

**ENVIRONMENTAL ASSESSMENT
FOR THE NORTH FORK JOHN DAY
NATIONAL WILD AND SCENIC RIVER
MANAGEMENT PLAN**

**UMATILLA NATIONAL FOREST AND
WALLOWA-WHITMAN NATIONAL FOREST
NORTH FORK JOHN DAY RANGER DISTRICT AND
BAKER RANGER DISTRICT
GRANT COUNTY AND UMATILLA COUNTY, OREGON**

USDA FOREST SERVICE

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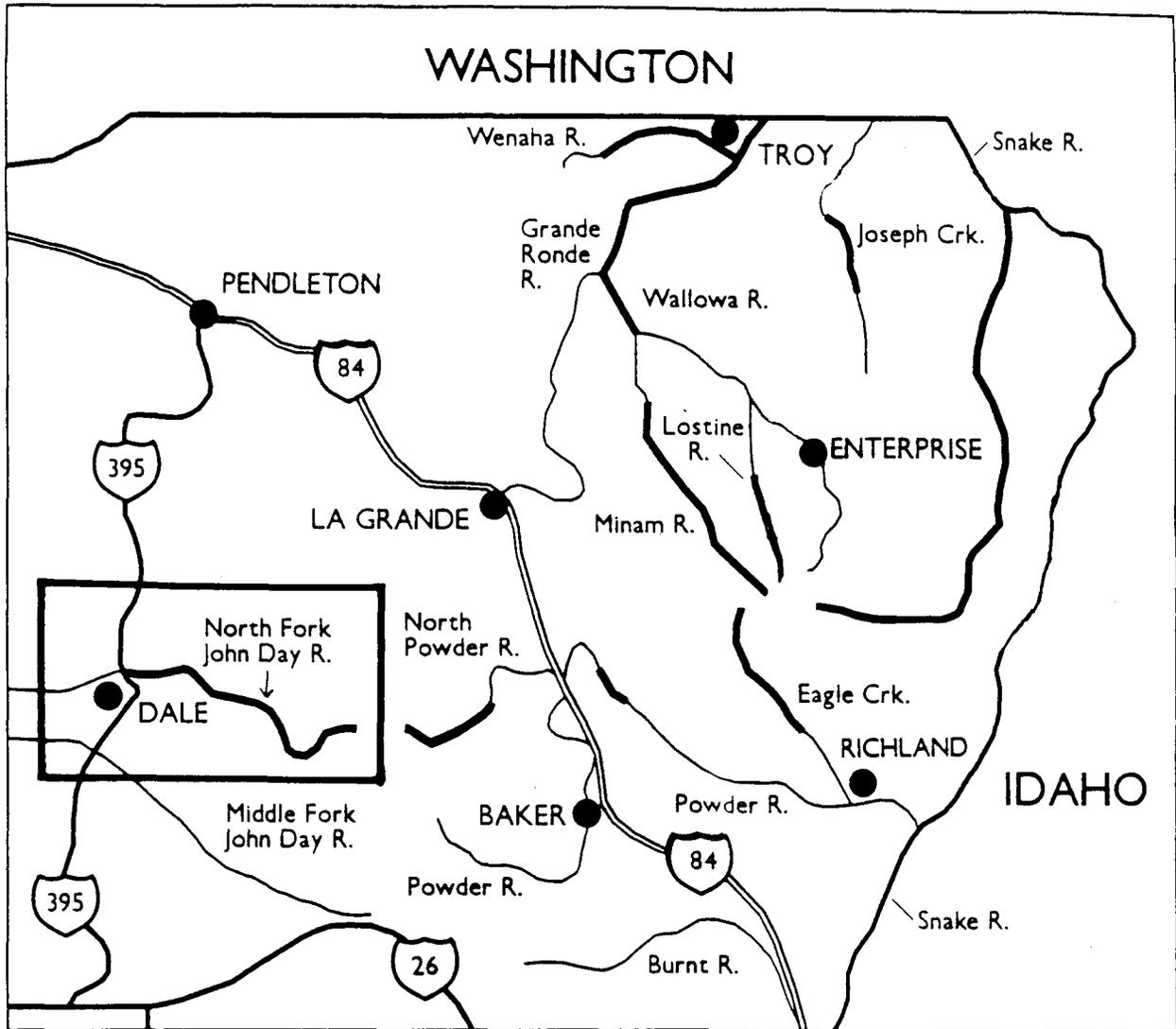
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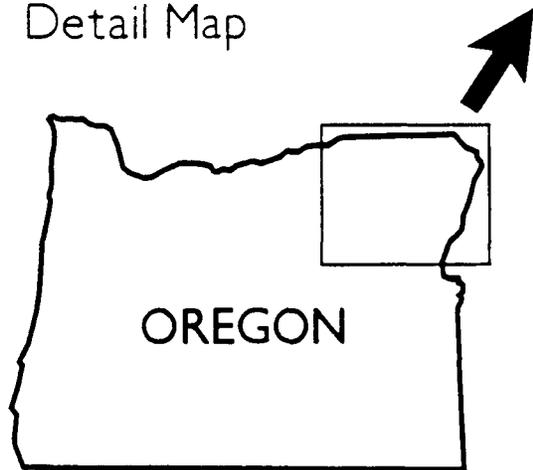
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North Fork John Day River



Detail Map



Location Map

Designated by the Omnibus Oregon Wild and Scenic Rivers Act of 1988

- River
- Wild and Scenic River Area
- Highway

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FOREST SERVICE - REGION SIX

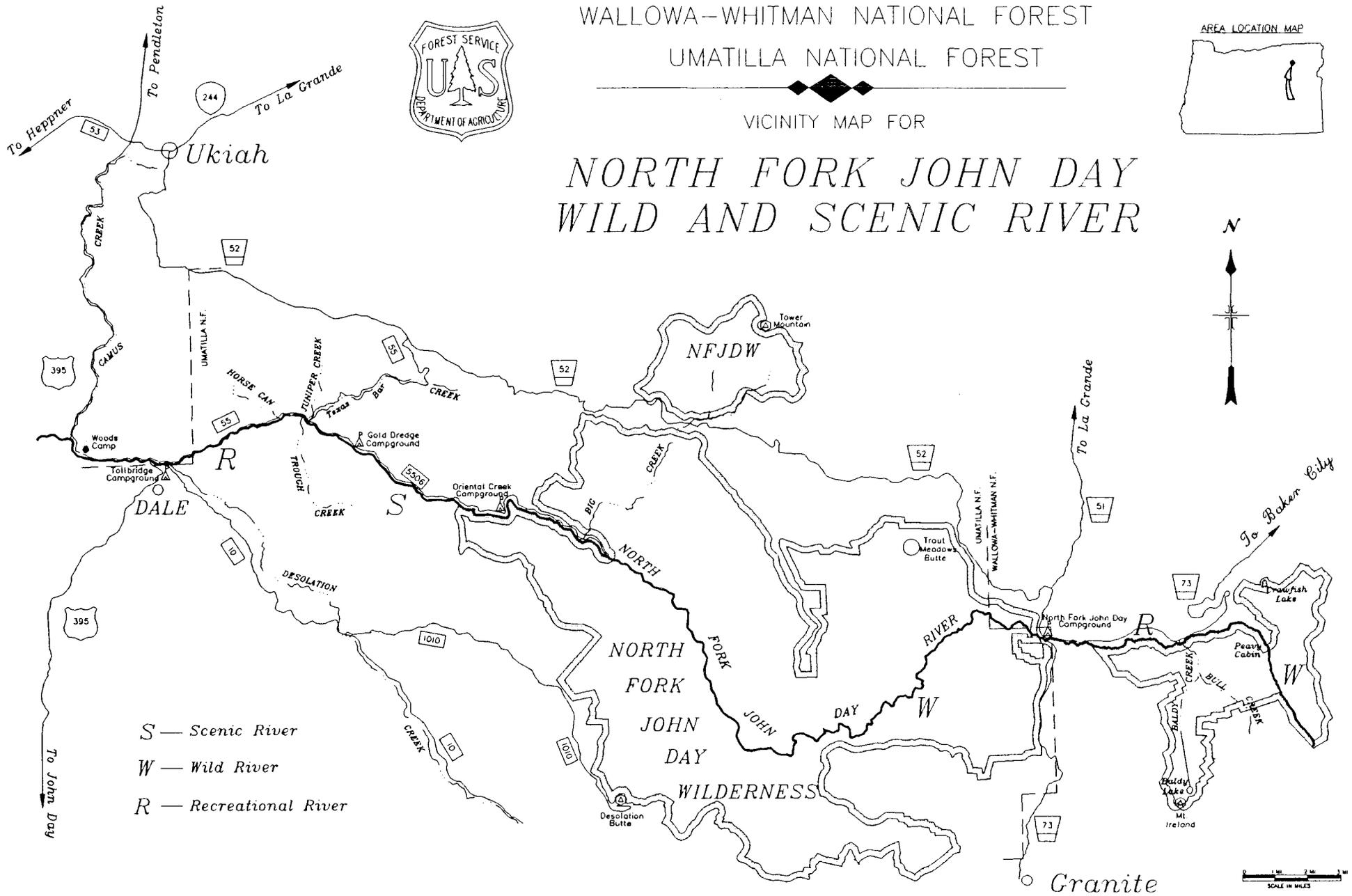
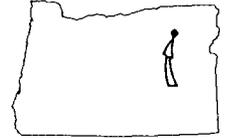
WALLOWA-WHITMAN NATIONAL FOREST
UMATILLA NATIONAL FOREST

VICINITY MAP FOR

*NORTH FORK JOHN DAY
WILD AND SCENIC RIVER*



AREA LOCATION MAP



Chapter I

Purpose and Need for Action



ENVIRONMENTAL ASSESSMENT

NORTH FORK JOHN DAY WILD AND SCENIC RIVER

CHAPTER I. PURPOSE OF AND NEED FOR ACTION

A. Introduction

The North Fork John Day River is located in Northeast Oregon on both the Umatilla and Wallowa-Whitman National Forests, starting in the North Fork John Day Wilderness (Section 13, T.8S., R.36E., W.M.) and flowing north and then west to its confluence with Camas Creek (Section 33, T.6S., R.31E., W.M.). The lower portion of the river can be accessed from the town of Ukiah by heading south on Highway 395. The upper portion can be accessed from Baker City by heading north on Highway 30 to County Road 1146 and then to Forest Road 73 until it reaches the North Fork John Day River. The section of the river designated by Congress as a Wild and Scenic River is approximately 54 miles long.

The North Fork John Day River from the North Fork John Day Wilderness boundary to a point near Monument, Oregon is also designated as an Oregon State Scenic Waterway.

The North Fork John Day River was designated a Wild and Scenic River by the Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Public Law 100-557, 102 Stat. 2782) as an amendment to the Wild and Scenic Rivers Act of 1968 (Public Law 90-542, 82 Stat. 907) (Appendix B).

This legislation declared a policy that selected rivers of the United States which:

"...possess outstandingly remarkable scenic, recreational, geologic, fish, and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

The North Fork John Day River is free-flowing and has outstanding remarkable values (OR values), as documented in the Resource Assessment (Ap-

pendix C), which include scenery, recreation, fish, wildlife, and historic/prehistoric values.

The Act defines three classifications for a Wild and Scenic River, based on the degree of development and access. The classifications are:

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

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

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

The North Fork John Day River is classified as follows (Also see Appendix E):

Segment A. (WILD) - The 3.5 mile segment from its headwaters in the North Fork John Day Wilderness at Section 13, Township 8 South, Range 36 East, to the North Fork John Day Wilderness boundary.

Segment B. (RECREATIONAL) - The 7.5 mile segment from the North Fork John Day Wilderness boundary to Trail Creek.

Segment C. (WILD) - The 24.3 mile segment from Trail Creek to Big Creek.

Segment D. (SCENIC) - The 10.5 mile segment from Big Creek to Texas Bar.

Segment E. (RECREATIONAL) - The 8.3 mile segment from Texas Bar to its confluence with Camas Creek.

The Wild and Scenic Rivers Act gives direction to the administering agency, in this case the USDA Forest Service, to prepare a comprehensive management plan to provide protection of the river values.

The river and river corridor are managed according to both the Umatilla National Forest Land and Resource Management Plan (Umatilla Forest Plan) and the Wallowa-Whitman National Forest Land and Resource Management Plan (Wallowa-Whitman Forest Plan) and their Environmental Impact Statements. The interim direction for this river is under Management Area A7 (Umatilla Forest Plan) and Management Area 7 (Wallowa-Whitman Forest Plan).

Two segments of the North Fork John Day River corridor involve two sections of the North Fork John Day Wilderness, Management Area B1 (Umatilla Forest Plan) and Management Area 4 (Wallowa-Whitman Forest Plan). Conflicts between the Wild and Scenic Rivers Act and Wilderness Act will be resolved by the more restrictive provisions.

This Environmental Assessment is the basis for the River Management Plan. It gives information about the planning process used and the environmental analysis done by the Interdisciplinary Team (ID Team). This document describes alternative methods for managing the river, as well as describing the environmental effects of each alternative.

The results of this analysis and any subsequent decision including the management plan will result in an amendment to the Forest Plan.

B. Proposed Action

The proposed action is the development of a management plan for the North Fork John Day Wild and Scenic River. The plan will address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purpose of the Wild and Scenic Rivers Act. The plan is to be developed by the Forest Service. The availability of the plan will

be published in the Federal Register. The plan will be in effect until it is revised or amended through the Umatilla or Wallowa-Whitman Forest planning process.

The proposed action also includes establishing the final river corridor boundary.

C. Purpose Of and Need For Action

The purpose of this analysis is to follow the direction of the Wild and Scenic Rivers Act, which requires the Forest Service to develop a comprehensive management plan for this river. Section 3 (d)(1) of the Wild and Scenic Rivers Act of 1968 states:

"... The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purpose of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and interested publics within three full fiscal years after the date of designation. Notice of the completion and availability of such plan shall be published in the Federal Register."

The development of this management plan is through a process established by the National Environmental Policy Act (NEPA). The North Fork John Day River Management Plan will guide the management of the North Fork John Day River. Once the plan is developed it will be incorporated into the Umatilla and Wallowa-Whitman Forest Plans by a Forest Plan amendment. Revisions to the river management plan after it becomes a part of the Forest Plan will be through the Umatilla or Wallowa-Whitman National Forest planning process as directed by the National Forest Management Act (NFMA) and NEPA.

D. Decision Needed

Based on this analysis, specific decisions need to be made by the Forest Service to implement the Wild and Scenic Rivers Act and complete a management plan. Specific decisions to be made are:

- Determine how to implement the basic requirements of the Act, which include protection of the OR values, water quality, the free-flowing condition, and the river's aesthetic, scenic, historic, archeologic, and scientific features (Section 1(b), 3(d), and 10(a) of the Wild and Scenic Rivers Act).
- Determine the degree in which to protect, enhance and/or develop the OR values identified in the Resource Assessment. These "... shall be protected for the benefit and enjoyment of present and future generations" (Section 1(b) and 10(a) of the Wild and Scenic Rivers Act).
- Determine the development of lands, facilities, user capacities, and/or compatibility with other management practices necessary or desirable to achieve the purpose of the Act (Section 3 of the Wild and Scenic Rivers Act).
- Determine the priority between OR values when they cannot be implemented equally (Section 3 of the Wild and Scenic Rivers Act).
- Determine the boundary of the river corridor (Section 3 of the Wild and Scenic Rivers Act).
- Determine guides for cooperating with private landowners and other agencies to protect and enhance the OR values. (Section 11 of the Wild and Scenic Rivers Act.)

The Regional Forester has the authority to approve the management plan and detailed boundary location (FSM 2354.04e). The Regional Forester has delegated the approval of management plans to the Forest Supervisors if they "...result in a nonsignificant change to the Forest Plan" (Letter to FSM 1920/1950/2350 dated June 21, 1991).

The Chief of the Forest Service has the responsibility to "transmit detailed boundary description, river segment classifications, management and development plans for wild and scenic rivers to the President of the Senate, to the Speaker of the House of

Representatives, and to the Federal Register" (FSM 2354.04a).

The Wild and Scenic Rivers Act states that boundaries must be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

These decisions will be documented in a Decision Notice, which is separate from the Environmental Assessment. The decisions will be based on the alternatives developed and the results of this analysis.

E. Issues and Outstandingly Remarkable Values

KEY ISSUES

The following is a description of how the Key Issues were identified.

NEPA defines issues as "... unresolved conflicts regarding alternative uses of available resources." Issues can also be defined as subjects of public interest relating to resource management. The Interdisciplinary Team (ID Team) identified issues after conducting a scoping process.

This scoping process included public meetings; correspondence with a variety of interests groups, organizations, and individuals; contacts with Federal, State, County, and Tribal governments; and consultation with specialists both within and outside the Forest Service. Scoping was continued throughout the analysis process.

Through this public involvement process a variety of issues were identified. The ID Team sorted through the issues to determine "which are not significant" (CEQ Regulation 1501.7(3)). The remaining issues have been identified as Key Issues.

Some of the non-key issues are addressed in this section under OTHER ISSUES and a more detailed list can be found in the analysis file.

The following are the Key Issues, identified by a narrative statement describing the situation and then quantified by an issue statement:

Recreation

A wide variety of recreation opportunities exist within and adjacent to the North Fork John Day River. The recreation includes, but is not limited to, camping, hiking, horseback riding, hunting, fishing, sightseeing, photography, gold panning, rafting, kayaking, and snowmobiling. These recreation activities are anticipated to increase over time. As use increases, conflicts can arise between users and resource values. Proper planning and development of these recreation opportunities is needed to minimize user conflicts and protect resource values.

The Issue is: What type and level of recreation opportunities will be appropriate within the corridor. Elements used to define this issue are as follows:

1. Where will dispersed camping be allowed?
2. What development level should developed camping be managed for?
3. What level should trailheads be managed for?
4. At what level should Wilderness trails be maintained?
5. At what level should non-Wilderness trails be maintained?
6. What are appropriate motorized uses?
7. What river access is desirable?
8. What interpretation/education is desirable?
9. What level of recreational mining is appropriate?
10. What guides should be developed for the fuelwood program?
11. What level of law enforcement is appropriate?
12. What facilities for the physically challenged are needed?

Water Quality/Fisheries

The North Fork John Day River supports several of the few remaining wild runs of chinook salmon and steelhead (migratory redband/rainbow) trout in the Columbia River Basin. Resident redband/rainbows and bull trout are also found in portions of the North Fork John Day

River. Redband/rainbow (both resident and anadromous forms) and bull trout are on the both the Regional Foresters and State of Oregon's Sensitive Species List. In addition, bull trout have recently been petitioned to the U.S. Fish and Wildlife Service for Federal listing under the Endangered Species Act. Protecting and enhancing the habitat and water quality is a key element to improving the populations of these species.

Activities such as mining, logging, road construction, and grazing have negatively impacted the fish habitat. These activities still exist within the river corridor. Good management practices, both within and adjacent to the river corridor, are needed to improve fish habitat. Enhancement projects need to be well thought out and designed to achieve the greatest benefit for the limited dollars available.

The Issue is: How to protect and enhance the population and habitat of the wild runs of chinook salmon, steelhead, resident redband/rainbow trout, and bull trout. Elements used to define this issue include the following:

1. Is hatchery supplementation appropriate?
2. What are appropriate fishing regulations?
3. What fish habitat improvements are needed?
4. What types and areas for riparian habitat improvements projects are needed?
5. What water quality guidelines are needed?

OTHER ISSUES

Other issues were identified but not considered Key Issues because they are adequately addressed by the Forest Plan, North Fork John Day Wilderness Plan, regulations, or law. Because all alternatives will follow the directions set by these documents they were not considered "Key."

The following is a list of some of these other issues and how they were resolved:

Old Growth - This was not determined to be a Key Issue because of the amount of Wilderness within and adjacent to the river corridor. Those areas of old growth that are important to the Wildlife OR value will be dealt with under the Wildlife OR value discussed in Chapter IV, Environmental Consequences - Effects of Implementation.

Any correlation between threatened and endangered species and old growth will be addressed under the Threatened and Endangered heading of the Wildlife OR value.

Roadless Areas - This was not considered a Key Issue because only a small portion of a roadless area (RARE II) is involved (the majority of the roadless area was designated wilderness). Of this remaining roadless area, nothing in any alternative is being proposed that would alter the roadless character. A roadless area is adjacent to the river corridor; however, this proposed action would have no impacts on it. Within the river corridor there are areas without roads that have a roadless character. It was determined that no activity is being planned that would negatively impact the roadless character of these areas.

Biodiversity (Diversity) - This was not considered a separate Key Issue because it is an important component of the Fisheries, Wildlife, and Vegetation OR values. The effects on diversity will be discussed in Chapter III, Effects of Alternatives under the section OTHER ISSUES.

Forest Health - This was not considered a Key Issue because of restrictions within existing laws (the Wilderness Act); the narrow area involved, which is composed mostly of riparian zones and buffers; the existing treatments that have already taken place; and the large portion of the corridor that is not forested. Areas with forest health concerns do exist within the river corridor. These will be dealt with under the Vegetation/Botanical OR value. The effects on forest health will be discussed in Chapter III, Effects of Alternatives under the section of OTHER ISSUES.

Private Lands - This was not considered a Key Issue because of the small amount of private

lands involved and the fact that most of the private lands are within the State "Scenic Waterway". The regulations developed by the State of Oregon for private land have been reviewed by the Forest Service. After reviewing these regulations they were determined adequate to protect OR values. Since the Forest Service cannot regulate private lands, the State's regulations will help assist in river management. The State regulations, in cooperation with the private landowner, will be used to manage the river through private lands. These regulations can be found in Appendix F of this document. They will apply to all alternatives.

Minerals - This was not considered a Key Issue because of the direction set in the Wild and Scenic Rivers Act and Mining Laws. These Acts provide direction for allowing mineral testing and extraction. The alternatives establishes guidelines for protecting Wild and Scenic River values for mineral operations, but they are the same for all alternatives.

Navigability - Under state law, the Division of State Lands (DSL) is responsible for the management of the beds and banks of navigable waterbodies (ORS 274.005-274.590). DSL is the administrative arm of the State Land Board (the Board), composed of the Governor, Secretary of State, and State Treasurer. Under constitutional and statutory guidelines, the Board is responsible for managing the assets of the Common School Fund. These assets include the beds and banks of Oregon's navigable waterways and are to be managed for the greatest benefit of the people of this state, consistent with the conservation of this resource under sound techniques of land management. Protection of public trust values of navigation, fisheries, and public recreation are of paramount importance, too.

State ownership of the beds of navigable waterbodies was granted to Oregon in 1859 as an incidence of statehood and is an inherent attribute of state sovereignty protected by the U.S. Constitution. The beds of non-navigable waterbodies remained in the ownership of the United States or its grantees. The navigability of the North Fork John Day River, from its confluence with Camas Creek (Rivermile 0) to its headwaters (Rivermile 54), has not been estab-

lished. Currently, the Federal government, State of Oregon, and private property owners claim ownership of the river's bed and bank. This river plan does not propose to address the issue of navigability. Rather, this river plan is intended to provide a management philosophy for the above segment of the river, as well as the remainder of the river.

The original Federal test for determining navigability was established in The Daniel Ball case over 100 years ago. This U.S. Supreme Court admiralty case clarified that rivers "are navigable in fact when they are used, or susceptible of being used, in their ordinary condition, as highways of commerce . . ." Interpreting this requirement, subsequent court decisions have adopted this test for title purposes and have ruled that a waterbody is navigable if it was capable of use, at the time of statehood, as a public highway for transporting goods or for travel in the customary modes of trade and travel on water.

The DSL has not made a determination concerning the navigability and state ownership for the beds and banks of this portion of the North Fork John Day River. The position of the Forest Service and Bureau of Land Management (BLM) is that the navigability of the river has not been established.

For purposes of managing the above portion of this river (where navigability has not been established), no special requirements will be pursued.

However, the DSL administers the State's Removal-Fill Law which protects Oregon's waterways from uncontrolled alteration. The law requires a permit for fill or removal of more than 50 cubic yards of material within the State's waterways. The permit-review process involves coordination with the natural resource and land use agencies from the local through the Federal levels.

Nothing set forth herein shall limit the ability of the Forest Service and BLM to administer this segment of river.

As with any jointly managed resource, jurisdiction is not as important as care for the resource. The DSL, Forest Service, and BLM will continue

to work together to assure that the public trust interest and the purpose of the Wild and Scenic Rivers Act are met.

Oregon Scenic Waterway - The North Fork John Day River from the North Fork John Day Wilderness Boundary to River Mile 20.2 (Willamette Meridian) above Monument, Oregon is one of Oregon's Scenic Waterways. The federally designated portion of the North Fork John Day Wild and Scenic River that overlaps the Oregon Scenic Waterway designation is from the North Fork John Day Wilderness boundary to its confluence with Camas Creek (approximately 19 miles).

The management of the overlapping segment will be by both the State of Oregon and the Federal Government, each according to their authorities. The development of this EA and management plan is being accomplished with the cooperation of the State of Oregon. Implementation will continue with close cooperation between the two agencies.

Forest Service regulations require that the analysis evaluate the following issues:

- Consumers, civil rights, minority groups, and women,
- Prime farmlands, rangelands, and forest lands,
- Wetlands and floodplains,
- Threatened and endangered species, and
- Cultural resources.

These will be discussed in Chapter IV, Environmental Consequences-Effects of Implementation; under the section OTHER ISSUES.

OUTSTANDINGLY REMARKABLE VALUES (OR VALUES)

The Wild and Scenic Rivers Act requires that a river be free-flowing and possess one or more "outstandingly remarkable values." When the North Fork John Day River was designated Wild and Scenic in 1988, the Congressional Records indicated that Scenic, Geology, Cultural, Fisheries, and Wildlife values

qualified as outstandingly remarkable. Through the resource assessment process (a site specific assessment of the resource values on the river and part of the Region 6 river planning process) geology was determined not to be an OR value. All of the OR values are identified in detail in the Resource Assessment, completed in June of 1991 (Appendix C).

The OR values and the findings from the Resource Assessment follow:

Scenic

"Like other river drainages in the Elkhorn and Blue Mountains, the North Fork John Day River corridor possesses diversity in vegetation and topographic landform. Significant sections of the river had already been recognized through the 1984 Wilderness designation. The proposed Cougar Meadow Research Natural Area also encompasses a portion of the river drainage. The paved road which parallels part of the river was administratively designated a National Scenic Byway."

Recreation

"The quality and diversity of recreational opportunities available along the North Fork John Day River corridor makes it a popular area year-round for local visitors and those from outside the area."

Fisheries

The value of the *only* remaining genetically viable wild run of spring chinook salmon in the

entire Columbia River Basin is incalculable. Wild populations of bull trout and redband/rainbow are also extremely valuable as genetic conservation pools of their species. These facts easily qualify fisheries as an Outstandingly Remarkable Values.

Wildlife

"The importance of the habitat and its resulting wildlife species diversity qualifies this resource to be considered an outstandingly remarkable value. The expanse of designated Wilderness provides significant high quality habitat for species which require a large area for their survival."

Historic/Prehistoric

"Settlement of this part of the Elkhorn and Blue Mountains and surrounding valleys is tied to the gold mining activity which occurred in the North Fork John Day River corridor. It was the early settlers' pursuit of this ore which makes the area so rich in history."

These Key Issues and the outstandingly remarkable values (OR values) are the "drivers" of alternative development and provide a basis for the evaluation of the alternatives. Each alternative will address the issues and develop management strategies to protect and enhance the OR values.