

Warm Springs, Oregon 97761 / 541 553-1161

February 13, 2001

Barron Bail, Prineville District Manager
Bureau of Land Management
3050 NE Third Street
Prineville, Oregon 97754

Dear Mr. Bail;

The Confederated Tribes of Warm Springs (the Tribes) have been active partners with the Bureau of Land Management and the State of Oregon in the development of the John Day River Management Plan, Two Rivers and John Day Resource Management Plan Amendments (the plan). This partnership was established by the Omnibus Oregon Wild and Scenic Rivers Act as well as agreements between the Bureau of Land Management, Bureau of Indian Affairs, the Tribes and the State of Oregon. The Tribes committed a significant amount of staff time to this planning effort because the John Day basin is within the Tribes' ceded area and the natural resources of the basin and our treaty rights regarding those resources are very important to us. We viewed the planning effort as a positive opportunity to work together to resolve the many significant natural resource issues that exist in the basin.

While the planning effort has been challenging and sometimes frustrating, we continue to support the process by which the plan has been developed. While we do not agree with all of the decisions contained in the plan, we are committed to working with our federal and state partners to implement the plan in a government-to-government relationship. As co-managers of fish and wildlife resources with the State of Oregon, the Tribes are committed to improving water quality and quantity, as well as vegetative condition in the John Day basin. The management of cultural resources and the protection of areas which are used by tribal members for traditional activities are also very important to the Tribes.

We believe the conflicts and adverse impacts associated with such activities as livestock grazing, recreation use, agricultural leases and noxious weeds are problems that can be resolved through cooperation to achieve the important goals the Tribes share with many other stakeholders in the basin. We look forward to strengthening our trust relationship with the Bureau of Land Management and the Bureau of Indian Affairs and continuing our partnership with the State of Oregon as we implement the plan through a formal cooperative management agreement.

Sincerely;

Robert A. Brunoe, General Manager
Natural Resources Branch



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

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SD'S OFFICE ROUTING
(02-13-01)

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| OR930-RES | _____ | <i>c</i> |
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February 12, 2001

Elaine Zeilinski
Bureau of Land Management
P.O. Box 2965
Portland, Oregon 97208

Dear Ms. Zeilinski:

Elaine

The BLM has been in the process of developing a plan for the publicly owned sections of the Wild and Scenic John Day River for the last two years. Oregon Department of Fish and Wildlife staff greatly appreciated the opportunity to participate in the Core Team that gave guidance to BLM in development and review of the Draft Environmental Impact Statement, the Final Environmental Impact Statement, and now the Record of Decision (ROD) for this plan.

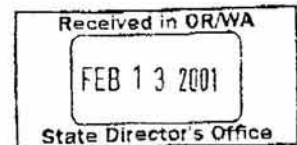
The ROD sets recreational use levels, specifies an allocation system if use levels should ever need to be reduced, restricts motorized boating to certain times of the year and to specific areas of the river, sets guidelines for additional site development, and specifies grazing strategies for the numerous allotments within the Wild and Scenic corridor. Another important component of the ROD specifies how to monitor and evaluate compliance with these management decisions.

Implementation of the ROD should result in improvements in the recreational experience for users of the John Day River and improved habitat conditions for fish and wildlife resources within the Wild and Scenic corridor. The Department looks forward to continuing its partnership with BLM and the other responsible agencies for implementation and monitoring of the plan.

Sincerely,

James W. Greer

James W. Greer
Director





Oregon

John A. Kitzhaber, M.D., Governor

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February 8, 2001

A. Barron Bail
District Manager
Bureau of Land Management
P.O. Box 550
Prineville, Or 97754

Dear Barron:

The Oregon Parks and Recreation Department (OPRD) participated with the Prineville District Bureau of Land Management (BLM), Warm Springs Tribes, state agencies, local governments and the public in the development of the John Day River Proposed Management Plan released in June 2000. Our interest in the plan is based on our role as an advocate for outdoor recreation in Oregon and our administrative responsibility for the John Day River Scenic Waterway system.

We believe the plan reflects a responsible and progressive resource management and protection philosophy in its various management decisions. In our opinion, the real value of the plan can only be realized through a concerted and collaborative implementation effort. This effort needs to involve all of the partners that contributed to the plan. Other interests may need to be included as well. To this end, we encourage the BLM to engage in an implementation partnership with interested agencies, tribes and the public to effect the resource and recreation benefits offered by the plan and the outstanding natural values of the John Day River system.

OPRD is prepared to participate in such an implementation partnership. We look forward to working with the BLM and other partners in this endeavor.

Sincerely,

Michael Carrier
Director

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Introduction

The decisions described in this document affect BLM-managed lands adjacent to the John Day River from Tumwater Falls, just upstream from Lake Umatilla on the Columbia River, to the upper reaches of the mainstem and the North, Middle, and South Forks. The decisions in this document also affect recreational use on the segments of the John Day River designated Wild and Scenic River by Congress.

The decisions in this document serve two purposes: (1) develop a management plan that will protect and enhance the identified outstandingly remarkable and significant values for federal lands within the designated Wild and Scenic segments of the John Day River as required by Congress in the Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Public Law 100-558); and (2) amend and implement the Baker Resource Management Plan (RMP) in the Vale BLM District, and the John Day and Two Rivers Resource Management Plans in the Prineville District. Both the John Day and the Two Rivers RMPs call for developing a management plan for all of the John Day River system, not just segments designated as Wild and Scenic.

Any land use or resource allocation decisions for BLM- managed lands will be incorporated into the Two Rivers, John Day, and Baker RMP amendments following: 1. Resolution of any protests, 2. Resolution of the governor's concerns on plan consistency, and 3. State Director approval.

Generally decisions in this document apply to either specific sites or segments of the river. When segments or sites are not specified, decisions apply to all BLM managed lands within the planning area (within the boundaries of Wild and Scenic River Segments, or within 1/4 mile of the river in river segments not designated Wild and Scenic).

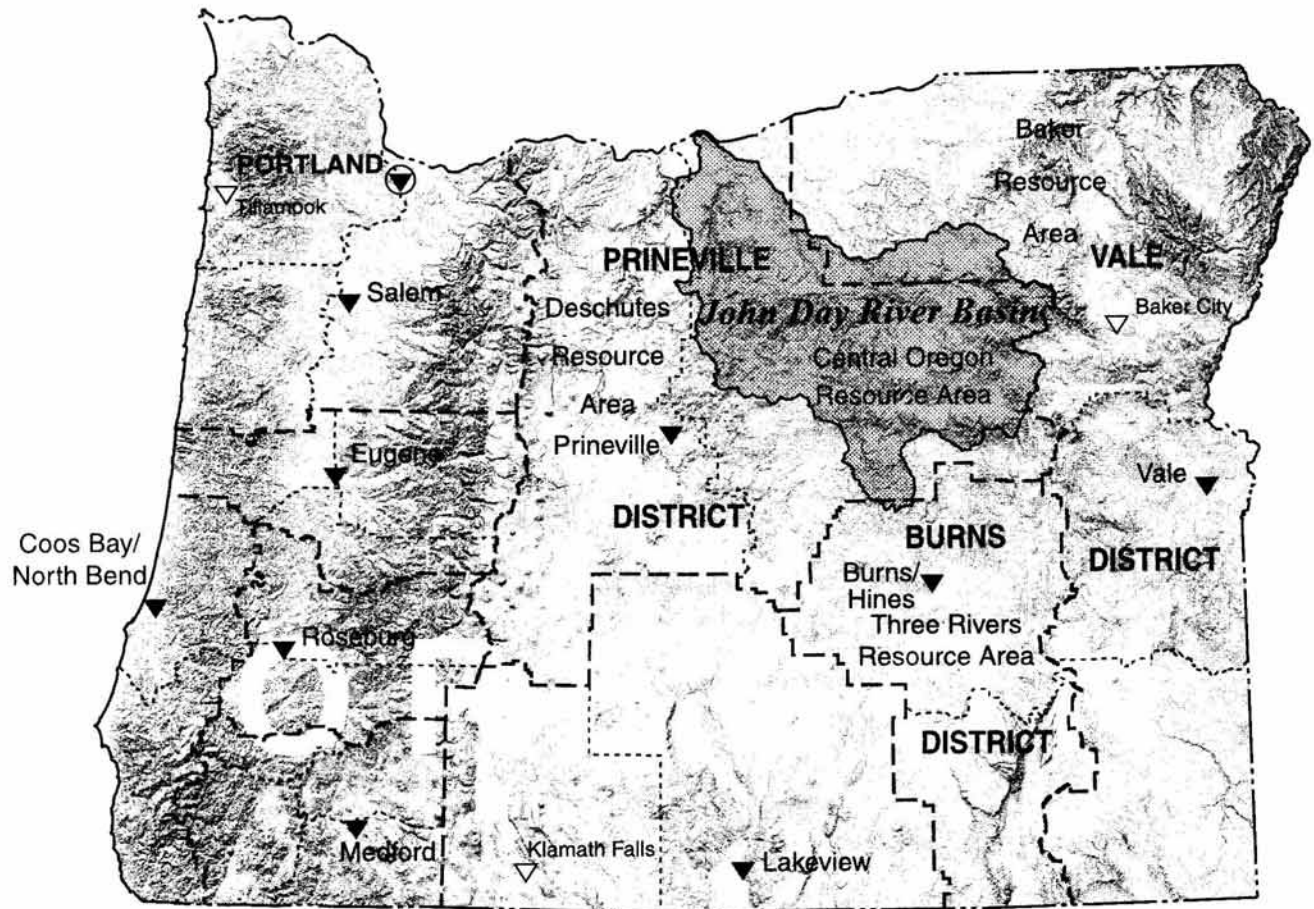
The North Fork of the John Day River may be an exception to the above paragraph. After the FEIS was published Congress passed the Oregon Land Exchange Act of 2000 (P.L. 106-257). This Act includes the following language (P.L. 106-257 SEC. 6. (g)(2)):

Lands acquired by the Secretary of the Interior pursuant to Section 4 which are within the North Fork of the John Day sub watershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.






Because the FEIS did not analyze recently acquired lands along the North Fork of the John Day River any management actions proposed in this plan that would directly impact acquired lands may not be implemented until the required planning process is complete. This would not preclude road maintenance, temporary road closures, or special projects necessary to protect resource values.

Background

The John Day River system includes the mainstem of the John Day River and its North, Middle and South Forks. This system includes more than 500 river miles and is one of the longest free-flowing river systems in the continental United States. The system drains a large portion of northeast Oregon (Map 1-A).



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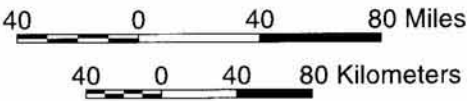
-  BLM State Office
-  BLM District Office
-  BLM Resource Area Office
-  BLM District Boundary
-  BLM Resource Area Boundary




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John Day River
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2000



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Map 1-A: General Location

The river's mainstem and North and Middle Forks flow from the Blue Mountains, and the South Fork flows from the Ochoco Mountain. The mainstem begins high in the Malheur National Forest and flows west through the town of John Day to Dayville where it is joined by the South Fork. Downstream from Dayville, the river turns sharply north, flowing to Kimberly, where it is joined by the North Fork. From Kimberly, the river again turns west for another 40 miles before making its final turn north to the Columbia River. The Middle Fork flows into the North Fork above the town of Monument, about 20 miles upstream from the North Fork's confluence with the river's mainstem.

River Segments, Designations, and Values

This plan divides the John Day River system into 11 segments, based on logical divisions of the river system by land uses, ownership, access, and other factors. The segments are displayed on the attached map plates 1-6 (see Map 1-B for key to plates).

Following is an overview of important federal and state designations within the plan area along the John Day River:

Federal Wild and Scenic River

The three John Day River segments designated as Wild and Scenic are:

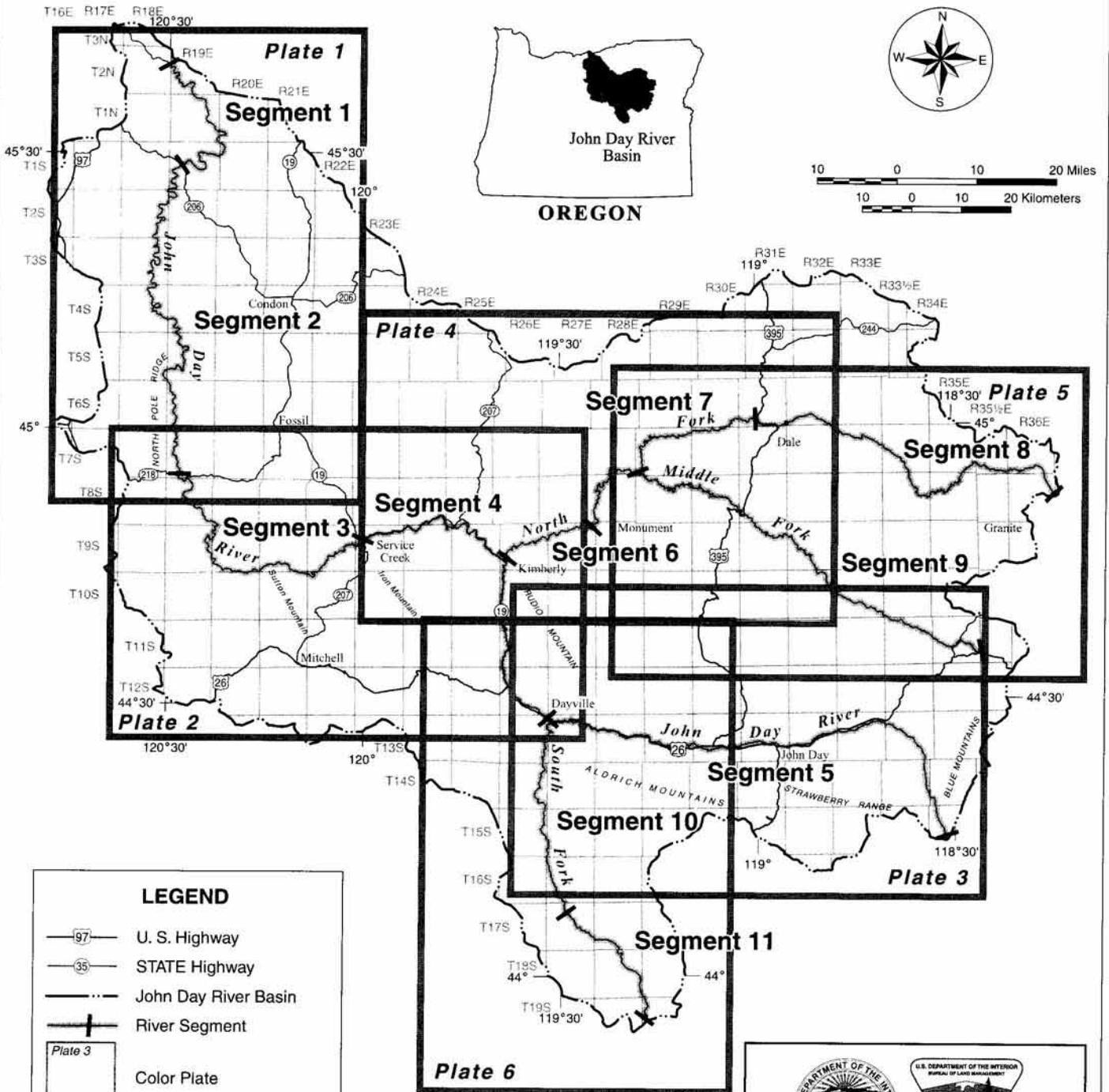
- Lower John Day River mainstem (Tumwater Falls upstream to Service Creek), classified as *Recreational*. The outstandingly remarkable values include scenic, recreation, fish, wildlife, geological, paleontological, and archaeological and historical values to be outstanding. Botanical and ecological values are significant.
- South Fork John Day River (Smokey Creek upstream to the Malheur National Forest boundary), classified as *Recreational*. The outstandingly remarkable values include scenery, recreation, fish, wildlife, and botanical resources. Geological and prehistoric/traditional use values are significant.
- North Fork John Day River (Camas Creek upstream to the headwaters). One portion of this segment is classified as *Wild*, two portions are classified as *Scenic*, and two are classified as *Recreational*. (This Wild and Scenic segment is managed by the USFS under the *North Fork of the John Day Wild and Scenic River Management Plan*.)

The term Recreational River applies to rivers or sections of rivers that, at the time of designation are readily accessible by road or railroad, may have some development along their shorelines, and may have undergone some impoundment or diversion in the past. (This definition applies to determining how the river should be classified at the time of designation but does limit management decisions.)

The Bureau of Land Management policy encourages public use of, and access to, designated Wild and Scenic Rivers classified "Recreational" to the extent consistent with protecting outstandingly remarkable river values. Public use and access may be regulated and distributed where necessary to protect and enhance recreation river values, to protect users, or to meet recreation management objectives (USDI-BLM 1992c).

State Scenic Waterway


The Oregon Scenic Waterway Program is a state-level program administered by the Oregon Parks and Recreation Department. A total of approximately 317 miles of the John Day River is included in the Oregon Scenic Waterways System (SSW). These



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- U. S. Highway
- STATE Highway
- John Day River Basin
- River Segment
- Color Plate

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Map 1-B: River Segments and Segment Map Index

river portions are administered by the Oregon Parks and Recreation Commission, with rules that provide generic standards to all scenic waterways.

The state's administrative rules are designed to manage development and uses within the Scenic Waterway corridor in order to maintain the natural beauty of the river. The rules do not affect development existing at the time of Scenic Waterway designation, nor do they prohibit new development. Although some types of improvements require notification, review and approval, others do not.

The State Scenic Waterway segments are located on:

- Mainstem, from Tumwater Falls to Parrish Creek. (Tumwater Falls to Service Creek is also a Federal WSR)
- North Fork, from near Monument upstream to the North Fork John Day Wilderness boundary. (Camas Creek to the North Fork John Day Wilderness is also a Federal WSR).
- Middle Fork John Day River, from its confluence with the North Fork John Day River upstream to the Crawford Creek Bridge.
- South Fork, from the north boundary of Phillip W. Schneider Wildlife Management Area (formerly Murderer's Creek Wildlife Management Area) to County Road 63. (Smokey Creek to County Road 63 is also a Federal Wild and Scenic River)

Other Designations

The John Day basin watershed falls within the ceded lands of the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) and the Confederated Tribes of the Umatilla (CTUIR). These lands are considered ancestral to different Native American Indian groups under treaties signed and ratified by Congress in 1855. These confederated tribes retain certain lawful rights and privilege in these lands, in common with U.S. citizens, for the purpose of sustaining important lifeway practices. This is a special relationship. The U.S. Government is responsible for meeting the obligations of these treaties by consulting on a government-to-government basis and considering the effects of its actions which might impact economic and religious aspects of these ongoing lifeways.

Other important designations also exist along the river, including: Wilderness Areas, Wilderness Study Areas, State Wildlife Refuges, and the John Day Fossil Beds National Monument.

Wilderness Areas, designated by the U.S. Congress, have special management rules, including a prohibition of motorized use and rules regulating "no surface" disturbance. There are two Wilderness Areas along the John Day River system, both managed by the USFS. The North Fork John Day Wilderness is located on the upper North Fork John Day River, and the Black Canyon Wilderness is on the South Fork.

Wilderness Study Areas (WSAs) located partly within the Wild and Scenic River boundaries are being studied for possible Wilderness designation by Congress. Use in these areas may include motorized use, limited to designated roads and ways, and activities must be managed in a way that does not impair the suitability of such areas for preservation as wilderness. Normally, this means that no surface-disturbing activities are allowed.

The State of Oregon established the John Day Wildlife Refuge in 1933 along the lower mainstem of the John Day River for the primary purpose of protecting the wintering and

nesting waterfowl. This refuge includes all land within 1/4 mile of the John Day River mean high water line, from the Columbia River upstream to Thirtymile Creek. The area is open to hunting of deer and upland game birds during authorized seasons only between September 1 and October 31, but is closed to all waterfowl hunting. Hunting on private lands within this refuge requires landowner permission.

The Phillip W. Schneider Wildlife Area, formerly the Murderer's Creek Wildlife Management Area, is located in Segment 10, along the South Fork John Day. This area was acquired in 1972 by the ODFW, primarily to protect and enhance a major wintering range for mule deer, and also to control wildlife damage and protect riparian zones.

Planning Process

Planning Partners

Although the decisions in this record are those of the BLM, they have been significantly influenced by public input and through extensive consultation with our planning partners. These partners include:

- USDI Bureau of Land Management, Prineville District
- Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)
- State of Oregon, by and through Oregon Parks and Recreation Department (OPRD), Oregon Department of Fish and Wildlife (ODFW), Oregon State Marine Board (OSMB)
- John Day River Coalition of Counties (including the counties of Gilliam, Grant, Jefferson, Sherman, Wasco, and Wheeler)
- USDI Bureau of Indian Affairs, Warm Springs Agency

Relationship of BLM's Decision to Partners

This Record of Decision is the BLM's decision for the river management plan. Planning partners may adopt the BLM plan to provide policy or direction for actions under their responsibility.

An example of interagency plan adoption is the John Day River Scenic Waterway administrative rules. Those rules were presented in Chapter 4, Volume 1 of the Proposed John Day River Management Plan and Final Environmental Impact Statement, and the decision on those rule is independent of this Record of Decision. The Oregon Scenic Waterway Program is a state-level program administered by the Oregon Parks and Recreation Department. The Oregon Parks and Recreation Commission adopted the John Day River Scenic Waterway rules of land management on May 31, 2000. The Oregon Water Resources Commission officially concurred with the rules on August 25, 2000. The rules were filed with the Oregon Secretary of State and became effective on September 1, 2000. The BLM will manage public lands in a manner consistent with these rules.

Native American Planning Role

Certain Treaties, Federal laws, and Executive Orders give special and unique standing in this planning process to Native American Tribes. Tribes most affected by this plan include the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The Klamath Tribe and the Burns Paiute Tribe also have interest in portions of this same area. All of these tribes have recognized traditional uses established on and/or near the John Day River. The CTWSRO is an active partner in developing this plan.

Consultation with recognized tribal entities has been, and will continue to be, an integral component of this planning process. The BLM is guided by national policy and law and is committed to continuing constructive consultation and cooperative management whenever possible.

The decisions made in this planning effort are consistent with maintaining or enhancing efforts in areas of resource management that will allow for continuation of tribal lifeway practices. Because proposed decisions are designed to protect and enhance Outstandingly Remarkable Values (ORVs) associated with the river, the Plan will enhance the resources for which the Tribes have expressed concerns. The decisions affect change most directly through improvement of habitat conditions, and by extension, to the specific species of tribal interest. The proposed decisions will provide tribal members the opportunity to pursue treaty-related resource procurement activities and access usual and accustomed fishing locations.

Public Involvement

This Record of Decision is the culmination of a multi-stage process. The progress of this process has been marked by the production of the following documents:

- A *Draft John Day River Plan and EIS* was developed by BLM and the State of Oregon and released for public review and comment in October 1993. The Draft Plan and EIS proposed important decisions that primarily affected recreational use of federal land on the river and all lands on the portion of the river designated as a State Scenic Waterway. Response to this draft prompted the BLM to revise the scope of the Plan and to review grazing practices along the John Day River.
- The second revised *Draft John Day River Management Plan and EIS* was developed by the planning partners. Public review of the Draft occurred during a 90-day public comment period that ended on March 3, 2000. Six public meetings were held and were attended by 173 people. In addition, 503 public responses (letters, email, and telephone calls) were received during the comment period (see Volume III). These public comments were analyzed and carefully considered by the partners in developing the *John Day River Management Plan, Two Rivers and John Day Resource Management Plan (RMP) Amendments and Final EIS*.
- *John Day River Proposed Management Plan, Two Rivers and John Day Resource Management Plan (RMP) Amendments and Final EIS* was developed to direct management of the river on public lands within the planning area. Interested parties who had participated in the planning process were provided 30 days from the date of availability to protest any proposed decision within the plan. Twenty three protests were received. The Director of the BLM responded directly to the protesters. The decisions in this document are consistent with the Director's responses.

During the planning process, the BLM was advised by the John Day/Snake Resource Advisory Council (RAC), which is a citizens group appointed by the Secretary of the Interior to advise BLM on land management issues. The RAC appointed a subgroup to focus on developing this plan.

Analysis

The data and level of analysis used in the FEIS are commensurate with the importance of the possible impacts (40 CFR 1502.15). When encountering a gap in information, the interdisciplinary team (IDT) took one of two approaches: (1) they collected additional

information and/or conducted the analysis necessary to identify important relationships; or (2) they concluded that, although additional information would have added precision to estimates or better specified a relationship, the basic data and central relationships are sufficiently understood that additional information would be very unlikely to impact understanding. Therefore, any information missing from the Final EIS did not preclude making a reasoned choice among the alternatives. In accordance with the Endangered Species Act, a Biological Assessment (BA) for fish and wildlife was completed and submitted to National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) for consultation (see Appendix C).

Decisions

Decisions made in this document are designed to address and resolve the 14 issues and their subsets described in Chapter 1, pages 17-26, of the *John Day River Management Plan*, and the *Two Rivers and John Day Resource Management Plan (RMP) Amendments and Final EIS*. Some decisions also amend the Baker RMP. Several decisions reaffirm existing management direction found in the three RMP's.

Emphasis has been given to developing decisions for the federally designated Wild and Scenic and State Scenic Waterway segments of the river system. The remainder of this section provides a summary of the issues and the decisions that resolve them. The type of decision is important because different types of decisions have different appeal rights. Where the decision includes detailed guidance for implementation, the reader is referred to an associated appendix.

The success of some decisions could depend on cooperative and direct involvement from the planning partners. Cooperative management agreements (CMAs) may be developed to address specific implementation or monitoring activities. CMAs could address resource allocations, funding strategies, and work priorities towards specific on-the-ground activities for which the partners share common goals or objectives. It is anticipated that the partners would, at a minimum, meet annually to discuss accomplishments, monitoring results, and develop a plan for the next year's implementation and monitoring program. Areas of interest and intent for involvement in implementation and monitoring by the partners is described in some specific decisions.

All management actions occurring as a result of this decision will be monitored. Specific resources/activities subject to monitoring under this plan will include: riparian recovery, upland vascular vegetation and cover, biological soil crust recovery, watershed improvement projects, anadromous fish spawning, temperature, implementation of instream conversion of irrigation flows, channel morphology, vegetation on converted agricultural fields, utilization, special status species, recreation, noxious weeds, Limits of acceptable change for resource conditions, social preferences and maintaining desired future conditions. See Appendix E for monitoring plans.

Some decisions contained in this ROD were already under BLM's authority to make, prior to the onset of this planning process. In some cases specific actions mentioned in the plan have been implemented since the DEIS was released, including applying surfacing gravel to the road to Priest Hole and installing a boater registration station at Rock Creek.

Vegetation

Issue #1. What management actions are needed to protect and enhance vegetation-related values?

The decisions listed below will protect and enhance special status plant species, promote quality habitat, enhance visual quality, and promote plant communities that support watershed function, healthy ecosystems, river values, and human uses. Most of the decisions that will protect and enhance vegetation-related values are described under Issues 1 and 1a through 1d. However, some decisions concerning recreational use and mining will also protect and enhance vegetation. The decisions concerning Riparian and Aquatic Habitat Restoration, Rangeland Restoration, and Forestlands Management, described below, did not correspond to the specific issues 1a through 1d but are essential elements of our concern to protect and enhance vegetation in order to protect and enhance river values.

Riparian and Aquatic Habitat Restoration

Decision: In order to protect and enhance riparian/wetland areas we have decided to continue existing management for riparian and aquatic habitat restoration.

The current program of riparian outplanting will continue. The BLM maintains a cottonwood stock nursery in the Clarno area where seed stock from throughout the basin have been planted and cataloged. Cuttings from this stock are taken for planting in suitable areas throughout the basin to enhance riparian productivity, diversity and structure, and to eventually provide a seed source for natural propagation of cottonwood throughout the basin. In addition, other species of riparian shrubs and trees are planted throughout the basin with the same goals and objectives.

Any activities involving ground disturbance will require further consultation with the ODFW, Oregon Division of State Lands, and OPRD, State Scenic Waterways Division. There are no specific projects of this type planned or described in this plan. Any future proposed projects of this nature on public lands will be subject to public review and appropriate federal, state and tribal consultation. In addition, prescriptions within the WSR segments will be designed and evaluated for concurrence with PACFISH guidance.

Rangeland Restoration

Decision: We have decided to utilize existing management direction for rangeland restoration to protect and enhance river values.

When seeding is used in restoration and rehabilitation projects, native species will be used where feasible. Following the Standards for Rangeland Health and Guidelines for Grazing Management, as described under the Accelerating Rangeland Recovery section, we will employ "Seedings and plantings of non-native species only in those cases where native species are not available in sufficient quantities; where native species are incapable of maintaining or achieving the standards; or where non-native species are essential to the functional integrity of the site." Ideally, seeding with non-natives should be a short-term measure to protect resource values until natives can re-establish.

The objectives of each particular project, both short and long term, will influence the process of species selection. If research or information becomes available on a particular species that causes concern for the invasive potential of that species, it would not be included in a species mix. No non-native species would be planted where the potential to compete directly with special status plant species occurs. No non-native species will be planted in WSAs.

Forestlands

Decision: In order to Protect and enhance river values in both Segments 7 and 10 (the only segments with forestlands,) we have decided to apply the existing John Day RMP (USDI-BLM, 1985a), as amended by PACFISH, guidelines for management of forestlands in riparian areas to all areas within these segments.

Timber removal will take place only when necessary to reduce the risk of catastrophic timber loss due to insect infestation, disease, wildfire or when public safety is of concern.

Grazing: Issue #1a - How should grazing be managed to protect and enhance river values?

Decision: We have decided to require that grazing on BLM-managed lands within the river corridor protect and enhance river values by modifying existing grazing management, where necessary.

This decision includes the following measures: (See FEIS, Vol. 1, pg. 170-172.)

1. Dates of annually authorized use will be determined by plant phenology, herd size, and available forage.
2. Except for allotments with small parcels of public lands surrounded by private land grazing will normally be restricted to not more than 60 days between November 1 to June 1 (often between March 1 to May 1).
3. A special seasonal limitation to grazing will be established. To protect public land riparian areas, grazing in pastures where livestock have access to river bank will be limited to periods when river flows at the USGS Service Creek gauging station are at least 2,000 cubic feet per second (cfs). The 50% exceedence value for the monthly natural stream flows are as follows: February, 2,060 cfs; March, 2,860 cfs; April, 4,610 cfs; May, 4,770; and June, 2,410.
4. When needed, grazing will be managed by fencing and use of natural features to physically prevent cattle from entering riparian areas, and by resting certain allotments.
5. When proposed grazing management blocks livestock access to water, new water sources will be developed.
6. Grazing will be managed to discourage livestock from concentrating in areas having possible cultural or paleontological resource values.
7. Within WSAs fencing and other developments must be determined to not impair the suitability of a WSA or a portion of a WSA for preservation as wilderness. Location of fencing or water developments, materials used, method of construction and maintenance would be subject to site specific analysis. If it is determined that fencing or other developments impair wilderness suitability other means would be required to manage livestock.
8. Monitoring of compliance with authorized grazing schedules will be increased over normal frequencies.
9. In the lower John Day River mainstem, most livestock use on public land riparian areas will end prior to the start of the high use boating season.
10. Ten popular camp sites known to have conflicts with livestock are identified for exclusion fencing (see Appendix I).
11. Comprehensive monitoring will be implemented
 - A. Levels of grazing or browsing use on important vegetative components of the riparian ecosystem will be monitored.
 - B. Increased vegetation and river channel monitoring will be established on grazed and ungrazed areas to verify that recovery rates are equal. In the event the above measure is not met, appropriate action will be taken (mid

term determinations may result in changes in season of use, changes in duration of grazing, changes in AUMs, exclusion, or some combination of the above, as described in the monitoring section. Final determinations of above measures not being met would result in livestock use being canceled in that portion of the pasture (FEIS, Vol 1, p. 196)). The Confederated Tribes of Warm Springs have indicated an interest in participating in vegetation and grazing monitoring.

- C. At campsites where livestock use creates a conflict as documented in Limits of Acceptable Change (LAC) monitoring, grazing will be excluded. The LAC study is described under Recreation and Appendix H.
- 12. Any campsite closed to recreation use for recovery will also be closed to grazing.
- 13. To protect California Bighorn Sheep, no sheep or goat permits (domestic or non-native) will be allowed in the future on BLM allotments within and adjacent to Segments 1, 2, 3, or 10. Conversion of permits from cattle or horses, to sheep or goats will not be allowed in the future in Segments 1, 2, 3, and 10. Any use of domestic sheep or goats for weed control will be closely monitored and done in accordance with the BLM's Bighorn Sheep Management Guidelines. No reduction in present livestock permit levels are proposed to accommodate bighorn sheep, just a restriction on livestock class. Currently, there are no active domestic sheep or goat permits in Segments 1, 2, 3, 10.

See Appendix L (Allotment Summaries) for decisions by individual allotment. See also Map plates 1a, 2a, and 6a for depiction of grazing management.

Noxious Weed Control

Issue #1b - How should noxious weed invasions be managed to protect and enhance river values?

Decision: We have decided to continue implementation of the existing Integrated Weed Management Program to prevent the spread of noxious weeds and to prevent the development of monocultures that eliminate the diversity of habitat required by many wildlife species.

Mitigations/stipulations for noxious weed control activities are fully described in the FEIS (pages 156-158).

Fire Management

Issue #1c - How should fire be managed to protect and enhance vegetation, scenery, recreation, and wildlife resources on public lands?

Decision: We have decided to implement the District Fire Management Plan to protect property and riparian, range, and forest habitats.

Fire control actions in the John Day River basin are selected to minimize visual and ecological impacts and, when needed, aggressively suppress wildfire. Additional fire management and rehabilitation efforts will be covered in supplemental environmental assessments or fire management plans.

Agricultural Lands

Issue #1d - How should public agricultural (cultivated) lands be managed to protect and enhance river values?

Decision: We have decided to phase out commercial, cultivated agriculture and to protect and enhance river values by utilizing these lands to provide wildlife habitat, food

and cover for wildlife, or to provide cottonwood stock for reintroduction of hardwoods to riparian areas. We have decided to cooperate with our planning partners and the Oregon Department of Water Resources to return water not needed for managing these lands to instream uses.

As a result of this decision the BLM will phase out from commercial agriculture production on 195 acres of BLM managed land within 10 years according to the following schedule:

- Segment 1 - RM23 - One tract of 8.7 acres within 5 years.
- Segment 2 - RM98.75- One tract of 3.4 acres within 8 years.
RM101.5 - One tract of 43 acres within 8 years.
RM 107 - One tract of 70 acres within 5 years.
- Segment 3 - RM136 - One tract of 23.4 acres within 10 years.
RM 137 - One tract of 46 acres within 10 years.
(Two tracts totaling 26 acres in Segment 3 are identified for disposal.)

Dispose of 26 acres of agriculture land, through the land exchange process, for lands of equal or greater value within the designated Wild and Scenic River boundary. Pursue implementation of this exchange as soon as possible. A conservation easement, in exchange for these parcels, could also be pursued if the opportunity arises.

These 26 acres are in Segment 3 and include RM 112; T8S, R19E, Section 3, NE1/4SW1/4 and Section 4, NW1/4SE1/4 (15.3 acres) and RM 119; T8S, R19E, Section 25, SW1/4NW1/4 (10.3 acres)[legal descriptions corrected from FEIS]. Pending any exchange, these lands will continue to be leased for continued use in conjunction with adjacent private lands.

Some agricultural lands will continue to be irrigated to: 1. Provide for tree and shrub propagation (such as cottonwood, willow, aspen), 2. Provide, short term water for the reestablishment of perennial vegetation (native and/or desirable non-native grasses, forbs, shrubs and trees) that will not require irrigation after establishment, 3. Establish wildlife food and cover plots.

When conditions permit small portions of the 43-acre field in Segment 2 (RM 101.5) and 46-acre field in Segment 3 (RM 137) will be converted to perennial vegetation in order to open sites for dispersed camping and increase recreational opportunities.

Any BLM-managed land on which unauthorized agriculture is discovered in the future will be managed in a manner consistent with this decision (that is, it will be converted to perennial vegetation, tree and shrub propagation, wildlife food and cover plots, or disposal).

As tracts are converted to perennial vegetation, and irrigation is no longer required for establishment. Beneficial use would be maintained and associated water rights would be or transferred to instream use in cooperation with Oregon Water Resources Department.

Fish

Issue #2 - How can management actions best contribute to protection and enhancement of fisheries values in the John Day River system?

Decision: In order to protect and enhance fish in the John Day River we have decided to continue to support ongoing implementation of conservation measures by federal, state, county, tribal, and private entities within the John Day basin. Other decisions for

managing grazing, forestlands, weeds, fire, agricultural lands, mining, and recreation, along with the ability to implement fish habitat enhancement projects when determined appropriate, are the best means to protect and enhance fisheries values in the John Day River System.

Direct fisheries habitat restoration actions will follow guidance identified under Riparian and Aquatic Habitat Restoration and also be subject to public review, and appropriate federal, state, and tribal consultation. Formal and informal consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service will be initiated on any proposed actions that may affect Federally listed threatened or endangered species. No activities will be permitted in threatened, endangered, or sensitive species habitat that would jeopardize the continued existence of such species. The habitat of threatened, endangered and special status species will continue to be monitored, maintained, and/or improved.

Wildlife

Issue #3 - How can management actions best contribute to protection and enhancement of wildlife within the John Day Wild and Scenic River?

Decision: Continue existing management of wildlife habitat, as described in the three RMPs, other supplemental coordinated RMPs, habitat management plans, environmental assessments, and the Endangered Species Act.

Actions that support this decision include maintaining all existing improvements and continue existing activity plans.

Formal and informal consultation with the U.S. Fish and Wildlife Service will be initiated on any proposed actions that may affect Federally listed threatened or endangered species. No activities will be permitted in threatened, endangered, or sensitive species habitat that would jeopardize the continued existence of such species. The habitat of threatened, endangered and special status species will continue to be monitored, maintained, and/or improved.

Forage will be provided to meet ODFW management objective numbers for deer and elk. Additional forage may be allocated to livestock whenever present big game population objectives are exceeded.

Public land use by exotic and/or feral sheep, goats, and pigs is not and will not be authorized. The BLM supports removal of these species by the use of BLM regulations and/or cooperation and coordination with the Oregon Department of Agriculture, ODFW, and private landowners. (This action is also described under Actions/Implementation for grazing

Crucial habitats will be monitored for forage production, habitat condition changes, and overall effectiveness of improvements. Existing improvements that relate to wildlife habitat will be maintained. Habitat management plans will be written for selected areas of wildlife habitat, and specific wildlife objectives will be included in all activity plans. Seasonal restrictions will continue to be applied to mitigate impacts of human activities on important seasonal wildlife habitat.

Native American Trust Responsibilities Issue #4 - How should the John Day Wild and Scenic River be managed to honor federal trust responsibilities to recognized Native Americans Indian tribes?

The BLM is guided by national policy and law and is committed to continuing consultation and cooperative management whenever possible. See the discussion about the role of Native American Indian tribes in the BLM planning process in this document.

Water Quantity and Quality Issues #5 and 6 - What land management activities can address water quantity and quality relative to the protection and enhancement of river values meet the requirements of the Clean Water Act, Endangered Species Act, and Wild and Scenic Rivers Act?

Decisions: We have decided to manage lands adjacent to the river to meet state water quality requirements, satisfy obligations of the Clean Water Act, and to protect and enhance outstandingly remarkable values, especially anadromous salmonids.

The BLM will continue to encourage and participate in independent and cooperative efforts by doing the following:

- Establish instream water rights under state appropriative or federal law.
- Enter into water-sharing agreements between private landowners, OWRD and ODFW.
- Leasing (in the short term) and transferring to instream uses existing consumptive irrigation rights
- Push-up dam removal and diversion modification (such as infiltration galleries).
- Irrigation efficiency projects (for example, conversion from flood to sprinkler or gated pipe).
- Riparian fencing projects.
- Fencing and spring developments to implement grazing systems that improve and maintain riparian and upland vegetation.
- Fish screening of irrigation systems.
- Off-channel or headwater check dams.
- Juniper and noxious weed control.
- Prescribed burning.
- Wildlife food and cover seeding.
- Riparian plantings.

The above activities may be implemented by individual landowners and agencies, or through various levels of coordination of individuals, watershed councils, and local, state, federal, and tribal governments.

The development of a Water Quality Restoration Plan (WQRP) (see Appendix G) will guide restoration actions to improve water quality in those areas where BLM land management actions have an effect. The goals of the WQRP are: 1) to protect existing areas where water quality meets standards and avoid future impairments, and 2) to restore existing areas that do not currently meet water quality standards.

The BLM adopts the recommended flows identified in the John Day River Scenic Waterway Flow Assessment (see FEIS, Volume 1, Table 2-J) as provisional instream flow goals for the John Day River Plan. These flow levels were identified to support recreation needs (OWRD 1986), and meet or exceed optimal flows for anadromous fish (Lauman 1977).

The managing agencies will use a two-pronged approach to achieve these flow goals and meet state water quality requirements. First, the agencies will continue their present individual and cooperative efforts to improve instream flows and water quality in the John Day River basin as described above. Second, the John Day River planning partners (BLM, CTWSRO, State of Oregon, and Counties) will coordinate to identify, prioritize, and facilitate actions to help achieve the identified flow goals and state water quality requirements. The information-sharing process will be open to tribal, local, state, federal, business/industry, recreational, and conservation/environmental representation to:

- Develop basin-wide priorities and recommendations for water quantity and quality improvement projects and practices.
- Provide guidance and technical assistance to cooperative individuals and groups, such as Watershed Councils.
- Coordinate funding sources to assist in implementing identified projects.
- Modify management practices based on results of monitoring, new information, or meaningful changes in conditions.

Other decisions described in this ROD that address grazing, agricultural lands, and recreation will also protect and enhance water quantity and quality values.

Paleontological Resources

Issue #7 - How will paleontological resources within the river corridor be protected and enhanced, while allowing for other uses?

Decision: We have decided to continue existing management that will preserve and protect paleontological resources and will make them available for viewing, education and research purposes when appropriate. Additional actions consistent with existing guidance will be taken to protect and enhance paleontological resources.

Existing management will continue in accordance with current laws, policy and agreements to protect and enhance paleontological resources and to prevent unauthorized disturbances. The actions include: conduct reactive inventory, record and evaluate on a project- specific level, maintain files and maps, monitor on an irregular basis for unauthorized disturbances and locality condition, conduct periodic public outreach and education efforts, and consult with the National Park Service at the John Day Fossil Beds National Monument on all proposed actions that might affect fossil resources.

To further protect these resources, we will take the following additional actions:

- Conduct inventory and cyclic prospecting at all potential fossiliferous exposures.
- Coordinate with the National Park Service and other outside entities to conduct appropriate scientific research on identified localities within the corridor
- Implement appropriate interpretive/public outreach/educational techniques
- Pursue development of partnerships with external entities to accomplish any or all of the above.

Cultural Resources

Issue #8 - How will cultural resources within the corridor be protected and enhanced, while allowing for other uses?

Decision: We have decided to continue existing management that will preserve and protect cultural resources (both historic and prehistoric) and make them available for cultural, educational and/or research purposes. Also take additional actions that will further contribute to protection and enhancement of cultural resources and prevent unauthorized disturbances.

Cultural resources will continue to be managed in accordance with current laws, policy and agreements for protection and enhancement of cultural resources, and to prevent unauthorized disturbances. Tasks will include: reactive inventory, record and evaluate on a project-specific level, maintain files and maps, monitor for ARPA violations and site condition on an irregular basis, conduct periodic outreach and education efforts, and consult with appropriate tribal groups on specific proposed actions.

Additional actions will include the following tasks:

- Re-record known sites.
- Evaluate sites for appropriate BLM Use Categories/National Register eligibility.
- Conduct Class III inventory in areas of high probability and/or potential high use not previously inventoried and which are not necessarily associated with specific projects.
- Conduct limited site testing/salvage excavation, where appropriate.
- Apply appropriate rehabilitation/stabilization techniques to sites as needed.
- Develop and implement appropriate interpretive/public outreach/educational techniques.
- Pursue development of a more active role for tribal involvement (beyond that required by law) in any or all of the above (participating in the rehabilitation of a damaged site).
- Pursue development of partnerships with various internal and external entities to accomplish any or all of the above.

The BLM considers these actions to protect and enhance cultural resources to be a high priority and will actively seek funding to accomplish them.

Public Information and Education

Issue #8 - How and where should public information and education efforts be concentrated?

Decision: We have decided to develop and implement a more focused information and education effort that will help the users and public understand and appreciate the Wild and Scenic River values, the need to protect and enhance these values, and their role in that effort.

Currently, the BLM disseminates information to users through information boards at major access points, responses to written and telephone information requests, outfitter and guide meetings, and visitor contact with BLM employees and volunteers stationed in the office, on public lands, and on the river. Presentations to schools and interest groups are conducted by request. The BLM will continue these actions, as well as continue the current policy of discouraging media coverage and public outreach that is intended to bring more users to the John Day River.

In addition, the BLM will install information boards at more public access points; increase personnel contacts with visitors; and create new user brochures, detailed land ownership maps, and interpretive signs. The BLM will also increase cooperative efforts with counties, local businesses, state agencies, and others to provide river users with consistent information. An information kiosk will be constructed on the South Fork John Day Backcountry Byway to educate the public about wildlife, riparian, wilderness, and weed management programs. Where trespass is a problem, ownership identification markers will be installed between BLM, state, and private lands to clearly identify land ownership and reduce trespass potential.

Actions listed for nearly all issues contained in this plan will involve communicating with the public about management goals and actions through various forms.

Law Enforcement and Emergency Services

Issue #9 - How should law enforcement and emergency services be provided as visitation increases on the John Day River?

Decision: We have decided to improve management of law enforcement and emergency services by increasing levels of cooperation and support for BLM and local agencies to provide needed services.

The BLM will seek additional funding (this is in response to a letter protesting the propose decision in the FEIS) and improve coordination with state and local agencies by organizing a work group comprised of representatives of agencies providing law enforcement and emergency services along the John Day River. The BLM will encourage joint emergency training exercises for agencies, fire districts, outfitters, and private individuals.

Scenery

Issue #10 - How should the outstanding scenic qualities of the river corridor be protected and enhanced?

Decisions: We have decided to amend the John Day and Two Rivers RMPs by changing the VRM classification in the following Wilderness Study Areas (WSAs) to VRM I: Aldrich Mountain, Strawberry Mountain, Spring Basin, North Pole Ridge, Thirtymile, Lower John Day, Sutton Mountain, and Pat's Cabin.

We have decided to amend the John Day and Baker RMPs by changing the VRM classification of BLM-administered or acquired lands in Segment 7 on the North Fork of the John Day River to VRM Class III.

We have decided to manage existing recreational developments located in river segments with a VRM Class II designation, as VRM Class III "islands." New recreational development under this plan would be required to meet VRM Class III standards.

Recreation Use - Limits of Acceptable Change

Issue #11 - How should increasing recreation use be managed to protect and enhance river values?

Decision: We have decided to continue a Limits of Acceptable Change (LAC) study, already in progress in a monitoring phase, to determine appropriate use levels in all areas where visitor use has potential to adversely impact the desired future condition of resource values and/or the quality of visitor experience. Through the LAC study, determine appropriate levels for boating use for Segments 2 and 3 and make other recreation management decisions, within three years of signing the ROD.

We have decided to utilize the LAC study for other segments of the river when needed to address recreation management issues.

The BLM will continue collecting LAC monitoring data for Segments 2 and 3 in the years 2001 and 2002 and will expand the study to include a social monitoring component. The data collected during the monitoring phase of the LAC study will guide the decisions made during the planning phase of the study. The initial focus of the LAC monitoring is to determine the appropriate levels for boating use and make other recreation management decisions. Management decisions will be based on resource conditions, social preferences, and maintaining the desired future condition of these river segments. Resource indicators, standards, and management actions will be developed through an environmental assessment process (see Appendix H). LAC monitoring will continue in

future years to track resource changes over time, provide feedback on the effectiveness of the management actions employed, as well as alert managers to the need to consider further management actions to meet standards identified in the LAC study. The Confederated Tribes of Warm Springs have indicated an interest in being involved in the LAC study. Other planning partners will also be invited to participate, as will private and commercial recreation users and other interested publics.

Recreation - Boating Use Levels

Issue #12a - How should boating use levels be managed to protect and enhance river values and minimize social conflict?

Decision: We have decided to utilize the findings of a Limits of Acceptable Change (LAC) study to establish appropriate levels for boating use and make other recreation management decisions that protect and enhance river values. If the LAC study determines that boating use is above acceptable levels, mandatory limits on boat launching for overnight trips or day use may be imposed for the days during which acceptable levels are exceeded. This would require boaters to participate in a limited entry permitting process if they wish to launch when actual use levels are above desired levels.

While awaiting the results of the LAC study, interim daily launch targets will be set for overnight trips based on campsite availability. Daily launch targets will be set at a level equal to 70 percent of the available public land campsites within the first 15 river miles of the primary launch points in Segments 2 and 3. Interim launch targets will be a maximum of 10 daily launches for overnight trips in Segment 3 and a maximum of 8 daily launches in Segment 2. In Segment 1, use levels will be evaluated annually to determine if launch targets are necessary.

In the year 2003, the BLM plans to use monitoring data gathered through the LAC study to begin a LAC planning process. This process will help determine appropriate levels for boating use and make other recreation management decisions for Segments 2 and 3 (see Issue 11 - LAC). Data collected in the LAC study will provide the basis to determine if and when a mandatory, limited-entry permit system is necessary to protect and enhance outstandingly remarkable river values over the long term.

While awaiting the results of the LAC study, the boating public would be asked to voluntarily launch during off-peak periods to maintain use levels at or below the interim daily launch targets. During this interim period, non-permit measures that may be employed to manage use levels include letters to users and the media encouraging off-peak use, required no impact camping, equipment restrictions, party size limits, a campsite reservation system, or use fees.

Boating Use Allocation

Issue #12b - How should boating use be limited if boating use limits are needed in a river segment, and non-permit measures to adjust use are unsuccessful?

Decision: We have decided that, if it is determined that limits are necessary to keep use within the LAC (see 11 and 12a above and Appendix H), use will be allocated through a limited entry permit system. Trip permits would be allocated through a first-come, first-served common pool reservation system to all users in the same manner. The applicable use fee would be due in advance to hold a reservation. Any canceled trip permits would again become available for reservation.

Conditions for implementing a common pool allocation are:

- Such a system is successfully phased in on at least one segment of the Deschutes River.
- An independent evaluation of the successfully phased in Deschutes River allocation system, including a survey of Deschutes River boaters (non-guided users, guided users, and commercial guides and outfitters), and agency personnel including field staff and managers, must indicate the allocation system implemented on the Deschutes River has proven workable for each of these groups.
- If a common pool system on the Deschutes River has not been successfully phased in, an historical split allocation method will be implemented on the John Day, on an interim basis, if a limited entry permit system is needed. (The effects of an historical split allocation method were presented and analyzed as Alternative B in the FEIS.)
- If the independent evaluation and internal review indicate the common pool system implemented on the Deschutes River does not meet public and administrative needs while protecting the ORVs, and cannot be adjusted to do so on the John Day River, the BLM in cooperation with the planning partners will reconsider a range of alternatives for allocating use on the John Day River, through a plan amendment.

Motorized Boating

Issue #12c - How should motorized boating be managed to minimize social conflicts and protect river values?

Decisions: Existing state regulations will continue to prohibit the use of personal watercraft upstream of Tumwater Falls.

We have decided to take no action in Segment 1. Existing state regulations will continue to seasonally close Segment 1 to motorized boating from May 1 to October 1.

We have decided to close Segment 3 to motorized boating between May 1 and October 1, except use of one small electric motor (40 lbs. thrust or less) per boat will be permitted during this period.

We have decided to close Segments 2, 10 and 11 to motorized boating year-round.

The BLM will publish supplemental rules for motorized boating in the Federal Register to implement the decisions described above.

Dispersed and Developed Recreation

Issue #12d - How should camping be managed to protect resource and social conditions, and if visitor facilities are developed, where and what type of facilities should be developed?

Dispersed Recreation

Decision: To protect river values we have decided to manage dispersed use in areas that can best sustain impacts of camping.

Future actions (not described in this document) designed to protect dispersed river campsites will be based on recommendations of an LAC study.

We have decided to create a map to identify river campsites in Segments 2 and 3 that can best handle human use, identify preferred dispersed camping areas in Segments 10 and 11, and install signs and parking barriers to protect riparian vegetation.