Attachment E — Public Involvement

- **Public Involvement Plan**
  includes list of agencies, organizations, and persons Reclamation contacted throughout the NEPA process

- **Reclamation's responses to public comments**

- **Summary of Comments Received Prior to Release of the June 30, 2003, Draft Environmental Assessment**

- **Comments Generated by the June 30, 2003, Draft Environmental Assessment**
  - 7-19-03 letter from Ty and Lauren Hisatomi
  - 7-28-03 letter from Catherine Edwards
    - 5-14-01 letter from Catherine Edwards
    - -- map
    - 11-17-01 letter from Catherine Edwards
  - 8-1-03 letter from Daphne Stewart and Bob Woods
  - 8-4-03 email and letter from Bureau of Land Management

Public Involvement Plan

Tyler Creek Wasteway Stabilization

Public Involvement Plan

December 1, 2001

Prepared for the

U.S. Bureau of Reclamation
Pacific Northwest Regional Office
1150 North Curtis Road
Boise, ID 83706-1234

By

Marsha Bracke
Bracke & Associates, Inc.
6750 Southside Blvd.
Nampa, ID 83686

TYLER CREEK WASTEWAY STABILIZATION PUBLIC INVOLVEMENT PLAN

Section 1: Introduction

Background

Tyler Creek Wasteway (wasteway) is a component of Talent Division of Rogue River Basin Project located southeast of Ashland, Oregon. The wasteway is the only means of delivering irrigation water from Keene Creek Reservoir to Talent Irrigation District lands when Green Springs Power Plant is out of service for maintenance or repair during irrigation season. It is managed by the Bureau of Reclamation (Reclamation).

In 1993, repair and maintenance activities required the use of the wasteway for an extended time. It bypassed the power plant and ensured the availability of irrigation water in keeping with the wasteway's intended use. This extended use damaged wasteway banks and some property outside the Reclamation right-of-way.

Reclamation is proposing to upgrade access to the wasteway and conduct bank stabilization and restoration activities.

Reclamation will make a formal decision about pursuing stabilization and access activities following a National Environmental Policy Act (NEPA) review of the federal action and evaluation of reasonable alternatives. In accordance with NEPA, Reclamation will identify environmental and social issues that may be of concern or potentially significant in the proposed area.

The resulting Environmental Assessment (EA) process will guide Reclamation to a decision that includes either: 1) a Finding of No Significant Impact (FONSI) and action can proceed, or 2) the discovery of significant impact, following which Reclamation would initiate or transition to an Environmental Impact Statement (EIS) process.

Project Summary

In 1993, Reclamation worked with stakeholders to develop a proposed action to stabilize wasteway banks adversely impacted by its extended use in 1993 and provide for access in newly acquired right-of-way.

A torte claim filed by one landowner delayed any action on the project until its resolution in 2001. During that time, Reclamation worked with landowners and acquired permanent right-of-way to

facilitate construction of an access road, proposed stabilization, and ongoing maintenance.

During the spring of 2001, Reclamation initiated scoping to identify issues to consider and address in its EA. Reclamation sought public assistance to identify possible environmental impacts and concerns about the proposed action. Stakeholders responded by outlining requests and studies that exceeded Reclamation's proposal. In response to this input, Reclamation chose to enhance its scoping effort. As a result, Reclamation has developed and is pursing implementation of this Public Involvement Plan.

Project Purpose and Need

A critical step in the NEPA environmental process is the development of a Purpose and Need Statement for the project. Reclamation has identified the following purpose and need for this EA.

Purpose of Action:

The *purpose* of this activity is to

- Correct existing streambank damage
- Prevent future streambank erosion and degradation
- Provide future maintenance of the wasteway

to fill the *need* to stabilize Tyler Creek Wasteway.

Proposed Action

The action proposed to address this purpose and need includes:

- Reinforce streambanks using standard engineering and bio-engineering techniques
- Construct access road within right-of-way
- Acquire new right-of-way/access as needed in the future.

What Happens if Nothing is Done?

If no action is taken to construct the access road, Reclamation's ability to stabilize the banks will be limited and further degradation will likely occur when the wasteway is in use.

Section 2: Public Involvement Objectives, Messages, Audiences

Reasons for Public Involvement

Reclamation is engaging in public involvement on this project to improve its decision making process by considering public input and to meet its legal requirements under NEPA.

Public Involvement Objectives

The objectives of this public involvement effort are to:

- Communicate Reclamation's responsibility for and capability to repair the Tyler Creek Wasteway.
- Implement an open and inclusive process that generates optimum understanding of project scope, need, issues and impacts.
- Engage the public in a process that clarifies information and generates inter-stakeholder understanding of the process and the project.
- Provide timely, accurate, consistent information.
- Solicit, recognize, consider, and address public concerns and issues.

Messages

Project messages, incorporated into all project communications written and oral, ensure consistent and accurate presentation of key issues throughout the project. Project messages are:

- Reclamation is ready and able to complete this project.
- This effort specifically focuses on Tyler Creek Wasteway Stabilization.
- Public involvement is important. Please participate in our process.
- Our intent is to repair the banks and create the most natural condition possible.
- Access is important for purposes of conducting the repair and ongoing maintenance.
- Reclamation will make a decision based on many factors, among them environmental, public input, feasibility, authority and cost.

Audiences

A Correll WordPerfect file contains the Tyler Creek Wasteway database. That database is maintained in the Lower Columbia Area Office. A copy is included as Appendix A.

Each individual or organization on the database will receive copies of publications, announcements and the EA. It will be updated regularly. Tyler Creek Wasteway audience types include:

- Local citizens
- Adjacent Landowners
- Jackson County officials
- Ashland City Government
- Irrigation Districts
- Elected Officials
- Resource Agencies
- Special Interest Groups
- Public-at-large
- Environmental Organizations
- Tribes
- Local media
- Individuals who participate in the public involvement process

Issues

Key to an effective project and public involvement plan is an understanding of the issues raised by the various publics involved with or affected by the project. Such issues will be addressed in the document. Many of those issues as raised by stakeholders during the May, 2001 public involvement effort are listed in Appendix B. These were used as a reference for creating this Public Involvement Plan.

These and other issues raised during the public workshop, letters from stakeholders, and comment response forms, will be collected and addressed in the EA.

Section 3: Public Involvement Strategy

Approach

For planning purposes, this project has been divided into two phases. Within each phase of the project, involvement activities and communication tools will be used to support the public involvement plan objectives. These include:

Phase 1: November – December, 2001

Additional Scoping.

Communicate project scope and process; document public concerns; engage stakeholders in understanding the scope, discussing issues and articulating recommendations in as collective a manner as possible. Solicit input from those who do not participate in the standard meeting process by inviting written comments.

Methods:

- Media Release
- Stakeholder letter/invitation mailing
- Background paper mailing
- Public Workshop generating stakeholder recommendations
- Solicit comment/feedback from stakeholders
- Address public input in the EA

Phase 2: March, 2002 – April 2002

Present conclusions of the EA and communicate next steps.

- Media release
- Stakeholder letter mailing, including a copy of the EA
- Public meeting if appropriate
- 30-day comment period

Further activities will be pursued, developed and implemented as appropriate according to public need and project nuances.

Schedule of Activities

A specific project schedule outlining activities that support each of the public involvement milestones listed above is included as Appendix C.

APPENDICES

Appendix A: Public Issues

Appendix B: Contact List (Database printout)

Appendix C: Project Schedule

Appendix A: Public Issues

Appendix A: Public Issues

Potential Issues Based on Actual Scoping Comments

The following were identified as issues of concerns by those interested in the project as reflected in letters of response to the initial 2001 scoping process.

1. Non-compliance to Bear Creek Water Shed Assessment Guidelines drinking water and contributes to phosphorus exceedances. Needs more work than planting a few willow trees. Riparian shade and civil engineering work with the soils is required.
2. Return channel to its original state as a natural stream. It was never designed to function as a wasteway and to handle this amount of water release.
3. Do a complete stream profile look at the terraces from the bottom to the top, from the power plant to the release valves and note the direction of the flows of land and water. Cross section across channel for sumpage.
4. Structure a design to handle the flow of water that is appropriate.
5. Compare to similar streams not affected by the BOR release. Correct the wasteway from more erosion.
6. Use only native vegetation in all planting.
7. Build a multi-seasonal road with gravel and trenching and sound enough to haul out timbers. Leave timbers for landowners to pick up.
8. Proposed action is temporary in nature, and requires that entire section, from Highway 66 to Tyler Creek road, be evaluated. Does not truly mitigate the current and future potential for adverse watershed cumulate effects.
9. Concern about damage to my bridge and property and compromising my water supply.
10. Problem could be solved by no future releases, controlling the amount/velocity of water released, augmenting, redesigning the existing wasteway in an environmentally sound fashion that does not damage area or jeopardize right of way.
11. Damage to in-stream aquatic life over the past 10 years.
12. Consider the first mile of the wasteway from the outlet to the confluence of School House Creek.
13. Consider alternative wasteways. Discharge through tunnel may require permits, and are not consistent with the Aquatic Conservation Strategy of the Northwest Forest Plan because it results in landsliding, bank erosion and gullying.
14. Unless properly constructed, the proposed road could result in being a pathway for future stream diversions.
15. Stream channel must be stabilized to prevent future erosions. Requires keeping channel deep and debris free, but fallen trees must not be removed, as they stabilize existing nickpoints and raise the channel beds.
16. Tributary channels and swales need stabilization.
17. Stabilize top slopes near the stream edge to prevent debris slides into the stream from adjacent steep banks.
18. Request full Environmental Assessment. The scale of social, economic and environmental impacts from plant operations request that a broad range of alternatives be considered.

19. Need more information, particularly about locations and ownerships impacted, specifically location of private and federal property on Tunnel Creek, Schoolhouse Creek, Tyler Creek and impacts on Emigrant Lake and Rogue River drinking water quality.
20. Consider earth flow as an issue addressed in the EA.
21. More residences imply altered surface water flow. Existing stream profiles and cross sections ought to be documented and stream segments analyzed.
22. Consider alternatives that include whether it is appropriate to continue us of the wasteway system during period of power plant closure.
23. Consider alternatives that include running seasonal excess flow down Keene Creek, installing an energy dissipater and diversion structure.
24. Stabilization, restoration and mitigation of the currently degraded channels is needed.
25. Project area from Tyler Creek at Buckhorn Road to armored revetment where water from Keen Creek Reservoir is discharged.
26. What is the extent of engineering, geologic and geotechnical studies? These issues should be addressed before any stabilization or mitigation efforts are undertaking.
27. Avoid impacts to wetlands, and provide for mitigation.
28. Support actions that improve Tyler Creek as a 303(d) listed stream.
29. Include the District in planning and comply with the Aquatic Conservation Strategy.
30. Comply with ESA.
31. Schoolhouse and Tyler Creeks exceed temperature standards and subject to listing for phosphorous and sediment.
32. Address customary access to private lands in EA.
33. Future development may have future impacts.
34. Avoid introducing noxious weeds.

Appendix B: Contact List

ASSOCIATION OF NORTHWEST
STEELHEADERS
PO BOX 22065
MILWAUKEE OR 97222

HEADWATERS
ATTN: RICHARD HART
PO BOX 729
ASHLAND OR 97520

NATURAL RESOURCES DEFENSE COUNCIL
71 STEVENSON ST
SAN FRANCISCO CA 94105

OREGON FEDERATION OF FLYFISHERS
ATTN: KEITH BURKHART
2120 ROBINS LANE SE, TRAILER 101
SALEM OR 97306

OREGON RIVERS COUNCIL
PO BOX 10798
EUGENE OR 97440-2798

OREGON TROUT, INC.
ATTENTION: JIM MYRON
117 SW FRONT AVE
PORTLAND OR 97204

TROUT UNLIMITED
213 SW ASH
PORTLAND OR 97204

LAURIE BOYD
1604 MERIDIAN RD
(SWCD)
EAGLE POINT OR 97524

LEE BRADSHAW
10275 HWY 140
(WATER FOR LIFE)
EAGLE POINT OR 97524

SCOTT ENGLISH
324 TERRACE ST
ASHLAND OR 97520

BOB GILKEY
10556 SOUTH FORK LB CRK RD
EAGLE POINT OR 97524

AL GRIESHABER
915 RILEY RD
EAGLE POINT OR 97524

MONTE JOHNSON
4172 SAMS VALLEY RD.
GOLD HILL, OR 97525

PETE NAUMES
P.O. BOX 996
MEDFORD, OR 97501

LARRY ZELLEN
11020 E. EVANS CREEK RD.
ROGUE RIVER, OR 97537

ED KUPILLAS
6210 HIGHWAY 140
EAGLE POINT OR 97524

NANCY LEONARD
PO BOX 900
UPPER ROGUE INDEP.
EAGLE POINT OR 97524

COLIN MCCOY
7401 S FK LBC RD
EAGLE POINT OR 97524

DICK MCCULLOCH
40 LAKE CREEK LOOP
EAGLE POINT OR 97524

DAVE MCFALL
PO BOX 779
EAGLE POINT OR 97524

EUGENE STANLEY
2022 RILEY RD
EAGLE POINT OR 97524

BARBARA URE
FRED HOEFNAGEL
5292 LOST CRK RD
EAGLE POINT OR 97524

JIM NEW
C/O WATER PROJECT
10015 TERWILLIGER BLVD.
PORTLAND, OR 97219

RICHARD HARRINGTON
P.O. BOX 192
BUTTE FALLS, OR 97522

LARRY VAUGHN
2775 HAMMEL RD
EAGLE POINT OR 97524

SALLY THOMAS
P.O. BOX 229
LAKESIDE, OR 97449

LEE WEDBERG
9063 ELK CREEK RD
TRAIL OR 97541

BRUCE BUCKMASTER
934 GUNNEL RD.
GRANTS PASS, OR 97526

ROGUE INSTITUTE FOR ECOLOGY &
ECONOMY
543 S MOUNTAIN AVE
ASHLAND, OR 97520-3241

ANN DONNELLY
C/O WATERSHED ASSOCIATION
P.O. BOX 5860
CHARLESTON, OR 97420

ROGER FISHMAN
"SPIRIT OF THE ROGUE"
P.O. BOX 738
SHADY COVE, OR 97539

DR. RALPH WEHINGER
PO BOX 587
EAGLE POINT OR 97524

FRED FLEETWOOD
4261 HWY 227
TRAIL, OR 97541

KIM TEISING
BOISE CASCADE
P.O. BOX 100
MEDFORD, OR 97501

CHERYL GRUENTHAL
BOISE CASCADE
P.O. BOX 100
MEDFORD, OR 97501

ED PREISENDORFER
701 SHADOW HILLS DR.
GRANTS PASS, OR 97526

STEVE BEYERLIN
94575 CHANDLER RD.
GOLD BEACH, OR 97444

JIM HUTCHINS
RURAL OUTDOOR EDUCATION
4015 SOUTH STAGE RD.
MEDFORD, OR 97501

KAREN SMITH
200 ANTELOPE RD.
WHITE CITY, OR 97503

DAVE JONES
BUREAU OF LAND MANAGEMENT
3040 BIDDLE RD.
MEDFORD, OR 97501

ROY MANNING
1119 ELLEN AVE.
MEDFORD, OR 97501

BILL PETERSON
101 NW "A" ST.
GRANTS PASS, OR 97526

PETER CRANDAL
P.O. BOX 561
EAGLE POINT, OR 97524

SOUTHERN OREGON STATE COLLEGE
LIBRARY
1250 SISKIYOU BLVD.
ASHLAND, OR 97520

JOSEPHINE COUNTY LIBRARY
200 NORTHWEST C ST.
GRANTS PASS, OR 97526

MEDFORD BRANCH LIBRARY
413 W MAIN
MEDFORD, OR 97501

CENTRAL POINT BRANCH LIBRARY
226 E. PINE
CENTRAL POINT, OR 97502

EAGLE POINT BRANCH LIBRARY
P O BOX 459
EAGLE POINT, OR 97524

GOLD HILL BRANCH LIBRARY
420 6TH AVE.
GOLD HILL, OR 97525
NOT DELIVERABLE

JACKSONVILLE BRANCH LIBRARY
170 S. OREGON
JACKSONVILLE, OR 97530

TALENT BRANCH LIBRARY
105 NORTH I
TALENT, OR 97540

WHITE CITY BRANCH LIBRARY
2399 ANTELOPE ROAD
WHITE CITE, OR 97503

MEDFORD MAIL TRIBUNE
111 N FIR AT 6TH
MEDFORD, OR 97501

GRANTS PASS DAILY COURIER
409 SE 7TH
GRANTS PASS, OR 97526

ASHLAND DAILY TIDINGS
1661 SISKIYOU BLVD.
ASHLAND, OR 97520

ILLINOIS VALLEY NEWS
319 S. REDWOOD HIGHWAY
CAVE JUNCTION, OR 97523

MANAGER
ROGUE RIVER VALLEY IRRIGATION DISTRICT
3139 MERRIMAN ROAD
MEDFORD OR 97501-1277

JIM PENDELTON, MANAGER
TALENT IRRIGATION DISTRICT
PO BOX 467
TALENT OR 97540-0467

CAROL BRADFORD, MANAGER
MEDFORD IRRIGATION DISTRICT
1340 MYERS LANE
MEDFORD OR 97501-3646

HAZEL BROWN, MANAGER
EAGLE POINT IRRIGATION DISTRICT
P O BOX 157
EAGLE POINT OR 97524

CRAIG HARPER, WATER RESOURCES DIRECTOR
ROGUE VALLEY COUNCIL OF GOVERNMENTS
155 N FIRST STREET
CENTRAL POINT OR 97502

MARK GRENBEMER
OREGON WATERSHED ENHANCEMENT BOARD
101 NW A STREET, ROOM 202
GRANTS PASS OR 97526

BEAR CREEK WATERSHED COUNCIL
C/O ROGUE VALLEY COUNCIL OF GOVERNMENTS
155 NORTH FIRST STREET
CENTRAL POINT OR 97502

LU ANTHONY, COORDINATOR
LITTLE BUTTE CREEK WATERSHED COUNCIL
1094 STEVENS ROAD
EAGLE POINT OR 97524

JAN PERTTU
APPLEGATE WATERSHED COUNCIL
2816 UPPER APPLEGATE
JACKSONVILLE, OR 97530

JOHN LIGHTY
LOWER ROGUE WATERSHED COUNCIL
3312 OAK FLAT RD.
AGNESS, OR 97406

BOB PERGESON
ILLINOIS VALLEY WATERSHED COUNCIL
1936 ALTHOWSE CR.
CAVE JUNCTION, OR 97523

RIC HOLT
JACKSON COUNTY COMMISSIONER
COURTHOUSE, 10 S. OAKDALE
MEDFORD, OR 97501

SUE KUPILLAS
JACKSON COUNTY COMMISSIONER
COURTHOUSE, 10 S. OAKDALE
MEDFORD, OR 97501

JACK WALKER
JACKSON COUNTY COMMISSIONER
COURTHOUSE, 10 S. OAKDALE
MEDFORD, OR 97501

IRV WHITING
JOSEPHINE COUNTY COMMISSIONERS
COUNTY COURTHOUSE
GRANTS PASS, OR 97526

HAROLD HAUGEN
JOSEPHINE COUNTY COMMISSIONERS
COUNTY COURTHOUSE
GRANTS PASS, OR 97526

FRED BORNGASSER
JOSEPHINE COUNTY COMMISSIONERS
COUNTY COURTHOUSE
GRANTS PASS, OR 97526

CURRY COUNTY COMMISSIONERS
P.O. BOX 746
GOLD BEACH, OR 97444

BILL MOORE
CITY OF MEDFORD
1359-B MAPLE LEAF COURT
MEDFORD, OR 97504

DOUG SMITH
CITY OF GRANTS PASS
P.O. BOX 166
GRANTS PASS, OR 97526

MARLYN SCHAEFER, MAYOR
CITY OF GOLD BEACH
510 S. ELLENSBURG
GOLD BEACH, OR 97444

NORM DAFT
JOSEPHINE CO. WATER RESOURCES
101 NW “A” ST.
GRANTS PASS, OR 97526

SUZY LIEBENBERG
JOSEPHINE CO. SWCD
576 NE “E” ST.
GRANTS PASS, OR 97526

COQUILLE WATERSHED ASSOCIATION
450 HWY 42E
COQUILLE, OR 97423

GLENN WELDEN
MIDDLE ROGUE WATERSHED COUNCIL
731 NW MIDLAND AVE.
GRANTS PASS, OR 97526

HAL MACY
APPLEGATE WATERSHED COUNCIL
1800 CHINA GULCH RD.
JACKSONVILLE, OR 97530

WALT FREEMAN
ILLINOIS VALLEY WATERSHED COUNCIL
P.O. BOX 344
CAVE JUNCTION, OR 97523

JACK SHIPLEY
APPLEGATE WATERSHED COUNCIL
1340 MISSOURI FLAT RD.
GRANTS PASS, OR 97527

CAROL FISHMAN
UPPER ROGUE WATERSHED COUNCIL
P.O. BOX 1128
SHADY COVE, OR 97539

BRUCE BARTOW
JO. CO. PLANNING DIRECTOR
510 NW FOURTH ST.
GRANTS PASS, OR 97526

BILL MANSFIELD
CITY OF MEDFORD
P.O. BOX 1721
MEDFORD, OR 97501

ED OLSON
MEDFORD WATER COMMISSION
411 W. 8TH ST.
MEDFORD, OR 97501

JOYCE HAILICKA
CITY OF BUTTE FALLS
P.O. BOX 11
BUTTE FALLS, OR 97522

JIM HILL
MEDFORD CITY HALL
411 W. 8TH ST.
MEDFORD, OR 97501

DAVE WHEATON
CITY OF GRANTS PASS
101 NW "A" ST.
GRANTS PASS, OR 97526

LISA SHAPIRO
CITY OF TALENT
1712 TALENT AVE.
TALENT, OR 97540

TONY PAXTON
CITY OF TALENT
204 E. MAIN
TALENT, OR 97540

MICHAEL CAVALLARO
ROGUE VALLEY COUCIL OF GOVERNMENTS
P.O. BOX 3275
CENTRAL POINT, OR 97502

AMY WILSON
SOUTHWEST OREGON RC&D
576 NE "E" ST.
GRANTS PASS, OR 97526

JIM WELTER
PORT OF BROOKINGS BARBOR
404 PACIFIC AVE.
BROOKINGS, OR 97415

BOB JONES
MEDFORD WATER COMMISSION
411 W 8TH ST, RM 286
MEDFORD, OR 97501

JACKSON COUNTY SOIL & WATER CONSERVATION DISTRICT
1119 ELLEN AVE.
MEDFORD, OR 97501

JOSEPHINE COUNTY SOIL & WATER CONSERVATION DISTRICT
576 NE "E" ST.
GRANTS PASS, OR 97526

ILLINOIS VALLEY SOIL & WATER CONSERVATION DISTRICT
P.O. BOX 352
CAVE JUNCTION, OR 97523

GLEN GINTER
ILLINOIS VALLEY WATERSHED COUNCIL
P.O. BOX 352
CAVE JUNCTION, OR 97523

ED KORPELA
APPLEGATE WATERSHED COUNCIL
13822 PERRY RD.
CENTRAL POINT, OR 97502

AL COOK, MANAGER
SOUTHWEST REGIONAL OFFICE
OREGON DEPARTMENT OF WATER RESOURCES
101 NW A STREET
GRANTS PASS OR 97526

BRUCE SUND
SOUTHWEST REGIONAL OFFICE
OREGON DEPARTMENT OF WATER RESOURCES
101 NW A STREET
GRANTS PASS, OR 97526

MIKE EVENSON
OREGON DEPARTMENT OF FISH AND WILDLIFE
1495 EAST GREGORY ROAD
CENTRAL POINT OR 97502

JOHN LANGE
SOUTHERN OREGON STAGE COLLEGE
DEPT. OF COMMUNICATION
1250 SISKIYOU BLVD.
ASHLAND, OR 97520

KEN BIERLY
OREGON WATERSHED ENHANCEMENT BOARD
PUBLIC SERVICES BUILDLING
255 CAPITOL ST. NE, 3RD FLOOR
SALEM, OR 97310-0203

ROSE MARIE DAVIS
JACKSON SOIL AND WATER CONSERVATION DISTRICT
1109 ELLEN AVENUE
MEDFORD, OR 97501

RUSS SAUFF
OREGON DEPARTMENT OF FISH & WILDLIFE
P.O. BOX 642
GOLD BEACH, OR 97444

PAMELA BLAKE
OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
340 N. FRONT
COOS BAY, OR 97420

BOB MULLEN
OREGON DEPT. FISH & WILDLIFE
4192 N. UMPQUA HWY.
ROSEBURG, OR 97470

OREGON WATER RESOURCES CONGRESS
1201 COURT ST NE STE 303
SALEM OR 97301

RON GARST/LARRY RASMUSSEN
U.S. FISH AND WILDLIFE SERVICE
OREGON STATE OFFICE
2600 SE 98TH AVE, SUITE 100
PORTLAND OR 97266-1398

MELISSA JUNDT
NATIONAL MARINE FISHERIES SERVICE
ENVIRONMENTAL AND TECHNICAL SERVICES
525 NE OREGON ST, SUITE 500
PORTLAND OR 97232-2737

BRIAN LANNING
NATURAL RESOURCE CONSERVATION SERVICE
1119 ELLEN AVENUE
MEDFORD OR 97501

U.S. FOREST SERVICE
ROGUE RIVER NATIONAL FOREST
333 W. 8TH ST.
MEDFORD, OR 97501

GREG CLEVENGER
U.S. FOREST SERVICE
ROGUE RIVER NATIONAL FOREST
333 W. 8TH ST.
MEDFORD, OR 97501

MIKE LUNN
U.S. FOREST SERVICE
SISKIYOU NATIONAL FOREST
P.O. BOX 440
GRANTS PASS, OR 97526

SUE LIVINGSTON
U.S. FISH AND WILDLIFE SERVICE
2600 SE 98TH ST., SUITE 100
PORTLAND, OR 97232

FRANK BIRD
NATIONAL MARINE FISHERIES SERVICE
2900 NW STEWART PARKWAY
ROSEBURG, OR 97470

ROB JONES
NATIONAL MARINE FISHERIES SERVICE
525 NE OREGON ST., SUITE 500
PORTLAND, OR 97232

RANDY FRICK
U.S. FOREST SERVICE
SISKIYOU NATIONAL FOREST
PO BOX 440
GRANTS PASS OR 97526

AARON HORTON
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 BIDDLE RD
MEDFORD OR 97501

CRAIG TUSS
U.S. FISH AND WILDLIFE SERVICE
2900 NW STEWART PARKWAY
ROSEBURG, OREGON 97470

US FISH AND WILDLIFE SERVICE
ATTENTION: FIELD SUPERVISOR
2600 SE 98TH AVENUE, SUITE 100
PORTLAND OR 97260

HONORABLE GORDON SMITH
1175 E MAIN ST STE 2-D
MEDFORD OR 97504

HONORABLE RON WYDEN
500 NE MULTNOMAH, SUITE 320
PORTLAND OR 97232-2032

HONORABLE GREG WALDEN
5000 CIRRUS DRIVE, SUITE 202
MEDFORD OR 97504

HONORABLE LENN HANNON
S-303 STATE CAPITAL
SALEM, OR 97310

CAROLYN SLYTER, CHAIRMAN
CONFEDERATED TRIBES OF COOS, LOWER UMPQUA & SIUSLAW TRIBES
1245 FULTON AVE
COOS BAY OR 97420

ED METCALF, CHAIRMAN
COQUILLE INDIAN TRIBE
PO BOX 1435
COOS BAY OR 97420-0330

MARVIN GARCIA, CHAIRMAN
KLAMATH GENERAL COUNCIL
BOX 436
CHILOQUIN OR 97624-0436

SUE SHAFFER, CHAIRWOMAN
COW CREEK BAND OF UMPQUA TRIBE
2371 NE STEPHENS STE 100
ROSEBURG OR 97470-1338

MR. BRIAN ALMQUIST
CITY ADMINISTRATOR
CITY HALL
ASHLAND, OR 97520

PAULA C. BROWN, PE
PUBLIC WORKS DIRECTOR
CITY OF ASHLAND
20 EAST MAIN STREET
ASHLAND, OR 97520

M. JOHN YOUNGQUIST
827 SOUTHEAST MOSHER
ROSEBURG, OR 97470

WATERWATCH
213 SOUTHWEST ASH
SUITE 208
PORTLAND, OR 98204

CATHERINE M. SHAW
CITY OF ASHLAND-MAYOR
886 OAK STREET
ASHLAND, OR 97520

PAUL NOLTE
CITY ATTORNEY
20 EAST MAIN STREET
ASHLAND, OR 97520

AL COOK, REGIONAL MANAGER
OREGON WATER RESOURCES DEPT-
SOUTHWEST REGION
942 SOUTHWEST 6TH STREET SUITE E\
GRANTS PASS, OR 97526

JACKSON COUNTY WATERMASTER'S OFFICE
SUSIE D. HAAS AND LARRY MENTEER
10 SOUTH OAKDALE
ROOM 309A
MEDFORD, OR 97504

MR & MRS PRINCE
1580 TYLER CREEK D
ASHLAND OR 97520

MR & MRS GARFAS
1188 TYLER CREEK RD
ASHLAND OR 97520

MR RANDY BOARDMAN
AND MR PETER THOMAS
1700 TYLER CREEK RD
ASHLAND OR 97520

FRIENDS OF THE GREENSPRINGS
15097 HWY 66
ASHLAND OR 97520

MR HAL DRESNER
1550 TYLER CREEK RD
ASHLAND OR 97520

MR CHRIS FOWLER
966 TYLER CREEK RD
ASHLAND OR 97520

MR JOHN G WARD
129 SOUTHSHORE LANE
KLAMATH FALLS OR 97601

MR JACK VAN SYOC
BROKEN ARROWHEAD RANCH
18290 WHY 238
GRANTS PASS OR 97527

MR PAUL AND MS LINDA MARTIN
1RR0 SODA MOUNTAIN RD
ASHLAND OR 97520-9407

MS CATHERINE EDWARDS
1920 Tyler Creek Road
Ashland OR 97520

MR TY AND MS LAUREN HISATOMI
1720 TYLER CREEK RD
ASHLAND OR 97520-8791

MR JOHN GEDLING AND MS DANA YEARSLEY
P O BOX 362
ASHLAND 97520-0013

MR HANK AND MS BONNIE PASSATERO
1450 TYLER CREEK RD
ASHLAND 97520-9413

MR WILLIMA KIELEY
1301 IOWA ST #10
ASHLAND OR 97520-2258

MR JOHN WARD
1525 BALDY CREEK RD
ASHLAND OR 97520-9702

MR AND MRS PAUL MARTIN
1940 SODA MOUNTAIN RD
ASHLAND OR 97520-9407

MR AND MRS TY HISATOMI
1720 TYLER CREEK RD
ASHLAND OR 97520-8791

MR JOHN GOLLING AND MS DANA YEARSLEY
P O BOX 362
ASHLAND OR 97520-0013

MR AND MRS HANK PASSAFERO
1450 TYLER CREEK RD
ASHLAND OR 97520-9413

MR WILLIAM KIELEY
1301 IOWA ST #10
ASHLAND OR 97520-2258

MR JOHN WARD
1525 BALDY CREEK RD
ASHLAND OR 97520-9702

MS. CATHY EDWARDS
1920 TYLER CREEK
ASHLAND OR 97520

CHRIS FOWLER
966 TYLER CREEK
ASHLAND OR 97520

MR. RICHARD HART
83 N. WIGHTMAN STREET
ASHLAND OR 97520

B.G. HICKS
190 VISTA STREET
ASHLAND OR 97520

D. BURNSON
1228 MUNSON
ASHLAND OR 97520

MS. CATHY EDWARDS
660 KELLY BLVD.
SPRINGFIELD OR 97477

MR. KEITH CORP
250 NEIL CREEK ROAD
ASHLAND OR 97520

MR. PAUL MARTIN
1940 SODA MOUNTAIN ROAD
ASHLAND OR 97520

MR. JAMES MILLER
PO BOX 1088
ASHLAND OR 97520

MS. LAURIE LINDELL
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 BIDDLE ROAD
MEDFORD OR 97504

MR. WILLIAM KEILEY
820 GLENDALE AVENUE
ASHLAND OR 97520

MR. BOB WOOD & MS. DAPHNE STEWART
1770 TYLER CREEK ROAD
ASHLAND OR 97520

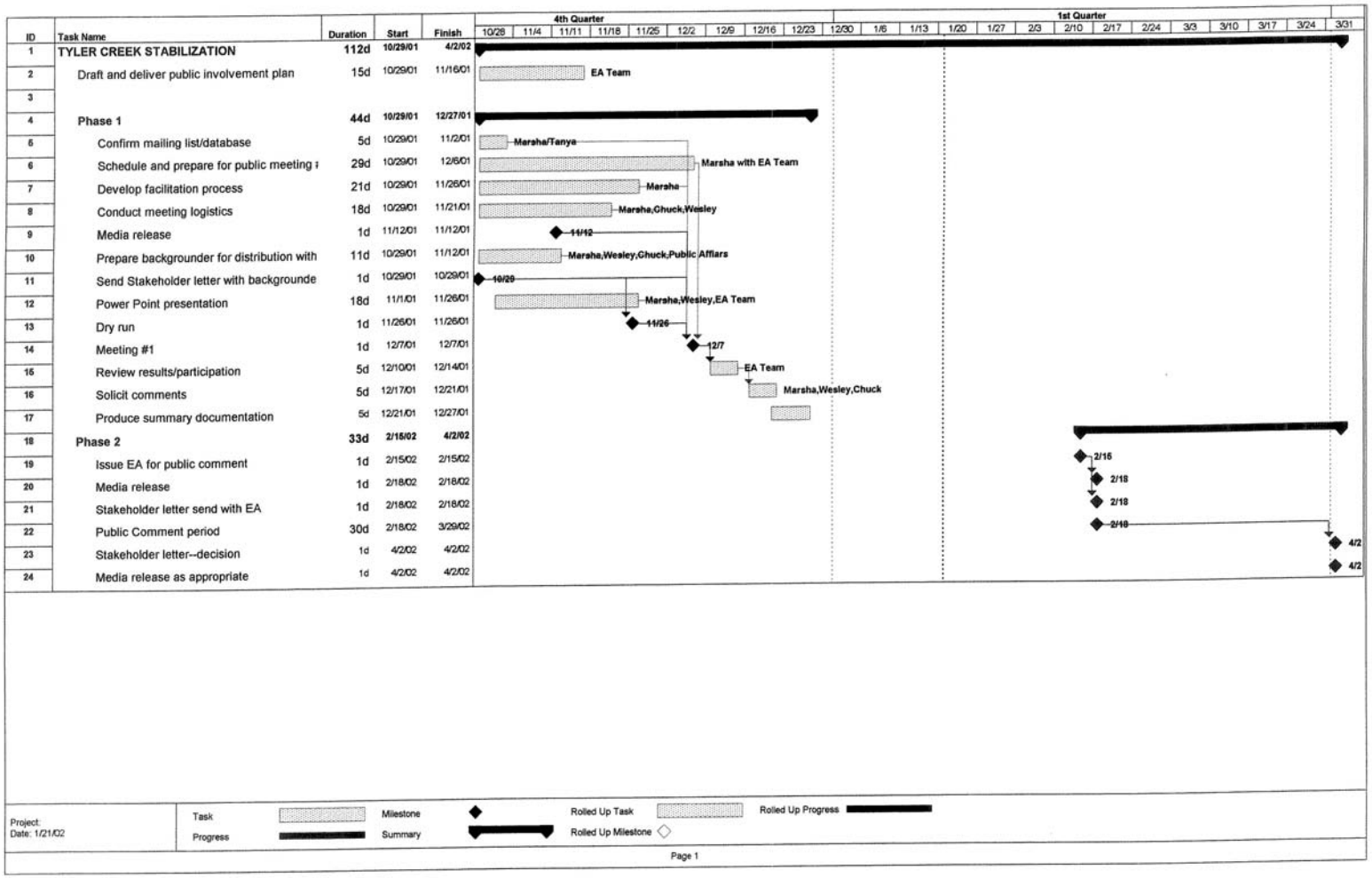
JOHN AND MARILYN MOSBY
526 MERCURY STREET
LOMPOC CA 93436

DR. JOHN MOSBY
1133 N. H STREET, SUITE L
LOMPOC CA 93436

MS. JEANNINE ROSSA
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 BIDDLE ROAD
MEDFORD OR 97504

MR. DAVE SQUYRES
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 BIDDLE ROAD
MEDFORD OR 97504

Appendix C: Project Schedule



ID	Task Name	Duration	Start	Finish
1	**TYLER CREEK STABILIZATION**	**112d**	**10/29/01**	**4/2/02**
2	Draft and deliver public involvement plan	15d	10/29/01	11/16/01
3				
4	**Phase 1**	**44d**	**10/29/01**	**12/27/01**
5	Confirm mailing list/database	5d	10/29/01	11/2/01
6	Schedule and prepare for public meeting i	29d	10/29/01	12/6/01
7	Develop facilitation process	21d	10/29/01	11/26/01
8	Conduct meeting logistics	18d	10/29/01	11/21/01
9	Media release	1d	11/12/01	11/12/01
10	Prepare backgrounder for distribution with	11d	10/29/01	11/12/01
11	Send Stakeholder letter with backgrounde	1d	10/29/01	10/29/01
12	Power Point presentation	18d	11/1/01	11/26/01
13	Dry run	1d	11/26/01	11/26/01
14	Meeting #1	1d	12/7/01	12/7/01
15	Review results/participation	5d	12/10/01	12/14/01
16	Solicit comments	5d	12/17/01	12/21/01
17	Produce summary documentation	5d	12/21/01	12/27/01
18	**Phase 2**	**33d**	**2/15/02**	**4/2/02**
19	Issue EA for public comment	1d	2/15/02	2/15/02
20	Media release	1d	2/18/02	2/18/02
21	Stakeholder letter send with EA	1d	2/18/02	2/18/02
22	Public Comment period	30d	2/18/02	3/29/02
23	Stakeholder letter--decision	1d	4/2/02	4/2/02
24	Media release as appropriate	1d	4/2/02	4/2/02

2	**Draft and deliver public involvement plan** Develop a common understanding of the objectives, schedule and process for the public involvement portion of thee project. Incorporate environmental considerations as appropriate. Follow the plan
4	**Phase 1** The objective of this phase is to set up the communications and provide information for decisionmaking. Communicate project scope and process; solicit public comment; engage stakeholders in understanding the scope and articulating their issues and informational needs in as collective a manner as possible. Solicit input from those who do not participate in the standard meeting process by soliciting comments respective to process results.
5	**Confirm mailing list/database** Review mailing list
6	**Schedule and prepare for public meeting #1** Schedule meeting date and conduct preparatory activities.
7	**Develop facilitation process** Design and refine facilitation process for meeting #1, the objective of which is to provide the scope, the sideboards, and engage stakeholders in discussions about the issues, solicit recommendations.
8	**Conduct meeting logistics** Secure meeting room, supplies and materials, prepare display boards
9	**Media release** Draft, area office and public affairs review, release to local media
10	**Prepare backgrounder for distribution with stakeholder newsletter** Draft and send to all stakeholders/media with the stakeholder letter to ensure all have consistent information about the project and the meeting.
11	**Send Stakeholder letter with backgrounder** Draft, send for area office review, send with background information.
12	**Power Point presentation** Detailed attention to power point presentation, displays to provide the baseline information for the meeting discussion.
13	**Dry run** Entire team to practice meeting process.
14	**Meeting #1** Objectives: 1. Communicate proejct scope; 2. Generate stakeholder discussions about issues and options; 3. Collect stakeholder-generated ifnrormational needs for providing follow-up information; 4. Provide direction for forwarding out-of-scope comments.
15	**Review results/participation** Review results and participation for consideration in EA and next steps
16	**Solicit comments** Solicit public scoping comments during this time
18	**Phase 2** Official NEPA notifications; announce availability of Draft EA, notifications and public hearing, take comments and then issue final EA. Requires strict attention to NEPA requirements...help from Lola and others on EA team...
20	**Media release** Announce EA availability and comment period.
21	**Stakeholder letter send with EA** Send EA to all on database and announce 30-day comment period, solicit feedback
22	**Public Comment period** Offer and complete 30-day comment period
23	**Stakeholder letter--decision** Announce decision--FONSI or EA--and next steps
24	**Media release as appropriate** Announce decision--FONSI or EA--and next steps

Reclamation's Responses to Public Comments

Reclamation Responses to Public Comments

The Tyler Creek Wasteway Stabilization Final EA is designed and written to address public issues that are within the scope of the stabilization effort.

This attachment contains categorized and summarized comments received throughout the public involvement process and prior to release of the Draft EA. Each comment category is followed by Reclamation responses.

This attachment also contains a copy of each letter commenting on the Draft EA followed by a summary table of issues raised in that letter and Reclamation's responses to those issues. Each table also references specific sections of the Final EA where you can find further discussion on the topic. The *Contents* section at the front of the Final EA will also assist you in locating particular topics of interest.

Summary of Comments Received Prior to Release of the June 30, 2003, Draft Environmental Assessment

Categorized and Summarized Comments Received Prior to Release of the Draft EA

The issues and concerns raised throughout the public involvement process and prior to release of the Draft EA are categorized and summarized, together with Reclamation's responses, as follows:

Land Ownership and Access

Summarized Comments: Landowners are concerned about damage to their property caused by Reclamation's use of the wasteway. They expect Reclamation to repair their land. They want Reclamation to obtain easements through their property. They want to be involved in how their land is repaired. They are concerned about losing their right to privacy.

Reclamation Responses: This EA is about stabilizing the wasteway to attain minimal erosion and transport of sediments from the wasteway channel. With cooperation from landowners, Reclamation could construct stabilizing structures and repair channel damage throughout the wasteway. Reclamation will involve individual landowners in acquisition of rights-of-way/flowage easements, types of easements, site-specific stabilization efforts, and disposal of construction debris. Adjacent landowners will remain on Reclamation's call list to notify them prior to use of the wasteway.

Since this is a programmatic EA, site-specific environmental compliance will be accomplished prior to initiating stabilization or major surface disturbing activities.

A locked gate will block the entrance of the access road at Tyler Creek Road.

Geologic Features

Summarized Comments: The public is concerned with the unstable soils present in the wasteway, the loss of those soils, the long-term degradation of the landscape, and the effect erosion has on downstream resources. There is concern that using the wasteway could reactivate an ancient landslide. The public is concerned with the volume of water and the duration of the flow. They suggested a channel survey and design criteria that Reclamation incorporated into the preferred alternative. They offered suggestions on detailed studies and developing an alternate bypass, all of which are outside the purposes of and need for action.

Reclamation Responses: The geologic features of the Western Cascades are such that the Tyler Creek watershed lies in an area of weak, fragmented, and landslide-prone ashflow and decomposed volcanic ash beds. Some of the soils are highly susceptible to landslide. Landslides are likely to occur on this type of geologic features, even if Reclamation does not use the wasteway.

The entire EA is about stabilizing the wasteway so it can continue to function, as it has for the past 43 years, as a water delivery bypass when Green Springs Powerplant is out of service. A goal of the preferred alternative is to attain minimal erosion with the volumes of flow needed to meet downstream water delivery obligations. Stabilizing the wasteway should help reduce the likelihood of reactivating an ancient landslide.

Reclamation must acquire rights-of-way/flowage easements before stabilization work on private land can proceed and will negotiate with individual landowners of those wasteway areas where flow has exceeded or could exceed the natural channel. The exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific stabilization descriptions are not available. Reclamation will analyze site-specific conditions and, based on professional judgment, site-specific conditions (including flow velocity), and landowner negotiations, will make the final decision on which areas to stabilize and how. The required permits will further dictate working conditions.

Reclamation will use best management practices (as outlined in the construction contract specifications) to minimize environmental consequences caused by stabilizing activities or constructing the access road. All standard and reasonable precautions will be taken to reduce erosion and limit sedimentation during and after construction. Proper planning will produce efficiency and timely completion of construction activities with the least amount of people and heavy equipment working at any given time.

On the basis of a thorough review of the comments received, analysis of environmental impacts as presented in the Programmatic Final EA, mitigation measures, and implementation of all environmental commitments identified in the Final EA, Reclamation has concluded that implementation of the preferred alternative would have no significant impact on the quality of the human environment or the natural and cultural resources of the area. Reclamation commits to all necessary site-specific environmental clearances and permits before stabilization or major surface disturbing activities.

Regardless of whether or not a bypass valve at Green Springs Powerplant may prove to be technically, economically, and environmentally viable, Reclamation will still upgrade access to the wasteway and stabilize localized areas of the wasteway channel.

Water

Summarized Comments: The public is concerned about how using the wasteway affects downstream water quality.

Reclamation Responses: Wasteway use is expected infrequently, based on only about five periods of use in the 43-year history of the wasteway. The preferred alternative should improve water quality by reducing sedimentation and somewhat lowering the wasteway water temperature.

Most years, the city of Ashland gets its drinking water supply from the East Fork Ashland Creek which is unaffected by wasteway or Ashland Lateral flows. During those infrequent times when Ashland gets its drinking water from Ashland Lateral, it is most likely that sedimentation from the wasteway would not enter the city's water supply.

The flow measurement weir placed near the wasteway outlet pipe measures the volume of flow released through the wasteway channel.

Vegetation

Summarized Comments: The public wants the natural vegetated state of the channel returned and maintained with native plantings, increased riparian shade, and protection of wetlands.

Reclamation Responses: Reclamation will analyze individual erosion sites and negotiate with private and Federal landowners on where vegetation cuttings will be made, from which plants, and whether specific vegetation will be removed. Efforts will be made to limit disruption of existing riparian habitat. Cuttings of live brush within existing rights-of-way or with the landowner permission will likely be necessary to construct stabilizing structures. As the plants grow, the amount of riparian habitat will likely increase. Native vegetation plantings and use of best management practices will reduce the likelihood of introducing noxious weeds.

Reclamation will use best management practices (as identified in the construction contract specifications) to minimize environmental consequences caused by stabilizing activities or constructing the access road. A goal of the preferred alternative is to preserve the local wetland ecosystem. Reclamation will obtain a removal/fill permit from ODSL and a CWA 404 permit from the Corps prior to road construction. The permit application will specify quantities of material to be removed and fill material to be placed while installing the culverts. The road alignment will minimize wetland impacts to the extent possible while remaining within the Reclamation rights-of-way. The permits could be conditional on mitigation, timing of work, and other construction limitations at the discretion of the Corps and ODSL. No quantifiable wetland impacts should occur along the access road or in the way the wetland functions. Streambank stabilization efforts within the wasteway will not affect emergent wetlands.

Vegetation and live trees within the wasteway channel will likely be removed if the flow around them causes bank erosion. Live trees will also likely be removed if they are about to fall into the flow channel. Minimal existing vegetation may be removed where concrete and metal components would be placed. Efforts will be made to build stabilizing structures from already downed trees, especially those in the flow channel and along the banks. To avoid cutting live trees, Reclamation will acquire untreated wooden logs if additional logs are needed to build the stabilizing structures.

Other already downed timber will be left or rearranged and anchored in the wasteway to serve as energy dissipaters. Disposal of cut trees, slash, and debris created during construction will comply with negotiated agreements with private and Federal landowners.

Fish, Wildlife, and Aquatic Resources

Summarized Comments: The public is concerned about what sedimentation does to the downstream aquatic environment and species. They request analysis for special status species.

Reclamation Responses: The preferred alternative will reduce erosion along the channel banks, reduce sediment and nutrients released downstream, increase vegetation and riparian shade along the wasteway, and slightly lower water temperatures. Improved aquatic conditions should benefit aquatic, semi-aquatic, and upland species.

The access road culverts should not affect aquatic species since these structures will be sized appropriately for expected runoff, to not impede flow, and to have the least impact on drainage characteristics surrounding the wetlands. They will be placed to allow for passage of aquatic species.

The analysis of threatened and endangered species found that reduced sediments and nutrients should reduce harmful effects but should have no adverse effect on Gentner's mission-bells, the bald eagle, the northern spotted owl, Southern Oregon/Northern California Coasts ESU coho salmon, or essential fish habitat. Effects on special status species would likely be similar.

Social Aspects

Summarized Comments: Public concerns include quality of human life, health, and safety. Landowners are concerned that erosion is destroying the value of their investments and causing an unsightly landscape. They are concerned about the possibility of reactivating a major landslide causing the loss of their property, homes, and human life. As a result, their peace of mind is impaired.

Reclamation Responses: The geologic features of the Western Cascades are such that the Tyler Creek watershed, and adjacent properties, lie in an area of weak, fragmented, and landslide-prone ashflow and decomposed volcanic ash beds. Some of the soils are highly susceptible to landslide. Landslides are likely to occur on these types of geologic features, even if Reclamation did not use the wasteway. The entire EA is about stabilizing the wasteway so it can continue to function, as it has for the past 43 years, as a water delivery bypass when Green Springs Powerplant is out of service. The preferred alternative is designed to stabilize the channel banks and attain minimal erosion. Stabilizing the channel banks should reduce erosion, minimize further degradation of the wasteway and its banks, and reduce the likelihood of reactivating an ancient landslide.

Alternatives and Study Types

Summarized Comments: The public wants thorough analysis of current conditions and impacts using the best science available to develop a broad range of alternatives.

Reclamation Responses: This is a Programmatic Final Environmental Assessment which provides coverage for implementing general provisions (for which site-specific layout and design have not yet taken place) to upgrade access to the wasteway and stabilize localized areas of the wasteway channel. This EA examines a reasonable range of alternatives that are based on current engineering practices and input from landowners and the public. As required by NEPA, the EA examines the existing physical, biological, and natural resources that could be affected by the proposed action, and it identifies potential impacts to those resources. It also describes cumulative effects of the alternatives and mitigation measures for each resource. It explains that site-specific environmental compliance will be accomplished prior to initiating stabilization or major surface disturbing activities.

Management and Infrastructure

Summarized Comments: Concerns range from wanting to see first-hand and discuss the wasteway damage to lack of trust in Reclamation's actions to offering assistance.

Reclamation Responses: Reclamation acknowledges these comments and has included them in the EA. All interested parties and individuals have been encouraged and invited to participate throughout the public involvement process and to review and comment on the Draft EA.

Issues Outside the Purposes of and Need for Action

Summarized Comments: Several public comments and requests pertain to issues unrelated to stabilizing the wasteway:

- General engineering, geomorphic, geologic, and geotechnical studies not specific to stabilization
- Cost, benefits, and cumulative effects on whole river system
- Dependable irrigation water delivery
- Drinking water in City of Rogue River
- Permanently abandon the wasteway
- Return the stabilized wasteway to a natural channel
- Observe other streams not affected by Reclamation releases
- Stream profiles and cross sections on tributaries
- Stabilize tributary channels and swales
- Extend the study area from the pipe outlet to Buckhorn Springs Road
- Alternate way to bypass powerplant
- Significant offsite impacts beyond the scope of the proposed action
- Long-term impact and cost analysis of wasteway versus an alternate bypass
- Revisit Sampson Creek as wasteway channel
- Cleaning sedimentation from sprinkler systems
- Deliver irrigation water without degraded water quality or social, economic, or environmental damage

Reclamation Responses: Reclamation acknowledges and has documented local interest in conducting watershed studies and undertaking efforts that exceed the need to stabilize the wasteway. However, these issues are outside the scope of the stabilization effort.

How These Comments Influenced The Alternatives

As required by NEPA, Reclamation developed a preliminary range of alternatives to stabilize the wasteway taking into consideration the existing wasteway channel degradation, the steep terrain, and the goal to maintain the environmental integrity of the channel. An ongoing and open public and agency scoping process identified the issues to be addressed in this EA. Reclamation gathered information through public outreach efforts, talking with stakeholders, and ongoing contacts with local, State, and Federal agencies. An initial scoping letter, in April 2001, requested public assistance in identifying environmental impacts and concerns or suggestions on the alternatives. The public submitted eight response letters. These letters helped refine the purposes of and need for action.

The preliminary alternatives were discussed at a May 21, 2001, tour of the wasteway channel attended by BLM, landowners, Friends of the Greensprings, and two private consultants. The participants

agreed that a natural stream should be maintained rather than building a man-made canal. They also agreed that bioengineering techniques using native vegetation would offer the best solution.

Then, these preliminary alternatives were presented at a public workshop on December 6, 2001, in Ashland. Reclamation received three letters and comment forms before and eight letters following the meeting attended by fourteen stakeholders. The workshop offered another forum for public input on the alternatives. Those comments that fell within the scope of stabilizing the wasteway and that were not already incorporated into the alternatives were given consideration.

Public comments and preferences identified throughout the scoping process helped to refine the alternatives described and evaluated in this EA. They also led to the extension of the work area from the wasteway outlet pipe downstream to the confluence of Tyler Creek at Emigrant Creek.

Reclamation Will Remain in Contact With Adjacent Landowners

Reclamation would continue consulting and negotiating with adjacent landowners to acquire rights-of-way/flowage easements and to accomplish wasteway stabilization. The adjacent landowners will remain 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.

Comments Generated by the June 30, 2003, Draft Environmental Assessment

Email from Lauren Hisatomi: hisatomi2@earthlink.net 07-19-03 10:05PM

July 19, 2003

Mr. Ronald J. Eggers
Bureau of Reclamation, LCA-6101
Lower Columbia Area Office
825 N.E. Multnomah Street, Suite 1110
Portland, OR 97232-2123

Dear Mr. Eggers,

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) for Tyler Creek Wasteway Stabilization, Talent Division Rogue River Basin Project, dated June 30, 2003. As residents and property owners downstream from the proposed plan, we have concerns regarding the Bureau of Reclamation's (BOR) proposal. We find the analysis to be incomplete and inaccurate. It fails to adequately address the issues raised at the December 6, 2001 scoping meeting held at Ashland Middle School, as well as the issues raised in our scoping letter to Ms. Tonya Sommer, May 20, 2001.

The greatest flaw in the analysis is lack of acknowledgement of the adverse cumulative effects of sustained water releases down the wasteway by the BOR. The analysis makes direct reference to the area upstream negatively affected by the BOR's release of 60 cfs during the summer of 1993, specifically section 5. The EA does not examine the entire section of the wasteway (Highway 66 to Tyler Creek Road) including our property. The damage of this event cannot be isolated to a generalized area. Clearly, the BOR must recognize that areas downstream run similar, if not greater, risk of the massive erosion caused by these unnatural releases of water down the wasteway.

Participants at the scoping session urged the BOR to develop a proposal, which would (1) ***stabilize*** the affected area from further erosion, (2) ***restore*** the areas damaged by erosion and, (3) ***mitigate*** for present and future problems. I fail to see prudent application or utilization of these basic concepts in the alternatives proposed in the EA. Unfortunately, I see the BOR's proposed actions to be shortsighted, based on convenience, and focused on the least expense and greatest expediency. The EA does not address the very root of problem: too much water (volume and speed) going down the wasteway without scientific analysis of potential adverse affects to private property owners and the ecosystem as a whole.

Further analysis is needed to move forward. Specifically:

Private Property Rights

Currently, the BOR has no easement or right of way to operate on private property as they are. As the owners of the bridge (Pg. 19. Figure 2-12 of the EA) the proposed releases of water could damage if not destroy the bridge. The bridge provides access to and is a conduit for our domestic water supply from our well located across the wasteway. If BOR continues to release water down the wasteway, it will compromise our domestic water supply. The damage and devaluation of our property and others' caused by sustained releases by the BOR needs to be addressed. The EA makes no definitive proposal

or commitment to property owners whose property will be adversely affected downstream. It needs to address this before any action is taken.

Absence of Operating Plan

The EA makes no mention of an operating plan for water flows down the wasteway in any of the 4 Alternatives proposed. Will there be determination of maximum flow allowed down the wasteway? What monitoring will be done? Who will do it? The lack of a detailed operating plan is a gross oversight to any proposed action.

Cumulative Effects of Sustained "Unnatural Flows"

The EA omits discussion or analysis of what water capacity the wasteway can carry. Has the BOR studied and determined what capacity the wasteway can sustain before negative effects occur? A prudent, maximum flow level must be determined, one that not only considers what is manually released at the valve upstream, but also includes the combined flow from natural weather events such as rain or snow melt.

Water Quality

I believe it is misleading to state, "The Wasteway has no effect whatsoever on Ashland Creek or on its water quality," (Pg. 35). When the power generator is under repair, water from the wasteway is diverted directly to the Ashland Lateral. During some years, Ashland relies on this water to supplement its domestic water supply. This is critical, because according to the Oregon 319 Program Final Report on the Tyler Creek Monitoring Project, prepared by The Friends of the Greensprings, April 20, 2000, there are water quality issues pertaining to continued releases of water down the wasteway. The study concluded that "mass wasting in the unrestored TID/BOR wasteway channel contributes year-round phosphorus exceedences in the Bear Creek system."

It appears that this EA lacks analysis of substantive issues addressed at the scoping meeting and in subsequent letters from affected parties. It falls short of offering a broad range of alternatives leading to stabilization of the Tyler Creek Wasteway and addresses only a short term fix to a portion of the affected area. Unfortunately this assessment was released when some property owners are on vacation and unavailable to comment. We urge the BOR to extend the comment period so that affected parties have the opportunity to comment on the important nature of this proposal. Also, we believe further analysis and comments from resources such as the Rogue Valley Technical Pool, who have already been involved with water issues at the request of Tyler Creek residents, should review the document and comment on the proposed plan.

Thank you for the opportunity to comment. We look forward to your response.

Sincerely,

Ty and Lauren Hisatomi

1720 Tyler Creek Rd.
P.O. Box 3546
Ashland, OR 97520
(541) 482-0113
hisatomi2@earthlink.net

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
no definitive proposal or commitment to property owners	Text is changed to clarify why the alternatives are described in general terms rather than in terms of site-specific conditions. It also clarifies that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		5-Vegetation
	Some landowner negotiations have already occurred.	2-Alternative 2; Access Road; Route 2-Alternative 2; Vegetation Cuttings and Removal; Along the Access Road 2-Alternative 2; Inspection and Maintenance 3-Historic Properties; Environmental Consequences; Alternative 2 4-Public Involvement 4-Adjacent Landowners
analysis is inaccurate	Without specific mention of the claimed inaccuracies, Reclamation cannot respond.	--
analysis fails to adequately address issues raised at 12-6-01 scoping meeting and in our 5-20-01 scoping letter	Many of the issues raised are unrelated to stabilizing the wasteway. Reclamation acknowledges and has documented these issues, but considers them as being beyond the scope of this EA.	1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 1-Scoping Process and Issues Identified Attachment E – Public Involvement
	The Draft EA contains discussion responding to identified issues that fell within the purpose, need, proposed action, and scope of work. Likewise, public comments on the Draft EA that fell within these same parameters were considered and, in response, appropriate text changes are included in this FONSI/Programmatic Final EA.	throughout the FONSI/Programmatic Final EA
greatest analysis flaw is lack of acknowledgement of adverse cumulative effects of sustained wasteway use	Reclamation acknowledges the damage caused by sustained diversions through the wasteway and describes environmental	1-Purposes of and Need for Action 1-Proposed Action and Scope of Work

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	consequences, or effects, likely to occur under the four alternatives. It is the acknowledgement of damage that brought about the development of the proposed wasteway stabilization program.	1-Background; Wasteway Construction and Modification 1-Rights-of-Way/Flowage Easements and Wasteway Access 3-Geology; Affected Environment; Reclamation's Geologic and Geotechnical Studies 3-Environmental Consequences section for each resource 6-Chapter 3 References
	The EA describes cumulative effects in eight of the natural resource categories that potentially could be affected by the proposed action – to upgrade access to the wasteway and stabilize localized areas of the wasteway channel.	3-Environmental Consequences; Cumulative Effects section for each resource
EA does not examine entire wasteway (Hwy 66 to Tyler Creek Road); areas downstream also run risk of massive erosion	Text is changed to clarify that the proposed work area includes the wasteway from the pipe outlet downstream to where Tyler Creek enters Emigrant Creek. It now also includes discussion on why Emigrant Creek is excluded from the stabilization efforts. The work area includes T39S, R3E, Section 32; T40S, R3E, Sections 5 and 6; and T40S, R2E, Section 1; but is limited to those areas where wasteway access is needed and where Reclamation's use of the wasteway has caused or could cause channel erosion.	Glossary and Acronyms; work area 1-Proposed Action and Scope of Work 1-Figures 1-2 and 1-4 3-Figure 3-1 1-Rights-of-Way/Flowage Easements and Wasteway Access

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
urge Reclamation to stabilize, restore, and mitigate; the draft EA missed these basic concepts; proposed actions are shortsighted, based on convenience, and focused on least expensive and greatest expediency	The entire EA is about stabilizing the wasteway so it can continue to function, as it has for the past 43 years, as a water delivery bypass when Green Springs Powerplant is out of service.	Entire EA 1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations
	Reclamation developed the alternatives based on current engineering practices and input from landowners and public scoping efforts.	1-Scoping Process and Issues Identified 2-introduction to chapter 2-Alternative 2 4-entire chapter
	The preferred alternative offers a well-rounded approach to stabilizing the wasteway. It effectively addresses existing environmental problems associated with past wasteway use and applies proactive, environmentally friendly measures to stabilize the wasteway.	2-Alternative 2 3-Environmental Consequences; Alternative 2 section for each resource
	The EA describes mitigation in nine of the natural resource categories that potentially could be affected by the proposed action – to upgrade access to the wasteway and stabilize localized areas of the wasteway channel. Reclamation's environmental commitments, some of which are also mitigation measures, are outlined in chapter 5.	3-Affected Environment and Environmental Consequences; Mitigation section of each resource 3-Environmental Justice; Environmental Consequences 5-entire chapter

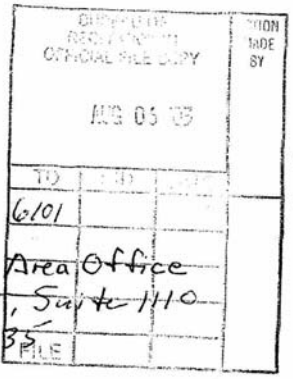
Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
EA does not address very root of the problem - too much water without scientific analysis of adverse effects; gross oversight not to mention a wasteway operating plan; A maximum flow that includes combined water deliveries and natural flow of weather events must be determined.	Stabilizing structures will be designed based on flow requirements and sized so as not to create adverse effects. This EA is about stabilizing the wasteway rather than about changing operations of individual facilities within the Rogue River Basin Project. This EA incorporates by reference the document "Rogue River Basin Project Talent Division – Oregon, Facilities and Operations."	1-Purposes of and Need for Action 2-Alternative 2; Access Road; Road Specifications 2-Alternative 4; Access Roads 3-Fish and Wildlife; Environmental Consequences; Alternative 2 2-Alternative 2; Bioengineering Techniques; Vegetation Selection 6-Chapter 1 References
	Text is revised to clarify that Reclamation will continue using the wasteway.	2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations
Reclamation has no easement or right-of-way to operate on private property	Reclamation has acquired rights-of-way/ flowage easements for those portions of the wasteway in T39S, R3E, Section 32 and T40S, R3E, Section 5 as shown on figures 1-2 and 1-4. On the lower portions of the wasteway (T40S, R3E, Section 6 and T40S, R2E, Section 1), it is true Reclamation has not exercised rights-of-way reserved under the 1890 Canal Act. It is also true that Reclamation can run water through natural waterways without obtaining rights-of-way if the flow is within the carrying capacity of the channel. Reclamation will acquire additional rights-of-way as needed to access and stabilize the wasteway channel.	Glossary and Acronyms; 1890 Canal Act right 1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Access Road; Route; and Use of the Road 2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Inspection and Maintenance

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	Reclamation must acquire rights-of-way/ flowage easements before stabilization work on private land can proceed.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection
What monitoring will be done? Who will do monitoring?	The Inspection and Maintenance sections are modified to add further clarification of these programs.	2-Alternative 2; Inspection and Maintenance 2-Alternative 3; Inspection and Maintenance 2-Alternative 4; Inspection and Maintenance
The statement, "the wasteway has no effect whatsoever on Ashland Creek or on its water quality" is misleading. Water from the wasteway is diverted directly into the Ashland Lateral. Ashland relies on this water [*from Ashland Lateral*] to supplement its domestic water supply.	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Yes, wasteway flow is diverted into Ashland Lateral. Text is changed to explain that in most years, the city of Ashland gets its drinking water supply by exercising a water exchange with willing parties on the East Fork Ashland Creek. Ashland Creek (the city's main water source) and its water quality are unaffected by wasteway flows since Ashland Lateral water enters a siphon and is piped beneath Ashland Creek. The two water sources do not intermix.	3-Water Quality; Affected Environment; Drinking Water
	Text is changed to clarify that only infrequently, when Ashland Creek water is	3-Water Quality; Affected Environment; Drinking Water

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	unavailable, does the city of Ashland gets its drinking water from Ashland Lateral. Wasteway diversions flow 1.4-miles down Emigrant Creek to the Ashland Lateral diversion dam. Most of the diversions enter Ashland Lateral and travel 12 miles to the city of Ashland. Any sedimentation generated by using the wasteway would likely settle out in Emigrant Creek and the lateral. Most likely, sedimentation from wasteway use would not enter the city's water supply.	
water quality issues pertaining to continued wasteway releases; FOG concluded that mass wasteway wasting contributes year-round phosphorus exceedences in Bear Creek	The preferred alternative offers a well-rounded approach to stabilizing the wasteway. It effectively addresses existing environmental problems associated with past wasteway use and applies proactive, environmentally friendly measures to stabilize the wasteway and should improve water quality.	2-Alternative 2 3-Environmental Consequences; Alternative 2 section for each resource
	Text is revised to include the following statement, "Water diverted into the wasteway flows into Schoolhouse Creek, Tyler Creek, Emigrant Creek, and then into either Ashland Lateral or Emigrant Lake. Although extended periods of wasteway use may reduce bank stability and increase sediment concentrations, other factors independent of wasteway use impact water quality in the three creeks, Ashland Lateral, and Emigrant Lake."	3-Water Quality; Affected Environment

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	Text is changed to state that stabilization is not intended to fix all the basin's problems nor is it intended to upgrade private property beyond what previously existed or what was damaged by Reclamation's actions. Stabilization is instead intended to repair damage caused by diverting water.	2-Alternative 2; Landowner Negotiations
	The FOG report also pointed out several other watershed sources of erosion that contribute large quantities of pollutants to the watershed's river system.	3-Geology; Affected Environment; Privately Completed Studies; 1999 Tyler Creek Monitoring Project
analysis is incomplete; EA lacks analysis of substantive issues and falls short of offering broad range of alternatives; it addresses only a short-term fix to a portion of the affected area	The proposed action is to upgrade access to the wasteway and stabilize localized areas of the wasteway channel.	1-introduction to chapter 1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 1-Background; Early Powerplant/Wasteway Designs 2-introduction to chapter 2-Alternative 2 2-Alternative 2; Landowner Negotiations 2-Alternative 4; Access Roads
	The title of the EA is changed to "Finding of No Significant Impact and Programmatic Final Environmental Assessment." The introduction of chapter 1 is changed to explain that this Programmatic Final Environmental Assessment (EA) provides coverage for implementing general provisions (for which site-specific layout and design	Front cover 1-introduction to chapter 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts

Reclamation's Responses to the 7-19-03 comments from Ty and Lauren Hisatomi:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	have not yet taken place) to upgrade access to the wasteway and stabilize localized areas of the wasteway channel. It further explains that site-specific environmental compliance will be accomplished prior to initiating stabilization or major surface disturbing activities.	
	The entire EA is about stabilizing the wasteway so it can continue to function, as it has for the past 43 years, as a water delivery bypass when Green Springs Powerplant is out of service.	Entire EA 1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations
extend the comment period so vacationing property owners can comment; Rogue Valley Technical Pool should review and comment on the proposed plan	Comment periods for Draft EAs are typically 30 days long. The comment period on this Draft EA closed on August 4, 2003, following a 30-day review period. An extensive public involvement process preceded the release of the Draft EA and encouraged and invited all interested parties and individuals to participate in Reclamation's public involvement process and to review and comment on the Draft EA. Some members of the Rogue Valley Technical Pool are on the mail list. Therefore, the comment period is not extended.	4-entire chapter Attachment D – Mail Distribution List Attachment E – Public Involvement



C. Edwards
1920 Tyler Creek Rd
Ashland, OR 97520
July 28, 2003

Bureau of Reclamation
LCA-6101, Lower Columbia ~~Area Office~~
825 NE Multnomah Street, ~~Suite 1110~~
Portland, OR 97232-2135

Dear Bureau of Rec.:

This letter is in response to your request for comments on the Draft EA for the Tyler Creek Wasteway Stabilization Project. I own approximately 100 acres in T40S R3E Section 6, Jackson County taxlot 40-3E-6-3100, in the state of Oregon. I have owned the property for 18 years and am now building a home on it and am living there. In the past, I have written your office and TID about the releases and erosion. About 1/2 mile of my property either includes the waste way or borders it. The bridge across the wasteway which I use to access my well and the bulk of my property has been washed out twice, once by your extended release in 1993 and again in 1996 due to localized flooding. From 1985 (when I bought the property) to 1993, the bridge was intact. Currently we are unable to get water from our well because there is no access. I feel I have been significantly impacted by the actions of the BOR, and I am glad they are finally going to do something about it.

I do not feel that using the wasteway for a 20-60 cfs release was ever an environmentally acceptable option. On page 4 under "Early Powerplant Wasteway Designs" the EA states that BOR found the existing Tyler Creek wasteway to be the most technically economically and environmentally acceptable option among several others considered. For whom? This statement does not surprise me considering that BOR did not bother to obtain right-of-way down-

stream from Section 5 (Garfas). Probably, since the area in Section 6 was formerly used as open range, there was no one to witness past degradations to the streambed. But people live here now and do not want to see their land ruined any more. On page 6 of the EA, BOR itself admits that during 1993 the channel wasn't capable of handling the flow.

As a result, while I am encouraged by your "preferred alternative", I do not feel that the standard engineering techniques proposed (i.e. backfill and riprap) for the culverts downstream from the Garfas property (pp18+19), which I own, are adequate. Should another large (20-60 cfs) release be required, due to unforeseen problems at the powerplant, how would BOR (or would BOR) attempt to monitor further damage in this area? The "middle culvert" indicated in Fig 1-4 in Section 6 (photo Fig. 2-11), downstream from the Garfas property, has already been fixed a couple of times with backfill and riprap. As I mentioned in past letters to you (May 14 and Nov 17, 2001 - attached) these culverts absolutely need to hold up in order for me to access my well and the rest of my property. If BOR releases flow above 20 cfs in the future, I can guarantee you that merely shoring up the existing culverts with backfill and riprap will not suffice. A larger, more permanent structure needs to be installed to handle larger flows and I think that since BOR was responsible for destroying the original bridge, BOR should be responsible for installing a better one.

Also, a permanent easement for BOR from Tyler Creek Rd to the "culverts" (future bridge) is necessary to enable them to monitor in the culvert area and upstream to Garfas' property for channel erosion and necessary repair to the 1/2 mile of stream channel that crosses my land, as well as BLM.

From 1985 to 1993 there existed a road, similar to the one on Garfas' in Fig. 2-14, that bordered my property and gave me access (as well as others, including PPL) to the culverts and the other side (~95 acres of my land). The map attached to my letter of May 14, 2001 shows this old road. Your surveyors used it last October. This road down was also damaged by slumps from creek erosion caused by releases. I would like it fixed also, similar to the access road through Garfas', perhaps as part of the creation of a new easement. I have taken photos of the areas in question. The easement would necessarily have to pass through properties owned by my two neighbors (Hisotomi TL 3101 and Woods/Stewart TL 3102), as my driveway does. But I think it essential that BOR be able to monitor this area, since there is a slump almost as bad as the "area of considerable erosion" halfway up my property (actually on BLM, which is causing a slump or landslide in the area north of the creek (my property). This is labelled "B" in the map attached to my letter to you of May 14, 2001.

In sum:

1. I support expansion of the project to include areas affected in T40S R3E Sec 6.

2. I would like to see stabilization and monitoring done for future releases in Sec 6, as well as Sec 5.

3. I would like to see future releases limited to 20 cfs when wasteway is in use (nowhere in document is flow restriction proposed).

4. UNLESS SIGNIFICANT STANDARD ENGINEERING is done to the channel, both in the proposed

work area, and in areas west of Garfas' down to Tyler Creek (to include identified culverts and bridges damaged in 1993 release), flows in excess of 20 cfs will continue to degrade the channel and damage property.

5. Just because BOR had an easement to release water over private lands in Sec 5 and didn't have one over my land and others in Sec 6, doesn't mean the majority of the rehabilitation work should be done in Sec 5 (Fig 1-4). Necessary easements should be obtained and the entire channel from the pipe outlet to Tyler Creek should be rehabilitated and monitored for future damage, since there has been damage all the way down in the past.

Thanks for your considaration.

Sincerely,

Catherine Edwards

cc: Lori Lindell, BLM

660 Kelly Blvd.
Springfield, OR 97477
May 14, 2001

Bureau of Reclamation
Pacific Northwest Region
Lower Columbia Area Office
825 N.E. Multnomah St., Suite 1110
Portland, OR 97232-2135

Dear Bureau of Reclamation:

This letter is in response to your environmental scoping letter dated April 6, 2001, which I did not receive until May 4, 2001. I have since attended a meeting with John Ward of Friends of the Greensprings where I found out that as a property owner along the Tyler Creek Wasteway Drainage I need to get my concerns about your Road and Restoration project to you by May 20th.

I have enclosed a map showing the geographic relationship of my property to the drainage, as well as correspondence I had with the Talent Irrigation District during 1993 regarding the increased flow of water. On the map, the small "x" labelled "A" refers to a bridge I had across Schoolhouse Creek that was wiped out during the release of 1993. The other small "x" labelled "B" refers to a large slump on Tunnel Creek that took out several large trees subsequent to the release of 1993. There is also considerable slumping in the hill directly north of the creek. The small dot labelled "C" refers to the Center Quarter Corner of Section 6. The small dot labelled "D" refers to the Southeast corner of the South half of the Northeast Quarter of Section 6. I included the "C" and "D" references because there are USGS section markers in these two locations which may help you in locating the two damage sites.

It is my opinion that most of the erosion in the creek that I have seen is due to the unnatural flows caused by the "wasteway". If you compare other creeks in the area, you will see that "Tunnel" Creek far exceeds them in damage to the bank, sedimentation and damage to surrounding vegetation (mostly trees). This does not even begin to address changes which have occurred over the past 10 years in instream aquatic life. For example I used to see what I think are Giant Pacific salamanders near my now-nonexistent bridge. These are no longer there.

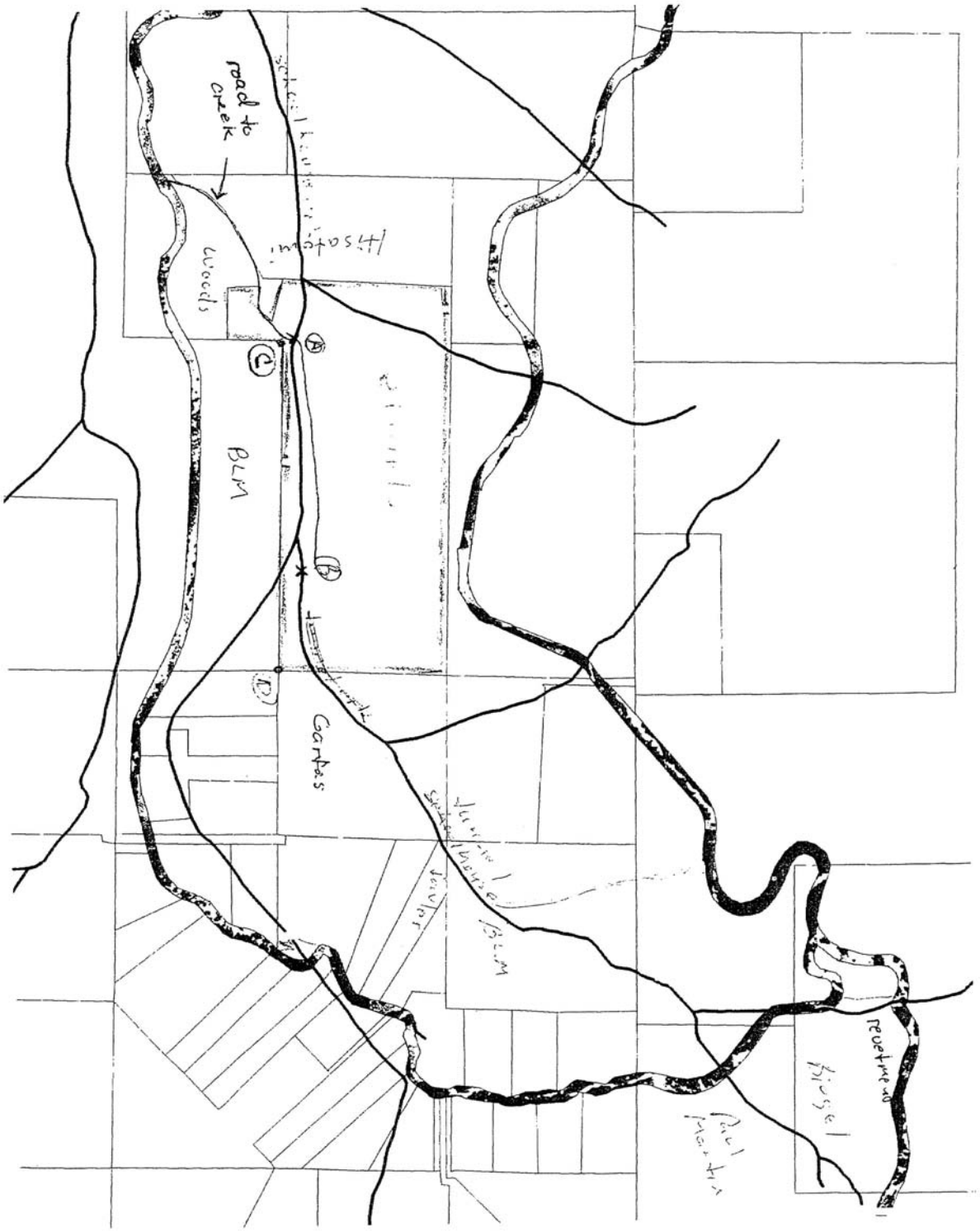
John Ward informed me that you will be down visiting some of the damaged areas in the neighborhood on May 21st and I would like to be down there to show you the two areas referenced about which have suffered considerable erosion as a result of the wasteway. I do not live there currently, but will make it a point to be there to do this. Please let me know when and where you would like to meet. The address of my property is 1920 Tyler Creek Road.

Thank you for considering my comments.

Sincerely yours,

Catherine Edwards

Catherine Edwards


road to creek
woods
BLM
Games
BLM
A
B
C
D

November 17, 2001
660 Kelly Blvd.
Springfield, OR 97477

Mr. Wes Green
Bureau of Reclamation
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

Dear Mr. Green:

I just wanted to contact you regarding the Tyler Creek (a.k.a. Tunnel Creek, Schoolhouse Creek) bypass near Ashland, Oregon. In rummaging through my old files, I happened to find more documentation relating to damages to my property caused by releases from the Tyler Creek bypass. I have attached copies of this correspondence. It consists of a letter sent to the Talent Irrigation District in March of 1988 by a former co-owner of my property, as well as TID's response and that of their insurer. Finding this caused me to start ruminating about what might happen in the future.

My partner and I were just down in Ashland last week and are making progress on our building permit there. We installed the foundation for a new house. We have the house here in Springfield up for sale and plan on putting the money into building a house in Ashland. One of my concerns is that the well, that was dug and tested before my buying the land, is on the other side of the creek from the building site. The bridge over the creek provided access to the well. Once we move down there, we will need this access to further develop the well. Water is scarce is our area and, based on the experiences of our neighbors, more drilling on the homesite side of the creek is too costly an option. We need to get to the well across the creek.

Back in 1988, when we first noticed damages caused by the release, TID (and their insurer) basically told us that they were not responsible for damages. What they did not tell us at that time was that your agency was responsible for the bypass. In addition, in talking with John Ward and other neighbors, and after speaking with you and others at the BOR, I have learned that BOR, while managing the release of water through my property for TID, does not have an easement to do so. I have looked at the recorded deed and related land sales contract, which I have paid off, and there is no mention of an easement. You apparently DO have an easement over Garfas', the neighbors who have held you accountable for damages to their property.

You will recall I was there when John Ward and others participated in a hike and observation along the bypass, all the way from the release tank down to Sunny Kieley's property. At that time, I pointed out my areas of concern (points A and B on the map attached to my letter of May 14, 2001). Point A is the area where my (former) bridge was located.

On May 22, 2001, your office officially informed me of a release to occur over the Memorial Day weekend, which was also the topic of our conversation on the hike. I have heard from neighbors that there were additional releases, which I was not informed of. I have checked the creek, and, while there has been some change in the stream course (under the power lines), it does not appear that these new releases caused damage comparable to the release in 1993.

I really enjoyed hiking with you and the information I received from you and your staff back in May. However, I am planning on moving down to the Ashland property, hopefully within the next year, and, when I do so, I will need water. This means I will have to use some of the money

I get from the sale of my home to rebuild the bridge. This bridge will need to continue to stand in order to allow access to the well. When I bought the place, the bridge, which was more or less intact from 1985 to 1993, consisted of two concrete culverts spanning the creek. This held up until the 60 cfs was released.

So I would like answers to the following:

1) If TID/BOR needed an easement for release of water over Garfas' property, since there was potential for damages, why was an easement never obtained for release of water over my property? I believe you told me that, at the time the deal with TID was set up, your department did not think (because of soil conditions, elevation, etc.) that damages would occur further downstream, but, obviously, they have.

2) How can I be assured that any bridge that I put up to access my well will not be damaged by future releases?

I appreciate your monitoring the release over Memorial Day and the fact that you came down to explain matters to us. It always makes me feel better to talk to a real person. But I just wanted to make it clear to your agency that if I do put up a bridge and it is destroyed by releases, I would have to take legal action. To prevent this, please send me answers to the two questions above and keep me informed of all future releases due to power plant repairs, etc.

Thanks for your help.

Sincerely yours,

Cathy Edwards

Catherine Edwards

cc: John Ward, FOG
Ty & Lauren Hisatomi

2

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
my bridge (figure 2-11) [*the middle culvert*] washed out twice, once by Reclamation's extended release in 1993 and again in 1996 by localized flooding; currently unable to get water from my well; people don't want their land ruined any more; Reclamation damaged my bridge so Reclamation should install a better bridge	Reclamation must acquire rights-of-way/ flowage easements before stabilization work on private land can proceed and will negotiate with individual landowners of those wasteway areas where flow has exceeded or could exceed the natural channel.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal 3-Cascade Siskiyou National Monument; Environmental Consequences

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	The goal of the stabilization efforts is to upgrade access (with the new access road) and stabilize the wasteway channel banks. Following successful acquisition of rights-of-way/flowage easements and stabilization negotiations, Reclamation will stabilize the middle culvert accordingly. However,	1-introduction to chapter 1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 1-Background; Early Powerplant/Wasteway Designs 2-introduction to chapter

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	stabilization is not intended to fix all the basin's problems nor is it intended to upgrade private property beyond what previously existed or what was damaged by Reclamation's actions. Stabilization is instead intended to repair damage caused by diverting water through the wasteway.	2-Alternative 2 2-Alternative 2; Landowner Negotiations 2-Alternative 4; Access Roads
using the wasteway for 20-60 cfs was never an environmentally acceptable option	Text is changed to remove "environmentally" acceptable from early powerplant/wasteway designs.	1-Background; Early Powerplant/Wasteway Designs 2-Alternatives Considered But Eliminated From Further Consideration
Reclamation did not bother to obtain rights-of-way downstream from Section 5	Reclamation has acquired rights-of-way/flowage easements for those portions of the wasteway in T39S, R3E, Section 32 and T40S, R3E, Section 5 as shown on figures 1-2 and 1-4. On the lower portions of the wasteway (T40S, R3E, Section 6 and T40S, R2E, Section 1), it is true Reclamation has not exercised rights-of-way reserved under the 1890 Canal Act. It is also true that Reclamation can run water through natural waterways without obtaining rights-of-way if the flow is within the carrying capacity of the channel. Reclamation will acquire additional rights-of-way as needed to access and stabilize the wasteway channel.	Glossary and Acronyms; 1890 Canal Act right 1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Access Road; Route; and Use of the Road 2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Inspection and Maintenance
Reclamation admits that during 1993, the channel wasn't capable of handling the flow	Reclamation acknowledges the damage caused by sustained diversions through the wasteway. This EA describes environmental consequences likely to occur under the four alternatives. It is the acknowledgement of	1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 1-Background; Wasteway Construction and Modification

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	damage that brought about the development of the proposed wasteway stabilization program.	1-Rights-of-Way/Flowage Easements and Wasteway Access 3-Geology; Affected Environment; Reclamation's Geologic and Geotechnical Studies 3-Environmental Consequences section for each resource 6-Chapter 3 References
a permanent easement from Tyler Creek Road to the middle culverts (future bridge) is necessary for monitoring; obtain necessary easements, rehabilitate, and monitor the entire channel from pipe outlet to Tyler Creek	Text is changed to clarify that landowner negotiations will determine whether access to the wasteway will be temporary or permanent.	2-Alternative 2; Landowner Negotiations 2-Alternative 2; Standard Engineering Techniques 5-Soil
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Cascade Siskiyou National Monument; Environmental Consequences 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	The work area extends from the pipe outlet downstream to where Tyler Creek enters Emigrant Creek	Glossary and Acronyms; work area 1-Proposed Action and Scope of Work 1-Figures 1-2 and 1-4

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Figure 3-1
	Reclamation must acquire rights-of-way/ flowage easements before stabilization work on private land can proceed and will negotiate with individual landowners of those wasteway areas where flow has exceeded or could exceed the natural channel.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection
	The Inspection and Maintenance sections are modified to add further clarification of these programs.	2-Alternative 2; Inspection and Maintenance 2-Alternative 3; Inspection and Maintenance 2-Alternative 4; Inspection and Maintenance
I am encouraged by the preferred alternative; but the proposed standard engineering techniques (backfill and riprap) for the middle culverts, which I own, are inadequate; needs a larger more permanent structure to handle larger flows; use more significant standard engineering techniques than just backfill and riprap	Text is changed to clarify that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations
	Text is changed to state that stabilization is not intended to fix all the basin's problems nor is it intended to upgrade private property beyond what previously existed or what was damaged by Reclamation's actions. Stabilization is instead intended to repair damage caused by diverting water.	2-Alternative 2; Landowner Negotiations

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
how, and would, Reclamation monitor further damage on my land which has a slump almost as bad as the area of considerable erosion; essential to monitor this area	The Inspection and Maintenance sections are modified to add further clarification of these programs.	2-Alternative 2; Inspection and Maintenance 2-Alternative 3; Inspection and Maintenance 2-Alternative 4; Inspection and Maintenance
	The geologic features of the Western Cascades are such that the Tyler Creek watershed lies in an area of weak, fragmented, and landslide-prone ashflow and decomposed volcanic ash beds. Some of the soils are highly susceptible to landslide. Landslides are likely to occur on this type of geologic features, even if Reclamation does not use the wasteway.	3-Geology
	Stabilization is not intended to fix all the basin's problems nor is it intended to upgrade private property beyond what previously existed or what was damaged by Reclamation's actions. Stabilization is instead intended to repair damage caused by diverting water through the wasteway so the wasteway can continue to function as a water delivery bypass when the powerplant is out of service.	1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations
	Based on landowner negotiations and professional judgment, Reclamation will make the decision on which areas to stabilize and how. Reclamation will acquire all the necessary permits prior to beginning construction.	2-Alternative 2; Landowner Negotiations 1-introduction to chapter 1-Construction Permits 2-Alternative 2; Access Road; Road Specifications 2-Alternative 2; Proposed Work Sequence

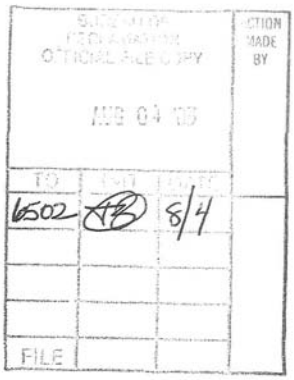
Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Water Quality; Environmental Consequences; Alternative 2 3-Water Quality; Environmental Consequences; Alternative 4 3-Wetlands; Environmental Consequences; Alternative 2 3-Wetlands; Environmental Consequences; Cumulative Effects 3-Wetlands; Environmental Consequences; Mitigation 3-Threatened and Endangered Species; Northern Spotted Owl; Environmental Consequences; Alternative 2 4-Agency Consultation and Coordination; National Historic Preservation Act of 1966, as Amended 5-Water
an existing access road (similar to figure 2-14) to my property and well was also damaged by using the wasteway; I want it fixed similar to the proposed access road through the Garfas' property as part of a new easement that would have to pass through properties owned by Hisatomi and Woods/Stewart	Based on landowner negotiations and professional judgment, Reclamation will make the decision on which areas to stabilize and how. Reclamation will acquire all the necessary rights-of-way/easements and permits prior to beginning construction.	2-Alternative 2; Landowner Negotiations 1-introduction to chapter 1-Construction Permits 2-Alternative 2; Access Road; Road Specifications 2-Alternative 2; Proposed Work Sequence 3-Water Quality; Environmental Consequences; Alternative 2 3-Water Quality; Environmental Consequences; Alternative 4

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Wetlands; Environmental Consequences; Alternative 2 3-Wetlands; Environmental Consequences; Cumulative Effects 3-Wetlands; Environmental Consequences; Mitigation 3-Threatened and Endangered Species; Northern Spotted Owl; Environmental Consequences; Alternative 2 4-Agency Consultation and Coordination; National Historic Preservation Act of 1966, as Amended 5-Water
	Text is changed to clarify that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal 3-Cascade Siskiyou National Monument; Environmental Consequences 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	Stabilization is not intended to fix all the basin's problems nor is it intended to upgrade private property beyond what previously existed or what was damaged by Reclamation's actions. Stabilization is instead intended to repair damage caused by diverting water through the wasteway so the wasteway can continue to function as a water delivery bypass when the powerplant is out of service.	1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations
expand project to include stabilization and monitoring of areas affected in Section 6; the majority of the rehabilitation work should not be done in Section 5	Text is changed to clarify that the proposed work area includes the wasteway from the pipe outlet downstream to where Tyler Creek enters Emigrant Creek. It now also includes discussion on why Emigrant Creek is excluded from the stabilization efforts. The work area includes T39S, R3E, Section 32; T40S, R3E, Sections 5 and 6; and T40S, R2E, Section 1; but is limited to those areas where wasteway access is needed and where Reclamation's use of the wasteway has caused or could cause channel erosion.	Glossary and Acronyms; work area 1-Proposed Action and Scope of Work 1-Figures 1-2 and 1-4 3-Figure 3-1 1-Rights-of-Way/Flowage Easements and Wasteway Access
impose a flow restriction that limits future releases to 20 cfs	This is an operations matter. This EA is about stabilizing the wasteway rather than	1-Purposes of and Need for Action

Reclamation's Responses to the 7-28-03 comments from Catherine Edwards:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	about changing operations of individual facilities within the Rogue River Basin Project. This EA incorporates by reference the document "Rogue River Basin Project Talent Division – Oregon, Facilities and Operations."	2-Alternative 2; Bioengineering Techniques; Vegetation Selection 6-Chapter 1 References
	Text is revised to clarify that Reclamation will continue using the wasteway.	2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations
	The Inspection and Maintenance sections are modified to add further clarification of these programs.	2-Alternative 2; Inspection and Maintenance 2-Alternative 3; Inspection and Maintenance 2-Alternative 4; Inspection and Maintenance



Daphne Stewart and Bob Woods
1770 Tyler Creek Road
Ashland, OR 97520

August 1, 2003

Bureau of Reclamation
LCA-6101
Lower Columbia Area Office
825 N.E. Multnomah Street, Suite 1100
Portland, OR 97232-2135

Ladies and Gentlemen:

As the owners of 1770 Tyler Creek Road, and having read the Bureau's Tyler Creek Wasteway Stabilization Draft Environment Assessment, we appreciate the excellent work and thoughtful approach taken by the Bureau in developing this report. However, we do have a few reservations about your report, as it does not address material issues about sections of the wasteway. Our land is impacted by the use of the wasteway: it runs along Schoolhouse Creek from the middle culvert almost to the bridge. Use of the wasteway causes harm to our property and we seek adequate redress.

We offer the following comments:

1) The assessment is incomplete and needs to be revised to determine the scope of work and the impact of that work on all property downstream of the Garfas property before any action should be taken. As effected landowners, we have no idea what the Bureau's specific plans are for our section of our property in any of the four alternatives. The Bureau has yet to assess our portion of Schoolhouse Creek and therefore no action is warranted until that section is studied.

2) The suggestion that "standard engineering" practices be used in our section is vague and therefore fails to adequately disclose your proposed actions. We note the specific details that are made available for cures upstream of our property. Landowners above us have a clear indication of how the Bureau's actions will affect their land. We have no such indication. Such arbitrary implementation of the laws requiring adequate study and notification of environmental and historical impact is highly capricious as applied to our land.

3) The Bureau has never requested an easement from us to study our section of the land. Yet, the Bureau claims that it will seek such rights of way and repair our culvert site (pg. 13). Should not the Bureau work with us to design a solution rather than being capricious about our land in its report? Please be advised that access to the destroyed middle culvert and the weakened bridge is most likely over our property.

4) If the Bureau has not studied our section of the wasteway, how can it know the project's total impact on our land and the environment downstream? We can not tell from this report how the proposed repair of all land affected by the use of the wasteway will impact those using the water downstream if we do not know the benefits or harm involved with the work under the rubric, "standard engineering."

5) We are unsure about the environmental impact of the wasteway project. It is not clear that the Bureau has taken into consideration all of the environmental studies conducted by the Friends of the Greensprings, as these are not fully referenced in the report.

6) Finally, we are not clear about the intended future use of the wasteway and its continuing impact on our land. Is it being engineered to handle increased flow capacity or is it to be repaired -- only to be destroyed at a later date when another flow emergency emerges? What are the plans of the Bureau for the future use of the wasteway?

Our goals are to understand the impact of the project, thoroughly, and cooperate with our neighbors and the Bureau on creating the best possible solution for the wasteway. However, in order to do so, we require a more accurate and detailed explanation of your plans for the wasteway.

Thank you for your consideration.

Sincerely,

Daphne Stewart and Bob Woods

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
use of wasteway causes harm to our property and we seek adequate redress	Reclamation must acquire rights-of-way/ flowage easements before stabilization work on private land can proceed, and will negotiate with individual landowners of those wasteway areas where flow has exceeded or could exceed the natural channel.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	Following successful acquisition of rights-of-way/flowage easements and stabilization negotiations, Reclamation will stabilize the	2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Landowner Negotiations

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	channel accordingly. However, the stabilization plan excludes upgrading private property beyond what existed prior to the 1993 damage caused by Reclamation's water diversions.	1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 2-introduction to chapter 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Standard Engineering Techniques
draft EA does not address material issues about sections of the wasteway; incomplete assessment; determine scope of work and impact of that work on all property downstream from Garfas property before any action is taken; no idea what Reclamation's specific plans are for our property in any of the four alternatives; Reclamation has yet to assess our property; no action is warranted until studied; we require a more accurate and detailed explanation of Reclamation's plans for the wasteway so we can thoroughly understand the impact of the project and cooperate with neighbors and Reclamation to create the best possible solution for the wasteway; how can Reclamation know the total impact on our land and the downstream environment; standard engineering practices is vague and fails to adequately disclose your proposed actions on our property; such arbitrary implementation of laws is highly capricious as applied to our land; cannot tell	The title of the EA is changed to "Finding of No Significant Impact and Programmatic Final Environmental Assessment." The introduction of chapter 1 is changed to explain that this Programmatic Final Environmental Assessment provides coverage for implementing general provisions (for which site-specific layout and design have not yet taken place) to upgrade access to the wasteway and stabilize localized areas of the wasteway channel. It further explains that site-specific environmental compliance will be accomplished prior to initiating stabilization or major surface disturbing activities.	Front cover 1-introduction to chapter 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts
	Text is changed to clarify why the alternatives are described in general terms rather than in terms of site-specific conditions. Text is changed to clarify that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
from draft EA how the proposed repair will impact those using water downstream if we don't know the benefits or harms of standard engineering techniques	on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/ flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal 3-Cascade Siskiyou National Monument; Environmental Consequences 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	The EA describes the alternatives, including a comparison table of bioengineering techniques versus standard engineering techniques. It further describes the benefits and harms (the potential impacts of the four alternatives for each resource potentially affected by the proposed action) of both techniques.	2-entire chapter 3-Environmental Consequences section for each resource
landowners upstream from us have specific details and a clear indication of how Reclamation's actions will affect their land; Reclamation never requested an easement	Reclamation has acquired rights-of-way/ flowage easements for those portions of the wasteway in T39S, R3E, Section 32 and T40S, R3E, Section 5 as shown on figures 1-2	Glossary and Acronyms; 1890 Canal Act right 1-Rights-of-Way/Flowage Easements and Wasteway Access

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
from us to study our land; access to destroyed middle culvert and weakened bridge is most likely over our property; Reclamation should work with us to design a solution rather than being capricious about our land	and 1-4; therefore, landowner negotiations for those areas are further advanced. On the lower portions of the wasteway (T40S, R3E, Section 6 and T40S, R2E, Section 1), it is true Reclamation has not exercised rights-of-way reserved under the 1890 Canal Act. It is also true that Reclamation can run water through natural waterways without obtaining rights-of-way if the flow is within the carrying capacity of the channel. Reclamation will acquire additional rights-of-way as needed to access and stabilize the wasteway channel, the middle culvert, and the bridge.	2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Access Road; Route and Use of the Road 2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Inspection and Maintenance
	Reclamation must acquire rights-of-way/ flowage easements before stabilization work on private land can proceed and will negotiate with individual landowners of those wasteway areas where flow has exceeded or could exceed the natural channel.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection
	Text is changed to clarify that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/ flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal 3-Cascade Siskiyou National Monument; Environmental Consequences 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	Stabilization will occur as needed within acquired rights-of-way/flowage easements where Reclamation's water diversions have caused or could cause channel erosion	Glossary and Acronyms; work area 1-Proposed Action and Scope of Work 1-Rights-of-Way/Flowage Easements and Wasteway Access
not clear that Reclamation considered all of the FOG environmental studies	Reclamation's impact analysis and documentation in the EA includes available, pertinent, and completed studies; including FOG's 2000 Tyler Creek Monitoring Project report which provided the basis for the 303(d) listing.	3-Environmental Consequences section for each resource 3-Geology; Affected Environment; Privately Completed Studies 3-Water Quality; Affected Environment 6-Chapter 3 References
unsure about environmental impact; not clear of Reclamation's intended future use of the	Text is revised to clarify that Reclamation will continue using the wasteway as a water	2-introduction to chapter 2-Future Diversions Through the Wasteway

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
wasteway and its continuing impact on our land	delivery bypass when the powerplant is out of service.	2-Alternative 2; Landowner Negotiations
	Chapter 3 describes potential impacts the four alternatives could have on each natural resource potentially affected by the proposed action.	3-entire chapter
is wasteway being engineered to handle increased flow or just repaired to be destroyed again	The entire EA is about stabilizing the wasteway so it can continue to function, as it has for the past 43 years, as a water delivery bypass when Green Springs Powerplant is out of service. A goal of the preferred alternative is to attain minimal erosion.	Entire EA 1-Purposes of and Need for Action 1-Proposed Action and Scope of Work 1-Scoping Process and Issues Identified 2-introduction to chapter 2-Future Diversions Through the Wasteway 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Proposed Work Sequence
	Reclamation developed the alternatives based on current engineering practices and input from landowners and public scoping efforts.	1-Scoping Process and Issues Identified 2-introduction to chapter 2-Alternative 2 4-entire chapter
	The preferred alternative offers an environmentally sound solution to the existing erosion problem.	2-Alternative 2 3-Environmental Consequences; Alternative 2 section for each resource
	Stabilization will be an ongoing effort for several years as the root systems develop.	2-introduction to chapter 2-Alternative 2 2-Alternative 2; Inspection and Maintenance

Reclamation's Responses to the 8-1-03 comments from Daphne Stewart and Bob Woods:		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		2-Alternative 2; Bioengineering Techniques; Stabilizing Infrastructures 3-Geology; Environmental Consequences; Alternative 2 3-Geology; Environmental Consequences; Alternative 3 3-Water Quality; Environmental Consequences; Alternative 3
	The Inspection and Maintenance sections are modified to add further clarification of these programs and to identify how these programs should help reduce future erosion.	2-Alternative 2; Inspection and Maintenance 2-Alternative 3; Inspection and Maintenance 2-Alternative 4; Inspection and Maintenance

From: Tanya Sommer
To: Blakney, Karen; Kent, Terrald; Snyder, Jo
Date: 8/4/03 6:02:41 PM
Subject: Fwd: Comments on Draft EA for the Tyler Creek Wasteway Stabilization

>>> <Kathy_Minor@or.blm.gov> 08/04/03 04:17PM >>>

Dear Ms. Sommer

In order to meet your timeframe for comments, I am e-mailing you a draft copy of comments from the Ashland Resource Area, Medford District BLM. The Resource Area Manager will review these comment and may make some changes prior to mailing you a signed hardcopy of our comments.

(See attached file: Comments on Draft EA for Tyler Creek Wasteway Stabilization.doc)

Kathy Minor
Planning and Environmental Coordinator
Cascade-Siskiyou National Monument
Ashland Resource Area
(541) 618-2245
Kathy_Minor@blm.gov

USDI Bureau of Land Management
Medford District
3040 Biddle Road
Medford, OR 97504
August 4, 2003

Bureau of Reclamation
LCA-6101
Lower Columbia Area Office
825 N.E. Multnomah Street, Suite 1110
Portland, OR 97232-2135
Attention: Tanya Sommer

Dear Ms. Sommer:

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) for the Tyler Creek Wasteway Stabilization. Since the wasteway passes through Bureau of Land Management (BLM) lands, I requested my staff to review the Draft EA and provide comments. Attached you will find a summary of their comments.

If you have questions about their comments or need additional information, please contact Kathy Minor (541) 618-2245.

Sincerely,

Richard J. Drehobl

Chapter 1

***Background* – Early Powerplant/Wasteway Designs (EA, p.4)**

- "Sampson Creek" is correct spelling rather than "Samson Creek"
- Although you stated that use of Sampson Creek was an "eliminated design", you failed to identify that Sampson Creek and an unnamed tributary to Sampson Creek were historically used to transfer this water from Little Hyatt Reservoir to Emigrant Reservoir prior to construction of Keene Creek Reservoir and the Tyler Creek Wasteway.

"Reclamation has examined various powerplant and wasteway design options prior to the 1959-1960 construction and in more recent years. All options, except those for the existing powerplant and wasteway, were eliminated from further consideration because they were either technically, economically, or environmentally unacceptable. The eliminated designs include:

- A power conduit layout…such as Sampson Creek
- A two unit powerhouse…into Emigrant Creek
- A bypass valve and pipe…discharge into Emigrant Creek
- A buried pipeline…wasteway alignment

After much analysis on design options, Reclamation found the existing Tyler Creek wasteway to be the most technically, economically, and environmentally acceptable option."

Comment: A current review of the above options should take place to confirm that new information or a change in conditions (e.g., economics) has not transpired. This review should be documented or cited in the EA.

Figure 1-2. Proposed work area (EA, p. 3)

This map identifies the location of the proposed road

Proposed Action and Scope of Work (EA, p. 2)

"Increased population and development in the Tyler Creek drainage have somewhat increased wasteway flow."

Comment: This statement needs to be explained. How does increased population increase the wasteway flow?

Figure 1-4. Approximate 2002 land ownership and Reclamation rights-of-way

The only access road identified on the map is the one through the Garfas property. Other "already existing" access roads are not identified. Are any of them on BLM?

Flowage Easements, Rights-of-Way, and Wasteway Access (EA, pp.6-7)

"…Reclamation, therefore, acquired a 60-foot-wide access easement and right-of-way across approximately a 1,700-foot length of private property for easier wasteway access (figure 1-4). Reclamation may need to acquire additional flowage easements and rights-of-way in areas needing stabilization. In the absence of agreements between Rreclamation and landowners. Reclamation has the option of invoking the Canal Act, if applicable. The Canal Act of August 30, 1890, (26 Stat. 391) authorizes Reclamation to acquire lands with compensation, take possession, and exercise certain rights-of-way …"

Comment: Looking at the map, it appears there could be alternative access that could have less environmental and social impacts (e.g., taking off of Tyler Creek Road where the Schoolhouse Ck. crossing and the wetlands are not an issue). You might have the best location but this cannot be confirmed by reading the EA. The EA would be stronger if you cited some sort of route analysis. If you do invoke the Canal Act for condemnation of access, you will probably need some sort of route analysis.

Chapter 2

Alternative 2 - Proposed Work Sequence (EA, p. 13)

"The priorities in the first year would be to: construct nonexistent sections of the access road."

Comment: It is not clear where the existent sections of the access road are located.

Alternative 2 - Proposed Work Sequence (EA, p. 13)

"The priorities in the first year would be to: begin stabilizing banks damaged by previous wasteway use and still actively eroding."

Comment: Does this proposed work only apply to areas within the existing rights-of-way? There is no mention of acquiring additional flowage easements and rights-of-way under the Proposed Work Sequence section. It would be good to include project priorities for future years.

Alternative 2 - Proposed Work Sequence (EA, p. 13)

"The priorities in the first year would be to: repair the private culvert site."

Comment: Figure 1-4 identifies three culverts on private land. Which one would be repaired during the first year? Would the repair include replacing the existing culvert with one that is sized for a 100-year flow event?

Alternative 2 – Bioengineering Techniques (EA, p. 13)

"Sites needing stabilization would be evaluated in consultation with landowners and managing agencies…"

Comment: Who decides that a site needs stabilization? There needs to be more information provided as to how Reclamation will work with the landowners/management agencies to determine where stabilization work would occur and how the work would be done.

Alternative 2 – Bioengineering Techniques (EA, p. 14)

"Structures would be constructed from trees within the adjacent mixed conifer stand."
"Efforts would be made to prevent cutting live trees along the wasteway. Live brush would be cut within existing rights-of-way or with the landowner's permission…"

Comment: How would Reclamation acquire the authorization to cut trees that are not within the Reclamation's right-of-way? Given the small size of the wasteway channel, the brush within the right-of-way may be providing shade. How will the existing vegetation be analyzed to determine if it can be removed without affecting stream shade or wildlife

benefits? Any tree/brush removal within Riparian Reserves on BLM-administered lands would need a site specific environmental analysis.

Alternative 2 – Bioengineering Techniques (EA, p. 14)

Comment: By maintaining the wasteway in a location that was once a natural stream channel, and due to the size of flows when the wasteway is in operation, the channel has adjusted to a size that would maintain perennial characteristics, including associated riparian vegetation. The success of planting riparian species such as alder and willow from cuttings in the wasteway would be improved with year-around moisture availability.

Reclamation should consider providing a small maintenance flow down this channel throughout the summer to stabilize and maintain this channel. Reclamation does have the ability to accomplish this and still fulfill their stated responsibilities. This would help maintain Reclamation's facilities (long-term stability of the wasteway), meet water delivery obligations (flow would still be delivered down the same channel that Reclamation already has flowage easements for), and is a viable alternative to be considered in evaluating environmental effects. The environmental benefits of a truly stabilized wasteway using bioengineering techniques would include improved riparian vegetation, a stream channel that is Functioning-at-risk with an upward trend, and decreased sediment delivery to the downstream aquatic system.

Alternative 2 – Bioengineering Techniques (EA, p. 15-17)

Although examples of potential types of biological and standard engineering techniques are provided on pages 15-17, exactly where these types of structures/techniques will be used is not described. On page 12, BOR says it will need to do further studies to determine exactly where these projects will be placed on the landscape, and "how much standard engineering" will be needed. Specifically, the following questions should be answered to help clarify the proposed action.

(1) Exactly where will you potentially be removing trees from the riparian area (how close to the channel)? Of what diameter? Live or dead? Selected "here and there" or an entire clump removed?

(2) What will you do with trees removed from the channel?

(3) How will you move excavators and other equipment around in the work area? With those steep banks, you will need to access the channel where banks are shallow and then walk the machine down the actual channel?

(4) What will you do with the water when working in the stream? There are cutthroat and other native fish downstream and you will be creating a plume of sediment during construction activities. How will you ensure that you will be minimizing impacts to these fish?

Alternative 2 – Standard Engineering Techniques (EA, p. 19)

"Two possible locations (figures 2-11 and 2-12) for standard engineering techniques …"

Comment: Are these the *only* locations being considered for standard engineering techniques under alternative 2? The Geology alternative 2 section (EA, p. 28) mentions the use of standard engineering techniques in high velocity areas. Where are these areas located?

Alternative 2 - Access Road (EA, p. 21)

"The proposed route would include the following crossing structures: a 48- to 60-inch – diameter culvert crossing Schoolhouse Creek."

Comment: Which size culvert will be used for the crossing? What size structure is required to pass a 100-year flow event?

Alternative 2 - Access Road (EA, p. 21)

"The proposed route would include the following crossing structures: possibly four 12- to 18-inch-diameter culverts crossing small intermittent tributaries to existing wetlands."

Comment: What is meant by "possibly" four culverts would be installed? Is it possible that no culverts would be installed at the wetland crossing?

Alternative 2 (Preferred Alternative (EA, p. 12)

"…The preferred alternative is to:…

- Stabilize localized areas…
- Construct an access road to the wasteway with existing Reclamation right-of-way, and…"

Access Road (EA, pp. 19-21)

An access road would be built during dry weather…The road would dodge other trees as much as possible…Neither the existing portion nor the new portions of the access road would be paved or graveled…The proposed route would include the following crossing structures:

- A 48- to 60-inch-diamerter culver crossing Schoolhouse Creek…

A locked gate would block the entrance…Reclamation…would use the road only during dry conditions to monitor and repair the access road and the wasteway channel…"

Monitoring and Maintenance (EA, p. 21)

"Reclamation and TID would perform annual monitoring of the wasteway each spring, during and after wasteway use, and after high precipitation events."

Comment: Reclamation states that the access road would not be paved or graveled. A natural surface or dirt road is proposed. To strengthen the EA, it would be good to disclose the proposed grade of the road and give some rational on why you are proposing a natural surface road and not a rocked or paved running surface.

Monitoring the wastway implies that you would be using the access road. Monitoring takes place "each spring, during and after wasteway use, and after high precipitation events." This could be in conflict with using the natural surface road during the dry weather. Rocking the road would mitigate any direct or indirect impacts from using the road during other than dry periods.

Chapter 3

Geology – Environmental Consequences – Alternative 2 (EA, p. 28)

"The access road would have no effect on the local geology since the road surface would not be graded and the road would only be used during dry weather.

Comment: What about the impact of sediment moving off the unsurfaced road access road during storm events? There is no discussion of the soil/geology impacts from accessing the sites where the standard engineering techniques would be used.

Geology – Environmental Consequences – Alternative 4 (EA, p. 29)

"Standard engineering approaches would require heavy equipment to haul and install large boulders, prefabricated structures, and other construction materials; therefore, more access to the wasteway would be needed."

Comment: What impacts would result from more access to the wasteway?

Geology – Environmental Consequences – Cumulative Effects (EA, p. 29-30)

"Increasing development around the wasteway impacts geological resources as more people move in, build homes and roads, install wells and septic systems, and graze more cattle."

Comment: This statement needs to be explained. How does the increasing development impact the geological resources?

Water Quality – Affected Environment (EA, p. 30)

"Several water bodies within the Rogue River basin are included on the 303(d)list; only three are near the wasteway."

Comment: "Several" is an understatement. There are **hundreds** of listed water bodies within the Rogue River basin.

Water Quality – Environmental Consequences – Alternative 2 (EA, p. 36)

"Slightly lower water temperatures could occur with increased vegetation and riparian shade along the wasteway."

Comment: The Environmental Consequences for Vegetation – Alternative 2 (p. 42) states that "the preferred alternative would result in some loss of riparian vegetation, particularly in those areas where standard engineering techniques were used." The impact of riparian vegetation removal needs to be addressed in the Water Quality section especially as it relates to water temperatures.

Water Quality – Environmental Consequences – Alternative 2 (EA, p. 36)

Comment: There is no discussion in this section regarding the impact to water quality (sedimentation in particular) that would result from the proposed culvert installations, stabilization work, and access road construction.

Water Quality – Environmental Consequences – Alternative 2 (EA, p. 36)

Comment: At the end of the second paragraph on the page, the statement "Likewise, Emigrant Creek water temperatures should decrease when released water flows through the wasteway" is an incorrect statement, as under "normal" operations, flow is piped through Greensprings Powerplant and released to Emigrant Creek without any solar exposure to heat the water. Use of Tyler Creek and the wasteway to convey the water, with broad expanses of bedrock and areas of poor riparian vegetation, has much greater potential to allow water temperatures to rise than does the pipeline conveyance.

Water Quality – Environmental Consequences – Alternative 4 (EA, p. 36)

"Water temperature would likely increase with removal of local vegetation."

Comment: The description of alternative 4 (pp. 23-24) does not mention the removal of local vegetation.

Water Quality – Environmental Consequences – Alternative 4 (EA, p. 36)

Comment: There is no discussion of the water quality impacts that would result from the access road being "extended paralleling the wasteway short distances both upstream and downstream" (p. 24) or from the "many other access roads off Tyler Creek Road" that would be needed (p. 24).

Water Quality – Environmental Consequences – Mitigation (EA, p. 36)

"Reclamation would use best management practices to minimize environmental consequences caused by stabilizing activities or constructing the access road"

Comment: What BMPs would be used?

Water Quality – Environmental Consequences – Mitigation (EA, p. 36)

Comment: Consider adding a mitigation measure that would require surfacing the entire access road or at a minimum, surface the stream crossings and the approaches to the stream crossings. Add a mitigation measure to restrict the channel stabilization work to the dry season. All instream work should be completed during the ODFW's instream work period.

Fish and Wildlife – Environmental Consequences - Alternative 2 (EA, p. 46)

Comment: The EA needs to address the impact of the proposed culverts on Schoolhouse Creek and above the wetland area on the passage of all species and lifestages of native fishes as well as other aquatic species.

Correction (EA, p. 52):

Although SONCC critical habitat does not extend above Emigrant Dam, as you noted, the rule for Essential Fish Habitat did not exclude lands above Emigrant Dam. It is very unlikely that the Tyler "Wasteway" stabilization project will have an effect on EFH for coho salmon (because of the temperature stabilizing and sediment storage capabilities of Emigrant Lake); however, you may want to mention EFH in your environmental consequences section. See: http://www.nwr.noaa.gov/1habcon/habweb/msa.htm for more information.

Correction (EA, p. 44):

In 1999, a BLM crew electroshocked Tyler Creek and found cutthroat trout (*Oncorhynchus clarkii*) and reticulate sculpin (*Cottus perplexus*) in sections 1 and 6.

Chapter 6

References (EA, p. 74):

Comment: Reference for Montfort 2002 – Tim Montfort is a hydrologist, not a biologist.

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
explain how - "Increased population and development in the Tyler Creek drainage have somewhat increased wasteway flow."	The EA no longer contains this statement.	1-Proposed Action and Scope of Work
explain how - "Increasing development around the wasteway impacts geological resources as more people move in, build homes and roads, install wells and septic systems, and graze more cattle." impacts geological resources	The EA no longer contains this statement.	3-Geology; Environmental Consequences; Cumulative Effects
pg 3: figure 1-2 identifies the location of the proposed road	Reclamation acknowledges this comment and is including it in the EA.	--
"Sampson Creek" is the correct spelling rather than "Samson Creek"	Text is changed to correct the spelling to "Sampson Creek"	1-Background; Early Powerplant/Wasteway Designs
draft EA states use of Sampson Creek was an "eliminated design;" failed to state that Sampson Creek and an unnamed tributary were historically used to transfer water from Hyatt Reservoir to Emigrant Reservoir prior to constructing Keene Creek Reservoir and Tyler Creek wasteway	This is true, but also insignificant. Between 1923 and about 1960, private facilities carried water from Hyatt Reservoir into Keene Creek. About a mile down Keene Creek, the water was diverted into the Keene Creek Canal and across the Cascade Divide into Sampson Creek. The Keene Creek Diversion Dam and Canal were abandoned for good reason: The water supply for the Talent Division of the Rogue River Basin Project is entirely independent of water supplies for other divisions of the Project. All of Talent's supply came from Bear and Emigrant Creeks, McDonald Creek in the Applegate River	1-Background; Early Powerplant/Wasteway Designs

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	watershed, and from Keene Creek in the Jenny Creek subbasin. This water supply was insufficient to fully develop lands in the Talent Division. Therefore, Reclamation built Howard Prairie Dam on Beaver Creek in Klamath River Basin, a collection system in the Rogue River Basin to transport water for storage in Howard Prairie Lake, transbasin facilities to move water from Howard Prairie Lake and Hyatt Reservoir to the Rogue River Basin, and Green Springs Powerplant. Reclamation also enlarged Emigrant Dam and Lake, thereby inundating the mouth of Sampson Creek. The current configuration of Project facilities is such that all the Talent Division water, except for possibly Hyatt Reservoir storage and runoff in the upper reaches of Keene Creek, is inaccessible to Sampson Creek. The existing hierarchy of water delivery priorities dictates where Ashland Lateral water comes from. Both Hyatt Reservoir storage and Keene Creek runoff are lower in priority. In the unlikely event that Sampson Creek were brought back onto the Project system, Talent Division's water supply when the	

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	powerplant was out of service would likely revert back to the insufficient supply that was available prior to enlarging the Project's water supply. Lands that were brought into production as a result of the enlargement would likely be without water when the powerplant was down for repairs or maintenance.	
current review of various powerplant and wasteway designs previously examined should take place to confirm that new information or a change in conditions (e.g., economics) has not transpired; document or cite this review in the EA	Text is changed to state that regardless of whether or not a bypass valve at Green Springs Powerplant may prove to be technically, economically, and environmentally viable, Reclamation will still upgrade access to the wasteway and stabilize localized areas of the wasteway channel.	1-Background; Early Powerplant/Wasteway Designs 2-Alternatives Considered But Eliminated From Further Consideration
The only access road identified on figure 1-4 is through the Garfas property. Other "already existing" access roads are not identified. Are any on BLM lands?	The approximate locations of existing roads accessing the wasteway channel and that are shown on the most current US Geological Survey topographic maps, a BLM map, GIS data, or aerial photographs are added to the EA. The powerline road appears to run through BLM lands.	1-Figures 1-2 and 1-4 2-Alternative 2; Access Road
cite some sort of route analysis; could be alternative access with less environmental and social impacts where creek crossing and wetlands are not an issue; cannot confirm the best location by reading the draft EA	Text is changed to clarify why the access road right-of-way was located as shown on figures 1-2, 1-4, and 2-13. Reclamation negotiated with the private landowner and arrived at an acceptable location for a 60-foot-wide access easement approximately 1,700-feet long.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Access Road; Route
clarify proposed action - exactly where will trees potentially be removed from the riparian	Text is revised to clarify proposed vegetation cuttings and removal	2-Alternative 2; Vegetation Cuttings and Removal

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
area (how close to the channel); describe tree diameters, live or dead trees, whether tree selection will be "here and there" or an entire clump removed; what will Reclamation do with trees removed from the channel		2-Alternative 3; Vegetation Cuttings and Removal 2-Alternative 4; Vegetation Removal
clarify proposed action - how will excavators and other equipment move around in the work area	The construction specifications will identify equipment types and access during road construction. Most likely, equipment will travel off road within the acquired right-of-way and road alignment until portions of the road are completed. Then, equipment will use the access road. Stabilization equipment needs will depend upon the site-specific repair methods identified following landowner negotiations. Construction specifications will identify equipment types and access routes. Minimal equipment and as much manual labor as possible will be used.	2-Alternative 2; Landowner Negotiations 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Access Road; Construction 3-Geology; Environmental Consequences; Mitigation 3-Water Quality; Environmental Consequences; Mitigation 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Soil 5-Water 2-Alternative 2; Bioengineering Techniques; Bioengineering Advantages
clarify proposed action - what will Reclamation do with the water when working in the stream; clarify proposed action - how will Reclamation ensure minimized construction impacts to downstream fishery	Instream work will take place as much as possible when flow is absent from the channel. Since no anadromous fish species inhabit the proposed work area, this should coincide with ODFW's instream work period. Permits will further dictate instream working conditions. Text is changed to clarify that as much as possible, Reclamation will perform stabilization efforts, road construction,	2-Alternative 2; Access Road 2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 2; Inspection and Maintenance 2-Alternative 4; Access Roads 2-Alternative 4; Minimizing Construction Impacts 2-Alternative 4; Inspection and Maintenance

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	inspection, and maintenance during dry periods.	3-Geology; Environmental Consequences; Alternative 2 3-Geology; Environmental Consequences; Alternative 4 3-Geology; Environmental Consequences; Cumulative Effects 3-Geology; Environmental Consequences; Mitigation 3-Water Quality; Environmental Consequences; Alternative 2 3-Water Quality; Environmental Consequences; Mitigation 3-Fish and Wildlife; Environmental Consequences; Mitigation 3-Threatened and Endangered Species; Bald Eagle; Environmental Consequences; Alternative 2 3-Threatened and Endangered Species; Northern Spotted Owl; Environmental Consequences; Alternative 2 3-Historic Properties; Environmental Consequences; Alternative 2 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Soil 5-Fish and Wildlife

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	Reclamation's contractor will keep construction debris and rubble out of the stream channel to minimized construction impacts to the downstream fishery.	2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts 5-Fish and Wildlife
	The access road culverts should not affect aquatic species since these structures will be sized appropriately for expected runoff, to not impede flow, and to have the least impact on drainage characteristics. They will be placed to allow for passage of aquatic species.	2-Alternative 2; Access Road; Road Specifications 3-Fish and Wildlife; Environmental Consequences; Alternative 2
	Stabilizing the wasteway will be done in concert with other efforts to preserve and protect local fish and wildlife species.	3-Fish and Wildlife; Environmental Consequences; Cumulative Effects 5-Fish and Wildlife
	Reclamation will use best management practices (as outlined in the construction contract specifications) to minimize environmental consequences caused by stabilizing activities or constructing the access road. All standard and reasonable precautions will be taken to reduce erosion and limit sedimentation during and after construction. Proper planning will produce efficiency and timely completion of construction activities with the least amount of people and heavy equipment working at any given time.	2-Alternative 2; Bioengineering Techniques; Vegetation Selection 2-Alternative 2; Vegetation Cuttings and Removal; Along the Wasteway 3-Geology; Environmental Consequences; Mitigation 3-Water Quality; Environmental Consequences; Mitigation 3-Wetlands; Environmental Consequences; Alternative 4 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Soil

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		5-Water 5-Fish and Wildlife
disclose proposed grade of access road and give rational on why proposing a natural surface road rather than a rocked or paved running surface	Text is changed to clarify construction of the proposed access road. Neither the existing portion nor new portions of the access road will be paved or graveled (with the exception of some gravel near the culverts). Vehicles could travel over the natural road surface during dry conditions without rutting the surface. The Schoolhouse Creek culvert area will be the only graded portion of the access road and will be ramped to allow vehicles to cross over the culvert.	2-Alternative 2; Access Road; Road Specifications 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts 3-Water Quality; Environmental Consequences; Mitigation
monitoring implies using the access road "each spring, during and after wasteway use, and after high precipitation events;" could conflict with statement that natural surface road would only be used during dry weather; rocking the road would mitigate any direct or indirect impacts from using the road during other than dry periods	Text is changed to clarify that as much as possible, Reclamation will perform stabilization efforts, road construction, inspection, and maintenance during dry periods. Should a need arise to access the wasteway during non-dry periods, Reclamation and TID will use foot traffic within the acquired right-of-way. Should a rare instance require immediate vehicular access for emergency stabilization repairs during a wet period, Reclamation will also repair the access road as necessary.	2-Alternative 2; Access Road 2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 2; Inspection and Maintenance 2-Alternative 4; Access Roads 2-Alternative 4; Minimizing Construction Impacts 2-Alternative 4; Inspection and Maintenance 3-Geology; Environmental Consequences; Alternative 2 3-Geology; Environmental Consequences; Alternative 4

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Geology; Environmental Consequences; Cumulative Effects 3-Geology; Environmental Consequences; Mitigation 3-Water Quality; Environmental Consequences; Alternative 2 3-Water Quality; Environmental Consequences; Mitigation 3-Threatened and Endangered Species; Bald Eagle; Environmental Consequences; Alternative 2 3-Threatened and Endangered Species; Northern Spotted Owl; Environmental Consequences; Alternative 2 3-Historic Properties; Environmental Consequences; Alternative 2 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Soil 5-Fish and Wildlife
it is not clear where existent and non-existent sections of access road are located	Figure 2-13 is changed to indicate the approximate location of the old abandoned logging road.	2-Alternative 2; Access Road 2-Figure 2-13
Does the statement, "The priorities in the first year would be to: begin stabilizing banks damaged by previous wasteway use and still actively eroding." only apply to areas within the existing rights-of-way?	Yes. Text is changed to clarify that Reclamation has no authority to stabilize areas outside its rights-of-way, and therefore, must acquire rights-of-way/flowage easements before stabilization work on	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	private land can proceed. Reclamation will negotiate with individual landowners of those wasteway areas where flow has exceeded or could exceed the natural channel.	2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection
no mention of acquiring additional flowage easements and rights-of-way under the Proposed Work Sequence section	Text is changed to clarify acquisition of additional rights-of-way/flowage easements	2-Alternative 2; Proposed Work Sequence 1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Using Data 2-Alternative 2; Standard Engineering Techniques 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 4-Adjacent Landowners
Proposed Work Sequence section - include project priorities for future years	Text is changed to clarify project priorities.	2-Alternative 2; Proposed Work Sequence 2-Alternative 4; Proposed Work Sequence 2-Alternative 2; Landowner Negotiations
under the Proposed Work Sequence section, which of the three culverts (figure 1-4) on	Text is changed to clarify that the middle culvert is a first priority.	2-Alternative 2; Proposed Work Sequence

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
private land would be repaired during the first year; would the repair include a culvert sized for 100-year flow event; which size culvert will be used for the Schoolhouse Creek crossing; what size structure is required to pass 100-year flow event?	Text is changed to clarify that culverts will be sized appropriately for expected runoff, to not impede flow, and to have the least impact on drainage characteristics. They will be placed to allow for passage of aquatic species. A flow measurement weir installed near the wasteway's pipe outlet measures the volume of flow. Flow records, along with documentation of conditions before and after wasteway use, should improve efforts to reduce erosion and stabilize the wasteway channel.	2-Alternative 2; Access Road; Road Specifications 2-Alternative 2; Inspection and Maintenance 2-Alternative 4; Access Roads 2-Alternative 4; Inspection and Maintenance 3-Fish and Wildlife; Environmental Consequences; Alternative 2
need more information on how Reclamation will work with landowners/management agencies to decide which sites need stabilized, where stabilization would occur, and how the work would be done	Text is changed to clarify that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations
	Text is changed to clarify landowner negotiations.	2-Alternative 2; Landowner Negotiations 1-introduction to chapter 1-Construction Permits 2-Alternative 2; Access Road; Road Specifications 2-Alternative 2; Proposed Work Sequence 3-Water Quality; Environmental Consequences; Alternative 2

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Water Quality; Environmental Consequences; Alternative 4 3-Wetlands; Environmental Quality; Alternative 2 3-Wetlands; Environmental Consequences; Cumulative Effects 3-Wetlands; Environmental Consequences; Mitigation 3-Threatened and Endangered Species; Northern Spotted Owl; Environmental Consequences; Alternative 2 4-Agency Consultation and Coordination; National Historic Preservation Act of 1966, as Amended 5-Water
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements,

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal 3-Cascade Siskiyou National Monument; Environmental Consequences 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
how would Reclamation acquire authorization to cut trees outside of rights-of-way	Text is changed to clarify Reclamation's existing authority through the 1890 Canal Act and how Reclamation will negotiate with landowners. Landowner approval will be obtained before cutting trees outside existing acquired rights-of-way.	Glossary and Acronyms; 1890 Canal Act right 1-Rights-of-Way/Flowage Easements and Wasteway Access 2-Alternative 2; Acquiring Additional Rights-of-Way/Flowage Easements 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 3; Vegetation Cuttings and Removal 2-Alternative 4; Vegetation Removal 5-Vegetation
how will existing vegetation be analyzed to determine if it can be removed without affecting stream shade or wildlife benefits	Reclamation will analyze site-specific conditions and involve the landowner in which plants to remove. The removal of vegetation should be assumed to have short-term negative impacts; however, the positive long-term impacts of revegetation should outweigh these negative impacts. The removal of vegetation not providing channel shade will not affect the amount of channel shade.	2-Alternative 2; Landowner Negotiations 2-Alternative 2; Vegetation Cuttings and Removal; Along the Wasteway 2-Alternative 4; Vegetation Removal; Along the Wasteway 2-Alternative 2; Minimizing Construction Impacts 3-Vegetation; Environmental Consequences
any tree/brush removal within Riparian Reserves on BLM-administered lands would need site specific environmental analysis	Site-specific environmental compliance will be accomplished prior to stabilization or major surface disturbing activities. Reclamation will continue cooperating with BLM.	1-introduction to chapter 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts 3-Geology; Environmental Consequences; Cumulative Effects

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Vegetation; Environmental Consequences; Cumulative Effects 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 3-Cascade Siskiyou National Monument; Environmental Consequences 5-Cascade Siskiyou National Monument 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Vegetation Cuttings and Removal 2-Alternative 3; Vegetation Cuttings and Removal 2-Alternative 4; Vegetation Removal 5-Vegetation
success of planting riparian species (alder and willow from cuttings in wasteway) would improve with year-around moisture; consider small wasteway maintenance flow throughout summer to stabilize and maintain channel	Text is changed to clarify that vegetation native to the area will be used and that plants will rely on natural weather patterns and ground moisture for survival.	Glossary and Acronyms; revegetation 2-Alternative 2; Bioengineering Techniques; Vegetation Selection 2-Alternative 2; Bioengineering Techniques; Stabilizing Infrastructures 2-Alternative 2; Vegetation Cuttings and Removal 3-Geology; Environmental Consequences; Alternative 2 3-Vegetation; Environmental Consequences; Alternative 2 3-Vegetation; Environmental Consequences; Alternative 3

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Vegetation; Environmental Consequences; Mitigation 5-Vegetation
	This EA is about stabilizing the wasteway rather than about changing operations of individual facilities within the Rogue River Basin Project. This EA incorporates by reference the document "Rogue River Basin Project Talent Division – Oregon, Facilities and Operations."	1-Purposes of and Need for Action 2-Alternative 2; Bioengineering Techniques; Vegetation Selection 6-Chapter 1 References
clarify proposed action - exactly where will bioengineering structures be used; discuss where the high velocity areas mentioned for use of standard engineering techniques in the Geology, alternative 2 effects section are located	The title of the EA is changed to "Finding of No Significant Impact and Programmatic Final Environmental Assessment." The introduction of chapter 1 is changed to explain that this Programmatic Final Environmental Assessment provides coverage for implementing general provisions (for which site-specific layout and design have not yet taken place) to upgrade access to the wasteway and stabilize localized areas of the wasteway channel. It further explains that site-specific environmental compliance will be accomplished prior to initiating stabilization or major surface disturbing activities.	Front cover 1-introduction to chapter 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts
	Text is changed to clarify why the alternatives are described in general terms rather than in terms of site-specific conditions.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
	This is a "Programmatic EA" with general descriptions of the alternatives. Negotiations with individual landowners and additional NEPA compliance will further address these issues.	Front cover 1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 4; Minimizing Construction Impacts
are the two possible locations (figures 2-11 and 2-12) for standard engineering techniques the *only* locations being considered for standard engineering techniques under alternative 2	Text is changed to clarify that these are examples of two sites already identified and that other wasteway sites may also be suitable and considered for standard engineering structures	2-Alternative 2; Standard Engineering Techniques
	Text is changed to clarify that the exact repair method for any particular eroded area will depend on what Reclamation and the landowner agree to following negotiations on rights-of-way/flowage easements and stabilization methods. Until these negotiations take place, site-specific descriptions are not available.	1-introduction to chapter 2-introduction to chapter 2-Alternative 2; Landowner Negotiations
	Text is changed to clarify that Reclamation will continue consulting and negotiating with adjacent landowners to acquire rights-of-way/ flowage easements and to accomplish wasteway stabilization.	2-introduction to chapter 2-Alternative 2; Landowner Negotiations 2-Alternative 2; Data Collection; Collecting Further Data 2-Alternative 2; Bioengineering Techniques 2-Alternative 2; Standard Engineering Techniques 2-Alternative 2; Vegetation Cuttings and Removal

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		2-Alternative 2; Proposed Work Sequence 2-Alternative 3; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Rights-of-Way/Flowage Easements, Negotiations, and Data Collection 2-Alternative 4; Vegetation Removal 3-Cascade Siskiyou National Monument; Environmental Consequences 4-Agency Consultation and Coordination; Bureau of Land Management Coordination 4-Adjacent Landowners 4-Other Contacts 5-Vegetation
	This EA contains discussion of how Reclamation will involve private and Federal landowners.	1-Rights-of-Way/Flowage Easements and Wasteway Access 2-introduction to chapter 2-Alternative 2 2-Alternative 4; Vegetation Removal 3-Geology; Environmental Consequences; Cumulative Effects 3-Vegetation; Environmental Consequences; Mitigation 4-Agency Consultation and Coordination; Bureau of Land Management Coordination

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
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		4-Adjacent Landowners 4-Other Contacts 5-Vegetation
explain what is meant by "possibly" four culverts would be installed; is it possible no culverts would be installed at the wetland crossing	Culverts will be installed along the perimeter of the wetland so the access road would have the least impact on drainage characteristics surrounding the wetlands. The exact number of wetland culverts remains to be determined. It is unlikely no culverts will be installed.	2-Alternative 2; Access Road; Road Specifications 3-Fish and Wildlife; Environmental Consequences; Alternative 2
Alternative 4: discuss removal of local vegetation as stated on page 36 "Water temperature would likely increase with removal of local vegetation."	Text is changed to clarify that local vegetation would be removed under alternative 4.	2-Alternative 4; Vegetation Removal 3-Vegetation; Environmental Consequences; Alternative 4
Geology section, add discussion of impact of sediment moving off the unsurfaced access road during storm events	Text includes discussion of sediment movement during storm events.	3-Geology; Environmental Consequences; Alternative 2 3-Geology; Environmental Consequences; Alternative 4 2-Alternative 2; Access Road; Road Specifications 3-Water Quality; Environmental Consequences; Alternative 2 3-Water Quality; Environmental Consequences; Alternative 4 3-Water Quality; Environmental Consequences; Mitigation 5-Soil

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
Geology section, add discussion of soil/geology impacts from accessing sites where standard engineering techniques would be used	Since stabilization and construction of standard engineering structures will take place as much as possible during dry periods, impacts to soils and sediment runoff from vehicles accessing these sites should be minimal.	3-Geology; Environmental Consequences; Alternative 2 3-Geology; Environmental Consequences; Alternative 4
Geology impacts under Alternative 4 - describe impacts that would result from more access to the wasteway	Storm runoff could potentially carry some sediment into Schoolhouse Creek and the wetlands; however the relatively flat grade of the road near Schoolhouse Creek and the wetlands would likely keep sediment movement to a minimum. Other access roads with steep grades could experience sediment movement during storm runoff.	3-Geology; Environmental Consequences; Alternative 4
the statement "Several water bodies within the Rogue River basin are included on the 303(d)list; only three are near the wasteway." is an under statement; **hundreds** of listed water bodies are within Rogue River basin	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Regardless of how many listed water bodies are within the Rogue River basin, only two are near the wasteway and potentially affected by the proposed action.	3-Water Quality; Affected Environment
address in the Water Quality Environmental Consequences section, Alternative 2, the removal of riparian vegetation as it relates to water quality and temperature	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Text is changed to include discussion on the removal of vegetation and that it should be assumed to have short-term negative impacts; however, the positive long-term impacts of revegetation would outweigh these negative impacts.	3-Water Quality; Environmental Consequences; Alternative 2 3-Vegetation; Environmental Consequences; Alternative 2

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		2-Alternative 2; Vegetation Cuttings and Removal; Along the Wasteway 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 3; Vegetation Cuttings and Removal 2-Alternative 3; Minimizing Construction Impacts 2-Alternative 4; Vegetation Removal; Along the Wasteway
address in the Water Quality Environmental Consequences section, Alternative 2, the impact to water quality (sedimentation in particular) that would result from the proposed culvert installations, stabilization work, and access road construction	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Text is changed to include discussion on construction impacts.	3-Water Quality; Environmental Consequences; Alternative 2
address in the Water Quality Environmental Consequences section, Alternative 2, the incorrect statement "Likewise, Emigrant Creek water temperatures should decrease when released water flows through the wasteway." Under "normal" operations, flow is piped through Greensprings Powerplant and released to Emigrant Creek without any solar exposure to heat the water. Use of the wasteway to convey water, with broad expanses of bedrock and areas of poor riparian vegetation, has much greater potential to allow water temperatures to rise than does the pipeline conveyance	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Text is corrected to state that after stabilization, water released through the wasteway would somewhat decrease Emigrant Creek water temperature in the 1.2-mile reach between the mouth of Tyler Creek and the Green Springs Powerplant discharge.	3-Water Quality; Environmental Consequences; Alternative 2

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
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address in the Water Quality Environmental Consequences section, Alternative 4, water quality impacts from the access road being "extended paralleling the wasteway short distances both upstream and downstream" or from the "many other access roads off Tyler Creek Road"	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Text is changed to include discussion on the effects storm events could have on the access roads.	3-Water Quality; Environmental Consequences; Alternative 4
address in the Water Quality Environmental Consequences section, Mitigation, what best management practices would be used	The entire Water Quality section is updated to reflect the latest Oregon Department of Environmental Quality 303(d) listing.	3-Water Quality
	Text is expanded to include discussion on best management practices and standard and reasonable precautions.	2-Alternative 2; Bioengineering Techniques; Vegetation Selection 2-Alternative 2; Vegetation Cuttings and Removal; Along the Wasteway 3-Geology; Environmental Consequences; Mitigation 3-Water Quality; Environmental Consequences; Mitigation 3-Wetlands; Environmental Consequences; Alternative 4 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Soil 5-Water 5-Fish and Wildlife
in the Water Quality Environmental Consequences section, Mitigation, consider	The entire Water Quality section is updated to reflect the latest Oregon Department of	3-Water Quality

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
adding a mitigation measure requiring surfacing entire access road or, at a minimum, surfacing stream approaches and crossings	Environmental Quality 303(d) listing.	
	Text clarifies that the road surface near the culverts will be graveled.	3-Water Quality; Environmental Consequences; Mitigation
in the Water Quality Environmental Consequences section, Mitigation, add a mitigation measure to restrict channel stabilization to dry season; all instream work should be completed during ODFW's instream work period	Text is changed to clarify that, as much as possible, Reclamation will perform stabilization efforts, road construction, inspection, and maintenance during dry periods. Should a need arise to access the wasteway during non-dry periods, foot traffic within the acquired right-of-way will be used. Should a rare instance require immediate vehicular access for emergency stabilization repairs during a wet period, Reclamation will also repair the access road as necessary.	2-Alternative 2; Access Road 2-Alternative 2; Proposed Work Sequence 2-Alternative 2; Minimizing Construction Impacts 2-Alternative 2; Inspection and Maintenance 2-Alternative 4; Access Roads 2-Alternative 4; Minimizing Construction Impacts 2-Alternative 4; Inspection and Maintenance 3-Geology; Environmental Consequences; Alternative 2 3-Geology; Environmental Consequences; Alternative 4 3-Geology; Environmental Consequences; Cumulative Effects 3-Geology; Environmental Consequences; Mitigation 3-Water Quality; Environmental Consequences; Alternative 2 3-Water Quality; Environmental Consequences; Mitigation 3-Threatened and Endangered Species; Bald Eagle; Environmental Consequences; Alternative 2

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
		3-Threatened and Endangered Species; Northern Spotted Owl; Environmental Consequences; Alternative 2 3-Historic Properties; Environmental Consequences; Alternative 2 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Soil 5-Fish and Wildlife
	Since no anadromous fish species inhabit the proposed work area, working in dry periods should coincide with ODFW's instream work period.	3-Water Quality; Environmental Consequences; Mitigation 3-Fish and Wildlife; Environmental Consequences; Mitigation 5-Water 5-Fish and Wildlife
	Text is changed to clarify that Reclamation will continue cooperating with agencies as stabilization efforts progress.	4-Other Contacts
in 1999, a BLM crew found cutthroat trout (*Oncorhynchus clarkii*) and reticulate sculpin (*Cottus perplexus*) in Sections 1 and 6 of Tyler Creek	Text is changed to add cutthroat trout to the list of fish species that could be present in the lower reach of the wasteway.	3-Fish and Wildlife; Affected Environment Fish
in the Fish and Wildlife Environmental Consequences section, Alternative 2, address impact of proposed Schoolhouse Creek and wetland area culverts on the passage of all	Text is changed to state that the access road culverts should not affect aquatic species since these structures will be sized appropriately for expected runoff, to not impede flow, and to have the least impact on	2-Alternative 2; Access Road; Road Specifications 3-Fish and Wildlife; Environmental Consequences; Alternative 2

Reclamation's Responses to the 8-4-03 comments from Richard Drehobl, Bureau of Land Management		
The issue is:	Reclamation's response	For further information, refer to the Tyler Creek Wasteway Stabilization EA in: (Chapter-Section; subsection)
species and lifestages of native fishes and other aquatic species	drainage characteristics surrounding the wetlands. They will be placed to allow for passage of aquatic species.	
in the Coho Salmon Environmental Consequences section, address Essential Fish Habitat	Essential fish habitat discussion is now included.	3-Threatened and Endangered Species; Southern Oregon/Northern California Coasts ESU Coho Salmon; Affected Environment; Essential Fish Habitat 3-Threatened and Endangered Species; Southern Oregon/Northern California Coasts ESU Coho Salmon; Environmental Consequences; Essential Fish Habitat 6-Chapter 3 References
Tim Montfort is a hydrologist, not a biologist.	Text is corrected.	6-References; Chapter 3 References