

# Chapter 4 – Consultation and Coordination

This chapter summarizes the wasteway consultation and coordination efforts required by law. Attachment D contains a list of agencies, organizations, and persons receiving a copy of this EA.

## Public Involvement

Reclamation began working with local landowners, TID, and other stakeholders in the early 1990s concerning erosion damage in the wasteway. Reclamation entered into a right-of-way agreement and acquired a 60-foot-wide easement across private property for easier access to the wasteway from Tyler Creek Road (figure 1-2).

The NEPA scoping process officially began with an April 6, 2001, letter to over 100 potentially interested individuals, organizations, and local media. The letter provided basic Rogue River Basin Project background information, relevant history into events leading to the proposed action, and requested assistance in identifying environmental issues and concerns associated with access to and stabilizing the wasteway. An April 9, 2001, news release to local media also announced a 30-day public comment period. Public interest in commenting on the proposed action resulted in a 2-week extension of the comment period. Reclamation received eight letters from the public during that time; many comments were beyond the purposes of and need for action and outside the scope. Reclamation determined from the responses that the scope, purposes, and need had not been clearly stated or understood.

Reclamation conducted a tour of the wasteway channel on May 21, 2001, to inform the public of progress toward stabilizing the wasteway and to seek their input. Private landowners, BLM, a FOG representative, and two private consultants (Hicks and Hart) participated in the tour. The attendees walked the length of the wasteway from the pipe outlet to the lower Tyler Creek Road crossing. A Reclamation representative explained how the project operates, the alignment of the channel at the area of considerable erosion, and why the channel was realigned at the landowner's request. Discussions with the private consultants led to the agreement that the area of considerable erosion is healing naturally and should be left alone. Different types of bioengineering techniques were discussed for specific areas along the channel. Using cuttings from local native vegetation or bringing in additional native vegetation (versus bringing in non-native vegetation) was agreed upon as the preferred source.

Reclamation also sponsored a public workshop on December 6, 2001, at Ashland Middle School in Ashland, Oregon, to communicate the need, purposes, scope, and proposed action and to solicit public input on alternatives to stabilize the wasteway. Notice of the workshop was mailed November 14 to approximately 150 individuals on the scoping mailing list. The notice provided

background information, a map, and a request for questions and informational needs. Medford Mail Tribune, Grants Pass Daily Courier, Ashland Daily Tidings, and Illinois Valley News received a November 26 news release announcing the workshop. Fourteen individuals attended the workshop and participated in small and large group discussions about their concerns and stabilization options. Facilitators recorded public comments on flip charts. Reclamation received three letters and comment forms before and eight letters following the meeting. Copies of the workshop displays were provided to BLM.

The Draft EA was mailed to more than 175 interested parties on July 1, 2003. BLM and landowners of three adjacent properties submitted response letters within the 30-day comment period.

## **Agency Consultation and Coordination**

### **Endangered Species Act of 1973**

Reclamation has concluded the alternatives discussed in this EA would have no effects on listed species; therefore, no further consultation is needed. If, during the course of the stabilization efforts, NOAA Fisheries or USFWS lists any new species which occupy the work area, Reclamation would begin consultation on those species.

### **National Historic Preservation Act of 1966, as Amended**

Historic property investigations were completed using consultation processes defined both by Section 106 of the National Historic Preservation Act and by Oregon State law requiring that archeological investigations on private land occur under a State permit. In May 2001, Reclamation informed the SHPO of the proposed access upgrade and wasteway stabilization and that three sites were present in the access road right-of-way. In December 2001, in compliance with State law, Reclamation's contractor (HRA) submitted a request to the SHPO for a State permit to complete test excavations at the three sites. As part of the permit application process, in April 2002, the SHPO notified the Cow Creek Band of the Umpqua Tribe of Indians, the Confederated Tribes of the Siletz Indians, the Klamath Tribes, and the Grand Ronde Tribes of the request. In June 2002, the day the permit was to be issued, the Grand Ronde Tribes notified HRA that they were interested in monitoring the test excavation. Since scheduling issues required that HRA begin work immediately following receipt of the State permit, the Grand Ronde Tribes agreed to forgo monitoring and instead requested to be kept informed of testing results.

In September 2002, following receipt of HRA's test excavation report, Reclamation initiated consultations with the SHPO and the above-listed tribes about the eligibility of the sites to the National Register. Only the portion of each site included within the 60-foot-wide right-of-way corridor was addressed in the consultation. Each consulting party was provided with a copy of the test excavation report and a cover letter explaining the basis for Reclamation's assessment

that the segment of the sites within the corridor was not eligible to the National Register. As shown in attachment B, the SHPO responded on October 17, 2002, with their concurrence that the segment of all three sites lying within the right-of-way corridor was not eligible for the National Register.

In a letter dated October 28, 2002, (attachment C) the Grand Ronde Tribes responded that “the Tribe considers these sites culturally significant, with a high possibility of an inadvertent discovery during any ground-disturbance.” They indicated their desire to be involved in future consultations if any discoveries were made. No other tribe responded.

August 14, 2003, Reclamation sent the SHPO a copy of the Draft EA and provided a 30-day comment period. The SHPO provided no comments within that period.

## **Bureau of Land Management Coordination**

Reclamation included three BLM employees on the initial wasteway stabilization mailing list and has since added two more. BLM provided comments on the initial scoping document. They attended Reclamation’s May 21, 2001, wasteway tour and the December 6, 2001, public workshop and provided information concerning the location of BLM property along the wasteway. BLM also provided comments on the Draft EA. Reclamation would continue cooperating with BLM to ensure its actions are in agreement with BLM land resource management practices.

## **Tribal Consultation and Coordination**

Reclamation included the Coquille Indian Tribe; the Cow Creek Band of the Umpqua Tribe; and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Tribes in mailings of the initial scoping letter and the public workshop announcement. None of the tribes responded. Further tribal contacts are described in the *National Historic Preservation Act of 1966, as Amended* section of this chapter.

## **Adjacent Landowners**

Adjacent landowners are included on the wasteway stabilization mailing list, received a copy of the scoping letter, and have had opportunities to comment. They attended the May 21, 2001, wasteway tour and the December 6, 2001, public workshop. Reclamation consulted with some individual landowners regarding the wasteway, its general use, and impacts specific to their property. One landowner negotiated with Reclamation for right-of-way for the proposed access road alignment. A copy of the Draft EA was mailed to adjacent landowners for review and comment. Landowners submitted three comment letters on the Draft EA. Reclamation would continue consulting and negotiating with adjacent private and Federal landowners to acquire rights-of-way/flowage easements and to accomplish wasteway stabilization.

The adjacent landowners are on Reclamation's call list for notification prior to diverting water through the wasteway. When called, they will each receive information concerning why the wasteway will be used and approximately how long released water will be diverted through the wasteway. They will also be notified that someone will be on site to inspect the wasteway during flows.

### **Other Contacts**

Other contacts regarding the wasteway include the local offices of ODEQ, ODFW, NOAA Fisheries, USFWS, and TID. Reclamation invited these agencies to the May 21, 2001, public tour but none attended. All are included on the wasteway stabilization mailing list and were sent copies of the scoping document and the Draft EA. ODEQ, ODFW, and TID are also on Reclamation's call list for notification prior to diverting water through the wasteway. Reclamation would continue cooperating with these agencies as stabilization efforts progress.