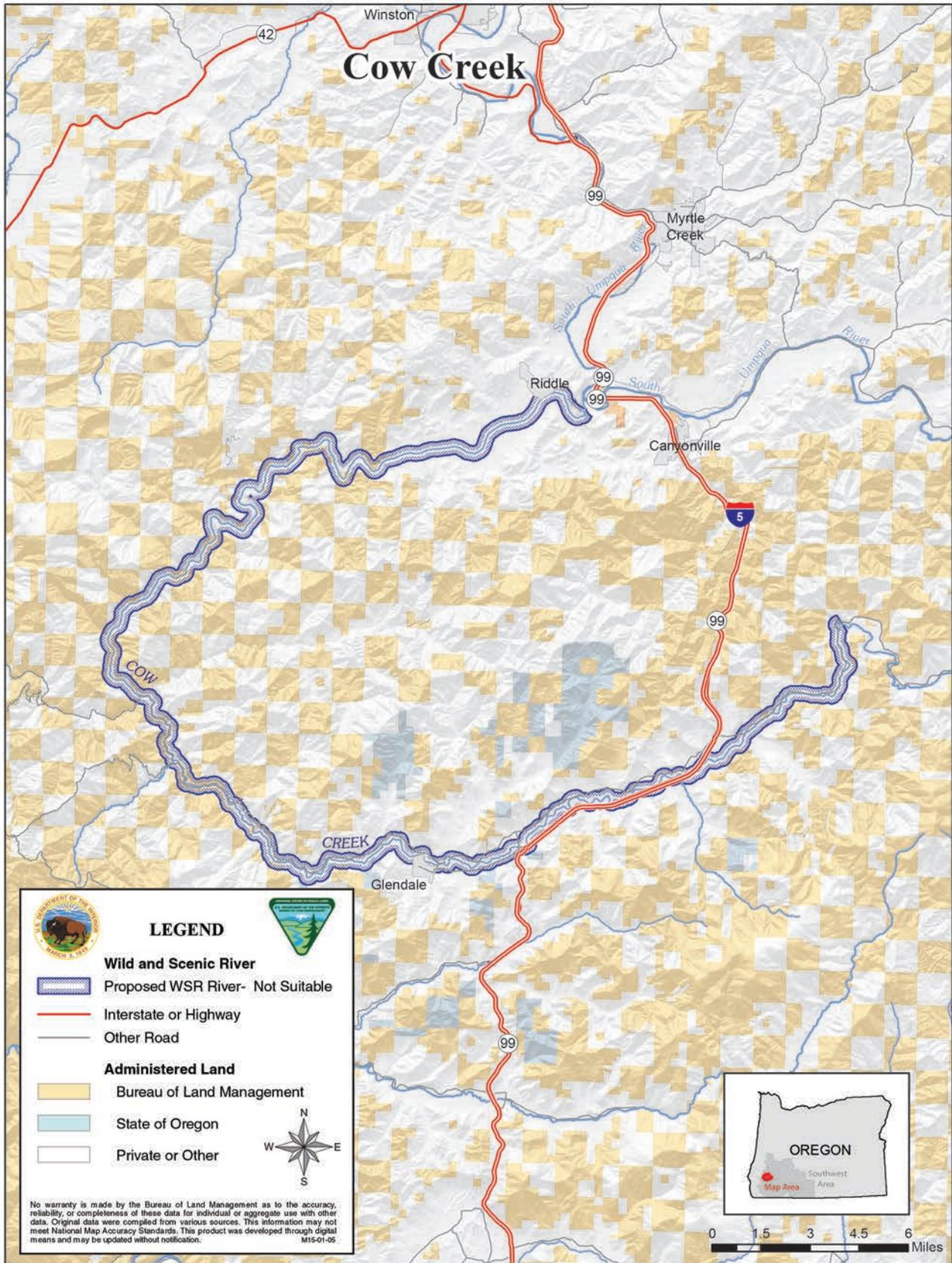
### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Cow Creek Suitability Determination**

Based on the information contained in this study, the BLM Roseburg and Medford Districts find Cow Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM’s ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 10 of the total 61.2 miles of stream. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river’s free-flowing condition, water quality and outstandingly remarkable values.

# Wild & Scenic Rivers Suitability Report – Southwest Oregon



## Elk Valley Creek Wild and Scenic River Suitability Determination

**Table 20.** Elk Valley Creek Wild and Scenic River suitability.

Segment Name:	Elk Valley Creek
Segment Description:	Medford District Boundary downstream to the confluence with West Fork Cow Creek
Total Segment Length:	6.03 miles
Length on BLM Land:	1.59 miles
Total Segment Area:	1,770.31 acres
Area on BLM Land:	464.26 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Elk Valley Creek segment was made during the BLMs 1990 land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the fisheries ORV.

### Elk Valley Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Fish: Elk Valley Creek is located in the West Fork Cow Creek Watershed. The West Fork Cow Creek Watershed is a Tier 1 Key watershed as part of the NWFP ACS, and is considered a BLM Priority Watershed as outlined in the 2015 Strategic Plan. This plan is focused on future restoration needs to achieve resilient aquatic and riparian habitats, conserve listed species and their habitats, and maintain water quality and availability for its many beneficial uses.

Portions of Elk Valley creek are water quality limited due to temperature (WQRP)

#### Other River Values and Characteristics

Setting: Elk Valley Creek Access and Development Along the 6 mile Elk Creek, approximately four forest road crossings transverse the creek. Public access to the creek is legal from federal lands. Private roads and access may not legally open to the public. There are no communities along the river study area. The predominate features and uses of the landscape are of forest management practices. The setting is “Roaded Natural. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. A network of gravel roadways meander throughout the areas

hillsides from past timber harvests. No agricultural, residential, recreation or business developments are noted in the area. This river segment is free-flowing. (Google Earth, 2013 G. Morgan)

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 6.03 mile segment is a combination of federal (BLM) and private lands (Table 21). The BLM manages 1.59 miles (26.4 percent) of shoreline. Two BLM parcels cross the river for ownership on both sides. Two lie within the ½ mile corridor but have do not border the creek. Four total BLM parcels exist. BLM manages 464.26 acres (26.2 percent) within the river study corridor.

**Table 21.** Land ownership within Elk Valley Creek corridor.

Ownership	Acres	Percentage
BLM	464.26	26.2%
Private	1,306.05	73.8%

The Oregon State Water Resources Department records one water right and point of diversion on the 6 mile Elk Valley Creek from Elk Valley Cr to West Fork Cow Creek (Table 22).

**Table 22.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Surface Water	Forest Management	1	1		8.9
<b>Totals</b>				<b>0</b>	<b>8.9</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

On the web, the Hook and Bullet fishing pages list the following for Elk Valley Creek: Elk Valley Creek is a stream located just 20.2 miles from Riddle ... near Cow Creek. Whether you’re fly fishing, spinning or bait casting your chances of getting a bite here are good. Grab your favorite fly fishing rod and reel, and head out to Elk Valley Creek.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation

The basic objectives of designation are to maintain the river’s existing condition and protect the identified Outstandingly Remarkable Values. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in criteria 9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Elk Valley Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time, state and local agencies would likely not be able to administer this segment.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Douglas County zoning on Elk Valley Creek is designated as “Timberland Resource” (100%). The Timberland Resource classification is intended to conserve and protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by non-forest related residential, commercial and industrial activities.

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extent onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon's rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

**Criteria 10: The existing support or opposition of designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; state, local, and tribal governments; national and local publics; and the state’s congressional delegation should be considered.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Elk Valley Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

**Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other State or Federal agency lands are near this river. The majority of land ownership along this river consists primarily of private land holdings (73.8%). Current uses and common

management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to adjacent forest management practices.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in 2004 by the Medford District Bureau of Land Management which covers the West Fork Cow Creek, including the Elk Valley Creek area. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws, which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited." These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

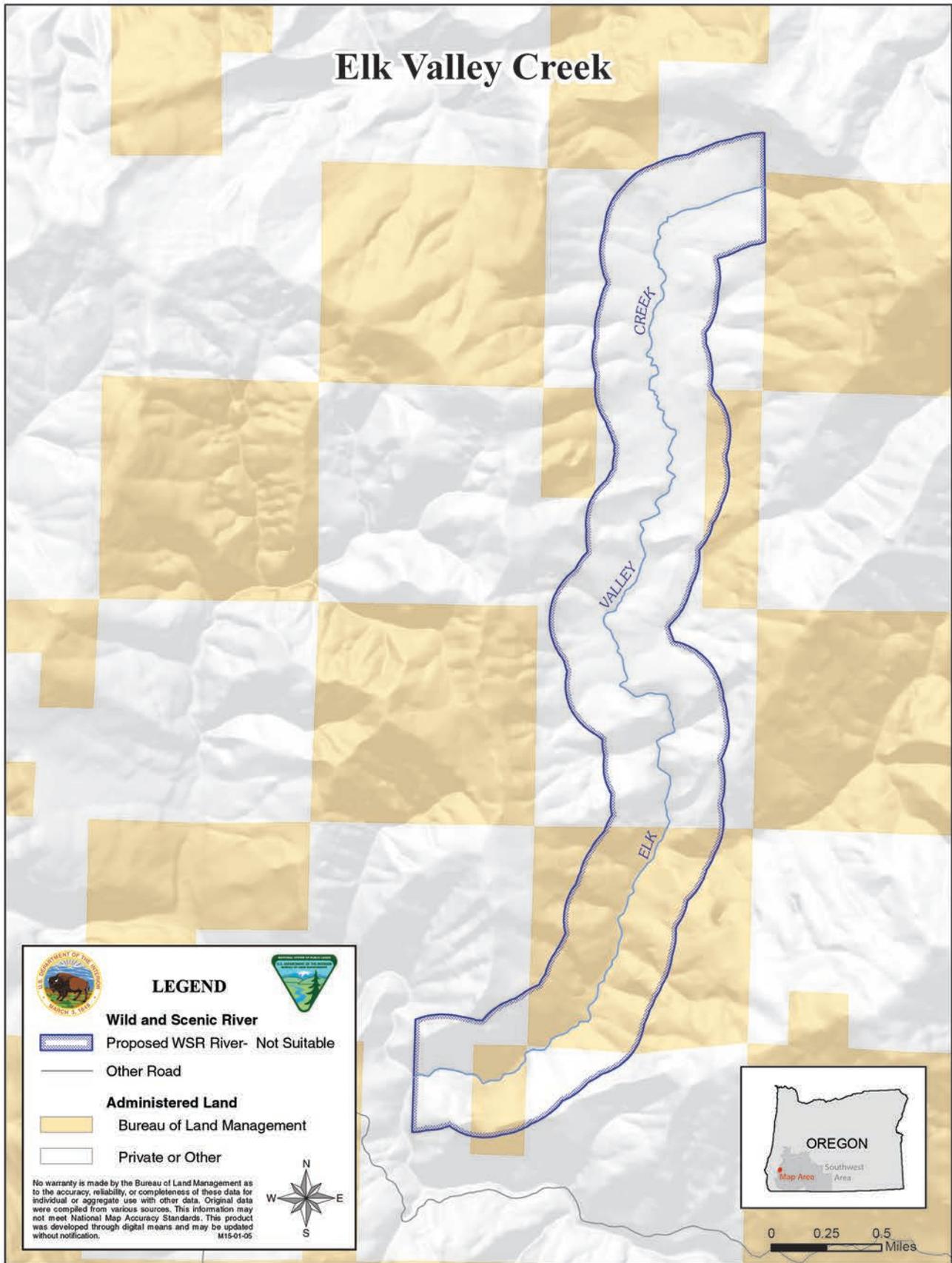
There are no designated Wild and Scenic Rivers within the Elk Valley Creek watershed nor have there been any legislative proposals for additional federal protection of Elk Valley Creek or its tributaries.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Elk Valley Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Elk Valley Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 1.6 of the total 6 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable values.



## Left Fork Footh Creek Wild and Scenic River Suitability Determination

**Table 23.** Left Fork Footh Creek Wild and Scenic River suitability.

Segment Name:	Left Fork Footh Creek
Segment Description:	Headwaters of Left Fork Footh Creek downstream to the confluence with Footh Creek
Total Segment Length:	4.11 miles
Length on BLM Land:	0.06 miles
Total Segment Area:	1,298.10 acres
Area on BLM Land:	131.15 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Left Fork Footh Creek segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the Fisheries ORV.

### Left Fork Footh Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Fish: Footh Creek is a very important summer steelhead spawning and rearing stream, possessing some of the highest observed densities of returning adult fish found in the entire Rogue River basin. While the long term trend in observed redds has been declining, an ODFW steelhead surveys conducted in the spring of 2002 found an average of 69.4 steelhead redds per mile on Footh Creek, up from the average for all years of 57 per mile. Steelhead have been documented up to river mile 5.6 (includes mainstem below confluence of forks) on the Left Fork, up to river mile 4.1.

Coho salmon spawn and rear in Footh Creek as well. ODFW records indicate that coho use the mainstem and Left Fork of Footh Creek, to river mile 3.6 (measured from the mouth of Footh Creek). Occupied CCH/EFH extends to this point, and includes the mainstem of Footh Creek below the forks.

#### Other River Values and Characteristics

Setting: Left Fort Footh Creek Access and Development: Along the 4 mile Left Fork Footh Creek, one crossing or bridge crosses the creek. Public access is available from the Left Fork Footh Cr. Road. Not all forest roads are legally accessible to the public on private lands. There are no communities along the river corridor. The Rogue River is about six miles northwest of the segment. Adjacent land uses are primarily forest management practices. The setting is Roaded Natural. The landscape is generally natural with

modifications moderately evident. Concentration of users is low. Compared to other areas in the region, fewer gravel roads meander the adjacent hillsides from timber harvest activities. Aerial views also indicate fewer timber harvests than other adjacent BLM/private industrial forests. No agricultural, residential, recreation or business developments are located in the area. The entire river segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 4.11 mile segment is a combination of federal (BLM) and private lands (Table 24). The BLM manages 0.06 miles (1.5 percent) of shoreline. Two BLM parcels border the stream bank on one side; five lie within the corridor but do not contact the riverbank. There are seven total BLM parcels. BLM manages 131 acres (10 percent) within the river study corridor.

**Table 24.** Land ownership within the Left Fork Foots Creek corridor.

Ownership	Acres	Percentage
BLM	131.15	10.1%
Private	1,166.95	89.9%

The Oregon State Water Resources Department records 6 water rights and 10 points of diversion on the 4 mile Left Fort Foots Creek. Table 25 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 25.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Storage	Fire Protection	2	2	0	0.45
	Forest Management	2	2	0	0
	Road Construction	2	2	0	0
Surface Water	Irrigation	2	2	0.12	
	Irrigation and Domestic	1	1	1.08	
	Mining	1	1	5	
<b>Totals</b>				<b>6.2</b>	<b>0.45</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

#### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

#### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as

stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Left Fork Foots Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time, state and local agencies would likely not be able to administer this segment.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

Acquiring private lands adjacent to this segment are not necessary under current private land ownership and management. If private ownership or management practices were changed to the detriment of the ORVs, acquisition of lands could become necessary.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriate water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

### **Criteria 8: An evaluation of local zoning and other land use controls in protecting the river’s outstandingly remarkable values and preventing incompatible development.**

Jackson County has designated the following land use zones along the river corridor: Forest Resource (67%) on the southern end of the creek and Woodland Resource (33%) on the northern end. Percentages are approximate.

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD’s mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon’s water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon’s ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon’s water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government’s authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government’s capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality

(DEQ). Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

**Criteria 10: The existing support or opposition of designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; state, local, and tribal governments; national and local publics; and the state’s congressional delegation should be considered.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

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The BLM did not receive any comments specific to Left Fork Foothills Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other State or Federal agency lands are near this river. The majority of land ownership along this river consists primarily of private land holdings (90%). Current uses and common management practices would not be consistent with management prescriptions for a Wild and Scenic River designation.

Close-to-home activities dominate the user occasions for Oregon residents since these activities occur on nearly a daily basis with limited travel. Most activities that occur within the forested or rural settings of many eligible rivers are not listed in the SCORPs top ten activities. This is due to the fewer people who participate in rural or remote settings. One exception is “day hiking on non-local trails”. This is not an indication that the river area’s activities are less important. River activities contribute to the mental and physical health of recreation users who participate.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.  
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Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures, which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in November 2005 by the Medford District Bureau of Land Management which covered the Rogue River-Gold Hill Watershed South of Rogue River, including the Left Fort Foots Creek. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws, which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic

substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

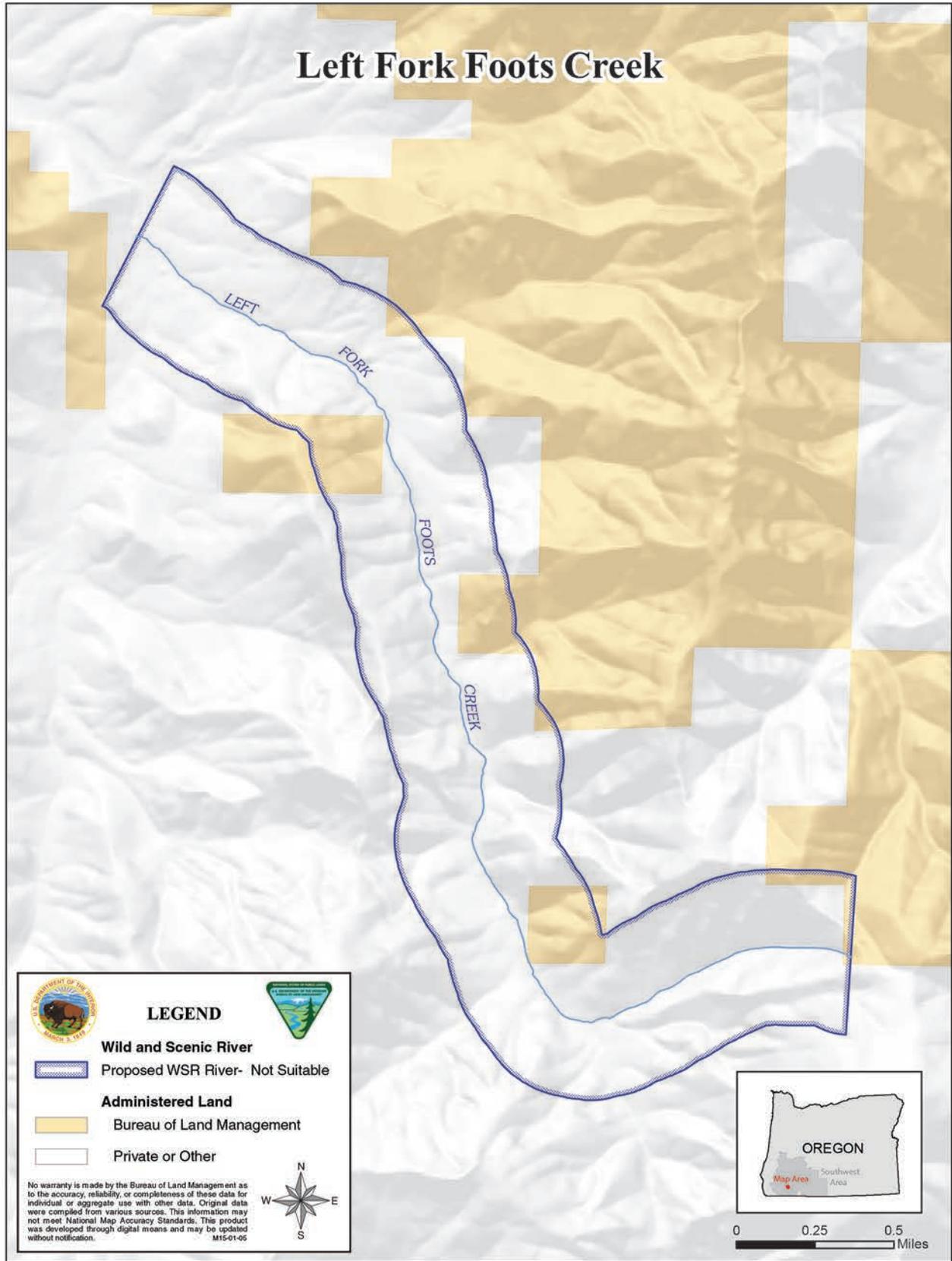
Left Fork Foothills Creek is a stream located just 5.7 miles from Rogue River, in Jackson County, in the state of Oregon. There are no designated Wild and Scenic Rivers within the Left Fork Foothills Creek watershed nor have there been any legislative proposals for additional federal protection of Left Fork Creek or its tributaries.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Left Fork Foothills Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Left Fork Foothills Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 0.06 of the total 4.1 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable values.



## Little Applegate River Wild and Scenic River Suitability Determination

**Table 26.** Little Applegate River Wild and Scenic River suitability.

Segment Name:	Little Applegate River
Segment Description:	Headwaters of the Little Applegate River downstream to the confluence of the Applegate River
Total Segment Length:	22.63 miles
Length on BLM Land:	1.73 miles
Total Segment Area:	6,678.21 acres
Area on BLM Land:	1,367.49 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Little Applegate River segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the Fisheries ORV.

### Little Applegate River Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Fish: Fall Chinook, coho salmon, summer steelhead, winter steelhead, resident trout, and several other fish species inhabit many miles of the Little Applegate River. There is a concern for the future of the Little Applegate Watershed’s anadromous and resident fish populations.

Two special status fishes, coho salmon and Klamath Mountains Province steelhead , spawn and rear in the Applegate-Star/Boaz Watershed Analysis Area. The National Marine Fisheries Service (NMFS) listed coho salmon in the Rogue and Klamath river basins on June 6, 1997 as threatened under the Endangered Species Act.

The Little Applegate River is identified as a tributary of the Applegate River with high intrinsic potential habitat. ODFW (2008b) convened a panel of fisheries and watershed science experts as an initial step in their development of a recovery plan for Oregon's SONCC coho salmon populations. Deliberations of the expert panel provided ODFW with initial, strategic guidance on perceived Middle Rogue / Applegate Rivers Population limiting factors and threats to recovery. Based on the input of panel members, the key concerns for Middle Rogue-Applegate subbasin are as follows:

loss of over-winter tributary habitat complexity, floodplain connectivity, and access and over-summer water temperatures and habitat access. Over-winter tributary habitat and floodplain connectivity, especially in the lowlands, has been impacted by past and current agricultural practices and an interruption in the transport and presence of large wood. Access to habitat has been limited by road crossings. Summer habitat is limiting because high water temperatures have resulted from land management actions in the riparian zone and straightening of channels and water management actions for agricultural purposes. Water withdrawals and diversions and road crossings have also limited the amount of, and access to, summer habitat and thermal refuge.

### **Other River Values and Characteristics**

**Wildlife:** One hundred thirty-eight species of vertebrates are known to live in the Little Applegate's watershed, while another 134 are suspected. Some 37 square miles of the watershed have been designated as Critical Habitat Units for the Northern Spotted Owl, a critically endangered species. Two other species known to live in the watershed are included in the IUCN Red List: the endangered Siskiyou Mountains Salamander, and the vulnerable Western Pond Turtle. Bighorn Sheep, Gray Wolves, Grizzly Bears, and Pronghorns once inhabited the region, but are now considered extirpated.

The water quality of the Little Applegate River watershed is generally poor due to high temperatures, sedimentation, and oxygen saturation levels which occur throughout the region. Most of these problems are created by human activity; forests and riparian zones have been cleared to make way for agriculture, and high road densities cause slope failures

**Historic:** The first European Americans to visit the area were a group of fur trappers led by Peter Skene Ogden in 1827. The community of Buncom was founded by Chinese miners in 1851 when gold, silver, cinnabar (mercury), and chromite were discovered in nearby Jacksonville. In the spring of 1854, James Sterling and Aaron Davis discovered gold in the Sterling Creek area, and hundreds of miners soon arrived. The town of Sterlingville was founded, and by October its population had risen to over 1,500. Mining lasted through the 1850s and 60s, and much of the riverbeds of Sterling Creek and the lower Little Applegate River were excavated. The Sterling Ditch and several other ditches were constructed in the 1870s, providing water to large hydraulic mining operations in Sterlingville and surrounding regions. The Sterlingville mine quickly became the largest hydraulic mine in Oregon, and possibly the entire western United States.

According to the *Applegate Subbasin TMDL* (ODEQ 2003b): “Significant flow in the mainstem and Little Applegate River is allocated for irrigation, mining and domestic use. No new consumptive water rights for live stream flows have been issued in the Applegate since July 1934, when it was determined that natural stream flows were insufficient to meet existing consumptive rights during the irrigation season. However consumptive rights for stored water from the Applegate reservoir are still available. In addition, domestic (in-house human consumption) rights may still be obtained if the applicant can demonstrate that surface water is the only available source for their use.” Water withdrawals have the potential and likely impact surface water temperatures within the Applegate Subbasin (ODEQ 2003b). Analysis for this WQRP identified no federal water withdrawals that are affecting stream temperature in the Applegate Subbasin. Private water withdrawals from federal lands contribute to elevated temperatures on some streams. The management of water withdrawals is within the jurisdiction of the Oregon Water Resources

Department and as such the USFS and BLM have no authority in this area. No flow targets or changes in water use are identified in the *Applegate Subbasin TMDL* (ODEQ 2003b).

Setting: Little Applegate Access and Development: Along the 22.6 mile Little Applegate River, approximately eight bridges cross over the river. Public access to the river is available from adjacent forest roads, but is mostly under private ownership and could be restricted. Buncom is an abandoned mining town located at the confluence of the Little Applegate River and Sterling Creek in Jackson County. There are no other communities along the river study area or in its vicinity. On the southeast end, the dominate features along the river corridor are managed forested settings of the Rogue-Siskiyou National Forest. The northwest end is dominated by private residences and cleared fields for livestock or crops, however, development and density is sparse. In the center of the segment is the Trillium Farm and Tunnel Ridge Recreation site with developed trails. A BLM recreation development is located at Little Applegate Recreation Site. The setting is Roaded Natural to Rural. In the Roaded Natural area, the landscape is generally natural with modifications moderately evident and concentration of users is low to moderate. In the Rural setting, the area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users is often moderate to high. Developed sites, roads, and trails are designed for moderate to high uses. The river segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for the 22.63 mile segment is a combination of federal (BLM), private, and USFS lands (Table 27). The BLM manages 1.73 miles (7.6 percent) of shoreline. Within the western two-thirds of the Little Applegate corridor, BLM lands from 24 sections penetrate the study area. Several of the sections near midpoint are continuous. Only three locations span the entire ½-mile wide corridor for ownership on both sides of the river. BLM manages 1,367 acres (20.5 percent) within the river study corridor.

**Table 27.** Land ownership within the Little Applegate River corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	1,367.49	20.5%
Private	3,562.58	53.3%
USFS	1,748.14	26.2%

The three Water Right types include: Ground Water, Storage and Surface Water. Water uses within these types include: irrigation and primary and supplemental irrigation (Ground Water); Livestock (Storage); and Anadromous and resident fish bearing, Domestic, Domestic Expanded, irrigation, Irrigation and Domestic, Irrigation, Livestock and domestic, Livestock and mining (Surface Water).

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

Large amounts of water were diverted from the Applegate river and its tributaries, sometimes so much that the mouth was left nearly dry. A major contributor to the sedimentation of the Little Applegate River

is McDonald Ditch, an irrigation ditch near McDonald Creek. Built in 1920 to provide water to residents of nearby Wagner Creek, the ditch has failed numerous times, sending several tons of dirt and mud downstream. The Talent Irrigation District approved purchasing a \$10,000 monitoring system for the ditch in September 2010, and applied for a \$100,000 United States Bureau of Reclamation grant to replace the ditch with pipes.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

#### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

#### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however,

valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Little Applegate River segment was added to the National Wild and Scenic Rivers System, the BLM and the USFS would be most suited to manage their respective lands and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time, it is not expected that state and local agencies would be able to administer this segment.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

Acquiring private lands adjacent to this segment are not necessary under current private land ownership and management. If private ownership or management practices were changed to the detriment of the ORVs, acquisition of lands could become necessary.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber

management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriate water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

The Applegate Partnership was formed by individuals, community groups, and residents of the Applegate area to address the concerns for the Applegate River Subbasin. This partnership provides a forum for discussing local issues and exchanging information among the various interests in the region.

### **Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Jackson County has designated the following land use zones along the river corridor:

- Exclusive Farm Use (47%)
- Forest Resource (37%)
- Woodland Resource (14%)
- Rural Residential (2%)
- Aggregate Removal (<1%)

The eastern end has more Forest Resource lands while the western end has all the Rural residential districts. Other zones are intermittently scattered along the river corridor.

The purpose of the Exclusive Farm Use district is intended to conserve agricultural land and implements the Oregon Agricultural Land Use Policy.

The purpose of Forest Resource and Woodland Resource districts are intended to conserve forest lands.

Additional zoning definitions: <http://www.co.jackson.or.us/Files/Chapter%205.pdf>

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

**Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

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### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The Little Applegate River originates on the Rogue River-Siskiyou National Forest and runs downstream through BLM and private lands. The Rogue River-Siskiyou National Forest did not study their segment of the River for eligibility in the Wild and Scenic River system. The BLM determined that a 22.6 mile segment is eligible, including several miles on USFS lands. With BLM’s finding of eligibility, the FS indicates that they may study the river for eligibility at a later date. Agencies would collaborate in the process. The Forest Service feels that the potential future designation should not deter from its plans, programs, and policies in meeting regional objectives, as they would be involved in the planning process. Both the Forest Service and Bureau of Land Management follow management prescriptions of the Northwest Forest Plan. Management actions should therefore be consistent.

The majority of land ownership along this river consists primarily of private land holdings (53.3%). Current uses and private management practices may not be consistent with management prescriptions for a Wild and Scenic River designation due to existing rural community developments, the number of bridge crossings and adjacent timber management practices.

Close-to-home activities dominate the user occasions for Oregon residents since these activities occur on nearly a daily basis with limited travel. Most activities that occur within the forested or rural settings of many eligible rivers are not listed in the SCORPs top ten activities. This is due to the fewer people who participate in rural or remote settings. One exception is “day hiking on non-local trails”. This is not an indication that the river area’s activities are less important. River activities contribute to the mental and physical health of recreation users who participate.

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Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies

must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

The Little Applegate River is a 21-mile long tributary of the Applegate River located in the U.S. state of Oregon. It makes up just under 15 percent of the Applegate River's watershed, and just over 2 percent of the Rogue River's. It drains approximately 113 square miles of Jackson County. Rising in the Siskiyou Mountains, the river flows generally northwest to meet the Applegate about 2 miles northwest of Buncom and 2 miles south of Ruch. Despite low water quality, the Little Applegate watershed supports populations of coho and Chinook salmon, along with 138 known and 134 suspected species of other vertebrates. Sixty-four percent of the watershed is forested, although its health is slowly declining due to fire suppression. The water quality of the Little Applegate River watershed is generally poor due to high temperatures, sedimentation, and oxygen saturation levels which occur throughout the region. Most of these problems are created by human activity; forests and riparian zones have been cleared to make way for agriculture, and high road densities cause slope failures. Hydraulic mining near Sterlingville devastated the surrounding landscape, leaving the slopes bare and sending rocks and gravel downstream. Cattle and sheep were introduced to the area in the late 19th century; they have since overgrazed some areas of the watershed, reducing native grasses and allowing noxious weeds to spread.

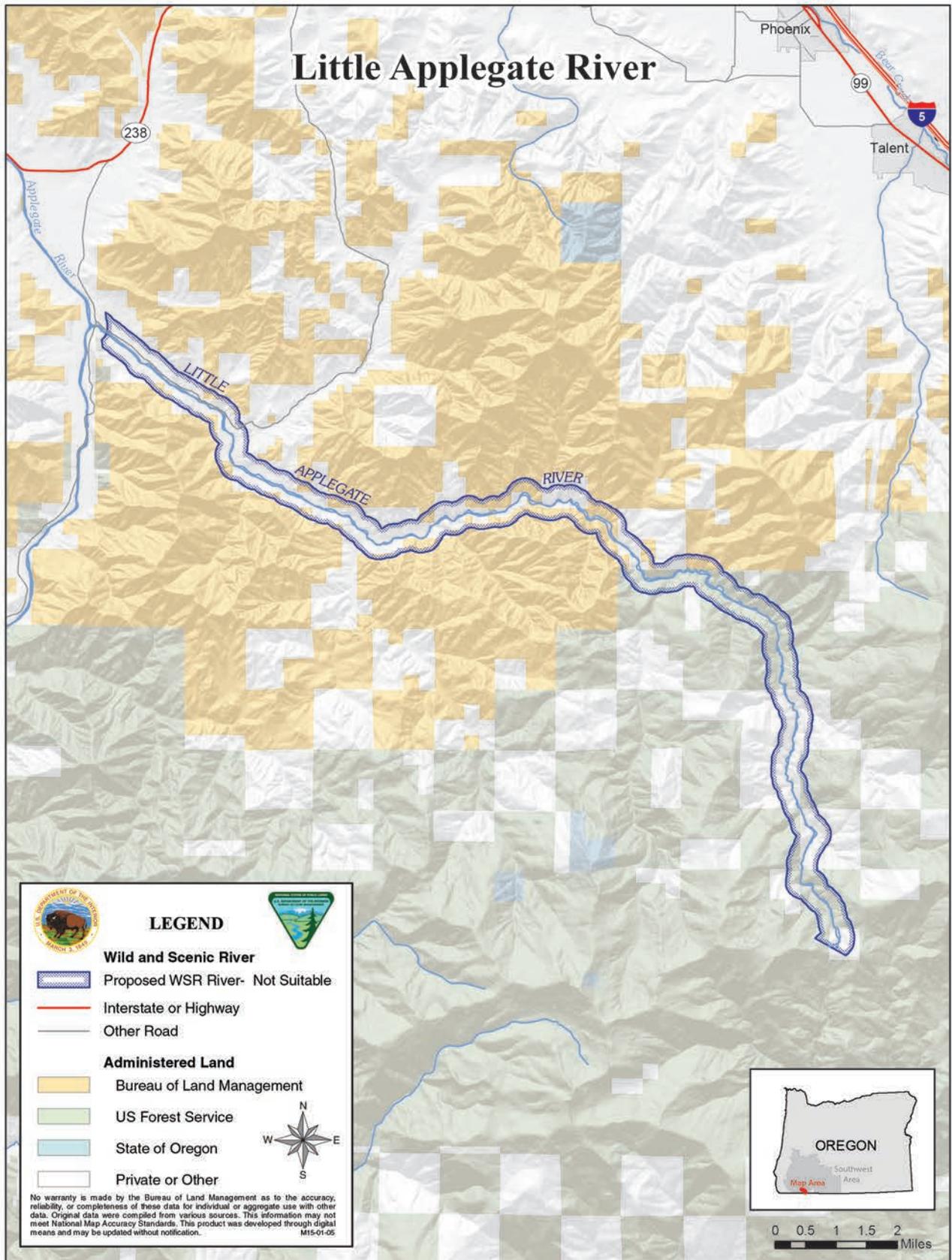
There are no designated Wild and Scenic Rivers within the Little Applegate Creek watershed nor have there been any legislative proposals for additional federal protection of Little Applegate Creek or its tributaries.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Little Applegate River Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Little Applegate Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 1.7 of the total 22.6 miles of stream in this segment. The BLM does not control uses or activities on many of these private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality, and outstandingly remarkable values.



## Quines Creek Wild and Scenic River Suitability Determination

**Table 1.** Quines Creek Wild and Scenic River suitability.

<b>Segment Name:</b>	<b>Quines Creek</b>
Segment Description:	Headwaters of Quines Creek downstream to the confluence with Cow Creek.
Total Segment Length:	7.21 miles
Length on BLM Land:	2.69 miles
Total Segment Area:	2,132.13 acres
Area on BLM Land:	816.35 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Quines Creek segment was made during the BLMs 1990 land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the Fisheries ORV.

### Quines Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

**Fish:** Quines Creek and Bull Run Creek are tributaries to Cow Creek in the Umpqua Basin. These streams provide habitat for coho, steelhead, and cutthroat. BLM ownership on Quines Creek is limited. Of the 7.21 miles of stream, approximately 2.82 miles in the upper reaches of this stream is in BLM ownership. The first approximately 2.8 miles of this stream is low gradient and historically important for coho and steelhead. There is no BLM ownership within this first 2.8 mile stretch. Fish habitat is degraded and simplified in much of this lower reach, and the stream is adjacent to private homes and agricultural lands. Though habitat restoration efforts have been implemented on BLM ownership in the upper reaches, this stream is not worthy of the Wild and Scenic determination.

#### Other River Values and Characteristics

**Setting:** Quines Creek Access and Development Along the 7.2 mile Quines Creek, at least 12 bridges or creek crossings traverse the creek. Public access to the creek is available from adjacent county and forest roads. Some forest roads and river access may be restricted to public use on private lands. There are no communities within the river corridor. Azalea is 2 miles to the east of the confluence of Cow Creek. The northern end of the creek is predominately rural with Interstate 5 crossing the creek near Cow Creek. About two dozen residences front the creek with agricultural clearings for crops and livestock. The southern end of the creek is an actively managed forest landscape. The setting is Roaded Natural in the forested areas. The landscape is generally natural with modifications moderately evident. Concentration

of users is low to moderate. A network of gravel roadways meander throughout the areas hillsides from past timber harvests. The setting is Rural where residences occur. This area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. Sights and sounds of man are readily evident, and the concentration of users is often moderate or higher. Developed sites, roads, and trails are designed for moderate to high uses. No agricultural, residential, recreation or business developments are noted in this area. The river segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 7.21 mile segment is a combination of federal (BLM) and private lands (Table 29). The BLM manages 2.69 miles (37.3 percent) of shoreline. Two BLM parcels cross the river corridor. The parcels run through several continuous sections. BLM manages 816 acres (38.3 percent) within the river study corridor.

**Table 29.** Land ownership within the Quines Creek corridor.

Ownership	Acres	Percentage
BLM	816.35	38.3%
Private	1,315.78	61.7%

The Oregon State Water Resources Department records 27 water rights and 40 points of diversion on the 7 mile Quines Creek from Quines Cr. to Cow Cr. Table 30 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 30.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Ground Water	Irrigation	1	1	0.14	
	Primary and Supplemental Irrigation	1	1	0.1	
Storage	Irrigation	2	4	0	0.517
	Livestock	3	6	0	1.067
	Storage	1	1		2.8
Surface Water	Domestic	1	1	0.01	
	Domestic Expanded	1	1	0.01	
	Domestic Including Lawn and Garden	2	4	0.045	
	Irrigation	13	13	1.9944	
	Irrigation, Livestock and Domestic	3	3	0.3628	
	Livestock	2	2	0.095	
	Mining	1	1	0	
Supporting Aquatic Life	1	1	5		
<b>Totals</b>				<b>7.7572</b>	<b>4.384</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

#### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

#### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral

Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Quines Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber

management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriate water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river’s outstandingly remarkable values and preventing incompatible development.**

Quines Creek lies in two counties: Douglas County (99.9%) and Jackson County (0.1%).

Douglas County has designated the following zones along Quines Creek:

- Timberland Resource (81%)
- Farm-Forest (10%)
- Exclusive Farm Use Grazing (4%)
- Agriculture and Woodlot (3%)
- Rural Residential-5 (1%)
- Rural Residential-2 (1%)
- Rural Community Commercial (<1%)

All of the lower percentage zones lie on the eastern end near the community of Quines Creek.

The Timberland Resource classification is intended to conserve and protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by non-forest related residential, commercial and industrial activities.

Jackson County zoning for a small portion of the ¼ mile corridor on the south side of the creek at the headwaters is Forest Resource (100%). The purpose of the Forest Resource zone is intended to conserve forest lands.

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

**Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extent onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon's rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

**Criteria 10: The existing support or opposition of designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; state, local, and tribal governments; national and local publics; and the state's congressional delegation should be considered.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails

and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>

The BLM did not receive any comments specific to Quines Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other State or Federal agency lands are near this river. The majority of land ownership along this river consists primarily of private land holdings (62%). Current uses and common management practices could be consistent with management prescriptions for a Wild and Scenic River designation.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The

BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency's MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in 2004 by the Medford District Bureau of Land Management which covers the Middle Cow Creek Watershed, including Quines Creek. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

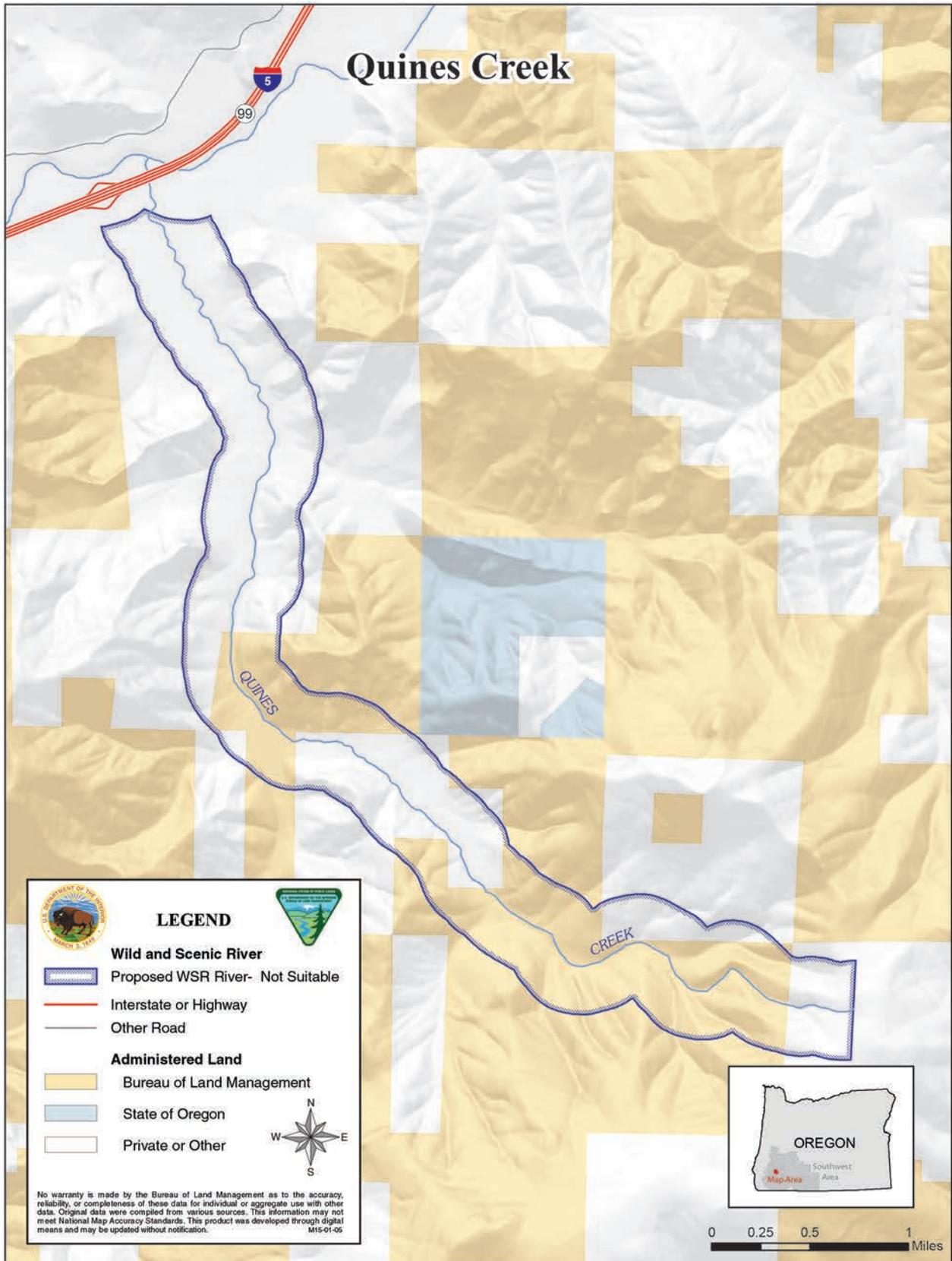
There are no designated Wild and Scenic Rivers within the Quines Creek watershed nor have there been any legislative proposals for additional federal protection of Quines Creek or its tributaries.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## Quines Creek Suitability Determination

Based on the information contained in this study, the BLM Medford District finds Quines Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 2.7 of the total 7.2 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable values.



## Riffle Creek Wild and Scenic River Suitability Determination

Table 31. Riffle Creek Wild and Scenic River suitability.

Segment Name:	Riffle Creek
Segment Description:	Headwaters of Riffle Creek downstream to the confluence with Cow Creek
Total Segment Length:	6.13 miles
Length on BLM Land:	1.94 miles
Total Segment Area:	1,748.21 acres
Area on BLM Land:	762.16 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Riffle Creek segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the Fisheries ORV.

### Riffle Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

**Fish:** BLM ownership on Riffle Creek is limited. Of the 6.13 miles of stream, approximately 1.93 miles in the upper reaches of this stream is in BLM ownership. The first approximately 3.1 miles of this stream is low gradient and historically important for coho and steelhead. There is only 0.04 miles of BLM ownership within this first 3.1 mile stretch.

#### Other River Values and Characteristics

**Setting: Riffle Creek Access and Development** Along the six mile Riffle Creek, at least five bridges or creek crossings traverse the creek. Public access to the creek is available from adjacent forest roads that run along the creek. Some roads and river access may be restricted on private lands. There are no communities along the river corridor. The dominate features and uses of the landscape are forest management practices. The setting is Roaded Natural. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. An adjacent network of gravel roadways meander throughout the areas hillsides from past timber harvests. No agricultural, residential, recreation or business developments are noted in the area. The entire river segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 6.13 mile segment is a combination of federal (BLM) and private lands (Table 32). The BLM manages 1.94 miles (31.6 percent) of shoreline. Two BLM parcels cross the creek for ownership on both sides; two border it on one side only and two BLM parcels have no contact with the streambed. There are six total BLM parcels. BLM manages 762 acres (43.6 percent) within the river study corridor.

The Oregon State Water Resources Department records one water right and point of diversion on the 6-mile Riffle Creek from Riffle Creek to Cow Creek (Table 33).

**Table 32.** Land ownership within the Riffle Creek corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	762.16	43.6%
Private	986.05	56.4%

**Table 33.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>
Surface Water	Supporting Aquatic Life	1	1	5	
<b>Totals</b>				<b>5</b>	<b>0</b>

The river segment must comply with state water right laws. The surface water diversions must be constructed in a manner enhancing fish habitat in order to not impair the free-flowing nature of the segment.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river’s existing condition and protect the identified Outstandingly Remarkable Values. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment. All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States. Water right status and future applications may be limited with designation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Riffle Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

### **Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriate water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Riffle Creek lies in two counties: Douglas (90%) and Josephine (10%).

The Douglas County zone for Riffle Creek is Timberland Resource (100%).

The Timberland Resource classification is intended to conserve and protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of

forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by non-forest related residential, commercial and industrial activities.

The Josephine County zone for Riffle Creek is Forest Commercial. (100%)

The Forest Commercial zone is intended to implement the Goals and Policies of the Josephine County Comprehensive Plan by conserving and protecting lands for forest uses. The Forest Zones are designed to provide a classification for commercial forest lands in private ownerships and for public lands administered by forest management agencies, encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards.

The State of Oregon regulates actions on many resources on private lands. Included are: Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extend onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to

preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Riffle Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other State or Federal agency lands are near this river. The majority of land ownership along this river consists primarily of private land holdings (56%). Current uses and management practices could be consistent with management prescriptions for a Wild and Scenic River designation.

Environmental Protection Agency. The EPA, as part of the President's "UNITED WE SERVE" Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency's MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in 2004 by the Medford District Bureau of Land Management which covers the West Fork Cow Creek, including the Riffle Creek area. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies

must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

**Criteria 12: The contribution to river system or basin integrity.**

There are no designated Wild and Scenic Rivers within the Riffle Creek watershed nor have there been any legislative proposals for additional federal protection of Riffle Creek or its tributaries.

**Criteria 13: The potential for water resources development.**

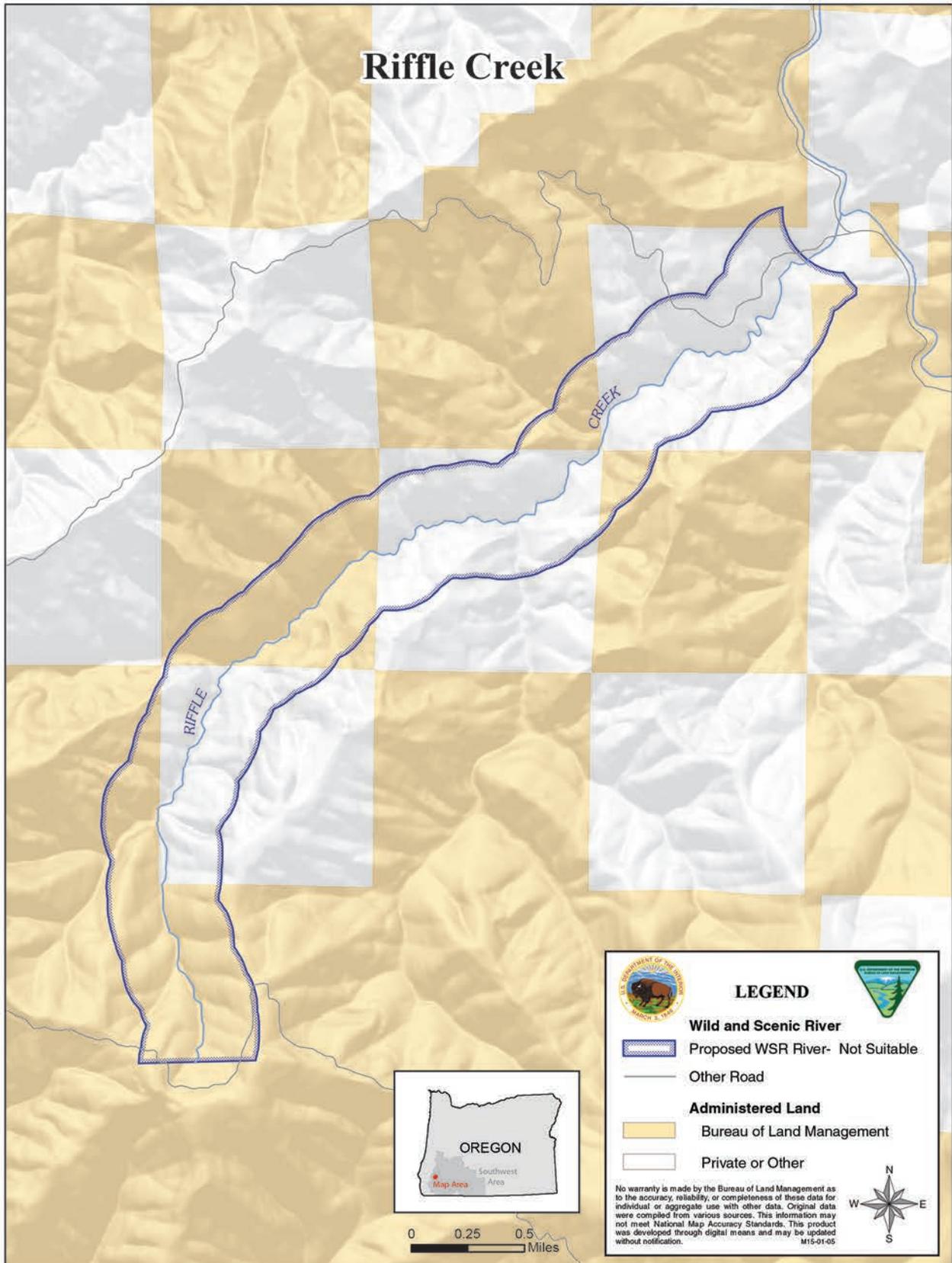
No plans for significant water development in the segment were identified during this study.

### **Riffle Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Riffle Creek to be **non-suitable for inclusion**. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR.

The BLM-managed portions of the segment are fragmented. The BLM manages 1.9 of the total 6.1 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor.

During this suitability analysis, it was determined that the fisheries resources on Riffle Creek no longer meet the threshold for an outstandingly remarkable value. Fish habitat is degraded and simplified in much of the lower reach. Though habitat restoration efforts have been implemented on BLM ownership in the upper reaches, from a fisheries standpoint Riffle Creek does not contain any rare, unique, or exemplary features that support a designation. Since fish are no longer an Outstandingly Remarkable Value



## Rogue River Wild and Scenic River Suitability Determination

**Table 34.** Rogue River Wild and Scenic River suitability.

Segment Name:	Rogue River
Segment Description:	Lost Creek Dam downstream to the confluence of the Applegate River
Total Segment Length:	63.24 miles
Length on BLM Land:	2.10 miles
Total Segment Area:	19,798.13 acres
Area on BLM Land:	753.85 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish, Recreation
Description of ORVs:	The eligibility determination for the Rogue River segment was made during the BLM's 1990 land use planning study. ORV's for this segment of the Rogue River are Fish and Recreation, described below.

### Rogue River Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

**Outstandingly Remarkable Values**

Fish: The Rogue River contains extremely high-quality salmonid habitat and has one of the finest salmonid fisheries in the west. However, most stocks are less abundant than they were historically. Salmonids found in the Rogue River downstream of Lost Creek Lake include Coho salmon, spring and fall Chinook salmon, and summer and winter steelhead. Coho salmon in the watershed belong to an Evolutionarily Significant Unit (ESU) that was listed by the National Marine Fisheries Service as a threatened species in 1997 and reaffirmed as threatened in 2005. The state of Oregon in 2005 listed Rogue spring Chinook salmon as potentially at risk. Between Lost Creek Lake and Grants Pass there are major fisheries for spring and fall Chinook salmon, and Coho salmon from hatcheries, summer and winter steelhead, and large resident rainbow trout.

Dam building and removal along the Rogue River has generated controversy for more than a century; an early fish-blocking dam (Ament) was dynamited by vigilantes, mostly disgruntled salmon fishermen. By 2010 all of the main-stem dams downstream of a huge flood-control structure (William L. Jess Dam) 157 miles (253 km) from the river mouth had been removed.

Recreation: This stretch of the Rogue River offers a wide variety of recreational opportunities, including boating, fishing, sightseeing, recreational gold panning, and photography. There are numerous floating options of varying difficulties and lengths with multiple access points: easy access from paved roads provides opportunities for trips that vary from a few hours to all day. The boating season is generally year round, with fall and winter use centering more on fishing activities rather than floating. The removal of

Gold Ray Dam (River mile 126) in 2010 changed recreational use patterns, allowing boats to continue down river; some boaters have floated the entire 157 miles to the coast. While commercial boating and fishing activities take place along the entire stretch of river, the stretch of river between TouVelle State Park and the town of Gold Hill is primarily used by whitewater outfitters capable of negotiating the class IV Nugget Falls. The stretches of river upstream and downstream from the falls are class I and II and are easily negotiable by less experienced boaters. “A Guide to the Rogue River Water Trail” published by Oregon State Parks in 2012 provides boating and access details for this entire segment. Developed camping accommodations are available at several private, county, and state facilities located along the river segment. Among dozens of developed recreation sites along the river corridor, the Valley of the Rogue State Park, 12 miles east of Grants Pass, is built around a full three miles of river shoreline.

At least eight rafting companies and over two dozen fishing guides offer guided float or fishing trips along this section of the Rogue River. Because of limited public lands, no permits are required except by the Oregon State Marine Board. Several companies rent out rafts and inflatable kayaks and provide shuttle services between several launch and takeout points. Removal of Gold Ray Dam facilitated new commercial jet boat use in the Table Rocks area of the river.

The Rogue Umpqua National Scenic Byway runs parallel to segments of the Rogue River downstream from Lost Creek Lake to the town of Gold Hill. Gold Nugget Waysides, located near Gold Hill, are three small developed BLM recreation sites with vault toilets and picnic tables, with foot access down to the river. These are the only developed BLM sites within the river corridor.

Segments of the river are the focus of several planning efforts. The ‘Rogue River Access and Recreation Management Plan’ is a joint Jackson County Parks Department and ODFW planning effort brought about by the removal of Gold Ray Dam and the resulting changes in recreational use. The goal of the plan is to identify appropriate public access points between Givan Ranch and Gold Hill and develop a strategy to manage the recreational use while maintaining the integrity of the natural resources in the area. A segment of river between TouVelle State Park and May Creek is also included in the BLM’s Table Rocks Management Plan, a cooperative plan developed with The Nature Conservancy, the Confederated Tribes of Grand Ronde, and the Cow Creek Tribe of Umpqua Band of Indians. While focused on the Table Rocks themselves, the plan acknowledges the intertwined public and private land, the presence of the river, and the growing recreational use from the adjacent urban population. Continuation of the Rogue River Greenway, a paved bike and pedestrian trail between Central Point and Grants Pass, is proposed to parallel the river from Fishers Ferry to Grants Pass. Completion of this greenway would provide over 50 miles of greenway trail between Ashland and Grants Pass.

### **Other River Values and Characteristics**

Historical: In 1846 the Applegate Trail opened the Rogue Valley to settlement. The miners and settlers who poured into southern Oregon in the early 1850s intent on obtaining gold and land soon clashed with the native Takelma Indians. During the Rogue River Indian Wars (1851-1856) one of the first conferences between the natives and the immigrants took place on a large gravel bar in the Rogue River in 1852 below Table Rock. A treaty signed in 1863 established a temporary 100 square mile reservation on the north side of the river. It also established Fort Lane on the south side of the river, a 640-acre military reserve to protect the reservation’s inhabitants from land-hungry settlers. Despite the agreements made, more

fighting and massacres occurred, resulting in the Takelma being removed in 1856 to reservations further north. Fort Lane was abandoned and the buildings allowed to decay. The land that Fort Lane occupied is now managed by Oregon State Parks and has been the subject of archeological surveys.

Setting: Rogue River Access and Development: At that time, the river was divided into 3 segments located between dams. Since then, dam removal has made the river free-flowing, and is now considered as one segment. Along the 63 mile Rogue River, eleven transportation bridges, one RR bridge and three non-motorized walkways cross the river. Most bridges span the entire river, but some may have support piers within the river channel. Public access to portions of the river is legal where Federal or State lands border the river. Legal access to a majority of the river may be restricted by private ownership. Public roads are maintained by Federal (Interstate 5), State (62, 234), Jackson County and Josephine County. The entire waterway is paralleled by roads and major agricultural, recreation, transportation, residential and business developments. Recreation sites within the corridor include a golf course, River's Fork Edge, McGregor Park, Casey State Park, Rogue Elk County Park, Upper County Regional County Park, Fly Casters RV Park, Takelma County Park, Dodge Bridge County Park, Gold Nugget Waysides, Valley of the Rogue State Park and about 16 other County Parks and Waysides. Development also includes a waste water treatment facility, developed slough and ponds, gravel pit operation, many businesses, private residences and subdivisions, and many industrial developments. City limits are particularly developed along the riverway. Views of these are readily evident from the river. Communities along the river include Trail, Shady Cove, Gold Hill, Rogue River, Grants Pass, Fruitdale, and Redwood.

The settings vary between Rural and heavily developed Urban city districts. In the Rural setting, the area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users is often moderate to high. Developed sites, roads, and trails are designed for moderate to high uses. In the Urban setting, the area is characterized by a substantially urbanized environment, although the background may have natural-appealing elements. High levels of human activity and concentrated development, including recreation opportunities are prevalent. Developed sites, roads and other recreation opportunities are designed for high use.

The Oregon Dept. of Fish and Wildlife operates the Cole River Hatchery less than a mile downstream from the dam. Within the study corridor, it is the largest hatchery in Oregon, which annually rears 3.7 million spring Chinook, coho, steelhead and rainbow trout, and plants them in the Rogue River. The Hatchery is open to the public. Development at the hatchery is considerable with its cement ponds, buildings and a parking area and small spillway directly in the river's course. The river segment being studied starts just below where Cole M. Rivers Drive crosses the river. River day-use sites can be seen along the river's edge.

### **Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 63 mile segment is a combination of federal (BLM), Corp of Engineers, county, private, and State lands (Table 35). BLM manages 754 acres (3.8 percent) within the river study corridor. There are 19 total BLM parcels in the river corridor. There is one parcel that crosses the river to both sides and 9 that border the streambed on one side of the river. The BLM manages 2.1 miles (3.3 percent)

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of shoreline. An additional nine segments lie within the river corridor but have no contact with the streambed.

**Table 35.** Land ownership within the Rogue River corridor.

Ownership	Acres	Percentage
BLM	753.85	3.8%
Army Corps of Engineers	20.38	0.1%
Private	17,005.33	85.9%
State Agency	1,785.09	9.0%
Oregon Parks and Recreation Department	233.48	1.2%

The Oregon State Water Resources Department records approximately **1,000 water rights and 1,233 points of diversion** on the Rogue River segment with a run date of June 1. Table 36 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 36.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Ground Water	Campsite	1	1	0.03	
	Commercial Uses	5	5	0.045	
	Domestic	5	5	0.64	
	Domestic Expanded	2	2	0.07	
	Fish Culture	1	1	0.0232	
	Group Domestic	3	3	0.69498	
	Industrial/Manufacturing Uses	7	7	0.4869	
	Irrigation	12	12	0.7025	
	Primary And Supplemental Irrigation	1	1	0.0557	
Storage	Aesthetics	1	1	0	11
	Fire Protection	3	3	0	2.3
	Fish Culture	1	1	0	0
	Industrial/Manufacturing Uses	3	3	0	16.3
	Livestock	2	2	0	6
	Recreation	1	1	0	17
	Storage	7	7	0	72.15
	Temperature Control	1	1	0	1.7
	Wildlife	4	4	0	6.2
Surface Water	Aesthetics	1	1	0.05	
	Campsite	1	1	0.005	
	Domestic	73	73	0.8183	8
	Domestic And Livestock	1	1	0.05	
	Domestic Expanded	6	6	0.053	
	Domestic Including Lawn and Garden	28	28	0.3	

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Fire Protection	9	9	0.512	
Fish And Wildlife	1	1	0.2	
Fish Culture	3	3	50.1	
Frost Protection	4	4	18.04	0
Human Consumption	8	8	0.04	
Industrial/Manufacturing Uses	19	19	4.73625	
Instream Fishery Enhancement	1	1	800	
Irrigation	900	900	209.2395	5173.524
Irrigation And Domestic	8	8	0.39	
Irrigation, Livestock and Domestic	16	16	4.255	
Livestock	26	26	5.5993	
Mining	3	3	3	0
Municipal Uses	29	29	192.00315	1292
Pond Maintenance	1	1	0.894	
Power Development	1	1	0	
Primary and Supplemental Irrigation	6	6	12.55	3.9
Quasi-Municipal Uses	7	7	0.2	100
Recreation	4	4	2.38	
Storage	1	1	0.38	
Temperature Control	14	14	40.95	
Wildlife	2	2	0.01	
<b>Totals</b>	<b>1,233</b>	<b>1,233</b>	<b>1,349.5</b>	<b>6,710.07</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

Major land uses in the area include urban development and agriculture. Early European inhabitation resulted in logging of the surrounding hills and agricultural development of the valley bottoms. The watershed has historically experienced low-severity fires.

Major land uses in the Rogue River-Gold Hill Watershed South include agriculture, timber, mining, and recreation. Cattle operations are the largest non-forestry agricultural venture. Other agriculture in the plan area is varied and mostly small acreage, domestic farms and gardens located along the major streams. Logging has occurred in the plan area since the 1850s when timber was used by miners and settlers. It wasn't until the second half of the twentieth century that timber became a major commodity. In the last 30 years, 48% of BLM lands in the plan area have had timber harvested to some degree. The Douglas-fir forest suitable for commercial harvest is prevalent at higher elevations, along the northern and western portions of the plan area. Historically, mineral production played a significant role in the development of this area. There is still considerable interest in mineral exploration and development as evidenced by the large number of mining claims on file. Dredging activity on the river can be heavy during the permitted season (mid-June through mid-September) between the former Gold Ray Dam site and the town of Gold Hill. Due to the close proximity to the towns of Rogue River and Gold Hill as well as the cities of Grants

Pass and Medford, the area receives a high degree of recreation use for hiking, fishing, hunting, mountain biking, horseback riding, off-highway vehicle (OHV) use, and driving for pleasure.

The Medford District RMP identified four potential recreation sites on BLM lands within or immediately adjacent to the river segment: Skookum Creek Wayside (T33S, R 2E, Sec 11), Brush Creek (T33S, R1W, Sec 35), Rocky Point (T34S, R1W, Sec 10), and Nugget Falls (T36S, R3W, Sec 11). None of these sites have been developed. Although there are no facilities and no legal access along a railroad right-of-way, Nugget Falls has vehicle access to an unimproved parking area, and receives heavy summer use for fishing, dredging, and whitewater boating activities.

Directly across from Nugget Falls are Gold Nugget Waysides, three small developed BLM recreation sites with vault toilets, picnic tables, and foot access down to the river.

### **Lost Creek Lake to the Applegate River**

View of Lost Creek Lake, looking west from the top of the William L. Jess Dam. About 1 mile (1.6 km) below Cole M. Rivers Drive, the river passes under Route 62, receives Big Butte Creek from the left, and enters Casey State Recreation Site. Flowing west, about 3 miles (4.8 km) downstream, the river receives Elk Creek from the right. Over the next stretch, the Rogue River receives Bush Creek from the right, Brush Creek from the left, Lewis Creek from the right, passes the unincorporated community of Trail, and receives Trail and Cricket creeks from the right, passes under Route 62 again and through the city of Shady Cove. Below the city, the river flows parallel to Route 62 on its left and Rogue River Drive on its right. The stream receives Indian Creek from the left, Branch Creek from the left, passes Takelma County Park, and receives Langel Creek from the left and Dry Creek from the right before reaching the Dodge Bridge gauging station at about RM 139 (RK 224) and passing under Oregon Route 234, also known as Sams Valley Highway.

Over the next stretch, the river receives Hog Creek from the left, passes Rattlesnake Rapids at RM 136 (RK 219), receives Little Butte Creek from the left, flows through Denman Wildlife Area and by TouVelle State Recreation Site, which is on its left. As it leaves TouVelle, it passes under Table Rock Road. Over the next few miles, the river flows by several gravel pits on the left and right near the Agate Desert and Kelly Slough. Whetstone and Bear creeks enter from the left as the river approaches the site of the former Gold Ray Dam, which was removed in the summer of 2010, and a USGS gauge at about 126 miles (203 km) from the mouth. The river then passes Fishers Ferry Park, which is on the left, and receives Sams Creek and Water Gulch from the right.

View of the river from Lower Table Rock. At this point, Route 234 runs along the right bank of the river. Flowing by the former Gold Hill Dam and then the Gold Nugget Waysides and the Gold Hill Recreation area, both to the river's right, the Rogue passes under Route 234 and Oregon Route 99. It turns west, flowing between the city of Gold Hill and Route 99 on the right and the Ben Hur Lampman State Scenic Corridor and Interstate 5 (I-5), both on the left, at about RM 119 (RK 192). The Rogue receives Galls Creek from the left and Sardine Creek from the right before passing under Route 99, which continues parallel to it on the left. Crossing under I-5, the river flows between it, now on the right, and Highway 99 along the edge of Valley of the Rogue State Park to about RM 110 (RK 180), where it receives Foots and Birdseye creeks from the left and passes the city of Rogue River, which is on the right bank. Further on, it receives Ward and Evans creeks from the right and Little Savage and Savage creeks from the left. It

reaches the site of former Savage Rapids Dam at about RM 107.5 (RK 173), where it leaves Jackson County and enters Josephine County. Downstream, the river receives Rich Gulch from the right, passes Tom Pearce Park, receives Greens Creek from the left, Jones Creek from the right, Fruitdale Creek from the left, enters Grants Pass, and flows by a USGS gauge about 102 miles (164 km) from the river mouth. In the city, it passes under U.S. Route 199 and Route 99. Allen Creek enters from the left before the river flows by Schroeder Park, on the left, and Lathrop Boat Landing, on the right shortly thereafter. Sand Creek enters from the left, and Vannoy Creek from the right before the Applegate River enters from the left at about RM 95 (RK 153). The average stream gradient from the vicinity of Bear Creek to the Applegate River, is relatively low, 10 feet per mile.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. With designation, BLM's management presence would remain the same due to limited public land ownership. Since this segment is within the BLM's Table Rocks Management Area and the planning area for Jackson County's River Access Corridor and Recreation Management Plan, and adjacent to the proposed Rogue River Greenway, designation of the river segment would coincide with the intensity of recreational management already proposed for the area. Planning for recreation sites and facilities would complement designation and would ensure the continued availability of recreation opportunities occurring in this river segment, including boating, fishing, hiking and biking. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

#### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Value of fisheries if the river were not designated, through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The recreation ORV along this segment likely would not be diminished or foreclosed if the segment was not designated. Since part of this segment is within the BLM's Table Rocks Management Area and Jackson County's river corridor access plan, and adjacent to the proposed Rogue River Greenway, planning for recreation sites and opportunities would continue without designation of the segment.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Dredging activities may be limited or prohibited with designation.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Rogue River segment was added to the National Wild and Scenic Rivers System, the State of Oregon would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

### **Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

It is recommended that this river be administered by the State, as there is a very small percentage of BLM lands along the river.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Two segments of the Rogue River are State Scenic Waterways. The Upper Rogue River located upstream from the river segment is a State Scenic Waterway from the Crater Lake National Park Boundary to the southern Forest Boundary. The Lower Rogue River located downstream from the river segment is a State Scenic Waterway from the Applegate River to Lobster Creek. The State Scenic Waterway program is administered by the Oregon State Parks and Recreation Department. State Parks has worked cooperatively with the USDA Forest Service to identify the special values of the Upper Rogue, and to determine the best course of action for their protection as related to the State Scenic Waterway program.

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Two counties contain the Rogue River segment: Jackson (80%) and Josephine (20%).

Jackson County has designated the following land use zones along the river corridor:

- Exclusive Farm Use (50%)

- Woodland Resource (19%)
- Rural Residential (14%)
- Urban Residential (7%)
- Open Space Reserve (6%)
- Aggregate Removal (3%)
- Forest Resource (1%),
- Interchange Commercial (>1%)
- Limited Use (<1%)

Urban areas are within city limits. The other zones are all intermittently spread out in many blocks along the Rogue River.

The purpose of the Exclusive Farm Use district is intended to conserve agricultural land and implements the Oregon Agricultural Land Use Policy. The purpose of Forest Resource and Woodland Resource districts are intended to conserve forest lands.

Josephine County has designated the following land use zones along the Rogue River:

- Rural Residential (57% - most with 1 acre restriction)
- Agriculture (Exclusive Farm Use) (18%)
- City of Grants Pass Residential (15%)
- Grants Pass Commercial (5%)
- Aggregate Resource (mineral)(2%)
- Forest Woodlot Resource (2%)
- Farm Resource (1%)
- Industrial (<1%)
- Commercial (<1%)

Rural Residential: The purpose of this zone is to preserve the rural character of Josephine County while providing areas for rural residential living. Densities established by this zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality. There are restrictions to the acreage as further breakdowns.

**Agriculture:** The purposes of the Exclusive Farm and Farm Resource Zones are to preserve agricultural land most appropriate for farm use and to provide beneficial uses for lands not capable of farming without creating conflicts between suburban expansion and farm use. The Farm Zones are intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activities. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of the Farm Zones should recognize that the intent of the Farm Zones is to protect resource activities, and in the event of a conflict between residential use and resource practices, this code will be interpreted in favor of resource practices.

Further summary of zoning can be found at: <http://www.co.josephine.or.us/Files/zonedescriptions.pdf>

Three Water Quality Restoration Plans around the Rogue River area were completed by the Medford District Bureau of Land Management which covered the Rogue River Gold Hill South (2005) and North (2011), and the Grants Pass-Rogue River (2011) Watersheds. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in the this creek or river. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extent onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon's rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM received 11 comments specific to the Rogue River, showing support for Wild and Scenic river designation during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. This section of the Rogue River is not identified; however 93 miles of many other tributaries into the Rogue River are supported. Thus, the Rogue River itself would not likely be supported for suitability and designation (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

The Seven Basins Watershed Council (SBWC) includes approximately 261,000 acres in a portion of the Rogue River Valley of Southern Oregon that some 13,000 people call home. The SBWC was formed to help address watershed management issues and to provide a framework for the coordination and cooperation among key interests in the development and implementation of a watershed action program. Its mission is to bring together diverse interests, to implement programs and project, to promote education; to maintain and/or improve the social, economic and ecological conditions of the Seven Basins

Watershed and its citizens. The river segment encompassed by SBWC is from Denman Wildlife Area near Table Rock to the town of Rogue River. <http://www.sevenbasins.org/bylaws.htm>

Outfitter/guides for both boating and fishing would most likely be in support of designation of the segment, as designation could highlight the recreational activities already present along the segment.

Among private landowners along this river segment, support would mostly likely be divided. Some landowners would support it as a measure to further protect the resource values found along the river corridor, while others would oppose designation and any additional regulations that might follow.

The Rogue River Watershed Council is interested in the best management practices for aquatic resources of the Rogue River. The council is dedicated to the long-term protection and enhancement of the Rogue River and its tributaries. The council has many responsibilities; it is in charge of policies, public information and education, and water quality protection.

Overall public interest in designating this segment would most likely be divided. Support would likely come from hunters, recreationists, environmental groups, and others who use the area for non-consumptive purposes. Opposition would likely come from the mineral and gold dredging proponents who may view designation as potentially restricting exploration and extraction within the river corridor.

The State of Oregon has indicated strong support for protecting the water dependent values in streams, however, has not specifically supported Wild & Scenic River designation.

American Whitewater is a river advocate organization which promotes conservation of free-flowing, whitewater rivers. The Rogue River is listed in the River Inventory of American Whitewater and is supported for W&SR suitability/designation. Their emphasis is community-based and represents the interests of non-commercial river enthusiasts. American Whitewater has actively influenced the designation of rivers in the National Wild and Scenic Rivers System. A National Whitewater database of over 7,000 whitewater runs is maintained. American Whitewater is developing a partnership program with Federal Agencies, including BLM, aimed at sharing information and resources related to river health and protection. The partnership would provide information to agencies on river safety, use patterns, recreational impacts on the land and other recreational users, river access needs, etc. In Oregon, affiliated clubs include the Lower Columbia Canoe Club of Portland, North West Rafters Association of Portland, Oregon Kayak and Canoe Club of Portland, Oregon Whitewater Association of Beaverton, and the Willamette Kayak & Canoe Club of Corvallis.

[http://www.americanwhitewater.org/content/Wiki/stewardship:agency\\_summary](http://www.americanwhitewater.org/content/Wiki/stewardship:agency_summary)

Pacific Rivers Council (PRC) is a statewide, non-profit organization with a mission to protect and restore rivers, their watersheds, and native aquatic species. PRC is in support of Oregon River suitability and designation in the National Wild and Scenic Rivers System. (Jim Ratzlaff conversation 6/24/2013) PRC priorities include implementing knowledge about watershed conservation into the most significant areas of policy decision-making, taking legal action to protect aquatic resources from imminent danger, promoting the economic benefits of healthy watersheds, establishing permanent protection for the best remaining watersheds, and actively promoting watershed restoration. <http://pacificrivers.org/about>

American Rivers (AR) supports designation of Oregon Rivers into the Wild and Scenic River System. They are a nationwide organization working to protect and restore the nation's rivers and streams. Efforts include ensuring clean drinking water supplies, revitalizing fish and wildlife, improving recreation, and leaving a legacy of healthy rivers for future generations. <http://www.americanrivers.org/about/>

The Wild Salmon Center (WSC) promotes the conservation and sustainable use of wild salmon ecosystems across the Pacific Rim. Current leadership supports Wild and Scenic River suitability and designation of most Oregon Rivers. (Greg Block, 6/24/13) WSC identifies science-based solutions to sustain wild salmonids and the human communities and livelihoods that depend on them. They partner with local communities, governments, businesses, and other key stakeholders in a shared commitment to good stewardship and long-term sustainability. <http://www.wildsalmoncenter.org/about/index.php>

Douglas Timber Operators (DTO) is a community-supported forest products organization whose mission is to actively promote timber harvest, reforestation and production of forest products on public and private timberlands, and the enhancement of healthy forest ecosystems, through multiple use forest management. Based in Douglas County since 1968, DTO would not likely support suitability determinations or designation of any river in the County.

The Wild Rogue Alliance supports additional WSR designations. In addition to the designated Wild and Scenic Rogue River, there are numerous suitable wild and scenic waterways in the Wild Rogue River canyon. All are tributary to the Rogue and contribute important cold water to the mainstem that is critical for fish survival. The outstandingly remarkable values of the Lower Rogue (fish, recreation, historic, scenic, etc.) are dependent upon these tributary streams. They propose to add 93 miles to the Wild and Scenic Rivers system. This has been drafted into a plan and legislation called the *Defazio Act or O&C Trust, Conservation, and Jobs Act*.

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM and 20 acres on the Corp of Engineers, no other Federal agency lands lie within this segment of the Rogue River. The majority of land ownership along this river consists primarily of private land holdings (86%). Current uses and common management practices would not be consistent with management prescriptions for a Wild and Scenic River designation.

The U.S. Army Corps of Engineers (USACE or the Corp) manages 20 acres within the Rogue River segment. USACE's mission is to provide vital public engineering services to strengthen our Nation's security, energize the economy, and reduce risks from disasters.

The USACE has conveyed interest in coordinating and cooperating with the BLM if planning proceeds with a suitability study. The Corps desires consistency in developing compatible land/resource use goals, to be good stewards and efficiently manage mutually-shared public resources. A proposal for W&SR designation that includes Corps lands would require thorough environmental and programmatic review by the Corps District and Project Offices.

A Wild and Scenic River designation is likely consistent with some Corps goals but may not be compatible with others. Case in point: restoration of listed fish is a National goal that may be promoted by

such a designation. However, fisheries restoration projects, like construction of mandated fish passage or collection facilities, may not be compatible. The Corps would be unlikely to support designation that would unduly restrict or affect the primary missions of flood damage reduction, hydropower production, or fisheries management and, in some cases, irrigation responsibilities.

Lands below the Corps dams are maintained for a variety of purposes. In all cases these lands must remain available in order to rebuild the dams upon structural failure. This is part of the Corps justification for retaining them. Dams have life spans and eventually will be re-constructed. The Corps would need specifics from BLM regarding the effects that a W&SR designation would have on the Corps ability to accomplish routine operations, maintenance and special project needs such as major reconstruction.

Several miles upstream and downstream from BLM's eligible segment, the Rogue-Siskiyou National Forest has designated two segments of the Rogue River under the National Wild and Scenic River system.

The Upper Rogue Wild and Scenic River designation was enacted in the Omnibus Oregon Wild and Scenic River Act of 1988 and designated 40.3 miles of river on the Prospect Ranger District. It begins at the northern Forest Boundary, approximately one-half mile from the river's origin point within Crater Lake National Park, to the southern Forest Boundary near the town of Prospect. Outstandingly Remarkable Values (ORVs) include: scenic, cultural-historic, geologic-geohydrologic, water quality-quantity, and botanical resources.

It was classified into the following three segments:

*Scenic River* - 0.5 mile

*Wild River* - 5.9 miles

*Scenic River* - 33.9 miles

The lower Rogue River Wild and Scenic designation includes both BLM and USFS lands. It lies within the Hellgate Recreation Area, beginning 7 miles west of Grants Pass and ends 11 miles east of Gold Beach. The Classification and Mileage consists of:

- Hellgate Recreation Section - Applegate River to Grave Creek (BLM) - 27 miles
- Wild Section - Grave Creek to Mule Creek (BLM) - 19.5 miles
- Wild Section - Mule Creek to Watson Creek (USFS) - 12.9 miles
- Recreation Section - Watson Creek to Blue Jay Creek (USFS) - 10.5 miles
- Scenic Section - Blue Jay Creek to Slide Creek (USFS) - 7.5 miles
- Recreation Section - Slide Creek to Lobster Creek (USFS) - 6.6 miles

**Rogue National Wild and Scenic River Total Length - 84 miles**

Similarities of ORVs being protected upstream by the USFS (scenic, cultural-historic, geologic-geohydrologic, water quality-quantity, and botanical resources) are different than the ones identified in the BLM eligible segment downstream (fish and recreation).

The Oregon State Parks and Recreation Department (OPRD) has a mission to provide and protect outstanding natural, scenic, cultural, historic and recreational sites for the enjoyment and education of present and future generations. The State's primary goals are to: 1) Protect the free-flowing character of designated rivers for fish, wildlife and recreation, 2) Protect and enhance scenic, aesthetic and natural values, recreation, scientific research, and fish and wildlife qualities, and 3) Protect private property rights. OPRD also manages the Oregon Scenic Waterways program (1970) which closely parallels the Federal W&SR program.

The OPRD manages 233 acres of land within the Rogue River corridor. The State has expressed a willingness to participate in the planning process of the Federal W&SR program. Federal designation could result in dual designation by the State as a State Scenic Waterway. Joint efforts would ensure consistent WSR management decisions and program development. The OPRD conducts a statewide assessment of outdoor recreation demand, needs, and trends every five

Environmental Protection Agency. The EPA, as part of the President's "UNITED WE SERVE" Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency's MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in November 2005 by the Medford District Bureau of Land Management which covers the Rogue River-Gold Hill Watershed South of Rogue River. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to

provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

The Rogue River in southwestern Oregon in the United States flows about 215 miles in a generally westward direction from the Cascade Range to the Pacific Ocean. Known for its salmon runs, whitewater rafting, and rugged scenery, 84 miles of the Rogue River was one of the original eight rivers named in the Wild and Scenic Rivers Act of 1968. Beginning near Crater Lake, which occupies the caldera left by the explosive volcanic eruption of Mount Mazama, the river flows through the geologically young High Cascades and the older Western Cascades, another volcanic province. Further west, the river passes through multiple exotic terrains of the more ancient Klamath Mountains. In the Kalmiopsis Wilderness section of the Rogue basin are some of the world's best examples of rocks that form the Earth's mantle. Near the mouth of the river, the only dinosaur fragments ever discovered in Oregon were found in the Otter Point Formation, along the coast of Curry County. Draining 5,156 square miles, the Rogue River watershed covers parts of Jackson, Josephine, Curry, Douglas, and Klamath counties in southwestern Oregon and Siskiyou and Del Norte counties in northern California.

About 60 percent of the basin is publicly owned and is managed by the United States Forest Service, the Bureau of Land Management (BLM), and the United States Bureau of Reclamation. Dam building and removal along the Rogue has generated controversy for more than a century; an early fish-blocking dam (Ament) was dynamited by vigilantes, mostly disgruntled salmon fishermen. By 2009 all but one of the main-stem dams downstream of a huge flood-control structure 157 miles from the river mouth had been removed. Aside from dams, threats to salmon include high water temperatures. Although sometimes too warm for salmonids, the main stem Rogue is relatively clean, ranking between 85 and 97 (on a scale of 0 to 100) on the Oregon Water Quality Index (OWQI). Although the Rogue Valley near Medford is partly urban, the average population density of the Rogue watershed is only about five people per square mile. Several historic bridges cross the river near the more populated areas. Many public parks, hiking trails, and campgrounds are near the river, which flows largely through forests, including national forests. Biodiversity in many parts of the basin is high; the Klamath-Siskiyou temperate coniferous forests, which extend into the southwestern Rogue basin, are among the four most diverse of this kind in the world.

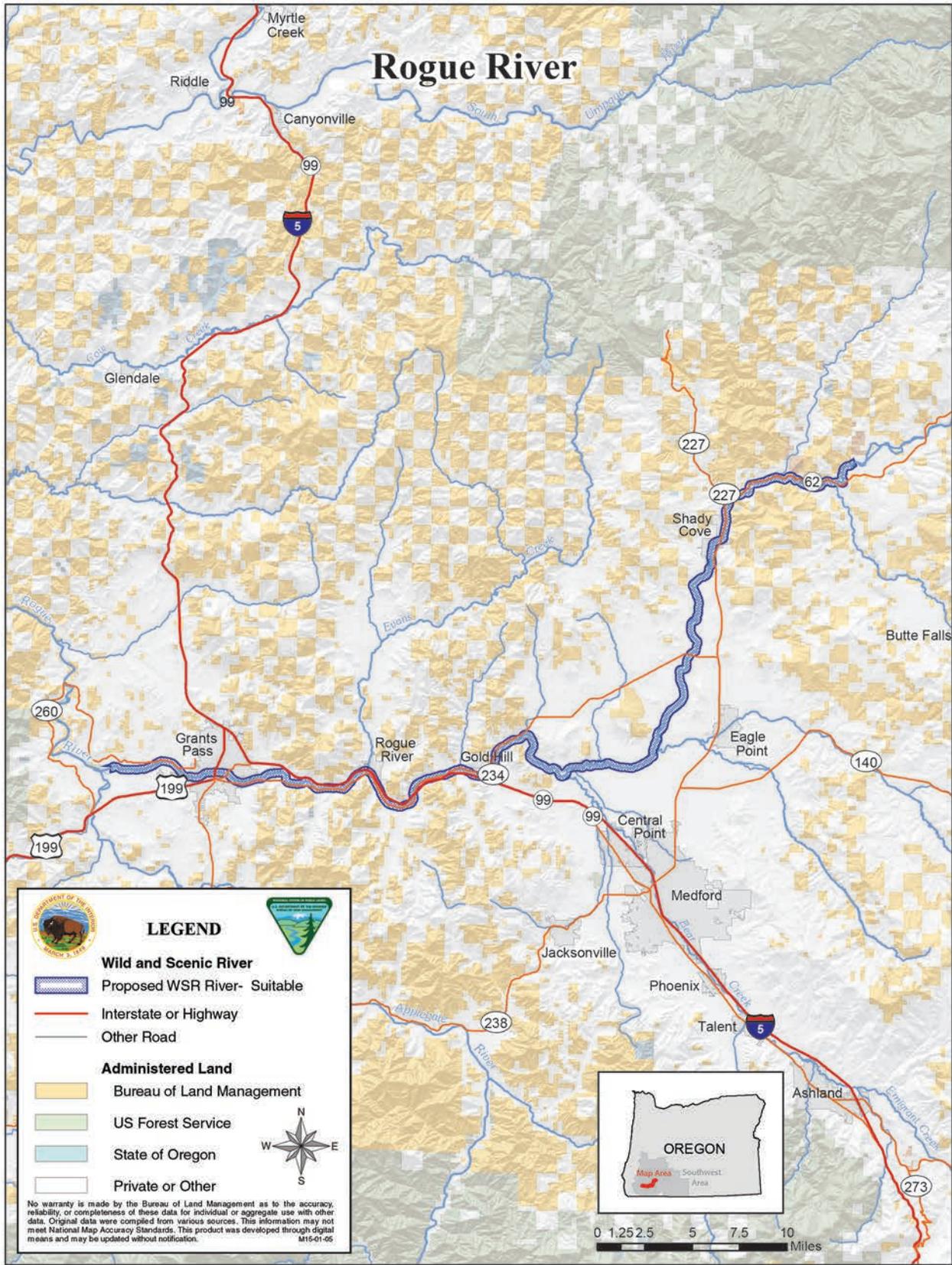
**Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study

**Rogue River Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds the Rogue River to be **suitable for inclusion into the National Wild and Scenic Rivers System**. The BLM’s land management authorities can adequately protect the federal lands in the river corridor, however, BLM does not have the authority to manage or protect ORVs on private lands. Designation would provide a comprehensive framework for working with local governments to protect against land uses that are incompatible with ORVs.

# Wild & Scenic Rivers Suitability Report – Southwest Oregon



## Sam’s Creek Wild and Scenic River Suitability Determination

**Table 37.** Sam’s Creek Wild and Scenic River suitability.

Segment Name:	Sam’s Creek
Segment Description:	Headwaters of Sam’s Creek downstream to the confluence with the Rogue River
Total Segment Length:	8.00 miles
Length on BLM Land:	1.47 miles
Total Segment Area:	2,418.46 acres
Area on BLM Land:	497.18 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the Sam’s Creek segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the fisheries ORV below.

### Sam’s Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Fish: Of the nearly 100 streams in the Rogue River basin that support summer run Steelhead trout, Sams Creek is one of 6 streams that are responsible for approximately 25 percent of the annual smolt production. All of these streams are relatively small and flow through mixed agricultural and harvested forest land directly into the Rogue River. All become dry (or nearly so) during summer months. (from Eligibility Report). Sam’s Creek is considered by ODFW a Class 1 summer steelhead stream, the highest ranking despite the fact that summer temperatures that are unsuitable for juvenile rearing.

#### Other River Values and Characteristics

Recreation : There are no developed recreation sites in the corridor area. Dispersed recreational use that may occur in the area includes hunting, fishing, mushroom picking, and mining. Common recreation values in this area are considered less than remarkable.

Setting: Sam’s Creek Access and Development: Along the 8 mile Sam’s Creek, approximately 10 bridges or creek crossings traverse the creek. Legal public access to the creek is only available from adjacent forest roads where federal lands border the creek. Otherwise, access may not be legal due to private land ownership. Sam’s Valley is the only unincorporated community within a quarter mile of the creek’s corridor. The predominate features and uses of the landscape are forest management practices on the

north. The ROS setting is Roaded Natural. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate. A network of gravel roadways meander throughout the hillsides from past timber harvests. On the southern end agricultural uses and rural residential settings dominate the creek corridor and adjacent viewshed. This setting is Rural even though developments are light. There are no developed recreation sites, industrial or business influences within the corridor. Gold Hill and Interstate 5 are less than four miles to the southwest. The creek segment is free flowing.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 8 mile segment is a combination of federal (BLM) and private land (Table 38). The BLM manages 1.47 miles (18.4 percent) of shoreline. Three BLM parcels cross to both sides of the river while two have no contact with the riverbed. There are five total BLM parcels along the creek’s corridor. BLM manages 497 acres (20.6 percent) within the river study corridor.

**Table 38.** Land ownership within the Sam’s Creek corridor.

Ownership	Acres	Percentage
BLM	497.18	20.6%
Private	1,921.28	79.4%

The Oregon State Water Resources Department records 16 water rights and 22 points of diversion on the Sam’s Creek from the headwaters downstream to the Rogue River. Run date is June 1. Table 39 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 39.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Ground Water	Temperature Control	1	1	2.9	
Surface Water	Domestic	1	1	0.01	
	Irrigation	12	16	2.475	
	Livestock	1	1	0	
	Mining	1	1	15	
	Supporting Aquatic Life and Minimizing Pollution	1	1	1	
	Temperature Control	1	1	1	
<b>Totals</b>				<b>22.385</b>	<b>0</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. With designation, BLM's management presence would increase. Designation of the river segment would coincide with the low intensity of recreational management already occurring in the area. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

#### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated. Through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

#### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral

Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Sam's Creek segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber

management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriate water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Jackson County has designated the following land use zones along the river corridor:

- Exclusive Farm Use (55%)
- Forest Resource (24%)
- Woodland Resource (22%)
- Open Space Reserve (>1%)

The southern end is primarily Exclusive Farm Use while the northern end is dominated by the two Forest Resource zones.

The purpose of the Exclusive Farm Use district is intended to conserve agricultural land and implements the Oregon Agricultural Land Use Policy.

The purpose of Forest Resource and Woodland Resource districts are intended to conserve forest lands.

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government’s capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extent onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

**<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>**

The BLM did not receive any comments specific to Sam’s Creek during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They

follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

Besides BLM, no other State or Federal agency lands are near this river. The majority of land ownership along this river consists primarily of private land holdings (79.4%). Current uses and common management practices would not be consistent with management prescriptions for a Wild and Scenic River designation.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in February 2011 by the Medford District Bureau of Land Management which covers the Gold Hill-Rogue River Watershed North, including Sam’s Creek. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets

standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

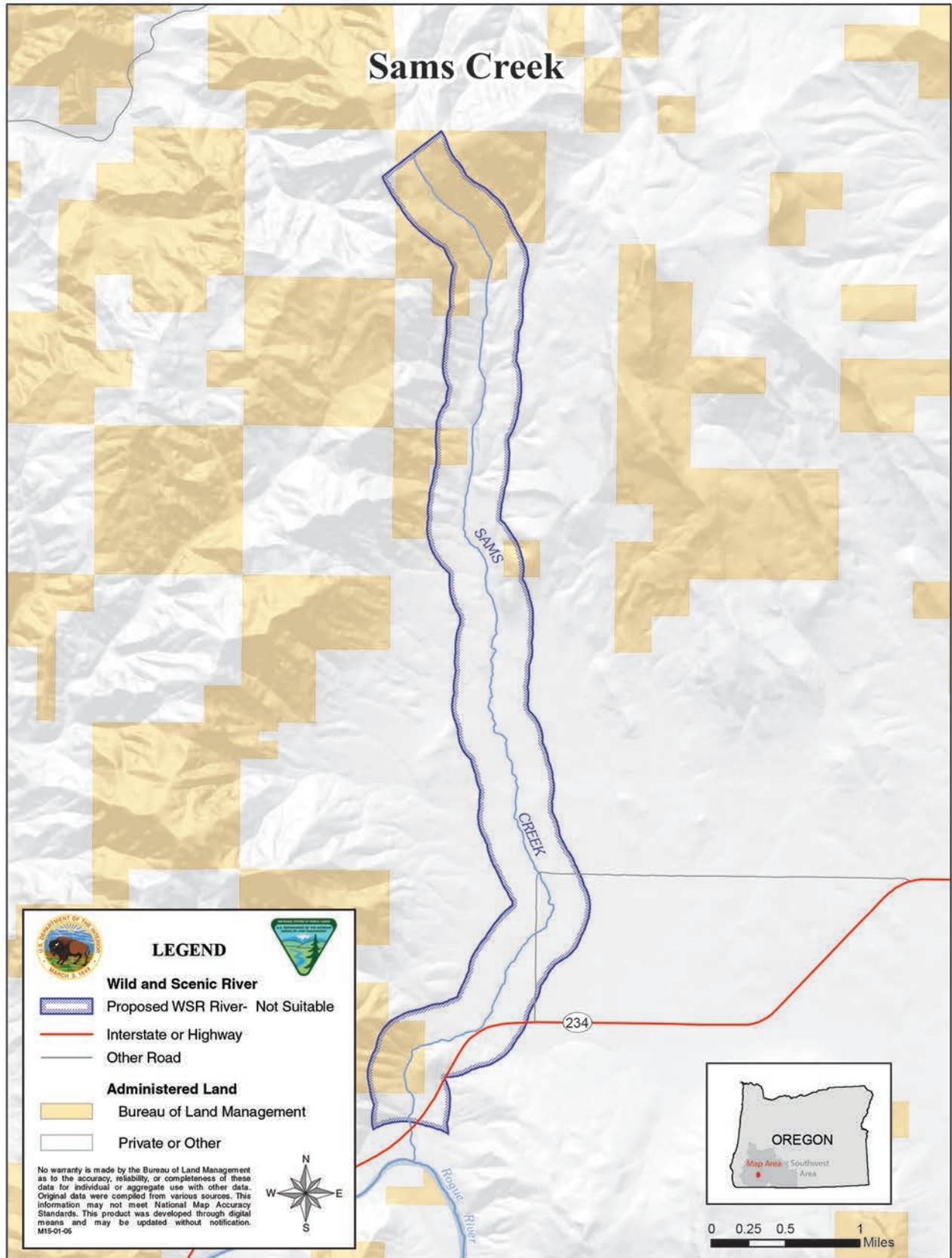
There are no designated Wild and Scenic Rivers within the Sam's Creek watershed nor have there been any legislative proposals for additional federal protection of Sam's Creek or its tributaries.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **Sam's Creek Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds Sam's Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 1.5 of the total 8 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality, and outstandingly remarkable values.



## South Fork Little Butte Creek Wild and Scenic River Suitability Determination

**Table 40.** South Fork Little Butte Creek Wild and Scenic River suitability.

Segment Name:	South Fork Little Butte Creek
Segment Description:	Eastern Medford District Boundary downstream to the confluence with North Fork Little Butte Creek
Total Segment Length:	24.51 miles
Length on BLM Land:	1.38 miles
Total Segment Area:	7,453.21 acres
Area on BLM Land:	451.50 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish
Description of ORVs:	The eligibility determination for the South Fork Little Butte Creek segment was made during the BLM’s 1990 land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the Fish ORV.

### South Fork Little Butte Creek Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

**Outstandingly Remarkable Values**

Fish: Little Butte Creek is known to be one of the best salmon producing tributaries of the Rogue River, and is also one of only a few streams in the Upper Rogue watershed to support salmon populations. The most common anadromous fish inhabiting the creek include chinook salmon, coho salmon, and sea-run cutthroat trout. Coho salmon are federally listed as a threatened species, and are known to spawn in Little Butte Creek. An estimated 35,131 Coho salmon lived in the creek in 2002. Resident fish include cutthroat trout, sculpins, rainbow trout, and brook trout. Despite being moderately polluted, the creek is one of the best salmon-producing tributaries of the Rogue River.

The coho salmon population in the Key Watershed is depressed due to loss of habitat and poor water quality (USDI and USDA 1997:44). South Fork Little Butte Creek is one of the primary rearing areas within the range of this depressed population of coho salmon.

There are three native anadromous salmonids that spawn and rear in the Lower Little Butte Creek Analysis Area: coho salmon, chinook salmon (spring and fall runs), and steelhead trout (summer and winter runs). Although the BLM manages almost 25 percent of the land within the plan area, only six percent of the anadromous salmonid habitat crosses BLM-administered land.

In spite of the extensive habitat modification and degradation that has occurred in Little Butte Creek, it still remains one of the most productive salmonid producing streams in the upper Rogue River basin. Annual smolt trapping efforts performed jointly between the BLM, U.S. Forest Service, and Oregon Department of Fish and Wildlife between 1999 and 2004 on select streams in the Rogue River basin have shown that among all surveyed streams, Little Butte Creek produced the highest densities of out-migrating smolts and fry (coho, chinook, and steelhead)

Coho and chinook salmon migrate upstream each year; however, several dams hinder their progress. A fish ladder was built in 2005 to help fish swim past a dam constructed in Eagle Point in the 1880s, but was destroyed by flooding just three months later. It was rebuilt in 2008. Restoration of a 1.3-mile artificially straightened section of the creek in the Denman Wildlife Area (downstream from this segment) was completed in 2011.

### **Other River Values and Characteristics**

**Setting: South Fork Little Butte Creek Access and Development:** Along the 24.5 mile South Fork Little Butte Creek, ten bridges or creek crossings traverse the river. Roads distributed along the creek corridor provide vehicle access to managed forestlands, residences, and recreational areas. Public access to the creek is legal from public lands, but may be restricted on private lands. There are no communities along the creek's corridor. The predominate features and uses of the landscape are light agricultural developments in a rural setting and forest management practices on forest lands. Development is light as there are less than a dozen streamside residences. Camp Latgawa is a United Methodist Retreat Center which serves the needs for meetings, family gatherings, outdoor school programs, or other non-profit purposes.

The setting is Roded Natural to Rural. In the Roded Natural area, the landscape is generally natural with modifications moderately evident and concentration of users is low to moderate. In the Rural setting, the area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users is often moderate to high. Developed sites, roads, and trails are designed for moderate to high uses. The primary access road: So. Fork Little Butte Cr. road is paved up to the boundary of the Rogue National Forest. There are no major agricultural, residential, recreation or business developments noted in the area.

### **Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 24.5 mile segment is a combination of federal (BLM), private, and USFS lands (Table 41). The BLM manages 1.38 miles (5.6 percent) of shoreline within the corridor. Two BLM parcels cross the river to both sides. Two parcels have no contact with the shoreline. There are four total BLM parcels within the river corridor. BLM manages 451.5 acres (6.1 percent) within the river corridor.

**Table 41.** Land ownership within the South Fork Little Butte Creek corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	451.50	6.1%
Private	3,182.94	42.7%
USFS	3,818.76	51.2%

## Wild & Scenic Rivers Suitability Report – Southwest Oregon

The Oregon State Water Resources Department records 95 water rights and 106 points of diversion on the 24.5-mile South Fork Little Butte Creek from S. Fork Little Butte Cr to Little Butte Creek. Run date is June 1. Table 42 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 42.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Ground Water	Irrigation	1	1	0.03	
Storage	Fire Protection	1	1	0	5
	Frost Protection	1	1	0	16.1
	Industrial/Manufacturing Uses	1	1	0	0
	Storage	5	5	0	9,227.375
	Temperature Control	7	7	0	25.85
Surface Water	Anadromous and Resident Fish Rearing	3	3	140	
	Domestic	3	3	0.065	
	Domestic and Livestock	1	1	0.01	
	Domestic Expanded	2	3	0.0099	
	Domestic Including Lawn and Garden	2	2	0.01	
	Fish Culture	1	1	0.051	
	Industrial/Manufacturing Uses	1	1	0.14125	
	Instream Uses	1	1	0.05	
	Irrigation	37	38	60.01325	
	Irrigation And Domestic	3	3	0.61	
	Livestock	1	1	0.275	
	Municipal Uses	6	6	0.65565	0
	Pond Maintenance	1	1	0.051	
	Power Development	1	1	0	
	Recreation	1	1	0.051	
	Supporting Aquatic Life and Minimizing Pollution	1	1	30	
	Temperature Control	19	21	44.65960	4
Wildlife	1	1	0.051		
<b>Totals</b>				<b>276.73365</b>	<b>9,278.325</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river's existing condition and protect the identified Outstandingly Remarkable Values. With designation, BLM's management presence would increase. Designation of the river segment would coincide with the low intensity of recreational management already proposed for the area. Planning for recreation sites and facilities would complement designation and would ensure the continued availability of recreation opportunities occurring in this river segment, including hunting and dispersed camping. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

#### Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

#### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated. Through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely would not be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

#### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however,

valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

**Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the South Fork Little Butte Creek segment was added to the National Wild and Scenic Rivers System, the USFS would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

BLM would not pursue land acquisition from willing sellers within the river corridor. Because the majority of the land within the segment is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No cost analysis or estimate was prepared as a part of this study.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances.

Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river’s outstandingly remarkable values and preventing incompatible development.**

Jackson County has designated the following land use zones along the river corridor:

- Forest Resource (51%)
- Exclusive Farm Use (42%)
- Woodland Resource (6%)
- Open Space Reserve (>1%)

The western end has more Exclusive Farm Use districts while the eastern end is dominated by Forest Resource zones. Other smaller zones are intermittently scattered along the center of the river corridor.

The purpose of the Exclusive Farm Use district is intended to conserve agricultural land and implements the Oregon Agricultural Land Use Policy.

The purpose of Forest Resource and Woodland Resource districts are intended to conserve forest lands.

Additional zoning definitions: <http://www.co.jackson.or.us/Files/Chapter%205.pdf>

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

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### **Criteria 10: The existing support or opposition of designation.**

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A summary of the key findings from this outreach effort can be found at:

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The BLM did not receive any comments specific to South Fork Little Butte Creek during this multi-phased outreach effort.

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concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The South Fork Little Butte Creek originates on the Rogue River-Siskiyou National Forest and runs downstream through private and BLM lands. The Rogue River-Siskiyou National Forest did not study their segment of the River for eligibility in the Wild and Scenic River system. The BLM determined that a 24.4 mile segment is eligible, including a majority of the segment on USFS lands. With BLM’s finding of eligibility, the FS indicates that they may study the river for eligibility at a later date. Agencies would collaborate in the process. The Forest Service feels that the potential future designation should not deter from its plans, programs, and policies in meeting regional objectives, as they would be involved in the planning process. The Forest Service and Bureau of Land Management follow management prescriptions of the Northwest Forest Plan. Management actions should be consistent.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in May 2006 by the Medford District Bureau of Land Management which covers the South Fork Little Butte Creek Watershed. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

A Water Quality Restoration Plan was completed in May 2006 by the Medford District Bureau of Land Management which covered the North and South Forks Little Butte Creek Key Watershed. Even without designation as a W&SR, BLM's long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in the North and South Forks Little Butte Creek Key Watershed. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

### **Criteria 12: The contribution to river system or basin integrity.**

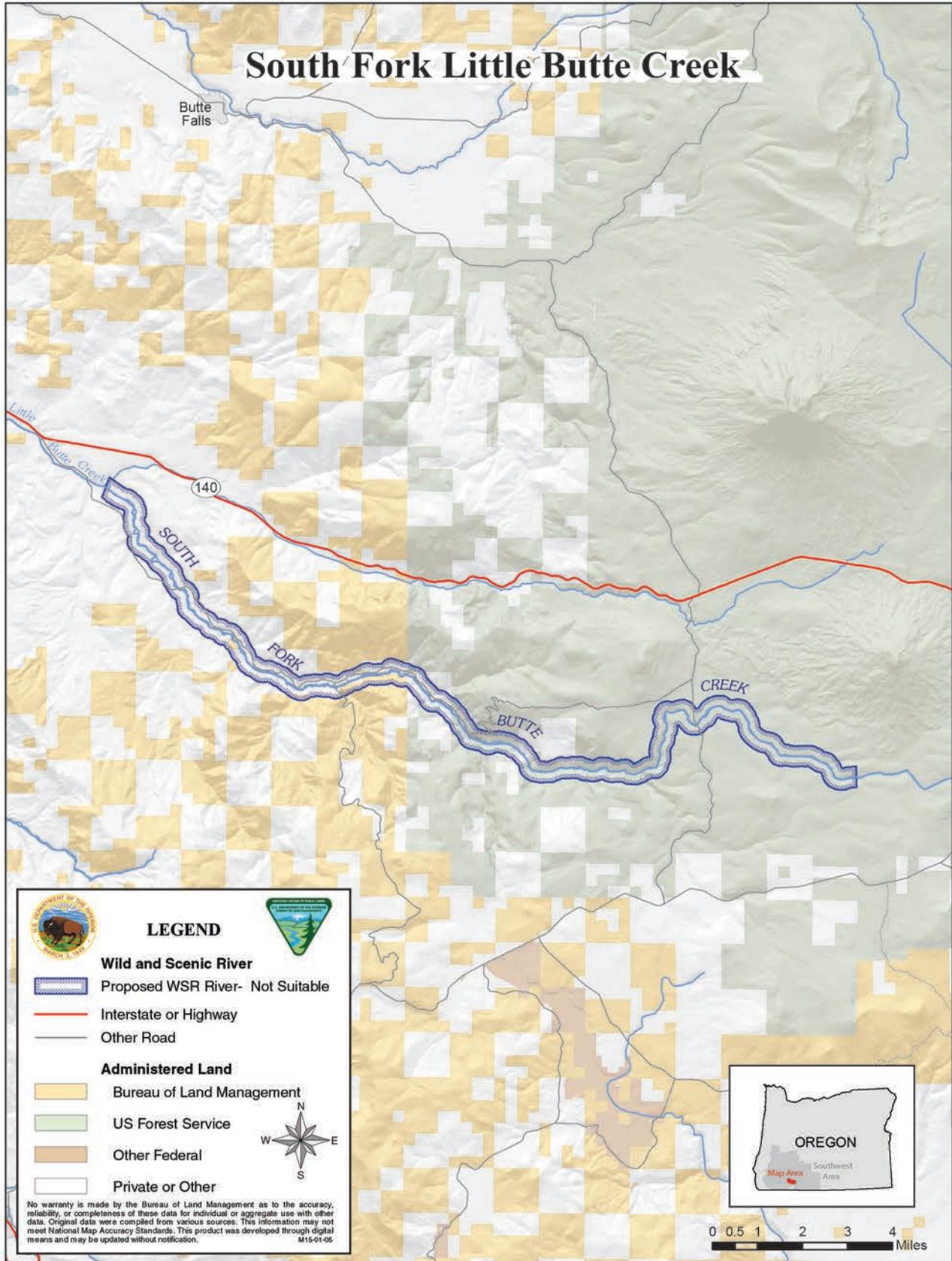
There are no designated Wild and Scenic Rivers within the South Fork Little Butte Creek watershed nor have there been any legislative proposals for additional federal protection of South Fork Little Butte Creek or its tributaries.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## South Fork Little Butte Creek Suitability Determination

Based on the information contained in this study, the BLM Medford District finds South Fork Little Butte Creek to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. First, the BLM-managed portions of the segment are fragmented. The BLM manages 1.3 of the total 24.5 miles of stream in this segment. The BLM does not control uses or activities on private lands, making effective management of this segment difficult. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be the best method for protection of the river's free-flowing condition, water quality, and outstandingly remarkable values.



## West Fork Illinois River Wild and Scenic River Suitability Determination

**Table 43.** West Fork Illinois River Wild and Scenic River suitability.

Segment Name:	West Fork Illinois River
Segment Description:	Oregon/Calif. state line downstream to 0.4 miles above the confluence with the East Fork Illinois River
Total Segment Length:	17.03 miles
Length on BLM Land:	4.19 miles
Total Segment Area:	5,248 acres
Area on BLM Land:	1,154 acres
Preliminary Classification:	Scenic
Outstandingly Remarkable Values (ORVs):	Scenery
Description of ORVs:	The eligibility determination for the West Fork Illinois River segment was made during the BLMs 1990 Land use planning study. In order to facilitate a better understanding of the river values, this report includes a description of the Scenic ORV.

### West Fork Illinois River Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

#### Outstandingly Remarkable Values

Scenery: West Fork Illinois River flows through a remarkably unique setting in Southern Oregon just north of the California border and south of the community of Cave Junction. The area contains relatively little development which is generally not obtrusively noted from the shoreline. The rugged, rocky landscape contains an above average diversity of plant life that is found in few places in Oregon due to the serpentine soils found here. Character and scenic value is outstanding for the whole segment listed as eligible, but increases with remoteness and scenic value as you travel southward. While serpentine soils do not generally support the dense evergreen forests found in many other portions of western Oregon, they do support a specially adapted and sensitive community of plants offering relatively open and beautiful views to mountainous landscapes dotted with Pine and Cedar stands of low to medium density.

Road access is generally available to many portions of the river segment for viewing, recreation or management purposes. These road systems do not significantly detract from the character of the landscape, yet allow for visitors to enjoy a range of views from vast to close up. Vast views generally do not include timber harvest units. Commercially harvested units known on Federal lands are currently not visible from the stream segment. Specific scenic interests visible are: *Darlingtonia* Bogs and Fens along roads and in flats along the river, wildflowers blooming in the wet serpentine soils well into the summer months, clear flowing waters of the river and tributaries running through a geologically rich and colorful



landscape. Some historic and active mining is evident to the area. Travelers might note historic Chinese built rock walls and tailings from the gold rush of the 1800s as they drive or hike. Recreation activities to the area include camping, hiking, swimming and sightseeing. There are trail systems in the vicinity which are designed for multi uses, such as horseback riding, bike riding, and in one instance extreme four wheeling. None of these managed trail systems detract from the overall scenery. Dispersed camping areas are available in some of the U.S. Forest Service and BLM managed lands along the river. One interpretive panel provides historical perspective by describing the historic mule and stagecoach route between the valley and Crescent City through these rugged mountains.

**Other River Values and Characteristics**

West Fork Illinois River Access and Development: Along the 24.5 mile West Fork Illinois River, four motorized bridges, two footbridges and at least three fording locations cross the river. Unlike many other river segments with parallel access, there are no roads that follow the river for more than a mile. Highway 199 is within a one quarter to one half mile and crosses the river twice. Access through the river corridor is by provided by private roads to rural residences. There are several businesses in the river corridor which include two campgrounds, two RV parks, Hiller’s Iron Works and the Rough and Ready Lumber Company. The northern end of the river is lined by private residences. At this location, there is ample evidence of off-road vehicle and mining activities throughout the landscape Cave Junction is the only community on the northern end. The dominate use on the southern end is mining with some forest management activity. The setting spans from rural to Roaded Natural from the north to the south end. In the Roaded Natural area, the landscape is generally natural with modifications moderately evident and concentration of users is low to moderate. In the Rural setting, the area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. Sights and sounds of man are readily evident, and the concentration of users is often moderate to high. Developments, roads, and trails are designed for moderate to high uses. The river appears to be in a free flowing state.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 17.03 mile segment is a combination of federal (BLM), private, and USFS lands. BLM manages 1,154 acres (22 percent) within the river corridor. The BLM manages 4.19 miles (24.6 percent) of shoreline. This segment is made up of seven total BLM parcels. Five BLM parcels cross the river for ownership on both sides. Two parcels have no contact with the streambed.

**Table 44.** Land ownership within the West Fork Illinois River corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	1,154.56	22.0%
Private	3,485.89	66.4%
USFS	607.98	11.6%

Current human use of the West Fork Illinois watershed includes dispersed recreation, timber production, mining, light industrial uses, tourism, harvest of forest products and agriculture. Recreational use of the area is dispersed and includes off-highway vehicle (OHV) use, hunting, mountain biking and horseback

riding. There are many non-designated trails and foot paths in the area. There is also evidence of historical uses of the watershed related mainly to mining. Cave Junction is the largest town in the watershed, with a population of 1,256. A considerable population also lives outside of the city limits on rural residential lands. The county ranks highly for owner occupied housing units. Josephine County has the smallest percentage of the land base in farms and only 24% of the land in the county is in private ownership. Employment is primarily in manufacturing, followed by the combination of health, education, and public administration, and then by retail and wholesale trade (Illinois Valley Community Response Team, no date). The historical dependence of resource extraction economy including logging and mining is apparent. Eco-tourism and new industrial centers have been targeted as primary goals in recent regional strategic plans for community development.

The Illinois Valley has been designated an Enterprise Community due to high unemployment, poverty and economic dependence on timber products. This has led to an infusion of federal and state grants for infrastructure and other aspects of economic development. Much of the economic development has taken the form of tourism, especially eco-tourism in the development of outdoor recreation opportunities. Highway 199 is the primary transportation route through the watershed, running north to south. Scattered residences and small businesses (Cave Junction) are located in the northern tip of the watershed. The town of O'Brien is located in the watershed, south of Cave Junction along highway 199, and includes a store, realty office, post office, restaurant and scattered residences. Rough and Ready Lumber mill is south of Cave Junction along highway 199. The West Fork of the Illinois River runs generally southwest to northeast within the watershed.

The Oregon State Water Resources Department records 48 water rights and 66 points of diversion on the 17 mile West Fork Illinois River from the Oregon/Calif. state line downstream to 0.4 miles above the confluence with the East fork Illinois River. Run date is June 1. Table 45 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 45.** Water right types, uses, points of diversion, and withdrawal rates.

Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
Ground Water	Irrigation	2	3	0.25	
Storage	Aesthetics	1	1	0	0.875
	Fish Culture	4	5	0	6.99
	Recreation	1	1	0	23
	Storage	3	3	0	5.99
	Wildlife	1	1	0	0.875
Surface Water	Anadromous And Resident Fish Rearing	2	2	131.5	
	Domestic	3	3	0.065	
	Domestic Expanded	3	4	0.03	
	Fish Culture	5	6	4.85	0
	Irrigation	29	32	8.26	3.58
	Recreation	2	2	0.5	



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	Supplemental Irrigation	1	1	0.31	
	Supporting Aquatic Life And Minimizing Pollution	1	1	50	
<b>Totals</b>				<b>195.765</b>	<b>41.31</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values)

The basic objectives of designation are to maintain the river’s existing condition and protect the identified Outstandingly Remarkable Values. With designation, BLM’s management presence would increase. Designation would enhance fish and wildlife populations by helping to preserve existing habitat. Bald Eagle and spotted owl habitat and nesting areas would continue to be protected under the Endangered Species Act and further enhanced by the National System. Designation would complement the goals and objectives of the local water conservation district.

Uses That Would Be Foreclosed by Designation

Designation would prohibit development of hydroelectric power facilities. Currently, there is no Federal Energy Regulatory Commission (FERC) application for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water right status and future applications may be limited with designation.

Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river’s Outstandingly Remarkable Values if the river were not designated. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration.

The scenic and wildlife values along this segment likely could be diminished or foreclosed if the segment was not designated. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished

or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the West Fork Illinois River segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

### **Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

### **Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

Acquiring private lands adjacent to this segment are not necessary under current private land ownership and management. If private ownership or management practices were changed to the detriment of the ORVs, acquisition of lands could become necessary.

The fish and wildlife values are covered by special management practices pursuant to other federal statutes. The cost of administering this area pursuant to the WSRA is likely to be similar to the cost of administering these other management practices already in place.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordinating with the Oregon State Parks division and the Oregon State Marine Board would assure compliance with State regulations for access, use and management of any future designated river. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

Josephine County has designated the following land use zones:

- Forest (66%)
- Residential (21%)
- Agriculture (6%)
- Serpentine (3%)
- Rural Commercial (2%)
- Industrial 2%

The Forest Commercial and Woodlot Resource Zones are intended to implement the Goals and Policies of the Josephine County Comprehensive Plan by conserving and protecting lands for forest uses. The Forest Zones are designed to provide a classification for commercial forest lands in private ownerships and for public lands administered by forest management agencies, encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards.

The State of Oregon regulates actions on many resources on private lands. Included are:

Oregon Department of Geology and Mineral Industries. Oregon requires that any mineral exploration that disturbs more than one surface acre or involves drilling to greater than 50 feet must obtain an exploration permit from the Oregon Department of Geology and Mineral Industries. Mining operations involving 5,000 or more cubic yards of material per year or disturbing one or more acres of land also requires an operating permit.

Oregon State Water Resources Department. ORPD's mission is to serve the public by promoting responsible water management. Goals are to directly address Oregon's water supply needs and to restore

and protect stream flows and watersheds to ensure long-term sustainability of Oregon's ecosystems, economy, and quality of life. ORPD is charged with carrying out the water management policies and rules and overseeing the enforcement of Oregon's water laws.

The federal government cannot manage or regulate private lands within designated wild, scenic, or recreational river corridor and has no zoning authority over these lands under the Act. The federal government's authority to influence private land management practices could be through land acquisition or exchange, or development of a cooperative agreement to achieve common goals.

### **Criteria 9: The State/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The Oregon Parks and Recreation Department (ORPD) has a mandate to identify and clarify public and private-sector outdoor recreation roles throughout the state. *SCORP 2008-2012 p 236* Besides providing recommendations to the Oregon State Park System for its own operations, administration, planning, development, and recreation programs, it also provides guidance for the Local Grant, County Opportunity Grant, Recreational Trails and All-Terrain Vehicle Programs. These programs extent onto private and public lands. The plan provides guidance for the Land and Water Conservation Fund (LWCF) program and information and recommendations to guide federal, state, and local units of government, as well as the private sector, in making policy and planning decisions. These programs have objectives and goals to preserve and protect natural, cultural or historic resources owned or managed by the state on private lands, or through cooperative agreements with private landowners.

The State of Oregon has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the Department of Environmental Quality (DEQ). Specific beneficial uses of Oregon's rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel

Oregon, the Umpqua Confederated Tribe, and the Mazamas. The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey.

A summary of the key findings from this outreach effort can be found at:

<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>

The BLM received 6 comments specific to the West Fork Illinois River, all in general support of Wild and Scenic River designation during this multi-phased outreach effort.

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability; however, they do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act, which states that timber on the O&C lands shall be managed with timber thereon sold, cut, and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. This Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of Federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The West Fork Illinois River originates on the Rogue River-Siskiyou National Forest and runs downstream intermittently through private and BLM lands. The Rogue River-Siskiyou National Forest did not study their segment of the River for eligibility in the Wild and Scenic River system. The BLM determined that a 17 mile segment is eligible, including a few miles of the segment on USFS lands. With BLMs finding of eligibility, the FS indicates that they may study the river for eligibility at a later date. Downstream from the West Fork Illinois River, the Rogue-Siskiyou National Forest manages the Illinois Wild and Scenic River. In 1984 Congress designated 50.4 miles as one of the most remote and inaccessible stretches of whitewater in the lower 48 States. (National Forest boundary to the Wild & Scenic Rogue River).

WSR Classifications include:

- Scenic—17.9 miles (Nat’l. Forest boundary to Briggs Ck.)

- Wild—28.7 miles (Briggs Creek to Nancy Creek)
- Recreational—3.8 miles (Nancy Creek to Rogue River)

Outstandingly Remarkable Values include:

- Water Quality
- Fisheries, Scenic
- Botanical
- Recreation.

Besides BLM and USFS, no other agency lands lie within the river corridor. The majority of land ownership along this river consists primarily of private land holdings. (66.4%) Current uses and private management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and uses identified in Question 1.

Environmental Protection Agency. The EPA, as part of the President’s “UNITED WE SERVE” Initiative has developed a program called: *Adopt Your Watershed*. It provides a toolkit for groups to serve their communities by taking part in activities to protect and restore local watersheds.

<http://water.epa.gov/action/adopt/index.cfm>.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

A Water Quality Restoration Plan was completed in February 2007 by the Medford District Bureau of Land Management, which covers the West Fork Illinois River Watershed. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in this area. The Plan identifies implementation strategies to achieve this goal.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation’s waters. The BLM is required to assist in implementing these two laws.

Specifically, the Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Passed in 1972, the act established the goals of eliminating releases of high amounts of toxic

substances into water, eliminating additional water pollution by 1985, and ensuring that surface waters would meet standards necessary for human sports and recreation by 1983. Adjacent landowners and communities have formed watershed councils. The general mission of each is similar by fostering and supporting the protection and enhancement of water quality for the local watershed, including enhancement of flora and fauna resources. Section 303(d) of the 1972 federal CWA requires states to develop a list of rivers, streams, and lakes that cannot meet water quality standards without application of additional pollution controls beyond the existing requirements on industrial sources and sewage treatment plants. Waters that need this additional help are referred to as "water quality limited". These water bodies must be identified by the Environmental Protection Agency (EPA) or by a delegated state agency. In Oregon, this responsibility rests with the DEQ.

### **Criteria 12: The contribution to river system or basin integrity.**

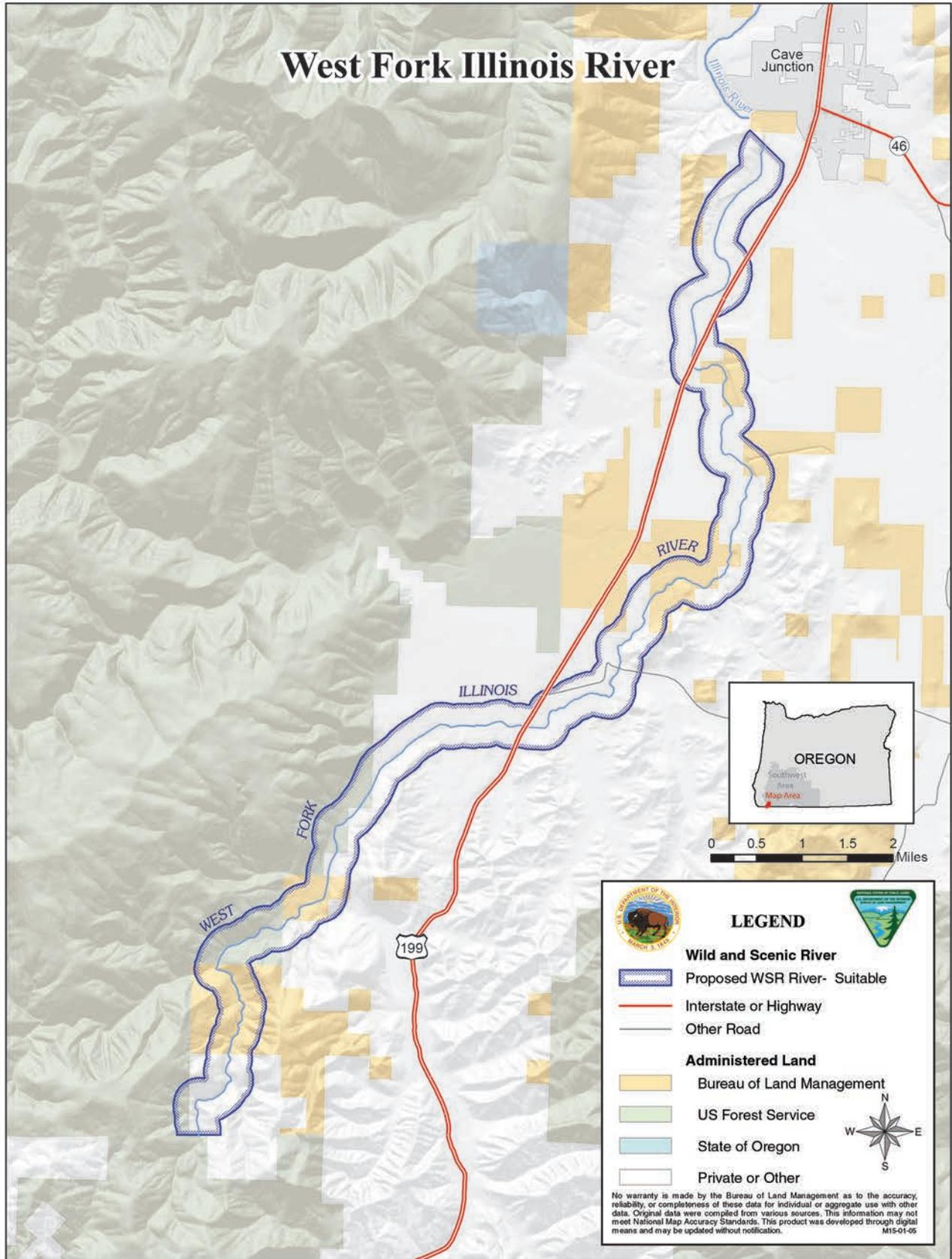
The Illinois River is a tributary, about 56 miles long, of the Rogue River in the U.S. state of Oregon. It drains part of the Klamath Mountains in northern California and southwestern Oregon. The river's main stem begins at the confluence of its east and west forks near Cave Junction in southern Josephine County. Its drainage basin includes Sucker Creek, which rises in the Red Buttes Wilderness, near Whiskey Peak on the California state line. The main stem flows generally northwest in a winding course past Kerby and through the Siskiyou National Forest and Kalmiopsis Wilderness. It joins the Rogue River from the south at Agness on the Curry–Josephine county line, 27 miles from the Pacific Ocean. The river's lower 50.4 miles, from where it enters the Rogue River – Siskiyou National Forest downstream from Kerby to its confluence with the Rogue River, were designated Wild and Scenic in 1984. Of this, 28.7 miles is protected as wild, 17.9 miles as scenic, and 3.8 miles as recreational.

### **Criteria 13: The potential for water resources development.**

No plans for significant water development in the segment were identified during this study.

## **West Fork Illinois River Suitability Determination**

Based on the information contained in this study, the BLM Medford District finds portions of the West Fork Illinois River to be **suitable for inclusion into the National Wild and Scenic Rivers System**. The portion that is found suitable is approximately four miles from the southern BLM boundary of section 9 (T41S R9W) north to the edge of the USFS boundary in section 27 (T40S, R9W). This section has generally contiguous federal ownership, less a small segment just north of section 9. The area to the south of section 9 is private land with developments adjacent to the river. The area to the north of the forest boundary is generally private land with increasing development as the river travels north. There are only two areas of federal ownership that the river passes through outside of the forest boundary. One is the Rough and Ready ACEC, which already provides a level of protection for the river corridor. The other area is a small parcel of BLM land adjacent to Highway 199. The river then travels north to more developed areas just outside of the town of Cave Junction. That entire segment was not found suitable. The BLM's land management authorities can adequately protect the federal lands in the river corridor, however, BLM does not have the authority to manage or protect ORVs on private lands. The State of Oregon may, in the case of many resources. Designation would provide a comprehensive framework for working with local governments to protect against land uses that are incompatible with ORVs.



## **Section 3: Roseburg District Wild and Scenic River Suitability Reports**

### **South Umpqua River Wild and Scenic River Suitability Determination**

**Table 46.** South Umpqua River Wild and Scenic River suitability.

Segment Name:	South Umpqua
Segment Description:	Tiller to confluence with North Umpqua River
Total Segment Length:	75.21 miles
Length on BLM Land:	1.35 miles
Total Segment Area:	23,564.21 acres
Area on BLM Land:	601.49 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Fish and Wildlife, Historical, Cultural
Description of ORVs:	The eligibility determination for the Umpqua River was made during the BLMs 1990 land use planning study. In order to facilitate a better understanding of river values, this report includes a description of the three ORVs for the South Umpqua River and are described in Question #1.

### **South Umpqua River Suitability Factor Assessment**

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

The South Umpqua River is a tributary of the Umpqua River, approximately 115 miles long. It drains part of the Cascade Range east of Roseburg. The river passes through a remote canyon in its upper reaches then emerges in the populated South Umpqua Valley east of Canyonville. It rises in the high Cascades north of Fish Mountain, formed by the confluence of two short forks in eastern Douglas County approximately 20 miles northwest of Crater Lake. It flows generally southwest through a remote canyon in the Umpqua National Forest to Tiller, then west past Milo and Days Creek. It emerges into the South Umpqua Valley at Canyonville, passing under Interstate 5 and flowing north along the highway past Tri-City, Myrtle Creek, and Roseburg. It joins the North Umpqua from the south to form the Umpqua approximately 6 miles northwest of Roseburg. It receives Cow Creek from the south approximately 5 miles southwest of Tri-City.

### Outstandingly Remarkable Values

Fish: The South Umpqua River historically supported healthy populations of resident and anadromous salmonid fish. Excellent fishing opportunities for resident trout and anadromous salmon and trout historically existed within the South Umpqua River. Winter steelhead and resident rainbow trout, fall and spring Chinook salmon, Coho salmon, sea-run and resident cutthroat trout and small-mouth and large-mouth bass have been documented using the South Umpqua watershed. Over the last 150 years, salmonids have had to survive dramatic changes in the environment.

Streams and rivers in the Pacific Northwest have been altered by European settlement, urban and industrial development, and land management practices. Modifications in the landscape and waters of the South Umpqua River Basin, beginning with the first settlers, have made the South Umpqua River less habitable for salmonid species. However, these species survived in spite of the naturally low stream flows and warm water temperatures that occurred historically within the South Umpqua River Basin. According to a 1991 report of the South Umpqua River, one salmonid stock is considered extinct, two salmonid stocks are at-risk of extinction, and two stocks were not considered at-risk.

The National Marine Fisheries Service (NMFS) designated the Oregon Coast coho salmon Evolutionary Significant Unit as a threatened species (Federal Register, Vol. 63, No. 153/Monday, August 10, 1998/Rules and Regulations. Additionally, the Magnuson-Stevens Fishery Conservation and Management Act of 1996 (Federal Register 2002) designated Essential Fish Habitat for fish species of commercial importance. Essential Fish Habitat consists of streams and habitat currently or historically accessible to Oregon Coast Chinook and Oregon Coast coho salmon, and is coincident with critical habitat designated for Oregon Coast coho salmon.

The Umpqua River cutthroat trout was listed in 1996 by NMFS as an Endangered species under the Endangered Species Act of 1973, as amended. The Umpqua River cutthroat trout was previously listed as endangered (61 FR 41414, August 9, 1996) and NMFS delisted the species on April 19, 2000, with concurrence from the U.S. Fish and Wildlife Service (Federal Register, Vol. 65, Number 81/Wednesday, April 26, 2000). The Pacific lamprey and the Umpqua chub are on the United States Fish and Wildlife Service (USFWS) list as Species of Concern and are considered to be Bureau Sensitive Species by the BLM (Manual 6840). These species have been documented as occurring in the South Umpqua River.

Most fish occur in the larger (third order or larger in size) and low gradient (less than two percent gradient) stream reaches. Anadromous fish use the lower gradient stream reaches for spawning and/or rearing. The low gradient stream reaches are also where the most of the agricultural lands are located. Livestock grazing and water withdrawals are prevalent and instream, complex fish habitat is limited. Fish distribution and populations are assumed to be at lower levels than prior to European settlement based on current habitat conditions. The Oregon State Parks publication “Recreation Values for Oregon Rivers” classifies the South Umpqua as outstanding for fishery related recreation.

Wildlife: Many wildlife species live in the different vegetation types present in the South Umpqua river corridor. The various vegetation types provide shelter, food, and habitat to many terrestrial vertebrate species and invertebrate species. The Northern spotted owl (NSO), American bald eagle, marbled

murrelet (west of Interstate 5 and on timbered private lands), Roosevelt elk and Columbia white-tailed deer are some of the larger known species to occur along the South Umpqua. In 2012, a Critical Habitat unit for the Northern Spotted Owl was designated within the river corridor. The overall wildlife value of this river segment is outstandingly remarkable.

The Oregon Department of Fish and Wildlife's Oregon Conservation Strategy has specifically listed key species along the South Umpqua. Some of these include the great-gray owl, northern goshawk, American marten, fisher, Northwestern pond turtles and larch mountain salamanders. The South Umpqua was also identified as an Oregon Biodiversity Conservation Opportunity Area.

Cultural: Over 50 pre-contact sites have been documented within the South Umpqua River corridor, though only one is located on BLM lands. The BLM-managed site is located east of Tiller and remains unevaluated. Many of the sites, while National Register eligible, are located on private land. Present-day Roseburg was also once the location of an Indian village. The outstandingly remarkable cultural values on the South Umpqua River are present, but are not on BLM land.

Historic: Several bands of Indians lived in the Umpqua River valley at the time of first contact between indigenous populations and Euro-Americans including the Siuslawan, or Penutian-speaking Lower Umpqua people in the area from present-day Scottsburg/Wells Creek to the coast; the Yoncalla-speaking Kalapuyan people (related to the Kalapuya people in the Willamette Valley) in the north part of the watershed; Athabaskan-speaking Umpqua, or Upper Umpqua people in the lower reaches of the north and south Umpqua basin; Molallan, or Penutian-speaking Southern Molalla Indians in the upper areas near the western Cascades; and the Takelman-speaking Cow Creek Band of Umpqua in the South Umpqua River drainage.

The 1800s marked the arrival of fur trappers and settlers into the South Umpqua River Valley. Exploration of the Umpqua Valley by fur trappers from the Hudson's Bay Company began around 1820. Settlers transformed the life and countryside of the area and began shaping it into its current condition. Lindsay Applegate surveyed the area in 1846 searching for a new route that emigrants from the south could use to reach the Willamette Valley. The discovery of gold brought miners to southern Oregon by 1851. A ferry operated at Days Creek in the late 1800s, until a bridge was constructed over the South Umpqua River. The first sawmill opened around 1853. In 1873, Pickett and Wilson opened two saw mills on Canyon Creek; one produced 300,000 board feet and the other 200,000 board feet of lumber annually.

The Oregon and California railroad reached Roseburg in 1872, providing transportation of goods and people to the north. Ten years later, in 1882, railroad construction was completed to the community of Riddle. By 1889, completion of a rail line south of Riddle through the Cow Creek canyon allowed access to markets in southern Oregon and California. The introduction of rail service allowed agriculture to have more influence on the local economy. In 1905, Duncan and Ross established a mill in Canyonville producing 283,000 board feet annually. Another sawmill was operated by Mr. Bailey upstream from the town of Days Creek. Abundant amounts of fir, cedar, and sugar pine grew along the creeks providing for a rich timber economy. State officials approved construction of the Pacific Highway in 1915, which improved the Oregon-California Stage line road from Portland to Sacramento. By 1924, the Pacific Highway was paved through Douglas County, allowing all-weather travel. After World War II, timber production became the major influence on the landscape

in the South Umpqua Watershed. The increased demand for lumber to build houses and the construction of Interstate 5 through Douglas County in the 1950s facilitated a marked increase in timber harvesting. During this period, the BLM, Forest Service, and private timber companies built many roads into their timbered lands.

At least eleven National register sites are located in the towns of Roseburg, Myrtle Creek, and Canyonville. Although some of them may be outside the corridor, several are definitely within the corridor. These include the Mill-Pine district, the Parrott House, and the Flowed House. Because of the rich historic values of the river corridor, the area is considered outstandingly remarkable; however, none of these sites are located on BLM land.

**Other River Values and Characteristics**

Scenic: The South Umpqua River flows through a narrow U-shaped canyon in its upper reaches which widen out into broad U-shaped and flat valleys east of Canyonville. It enters a canyon again at Canyonville which again broadens out to a system of alternating broad valleys and U-shaped canyons until it reaches its confluence with the North Umpqua. Almost the entire river is paralleled by either Interstate 5, Highway 99 or the South Umpqua Highway. There is one covered bridge along the South Umpqua Highway at Milo that adds to the charm of the corridor. Although, the river and canyon is scenic and very pleasant to view, the scenic qualities are not outstanding.

Recreation: Most of the recreational use along the South Umpqua is angling, most likely used by locals with few visitors from outside of Douglas County. Other opportunities include swimming and recreational gold mining. Recreation use is relatively light however a marked increase in mining has occurred over the last few years. There are no developed recreation sites on BLM-administered lands and there are no specially designated Recreation Management Areas along the river corridor. The Douglas County Parks Department has a handful of developed parks and waysides along the river. Recreation values are considered to be less than outstandingly remarkable.

**Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 75.21 mile segment is a combination of federal (BLM), Bureau of Indian Affairs, private, and USFS lands (Table 47). BLM manages 1.35 miles (1.8 percent) of shoreline along the segment. Four parcels cross the riverbed for management on both sides. An additional ten BLM parcels in the corridor do not contact the riverbed. All of the parcels lie on the eastern third of the river between Myrtle Creek and Tiller. There are 14 BLM parcels total. BLM manages 601.49 acres (2.6 percent) within the river corridor.

**Table 47.** Land ownership within the South Umpqua River corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	601.49	2.6%
Bureau of Indian Affairs	117.93	0.50%
Private	22831.49	96.8%
USFS	13.30	0.05%

The dominant human uses in the watershed area have been timber production, transportation, agriculture, recreation, and service-related activities. The most recent economic development within the corridor is the Seven Feathers Casino and Resort. There are no treaty rights on BLM-administered land in the watershed, although, individual tribal members of the Cow Creek Band of Indians may use the area. Much of the land along the South Umpqua River is used for agricultural and livestock purposes. In the agricultural areas, many tributaries of the South Umpqua River have been straightened or had their flow patterns altered. Most of the native vegetation has been replaced with low growing vegetation, which are generally grasses. Riparian areas may have deciduous trees along the stream banks.

The Oregon State Water Resources Department records 746 water rights and 1,115 points of diversion on the 75 mile South Umpqua River segment from Tiller to confluence with North Umpqua River. Run date is June 1. Table 48 below shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights.

**Table 48.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>
Ground Water	Irrigation	16	16	2.8584	
	Primary and Supplemental Irrigation	1	2	0.29	
Storage	Aesthetics	1	1		0.54
	Fire Protection	3	4	0	2.64
	Fish Culture	2	2	0	56.62
	Forest Management	1	1	0	3.6
	Industrial/Manufacturing Uses	7	15	0	511.7
	Irrigation and Domestic	1	10	0	4.4914
	Livestock	15	42	0	19.1988
	Multiple Purpose	5	6		14.11
	Pollution Abatement	4	5	0	1.432
	Recreation	6	7	0	2.572
	Storage	6	9	0	443.894
Wildlife	9	26	0	24.744	
Surface Water	Anadromous and Resident Fish Habitat	1	1	168	
	Commercial Uses	3	3	0.078	
	Domestic	54	57	1.9869	0
	Domestic Expanded	12	15	0.1372	0
	Domestic Including Lawn and Garden	11	11	0.16	
	Fire Protection	3	3	0.16	

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Water Right Type	Use	Water Rights	PODs	Rate Sum (CFS)	Area Sum (Acre Ft.)
	Fish Culture	1	1	0.25	
	Human Consumption	5	5	0.022	
	Industrial/Manufacturing Uses	20	21	15.78	
	Irrigation	573	686	113.4258	699.38
	Irrigation and Domestic	7	7	0.362	
	Irrigation, Livestock and Domestic	1	2	0	
	Livestock	28	50	1.045	0.3
	Municipal Uses	11	11	13.63	
	Pond Maintenance	2	3	1.544	
	Primary and Supplemental Irrigation	5	69	1.974	
	Quasi-Municipal Uses	4	6	1.874	365
	Recreation	1	1	0	
	Storage	1	1	0	199
	Supporting Aquatic Life	6	6	975	
	Wildlife	2	3	0.2	
<b>Totals</b>				<b>1,298.7773</b>	<b>2,349.2222</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

There are 14 segments between Tiller and Roseburg that consist of State lands open to suction dredging. DEQ and Oregon State Lands dredging permits are valid on the South Umpqua with a two month season between July 1 and August 31. Gold mining activities are steadily increasing with a long history of gold mining in this area.

Access and Development: Along the 75 mile South Umpqua River, 28 transportation bridges and one railroad bridge cross the river. Most bridges span the full river width, but some may have support piers within the river channel. Public access to the river occurs where Federal, State or County lands span the river bed. Otherwise, legal access may be deterred by private or industrial ownership. Paved, public roads are maintained by Federal (Interstate 5), State, Douglas County and the BLM. Communities along the river study area include: Tiller, Milo, Canyonville, Tri-City, Myrtle Creek, Winston, Green and Roseburg. A large number of agricultural, transportation, residential and business developments lie within the river corridor. These human influences and alterations are readily seen from the river.

The corridor is predominantly rural interface with some urban developments within city limits. The area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users in certain areas is often moderate to high. Developed sites, roads, and trails are designed for moderate to

high uses within the urban areas. Very few developments occur east of Canyonville. For most of its length, the corridor is dotted with private residences, farms and cleared lands for crops and livestock. There is one private airstrip within the study corridor. Dispersed, undeveloped day-use sites can be seen along the river's edge. The river is adjacent to lands under active forest management including private timber companies and BLM lands. The river segment is free flowing with the exception of support piers under bridges.

### **Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

#### Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values):

The basic objectives of designation are to maintain the river's existing conditions and to protect the identified Outstandingly Remarkable Values. With designation, BLM's management presence would increase.

Scenic qualities would be enhanced as more restrictive timber harvesting practices on federal land would be implemented. Construction projects occurring within the corridor would have more restrictive measures in place to protect visual quality. With designation, the BLM system to protect visual quality (Visual Resource Management) would be at a higher management class thereby requiring projects to meet higher standards of form, line, color and texture.

Fish and wildlife populations would be enhanced by helping to preserve existing habitat. Bald Eagle and Northern spotted owl habitat and nesting areas would continue to be protected and enhanced under the Endangered Species Act and WSR designation. Designation would complement certain goals and objectives of the two local water conservation districts.

Cultural and historic values would not change by either designation or non-designation since these values are already protected by other federal and state laws that are not dependent upon WSR designation (see question criteria 9 for these laws).

#### Uses That Would Be Foreclosed by Designation:

Designation would prohibit development of hydroelectric power facilities. Currently, there are no Federal Energy Regulatory Commission (FERC) applications for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water rights status and future applications may be limited with designation.

#### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral

Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

Designation would limit the types of road maintenance activities that occur on BLM-administered land that may have a direct and adverse impact on in-channel conditions. It is expected that river designation would lead to more stringent road, design and maintenance requirements.

Projects such as forest management, discretionary ROW approvals and recreation development on BLM-administered land could be limited or foreclosed if the projects degrade river values (ORV's, free flowing, water quality).

In-channel projects on private land that have direct federal involvement (such permitting or funding) would require evaluation under the "direct and adverse" standard of WSRA section 7. Projects such as bank stabilization, bridge replacement or utility construction could be limited or foreclosed based on this evaluation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration. Other management requirements and tools (discussed in #9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the South Umpqua river segment was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within this boundary, unless Congress designated another agency.

**Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time it is not expected that state or local agencies would share in the costs of river administration.

**Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

Administrative Costs: It is not expected that Wild and Scenic River designation would substantially increase management costs in this river corridor due to the present costs of complying with existing federal laws and policies. Potential management activities associated specifically with WSR management could include water quality sampling, targeted monitoring activities and preparation of section 7 determinations for in-channel projects. No detailed cost analysis or estimate was prepared as part of this study. There is likely to be some increased cost of administering the area if designated. Currently, there are limited recreation facilities designed to meet the needs of users. Additional infrastructure and maintenance resources could potentially be required to accommodate the increased visitation that would likely result from designation. Facilities that may be required on BLM lands include boat ramps, campgrounds, interpretation sites, trail heads, and trails.

Land Acquisition: At this time, it is not expected that the BLM would pursue land acquisition from willing sellers. Because the majority of the land within the segment corridor is privately owned, it would be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No detailed cost analysis or estimate was prepared as part of this study.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordination with several subdivisions of the state of Oregon, including the Department of Environmental Quality (DEQ) would be pursued should the river be designated. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department

(OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

### **Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

The entire South Umpqua River lies within Douglas county. Local zoning within this river corridor county is predominately Exclusive Farm Use Grazing (23%). In addition, the following zoning types and percentages for this river segment are outlined below.

- Farm - Forest (23%)
- Exclusive Farm Use - Cropland (14%)
- Rural Residential - 2 (10%)
- Timberland Resource (6%)
- Urban City Limits of Myrtle Creek, Canyonville, Winston, Roseburg (6%)
- Rural Residential - 5 (6%)
- Heavy Industrial (3%)
- Agriculture and Woodlot (3%)
- Public Reserve (2%)
- Tourist/ Community/ General Commercial (1%)
- Rural Community Commercial (<1%)
- Multiple Family Residential (<1%)
- Residential-High Density and Professional Office (<1%)
- Rural Residential - 1 (<1%)

In general, smaller zones lie near the communities of Myrtle Creek, Canyonville, Winston and Roseburg. Percentages are approximate. Breakdowns of zoning in the urban city areas have not been specified.

The purpose of the Exclusive Farm Use - Grazing zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grazing, rangeland and other less intensive agricultural uses.

The Farm - Forest Classification is intended to promote management, utilization, and conservation of forested grazing lands, lands which might not be forested but have such potential, and non-tillable grazing lands adjacent to forested lands. The purpose of this classification is to encourage sound management practices on such lands for agricultural or forest resource uses, including but not limited to: watershed management; recreation; fish and wildlife management; and agricultural activities consistent with sound

forest and agricultural management practices, to retain lands within this district for farm and forest use, protecting such land from non-resource use and conflicts.

The purpose and intent of the Exclusive Farm Use - Cropland zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grain-lands, croplands and horticultural areas.

Further permitted uses and restrictions can be found on the Douglas County Website at:

[http://www.co.douglas.or.us/planning/Plan\\_docs/LUDO/Ch3\\_2.pdf](http://www.co.douglas.or.us/planning/Plan_docs/LUDO/Ch3_2.pdf)

### **Criteria 9: The State/local government’s capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of local, state, and governmental agencies; and commercial, private, and nonprofit entities have a role in planning for, providing, and managing recreation and open space resources and services in the state of Oregon.

The State of Oregon, through the Department of Environmental Quality (DEQ), has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the DEQ. Specific beneficial uses of Oregon’s rivers and streams include municipal drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life. The South Umpqua River was previously listed by DEQ as a 303d impaired water quality for temperature, pH, dissolved oxygen, and bacteria. The Umpqua Basin TMDL was approved by EPA on 4/12/2007 and now covers these listings. The South Umpqua River still has other 303d listings for sedimentation, cadmium, and arsenic that are not yet covered by a TMDL. Also, at least one health advisory has been issued by the Oregon Harmful Algae Bloom Surveillance program.

The Oregon Forest Practices Act does contain provisions that provides for protection of water resources including fisheries and water quality, some wildlife species and the ‘screening’ of logging activities along Scenic byways. State and local officials have the capacity to protect cultural and historic resources along the river corridor from looting, destruction, and sale on state and private land as codified in the Oregon State Regulations including 1) Archaeological Objects and Sites (ORS 358.905-358.955), 2) Scenic Waterways (ORS 390.805-390.925), 3) and Conservation Easement (ORS 271.715-271.795). The second and third statutes are specific to protecting resources in the river corridor.

- Archaeological Objects and Sites (ORS 358.905-358.955) - law provides definitions of archaeological sites, 75 years of age or older, significance, cultural patrimony; prohibits the sale and exchange of cultural items; or damage to archaeological sites on public and private lands. Items of cultural patrimony or associated with human remains are protected everywhere, unless the activity is authorized by an archaeological excavation permit.

- Scenic Waterways (ORS 390.805-390.925) - establishes a state policy that protects historic and archaeological sites that are located adjacent to designated scenic waterways (i.e., rivers or lakes) from destruction due to the building of dams, construction, mining, etc.
- Conservation Easement (ORS 271.715-271.795) - permits agencies to help in protecting lands with special natural or cultural features and provides tax incentives to private landowners who agree to restrict their use of such lands.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas.

The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey. The majority of public comments specific to the South Umpqua River were supportive of Wild and Scenic River designation.

A summary of the key findings from this outreach effort can be found at:

<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability, however, do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act which states that timber on the O&C lands shall be managed with timber thereon sold, cut and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. The Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon Rivers to the Wild and Scenic Rivers Act. However, this river is not identified; **therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production. (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013)

Douglas Timber Operators (DTO) is a community-supported forest products organization whose mission is to actively promote timber harvest, reforestation and production of forest products on public and private timberlands, and the enhancement of healthy forest ecosystems, through multiple use forest management.

Based in Douglas County since 1968, DTO would not likely support suitability determinations or designation of any river in the County.

**Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The eastern end of the BLM segment of the South Umpqua River borders the USFS boundary near Tiller, Oregon. The headwaters of the South Umpqua River originate on the Umpqua National Forest. The Forest analyzed rivers in 1988 for possible eligibility for Wild and Scenic River designation, including 26 miles of South Umpqua River from the confluence of Black Rock and Castle Rock Fork to Elk Creek (7,500 acres of National Forest, 120 acres on BLM, and 650 acres of private lands). The river was determined to be “not eligible” because it did not contain any “outstandingly” remarkable values. It was dropped from further study.

The BLM conducted eligibility determinations in 1994. BLM findings differed from the USFS findings performed in 1988 in that the ORVs identified in question 1 were determined. The Umpqua National Forest and Roseburg District, Bureau of Land Management manages lands under the Northwest Forest Plan. In addition, other laws, statutes, regulations and orders are common to both agencies. Consistency of any potential BLM designation with USFS plans, programs and policies would therefore be met.

A Water Quality Restoration Plan was completed in March 2, 2001 by the Roseburg District Bureau of Land Management which covered the South Umpqua Watershed. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in the South Umpqua basin. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

The Bureau of Indian Affairs (BIA) manages 118 acres within the South Umpqua River corridor. BIA’s mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives. According to BIA, a designation of Wild and Scenic to the associated lands managed within this river segment would be an improper overlay to these trust lands as they are held in trust for the benefit of Tribes and/or individual tribal members. Such a designation would thus be inconsistent with the BIA’s mission.

Oregon Department of Environmental Quality: DEQ is the state of Oregon agency responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by the DEQ as a ‘Designated Management Agency’ for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Agreement with the DEQ that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency’s MOA.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures which may adversely affect their production, economic stability or social goals.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

### **Criteria 12: The contribution to river system or basin integrity.**

There is one designated Wild and Scenic River within the Umpqua River watershed (North Umpqua River, designated in 1988). There are no current legislative proposals for additional federal protection of the Umpqua River or its tributaries. The North Umpqua has also been designated a 'Salmon Stronghold' river, a rare and unique designation within the state of Oregon. A key watershed that has been identified that contributes to basin integrity for water quality that feeds into the South Umpqua is Jackson Creek.

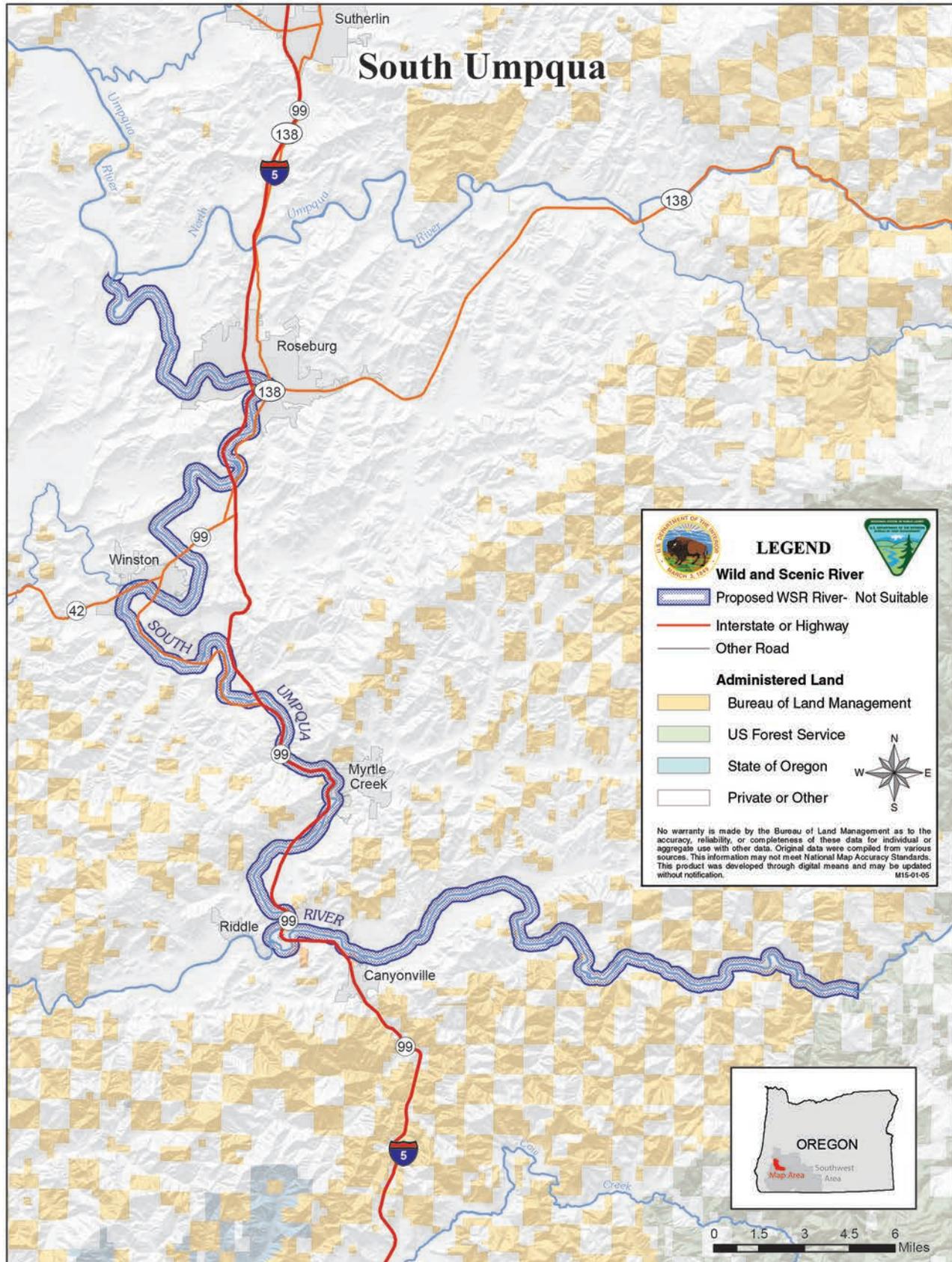
Designation of the South Umpqua would contribute little, if any to basin integrity due to the majority of the lands along the South Umpqua being in private ownership.

### **Criteria 13: The potential for water resources development.**

No plans for water resource projects in the Umpqua were identified during this study, however, the proposed Pacific Connector Gas Pipeline project would bisect the river segment in multiple locations. The potential for a hydropower facility along the South Umpqua is non-existent though there is the potential for bridge construction and bridge replacement projects.

### **South Umpqua River Suitability Determination**

Based on the information contained in this study, the BLM Roseburg District finds the South Umpqua River to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. The BLM-managed portions of the segment are fragmented and the overall percentage of federal ownership within the river corridor is extremely low. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be best method for protection of the river's free-flowing condition, water quality and outstandingly remarkable recreation values.



## Umpqua River Wild and Scenic River Suitability Determination

**Table 49.** Umpqua River Wild and Scenic River suitability.

Segment Name:	Umpqua River
Segment Description:	Confluence of North and South River Forks (Roseburg District) to District boundary at Kellogg; Continuing from Kellogg to mouth of Umpqua River (Coos Bay District)
Total Segment Length:	109.48 miles
Length on BLM Land:	17.99 miles
Total Segment Area:	34,840.53 acres
Area on BLM Land:	2,402.94 acres
Preliminary Classification:	Recreational
Outstandingly Remarkable Values (ORVs):	Roseburg District: Scenic, Recreational, Fish and Wildlife, Historical, Cultural  Coos Bay District: Scenic, Recreational, Geological, Fish and Wildlife, Historical, Cultural.  Other: Ecological
Description of ORVs:	The eligibility determination for the Umpqua River was made during the BLMs 1990 Land Use Planning study. In order to facilitate a better understanding of river values, this report includes a description of the seven ORVs for the Umpqua River.

### Umpqua River Suitability Factor Assessment

**Criteria 1: Characteristics that do or do not make the river a worthy addition to the National Wild and Scenic River System.**

The entire Umpqua River is approximately 111 miles long in Oregon. One of the principal rivers of the Oregon Coast and known for outstanding fisheries, the river drains an expansive network of valleys in the mountains west of the Cascade Range and south of the Willamette Valley, from which it is separated by the Calapooya Mountains. From its beginning, at the confluence of the North and South Umpqua Rivers northwest of Roseburg, the Umpqua flows northwest through the Oregon Coast Range and empties into the Pacific Ocean at Winchester Bay. The Umpqua River is the second largest river flowing into the Pacific Ocean in Oregon, with the Columbia being the largest. It is one of four major rivers in Oregon that start in or east of the Cascade Range and reach the Pacific Ocean. The Umpqua River has the third highest flow of all rivers flowing completely within Oregon, after the Willamette and Santiam Rivers.

The river basin systems within the Upper Umpqua watershed originate in numerous steep, headwater streams that are fed by snowmelt, rain events or ground water springs. It is important because it carries cool water, nutrients, and organic matter downstream. (*Upper Umpqua Watershed Analysis, April 2002*)

There are a total of seven Outstandingly Remarkable Values associated with the Umpqua River: Scenic, Recreational, Geological, Fish and Wildlife, Historical, Cultural and Ecological. Geological and Ecological are specific to the Coos Bay District. They are described in detail below.

### **Outstandingly Remarkable Values**

**Fishing:** The Umpqua boasts very good runs of salmon, steelhead and shad. Sturgeon, small-mouth bass and striped bass are also popular fisheries. Angling from a drift boat is the most popular method above Scottsburg and from a jet boat below Scottsburg. Anglers have many opportunities to launch watercraft from numerous County or BLM managed boat ramps.

**Recreation:** Below are some of the more popular recreation activities that take place along the Umpqua River.

**Boating:** Little whitewater exists along the Umpqua so little rafting takes place. There is some canoe and kayak use along the river. Drift boats above tidewater and jet boats below tidewater dominate watercraft usage on the river as they search for fish. It is anticipated that a currently proposed water trail on the Umpqua would increase not-motorized boat use.

**Camping:** The Tyee Recreation Site (Roseburg BLM) is located along the Umpqua. The site has a has fifteen campsites, a Day-use area, and a reservable pavilion for groups up to 50 people. The campground is very popular during the summer, especially during holidays and weekends. Eagleview Group Campground (Roseburg BLM) is one mile below Tyee and is a reservable campground for groups up to 100 people. Both campgrounds have river access and during the summer, large groups of people are found recreating in the river.

**Water Play:** Popular seasonal activities on the Umpqua are tubing and swimming. Countless swimming holes are located on the river. Ledges at Yellow Creek are used for jumping and diving into river pools and receive heavy use during the summer.

**Driving for Pleasure:** The Umpqua River Scenic Byway (State Highways 138 and 38) parallels the Umpqua River for approximately 56 miles. The Byway is a main route for travelers to get from Interstate 5 to the Pacific Coast. Travelers enjoy views of the river and diverse flora and fauna that exist.

**Other recreational opportunities:** The Dean Creek Elk Viewing Area (Coos Bay BLM) along the Byway allows opportunities to view a resident population of 60 to 100 Roosevelt elk. The proposed Devil's Staircase Wilderness forms a portion of the northern boundary of the river between Scottsburg and Reedsport. There are also nine wineries along the Byway for wine connoisseurs. Numerous picnicking locations and countless photograph opportunities abound.

Overall, the recreational values on the Umpqua River are outstandingly remarkable.

**Scenic:** The Umpqua River flows east to west starting at the confluence of the North Umpqua and South Umpqua Rivers just west of Roseburg. The start is located within the broad, flat Garden Valley and enters a canyon northeast of the unincorporated town of Umpqua into the Coastal Mountain Range, and terminates at the Pacific Ocean. The canyon varies from narrow U-shaped to broad U-shaped. The dense forests along the byway provide a changing visual scene from verdant greens in the spring and summer, to a kaleidoscope of reds and yellows in the fall. High quality scenic viewing of the river is afforded along Tyee Road and Highway 138 from Roseburg to Elkton, and then Highway 38 from Elkton to the Pacific Ocean. Additionally, 56 miles of highway along the Umpqua has been designated as a state scenic byway; the Umpqua River Scenic Byway.

At the mouth, large ocean swells and waves and views of the Pacific Ocean are visible. The sand dunes on the north side of the river, within the Oregon Dunes National Recreation Area, are unique to the Umpqua River. Vegetation along most of the river is typical of the Douglas-fir and riparian species seen throughout western Oregon. A state of Oregon Heritage Tree (Hinds Walnut) is also found along the Byway.

**Fish and Wildlife:** The Umpqua is noted as having outstanding anadromous fish runs. It is a superb fishery having runs of spring and fall Chinook, winter and summer steelhead, Coho salmon, cutthroat trout, sturgeon, shad and striped bass. Warm water fish include crappie, bluegill, large- mouth and small-mouth bass and yellow perch. Other fish species present include brown and rainbow trout. The Oregon State Parks classifies the Umpqua as having outstanding fishery related values. The lower end of the river hosts many species of freshwater and saltwater fish, as well as clams, crab and ghost shrimp.

The National Marine Fisheries Service (NMFS) designated the Oregon Coast Coho salmon Evolutionary Significant Unit as a threatened species (Federal Register, Vol. 63, No. 153/Monday, August 10, 1998/Rules and Regulations). The Umpqua River cutthroat trout was previously listed as endangered (61 FR 41414, August 9, 1996). The National Marine Fisheries Service delisted the species on April 19, 2000, with concurrence from the U.S. Fish and Wildlife Service (Federal Register, Vol. 65, Number 81/Wednesday, April 26, 2000). Additionally, the Magnuson-Stevens Fishery Conservation and Management Act of 1996 (Federal Register 2002) designated Essential Fish Habitat for fish species of commercial importance. Essential Fish Habitat consists of streams and habitat currently or historically accessible to Oregon Coast Chinook and Oregon Coast coho salmon, and is coincident with critical habitat designated for Oregon Coast coho salmon.

The Pacific lamprey and the Umpqua chub are on the United States Fish and Wildlife Service (USFWS) list as Species of Concern and are considered Bureau Sensitive Species by the BLM (Manual 6840). Both fish species have been documented as occurring in the Umpqua River.

Several bald eagle, osprey, and peregrine falcon nest sites are located along the river. In the Roseburg District, there are approximately 3,360 acres designated for bald eagle habitat management, under the Umpqua River Corridor Habitat Management Plan. A variety of birds and terrestrial wildlife, including spotted sandpipers, mergansers, and river otters can be observed along the river. Harbor seals are frequently seen in the lower segment of the river. While not unique to bays and estuaries, they are rare in the National Wild and Scenic River system.

Overall, the fish and wildlife values on the Umpqua River are outstandingly remarkable.

Cultural: The Umpqua River has been a major transportation corridor cutting through the Coast Range for as long as people have lived in the region. Prior to contact between indigenous populations and Euro-Americans, the Umpqua Indians lived along the main stem of the river from Scottsburg to the north and south forks. The wide river terraces, which later drew ranchers to this area, were initially occupied by indigenous peoples for millennium.

*Roseburg District*: Eight prehistoric sites have been recorded on the main stem between the forks and Elkton. Two of these, 35DO147 and 35DO905, have been evaluated and are considered eligible for inclusion in the National Register because of their importance for interpreting regional prehistory. Another site, 35DO393, was the place of an indigenous burial. The site of the original burial and the nearby location where the remains were recently re-interred continue to be sacred to contemporary Indian tribes. The other sites include rock-shelters, one with pictographs, and river's edge campsites. Although not formally recorded, several other locations along the main stem are known to contain information important to the interpretation of regional prehistory.

*Coos Bay District*: Seven sites including one which has had considerable excavation results published are known to exist along the lower stem of the Umpqua River. One site is unique because of religious use and the existence of pictographs and petroglyphs.

The cultural values of the Umpqua River are outstandingly remarkable.

Historic: At the advent of the historic era, several bands of Indians lived in the Umpqua River valley: the Siuslawan, or Penutian-speaking Lower Umpqua people in the area from present-day Scottsburg/Wells Creek to the coast; the Yoncalla-speaking Kalapuyan people (related to the Kalapuya people in the Willamette Valley) in the north part of the watershed; Athabaskan-speaking Umpqua, or Upper Umpqua people; Molallan, or Penutian-speaking Southern Molalla Indians in the upper areas near the western Cascades; and the Takelman-speaking Cow Creek Band of Umpqua.

In 1819, North West Company fur trappers arrived in the Umpqua Valley and trapped beavers along the Umpqua River for several decades. In 1836, the Hudson's Bay Company built Fort Umpqua, to capitalize on the burgeoning fur trade. The fort was established at what is now present-day Elkton, adjacent to both the Elk Creek trail leading to the Willamette Valley and a trail that led to the upper Rogue River Valley. The fort was constructed as the Hudson's Bay southern Oregon center of fur trading operations. In 1847, the fort consisted of five permanent buildings, a stockage 12 feet high and 90 feet square, and 80 acres of cultivatable lands. Fire destroyed the fort in November 1851 and permanently closed in 1854. Fort Umpqua was the first non-Native settlement in Oregon south of the Willamette Valley.

On July 14, 1828, fur trader Jedediah Smith and company were attacked by Lower Umpqua Indians, on the lower Umpqua River, near the confluence of Smith River. Fourteen members of Smith's party were killed, but four members, including Smith escaped, ultimately, to Fort Vancouver. The Smith River, consequently, takes its name from Jedediah Smith.

The earliest settlement on the Oregon coast, south of the Columbia River and west of Fort Umpqua, was established on the north spit of the Umpqua River in 1850. Platted as Umpqua City, this community was,

in the 1850s and 1860s, the site of a post office, Indian agency, military post and point of embarkation for coastal steamer service to San Francisco or Portland.

The Umpqua River was one of the earliest gateways through the Coast Range to the interior of Oregon. During the period between 1850 and 1856, Scottsburg was the trade center of southwestern Oregon and was the beginning of the supply route for the mining regions of southern Oregon and northern California. Ships from the sea would come across the bar and make their way up the river to Scottsburg, bringing clothing, food, and tools for the mines. On their outward trips they carried beef, mutton, hides, and lumber to San Francisco and Portland. Since there were no roads, supplies were transferred from the incoming ships to pack mules and then transported along mountain trails to their destinations.

Another Fort Umpqua was established on the north spit of the Umpqua River in 1856. The purpose of this military post was to guard the southern boundary of the Siletz Indian Reservation which was created by Executive Order in 1855, and encompassed over one million acres between the Pacific Ocean and the crest of the Coast Range. In addition to local Indian bands, the government moved in bands of the southwestern Oregon Coast and commenced a program of repeated withdrawals of land to diminish the reservation and concentrate the native population. As a result, the post was abandoned in 1861.

In 1892, the U.S. Life Saving Service established its station near Umpqua City to provide protection to mariners who frequented this part of the Oregon coast. A crew and family members were stationed here until the 1930's.

The region has long been a timber-producing area. Since the early 1900s, private interests, such as Roseburg Lumber, have actively managed the forestlands. The U.S. Department of the Interior managed the Cascade Forest Reserve in the upper reaches of the Umpqua River from 1897 until 1905 when management was transferred to the newly established U.S. Forest Service. The Umpqua Forest Reserve was created in 1907 in the Coast Range Mountains. The present-day Umpqua National Forest was established in 1908 from portions of the Cascade Reserve. Many of the lower areas of the river have been under the management of the federal government, since 1916, starting with the Government Land Office which later merged with the U.S. Grazing Service to become the Bureau of Land Management in 1946.

At least three historic sites on this stretch of the river are in or eligible for inclusion in the National Historic Register. These include the site of the “Old Establishment” or McKay’s “Old Fort” near Calapooya Creek, the Hudson’s Bay Company Fort Umpqua across the river from Elkton, and the Henry Brown House west of Elkton.

All of these sites are on private land. However, the historic values along the Umpqua River are outstandingly remarkable.

### Geological:

*Other - Ecological:* Umpqua Spit (Coos Bay BLM) is the location of a proposed Forest Service research natural area. It is not clear whether the features which are needed to fill the required cell are within ¼ miles of the river bank. However, the presence of the sand dune associated vegetation is extremely limited and may be unique to the Oregon Dunes. From a practical standpoint, the Umpqua River is probably the only large river which could possibly be designated, and thereby bring this unique vegetation into the Wild and Scenic Rivers system.

Myrtle Island (Roseburg BLM) was designated as a Research National Area (RNA) and an Area of Critical Environmental Concern (ACEC) in 1981. Myrtle Island is a 30-acre island in the middle of the Umpqua River. The island contains an old-growth stand of California bay-laurel and scattered Douglas-fir, which is protected against disturbance and maintained for observation and research. The 947 acre Umpqua River Wildlife Area ACEC (Roseburg BLM) are two different parcels that have been specially designated for the protection of bald eagle and osprey nesting habitat.

### **Other River Values and Characteristics**

Access and Development: Along the Umpqua, there are eight transportation bridges that cross the river. Most bridges span the entire river, but some have support piers within the river channel. Public access to portions of the Umpqua is provided where Federal, State or County lands parallel the corridor or access the river. Legal access to a majority of the riverbed is limited due to the large amount of private ownership. Paved roads are maintained by the State of Oregon and Douglas County. There are five incorporated cities that lie within the river corridor: Elkton, Scottsburg, Reedsport and Gardiner and Winchester Bay. The corridor is predominantly rural interface is and characterized by a substantially modified natural environment. A considerable number of agricultural developments with lesser numbers of transportation, residential and business developments contained within the river corridor. These alterations are within the view shed of the river. Private residences with cleared lands for agricultural or livestock purposes are common.

The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users is low to moderate. From Elkton to Reedsport, the primary focus on each side of the river is forest management. Active timber harvesting can be observed on BLM and private timber lands. The Umpqua River Bridge which spans the river near Reedsport consists of a central swing span flanked by two reinforced concrete arches on each end. The swing span was necessary to accommodate tall sailing vessels which were common on the Umpqua River. This is the only bridge in Oregon that still uses a swing span. It originally opened in 1936. The entire river segment is free flowing and free of major impoundments, with the exception of support piers for bridges.

### **Criteria 2: The current status of land ownership and use in the area.**

Land ownership for this 109.48-mile segment is a combination of Federal (BLM, US Forest Service and Department of Defense), State of Oregon, and private (Table 50). The BLM manages 17.99 miles (16.4 percent) of shoreline along the corridor. Thirty BLM parcels border one side of the river and five cross the riverbed for ownership to both sides of the river. An additional 11 parcels lie within the corridor but do not contact the shoreline for a total of 46 BLM managed parcels. BLM manages 2,402.94 acres (6.9%) within the study corridor.

**Table 50.** Land ownership within the Umpqua River corridor.

<b>Ownership</b>	<b>Acres</b>	<b>Percentage</b>
BLM	2,402.94	6.9%
Department of Defense	14.65	<1%
Private	22,982.43	65.9%
State of Oregon	34.48	<1%
Oregon Department of Forestry	417.91	1.2%
Undetermined	1,206.70	3.5%
Unknown	17.28	<1%
USFS	436.07	1.2%
Water	7,328.07	21.0%

Most of the private lands are managed as tree farms to produce wood fiber on forest rotations of between 40 and 60 years. On BLM lands, natural stands are interspersed with younger, managed stands. Farmers in the Upper Umpqua River Watershed produce a variety of agricultural goods, including hay, berries, fruit, and Christmas trees. Prune orchards were once very common throughout the valley. Several vineyards are also located in the watershed. Livestock operations mostly raise beef cattle and sheep. Almost all agricultural lands are privately held, and most are located in valleys and lowlands. Throughout the Umpqua Basin, the agricultural community could potentially have the greatest influence on fish habitat and water quality restoration. Barriers to farmer and rancher participation in fish habitat and water quality activities are limited time, limited money, and in many cases limited awareness or understanding of restoration project requirements, benefits, and funding opportunities.

Coos Bay BLM acquired the Umpqua Eden parcel on the lower Umpqua River with the assistance of the Archaeological Conservancy to preserve significant cultural resources. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians have expressed an interest in acquiring this parcel and have worked to resolve this through legislative action.

The Oregon State Water Resources Department records 433 water rights and 628 points of diversion on the 109.5-mile Umpqua River segment from the confluence of the North and South Umpqua Rivers to the Pacific Ocean. Table 51 shows water types and uses. It is not advisable to count columns due to the fact that one water right may have several points of diversion (POD) and/or several use types. This may result in double counting the rights. Data was run on June 1, 2013.

**Table 51.** Water right types, uses, points of diversion, and withdrawal rates.

<b>Water Right Type</b>	<b>Use</b>	<b>Water Rights</b>	<b>PODs</b>	<b>Rate Sum (CFS)</b>	<b>Area Sum (Acre Ft.)</b>
Ground Water	Irrigation	13	14	1.5207	
Storage	Fire Protection	1	3	0	3
	Fish Culture	1	2	0	0.7
	Livestock	10	17	0.27	10.4943
	Multiple Purpose	3	5		20
	Recreation	1	1	0	0.18
	Wildlife	3	7	0	2.5385



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Surface Water	Anadromous and Resident Fish Rearing	1	1	1,700	
	Domestic	44	61	1.3227	
	Domestic and Livestock	2	3	0.02	
	Domestic Expanded	22	27	0.2139	
	Domestic Including Lawn And Garden	20	20	0.21	
	Fire Protection	3	5	0.0115	
	Fish Culture	2	3	0.07	
	Greenhouse	1	1	0.005	
	Human Consumption	1	1	0.005	
	Industrial/Manufacturing Uses	1	1	0.4	
	Irrigation	309	365	93.2506	160
	Irrigation And Domestic	2	2	0.07	
	Livestock	33	56	0.3711	
	Municipal Uses	1	1	0.5	
	Nursery Uses	5	9	15.1275	22.3
	Pond Maintenance	2	2	0.014	
	Recreation	2	2	0.0115	
	Supporting Aquatic Life	2	2	1,525	
	Temperature Control	1	1	4.9	
Wildlife	1	11	0		
<b>Totals</b>				<b>3,343.2935</b>	<b>219.2128</b>

The river segment contains diversions for the purpose of irrigating private or other lands in accordance with state water right laws. Surface water diversions have been constructed in a manner enhancing fish habitat and do not impair the free-flowing nature of the segment.

**Criteria 3: The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.**

Uses That Would Be Enhanced By Designation (including Outstandingly Remarkable Values):

The basic objectives of designation are to maintain the river’s existing conditions and to protect the identified Outstandingly Remarkable Values. With designation, BLM’s management presence would increase. Planning for recreation sites and facilities would complement designation and would ensure the continued availability of recreational opportunities within the WSR corridor.

Scenic qualities would be enhanced as more restrictive timber harvesting practices on federal land would be implemented. Construction projects occurring within the corridor would have more restrictive measures in place to protect visual quality. With designation, the BLM system to protect visual quality (Visual Resource Management) would be at a higher management class thereby requiring projects to meet higher standards of form, line, color and texture.

Fish and wildlife populations would be enhanced by helping to preserve existing habitat. Bald Eagle and Northern spotted owl habitat and nesting areas would continue to be protected and enhanced under the Endangered Species Act and WSR designation. Designation would complement certain goals and objectives of the two local water conservation districts.

Cultural and historic values would not change by either designation or non-designation since these values are already protected by other federal and state laws that are not dependent upon WSR designation (see question #9 for these laws).

### Uses That Would Be Foreclosed by Designation:

Designation would prohibit development of hydroelectric power facilities. Currently, there are no Federal Energy Regulatory Commission (FERC) applications for dams or diversions on file for this river segment.

All public lands within the authorized boundaries of a designated component of the National Wild and Scenic Rivers system would be withdrawn from entry, sale, or disposition under the public laws of the United States.

Water rights status and future applications may be limited with designation.

### Uses That Would Be Curtailed By Designation

WSR designation could lead to the application of a higher water quality standard for timber harvesting upstream from the designated component of the NWSRS. New mining claims could be located, however, valid claims located after the designation date could be patented only as to the mineral estate. The Mineral Leasing Act of 1920 provides that all publicly owned oil and gas resources be open to leasing, unless a specific land order has been issued to close the area.

Designation of eligible or study rivers into the National Wild and Scenic Rivers system could affect private land use and development. Effects include compliance with county zoning regulations as well as stipulations of scenic easements, if acquired. Stipulations may also limit vegetation management practices, and establish requirements regarding maintenance and development of private lands. Compliance measures to existing laws and regulations may be more consistently and routinely monitored and enforced.

Designation would limit the types of road maintenance activities that occur on BLM-administered land that may have a direct and adverse impact on in-channel conditions. It is expected that river designation would lead to more stringent road, design and maintenance requirements.

Projects such as forest management, discretionary ROW approvals and recreation development on BLM-administered land could be limited or foreclosed if the projects degrade river values (ORV's, free flow or water quality).

In-channel projects on private land that have direct federal involvement (such as permitting or funding) would require evaluation under the "direct and adverse" standard of WSRA section 7. Projects such as bank stabilization, bridge replacement or utility construction could be limited or foreclosed based on this evaluation.

### Uses That Would Be Enhanced, Foreclosed or Curtailed by Non-Designation

There could be a greater potential for adverse effects upon this river's Outstandingly Remarkable Values if the river were not designated. Through less funding and direct management focus on critical values. There could also be the possibility of hydroelectric project development including dams or impoundments, more water rights issued, and side channel mineral extraction and exploration. Other management requirements and tools (discussed in criteria 9) provide a layer of protection for these values. These mechanisms will apply regardless of whether the segment receives WSR designation by Congress.

If the river were not added to the National Wild and Scenic Rivers System, BLM and other government entities would continue to manage and protect lands under their jurisdiction for the natural resource and historical values along the river corridor. The Outstandingly Remarkable Values would not be diminished or lost by such management. Public lands outside the riparian zone would be subject to timber management prescriptions, excluding protective wildlife areas.

### **Criteria 4: The Federal agency that will administer the area should it be added to the National System.**

If the Umpqua River was added to the National Wild and Scenic Rivers System, the BLM would be most suited to manage the land and resources within the boundary, unless Congress designated another agency.

### **Criteria 5: The extent to which the agency proposes that administration of the river including the costs thereof, is shared by state and local agencies.**

At this time, it is not expected that state and local agencies would share in the costs of river administration.

### **Criteria 6: The estimated cost of the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.**

Administrative Costs: It is not expected that Wild and Scenic River designation would substantially increase management costs in this river corridor due to the present costs of complying with existing federal laws and policies. Potential management activities associated specifically with WSR management could include water quality sampling, targeted monitoring activities and preparation of section 7 determinations for in-channel projects. No detailed cost analysis or estimate was prepared as part of this study. There is likely to be some increased cost of administering the area if designated:

Currently, there are adequate recreation facilities available to meet the needs of users. The Umpqua River is currently a highly visited recreation resource that has adequate development and additional infrastructure and maintenance resources are not anticipated to accommodate the potential increase in visitation that could result from designation. There are no known facilities that may be required to be constructed on BLM lands i.e., boat ramps, campgrounds, interpretation sites, trail heads, and trails.

Land Acquisition: At this time, it is not expected that the BLM would pursue land acquisition from willing sellers. Because the majority of the land within the segment corridor is privately owned, it would

be difficult for the BLM to acquire enough additional land to affect the manageability of the segment. No detailed cost analysis or estimate was prepared as part of this study.

**Criteria 7: A determination of the extent that other Federal Agencies, the State, or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion into the National System.**

Coordination with several subdivisions of the state of Oregon, including the Department of Environmental Quality (DEQ) would be pursued should the river be designated. In addition, cooperative efforts would continue with these State agencies as participants in suitability study of eligible rivers and the development of river management plans for designated W&SRs.

If the river were not added to the National Wild and Scenic Rivers System, Federal, State and local land management agencies could continue to protect land under their jurisdiction for the riparian values and Outstandingly Remarkable Values along the river area under existing laws, authorities, and ordinances. Public lands outside the riparian zone would be subject to existing laws, regulations and timber management prescriptions, excluding protective wildlife areas. For example, Oregon water laws and appropriative water right procedures administered by the Oregon Water Resources Department (OWRD) would continue oversight of water use for domestic and agricultural purposes including rural residential use, forestry, agricultural use and irrigation.

**Criteria 8: An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.**

The entire Umpqua River lies within Douglas county. Local zoning within this river corridor is predominately Timberland resources (33%). In addition, the following zoning types and percentages for this river segment are outlined below.

- Exclusive Farm Use Grazing (18%)
- Exclusive Farm Use–Cropland (16%)
- Farm Forest (14%)
- Estuarine Conservation (6%)
- Rural Residential (5%)
- Urban City Limits of Elkton and Reedsport (2%)
- Rural Residential-2 (2%)
- Agriculture and Woodlot (2%)
- Public Reserve (<1%)
- Conservation Shorelands (<1%)
- Estuarine Natural (<1%)

- Heavy Industrial (<1%)
- Rural Community Commercial (<1%)

The smaller percentage zones lie near the communities of Elkton, Wells Creek, Scottsburg, Gardiner, Reedsport and Winchester Bay. No further zoning within city limits has been broken down. Estuarine Conservation (6%), Conservation Shorelands (<1%), Estuarine Natural (<1%), and Heavy Industrial (<1%) all lie on the western end of the river near the coast.

The Timberland Resource classification is intended to protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by non-forest related residential, commercial and industrial activities.

The purpose of the Exclusive Farm Use-Grazing zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grazing, rangeland and other less intensive agricultural uses.

The purpose and intent of the Exclusive Farm Use-Cropland zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grain-lands, croplands and horticultural areas.

The Farm-Forest classification is intended to promote management, utilization, and conservation of forested grazing lands, lands which might not be forested but have such potential, and non-tillable grazing lands adjacent to forested lands. The purpose of this classification is to encourage sound management practices on such lands for agricultural or forest resource uses, including but not limited to: watershed management; recreation; fish and wildlife management; and agricultural activities consistent with sound forest and agricultural management practices, to retain lands within this district for farm and forest use, protecting such land from non-resource use and conflicts.

### **Criteria 9: The State/local government’s capacity to manage and protect the outstandingly remarkable values on non-Federal lands.**

A variety of state and local governmental agencies all have a role in planning for, providing, and managing recreation, open space resources and services in the state of Oregon.

The State of Oregon, through the Department of Environmental Quality (DEQ), has established water quality standards “not to be exceeded” for all waters of the state. These standards are provided to protect the beneficial uses of the water. Standards are published in the Oregon Administrative Rules, Chapter 340, Division 41 of the DEQ. Specific beneficial uses of Oregon’s rivers and streams include municipal

drinking water; irrigation and domestic residential drinking water; salmon rearing and spawning; and resident fish and aquatic life.

The Oregon Forest Practices Act does contain provisions that provides for protection of water resources including fisheries and water quality, some wildlife species and the ‘screening’ of logging activities along Scenic byways.

State and local officials have the capacity to protect cultural and historic resources along the river corridor from looting, destruction, and sale on state and private land as codified in the Oregon State Regulations including 1) Archaeological Objects and Sites (ORS 358.905-358.955), 2) Scenic Waterways (ORS 390.805-390.925), 3) and Conservation Easement (ORS 271.715-271.795). The second and third statutes are specific to protecting resources in the river corridor. The Umpqua River was previously listed by DEQ as a 303d impaired water quality for temperature and bacteria. The Umpqua Basin TMDL was approved by EPA on 4/12/2007 and now covers these listings. The Umpqua River is still listed for arsenic and a new listing for pH that is not yet covered by a TMDL. Also, at least one health advisory has been issued by the Oregon Harmful Algae Bloom Surveillance program.

- Archaeological Objects and Sites (ORS 358.905-358.955) - law provides definitions of archaeological sites, 75 years of age or older, significance, cultural patrimony; prohibits the sale and exchange of cultural items; or damage to archaeological sites on public and private lands. Items of cultural patrimony or associated with human remains are protected everywhere, unless the activity is authorized by an archaeological excavation permit.
- Scenic Waterways (ORS 390.805-390.925) - establishes a state policy that protects historic and archaeological sites that are located adjacent to designated scenic waterways (i.e., rivers or lakes) from destruction due to the building of dams, construction, mining, etc.
- Conservation Easement (ORS 271.715-271.795) - permits agencies to help in protecting lands with special natural or cultural features and provides tax incentives to private landowners who agree to restrict their use of such lands.

### **Criteria 10: The existing support or opposition of designation.**

During the winter of 2013, the BLM initiated a multi-phase outreach strategy to engage the public specifically on eligible wild and scenic rivers within the western Oregon RMP project area. The BLM looked to gain a better understanding of the social values associated with river users across western Oregon. This strategy included an interactive web based survey and a series of regional workshops across four western Oregon locations, that involved the participation of the National Park Service-Rivers, Trails and Conservation Assistance program, the Association of O&C Counties, the Outdoor Alliance, Travel Oregon, the Umpqua Confederated Tribe, and the Mazamas.

The BLM engaged nearly 300 participants throughout the four recreation workshops and received 232 river specific comments via an online survey. The majority of public comments specific to the Umpqua River were supportive of Wild and Scenic River designation. A summary of the key findings from this outreach effort can be found at:

<http://www.blm.gov/or/plans/rmpswesternoregon/files/key-findings.pdf>

The Association of O&C Counties represents the interests of Counties in Western Oregon within which lie the BLM managed O&C lands. They support certain rivers for suitability, however, do not support most. The Association has represented County interests in legislative and administrative actions concerning management of BLM lands for over 80 years, well before the creation of the BLM. They follow the O&C Act which states that timber on the O&C lands shall be managed with timber thereon sold, cut and removed on a sustained yield basis “for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

The Association of O&C Counties has joined a bipartisan coalition to support a plan and proposed legislation called the *O&C Trust, Conservation, and Jobs Act*. The Act anticipates creating thousands of new jobs in Oregon’s forested communities, ensuring the health of federal forests for future generations, and providing long-term funding certainty for Oregon’s rural schools, roads, and law enforcement agencies. The Bill includes the addition of 150 miles of Oregon Rivers to the Wild and Scenic Rivers Act. However, **this river is not identified; therefore is not likely to be supported for suitability or designation** due to the mandate in the O&C Act for timber production. (Conversation with Doug Robertson, President, Association of O&C Counties, June 27, 2013).

Douglas Timber Operators (DTO) is a community-supported forest products organization whose mission is to actively promote timber harvest, reforestation and production of forest products on public and private timberlands, and the enhancement of healthy forest ecosystems, through multiple use forest management. Based in Douglas County since 1968, DTO would not likely support suitability determinations or designation of any river in the County.

### **Criteria 11: The consistency of designation with other agency plans, programs, and policies in meeting regional objectives.**

The Siuslaw National Forest manages lands between Reedsport and Scottsburg that border the north side of the Umpqua River for several miles. A determination of eligibility on the Umpqua River was made by the Forest in its draft Forest Plan, 1990. A 23.5 mile segment of the river was found to be eligible.

Both the Forest Service and Bureau of Land Management follow management prescriptions of the Northwest Forest Plan. Management actions are therefore consistent. Forest Service management practices are compatible with the protection of downstream ORVs.

A Water Quality Restoration Plan was completed in 2008 by the Roseburg and Coos Bay Districts of the Bureau of Land Management which covered the Upper Umpqua, Umpqua River-Sawyers Rapids and Lower Umpqua River watersheds. Even without designation as a W&SR, BLM’s long-term goal of this area is to achieve compliance with water quality standards for the 303(d) listed streams in the Umpqua River basin. The Plan identifies implementation strategies to achieve this goal. Recovery goals focus on protecting areas where water quality meets standards and avoiding future impairments of these areas, and restoring areas that do not currently meet water quality standards.

The BLM manages under 7% of the river corridor and the USFS just over 1%. The majority of land ownership along this river consists primarily of private land holdings (65.9%). Current uses and private management practices would not be consistent with management prescriptions for a Wild and Scenic River designation due to the development and uses identified in criteria 2.

Oregon Department of Environmental Quality. The DEQ is the chief regulatory agency of the government of the U.S. state of Oregon responsible for protecting and enhancing the state's natural resources and managing sanitary and toxic waste disposal. The BLM is recognized by Oregon DEQ as a Designated Management Agency for implementing the Clean Water Act on BLM-administered lands in Oregon. The BLM has signed a Memorandum of Understanding with the DEQ in 2011 that defines the process by which the BLM will cooperatively meet State and Federal water quality rules and regulations. The Director of DEQ and the BLM State Director are responsible for ensuring implementation of the agency's MOU.

Programs, plans and entities that represent consumptive uses, such as mining, oil and gas, forestry and agricultural users, would see a limitation of uses and control measures, which may adversely affect their production, economic stability, or social goals.

Outside of W&SR designation, there are other laws that require protection of natural resources. The Endangered Species Act (ESA) and the Clean Water Act (CWA) are two federal laws, which are meant to provide for the recovery and preservation of endangered and threatened species and the quality of the nation's waters. The BLM is required to assist in implementing these two laws.

### **Criteria 12: The contribution to river system or basin integrity.**

There is one designated Wild and Scenic River within the Umpqua River watershed (North Umpqua River, designated in 1988). There are no current legislative proposals for additional federal protection of the Umpqua River or its tributaries.

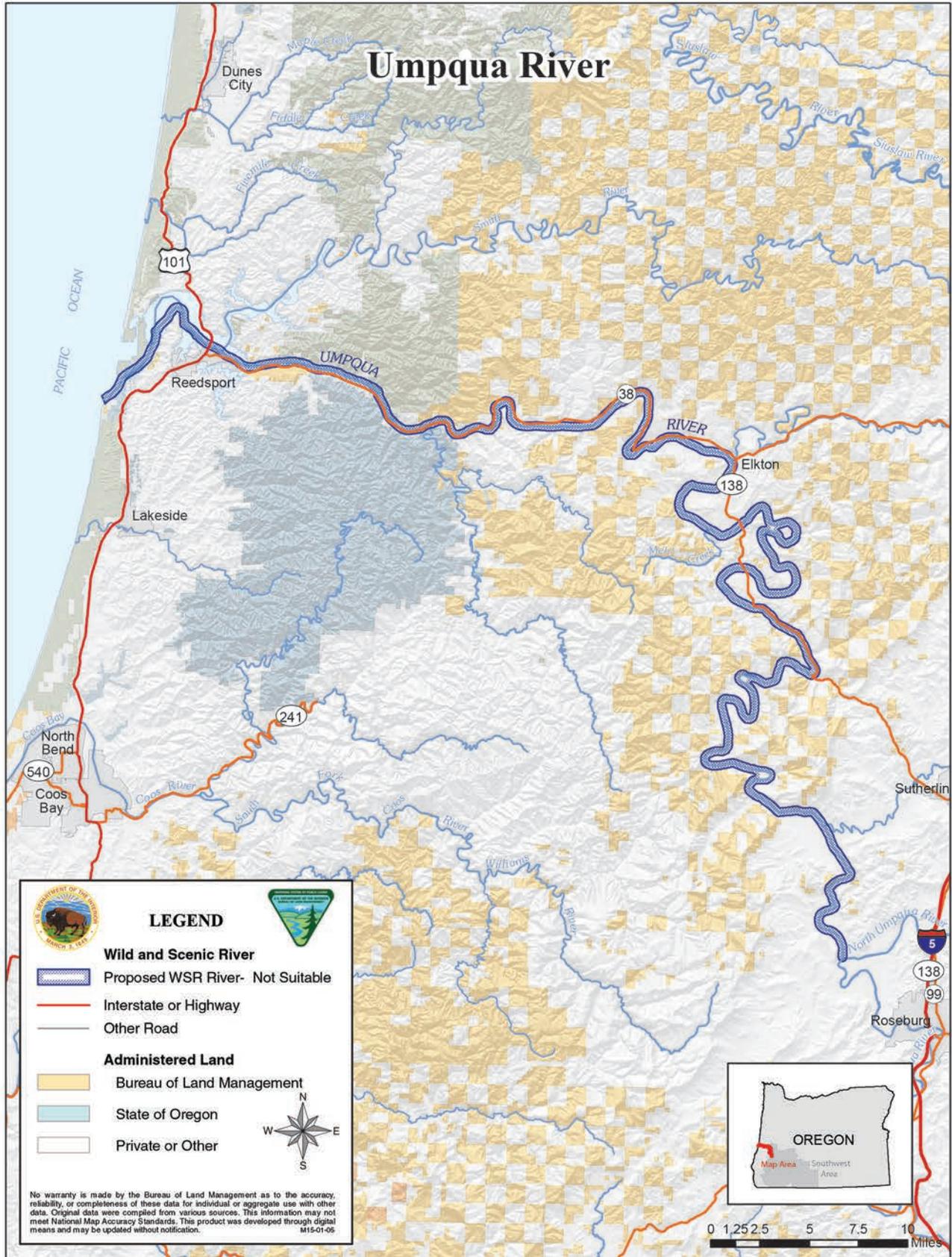
### **Criteria 13: The potential for water resources development.**

No plans for water resource projects in the Umpqua were identified during this study. There was an existing dredging program near Reedsport that was shut down in 2009. The program was associated with gravel mining. It is unknown whether this effort would continue in the future. The potential for a hydropower facility along the Umpqua is non-existent though there is the potential for bridge construction over the Umpqua, most likely replacement of an existing bridge.

## **Umpqua River Suitability Determination**

Based on the information contained in this study, the BLM Roseburg District finds the Umpqua River to be **non-suitable for inclusion** into the National Wild and Scenic Rivers System. The makeup of this segment hinders the BLM's ability to manage it effectively as a WSR. The BLM-managed portions of the segment are fragmented and the overall percentage of federal ownership within the river corridor is extremely low. In addition, it has been determined that one or more non-compatible land uses exists within the river corridor. Therefore, it has been determined that wild and scenic river designation would not be best method for protection of the river's free-flowing condition, water quality, and outstandingly remarkable recreation values.

# Wild & Scenic Rivers Suitability Report – Southwest Oregon





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