

**Attachment J—Wild and Scenic Rivers Determination**





United States  
Department of  
Agriculture

Forest  
Service

Pacific  
Northwest  
Region

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MAR 23 1995

Reply To: 2350

Date: March 21, 1995

CONTROL NO. 95-1261

FOLDER ID 8610

Mr. John W. Keys, III  
Regional Director  
Bureau of Reclamation, ATTN: PN-6309  
1150 North Curtis Road  
Boise, ID 83706-1234

Dear Mr. Keys:

Enclosed is the Wild and Scenic Rivers Act Section 7(a) Determination prepared jointly by the USDA Forest Service and USDI Bureau of Land Management for the proposed fish passage improvement at Savage Rapids Dam.

Our conclusion is that neither of the proposed action alternatives would invade or unreasonably diminish the scenic, recreational, and fish and wildlife values of the Rogue Wild and Scenic River.

Sincerely,

*John E. Lowe*  
JOHN E. LOWE  
Regional Forester

Enclosure





SECTION 7(a) DETERMINATION

WILD AND SCENIC RIVERS ACT

for

Planning Report/Draft Environmental Statement (PR/DES)  
Fish Passage Improvements -- Savage Rapids Dam

Prepared by:

USDA Forest Service  
Pacific Northwest Region

and

USDI Bureau of Land Management  
Oregon/Washington

SECTION 7(a) DETERMINATION, WILD AND SCENIC RIVERS ACT  
Proposed Fish Passage Improvements -- Savage Rapids Dam  
Upstream of Rogue Wild and Scenic River  
Siskiyou National Forest and  
Medford Bureau of Land Management District Office

Introduction

On December 15, 1994, the Bureau of Reclamation (BOR) filed a Planning Report/Draft Environmental Statement (PR/DES) for proposed fish passage improvements at the Savage Rapids Dam. The PR/DES analyzed two "action" alternatives. These alternatives can be summarized as follows:

1. PUMPING ALTERNATIVE (Preferred Alternative). This alternative would entirely remove the existing dam and install pumping stations to supply water to existing irrigation facilities. This alternative would increase salmon and steelhead escapement at the site by an estimated 22%. It would also eliminate a seasonal reservoir above the dam. The estimated cost of the alternative based on January 1993 prices is \$11,205,000.
2. DAM RETENTION ALTERNATIVE. This alternative would retain the dam with numerous improvements to the dam, fish passage and other facilities. Steelhead and salmon escapement would increase an estimated 17%. Seasonal flatwater provided by the reservoir would continue. The estimated cost of the alternative based on January 1993 prices is \$17,634,000.

The project is located approximately 30 miles upstream of the upper termini of the Rogue Wild and Scenic River (W&SR). The Rogue W&SR is administered by the Secretary of the Interior and the Secretary of Agriculture through the Bureau of Land Management (BLM), Medford District Office and the U.S. Forest Service (USFS), Siskiyou National Forest, respectively.

Section 7(a) Requirement

Section 7(a) of the W&SR's Act provides a specific standard for review of certain developments below or above a designated Wild and Scenic River.

"...no department or agency of the United States shall assist by loan, grant, license or otherwise in the construction of any water resources project that would have a direct and adverse effect on values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the forgoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System."

## Background

**Project:** Savage Rapids Dam was constructed in 1921, nearly 50 years before the Rogue Wild and Scenic River was designated by Congress. The primary purpose of the dam is to divert water from the Rogue River for irrigation. The dam is seasonally raised for this purpose. This operation provides a seasonal reservoir during the summer. Fish passage facilities were constructed at the time the dam was completed. These passage facilities have been expanded and improved in steps over time but still result in considerable fish loss. Existing fish screens do not meet the current criteria of the National Marine Fisheries Service.

**Rogue Wild and Scenic River:** The Rogue River was one of the initial rivers designated via the enabling Wild and Scenic legislation in 1968. The river is designated from the mouth of the Applegate River downstream to Lobster Creek Bridge. The BLM administers the upper approximately 47 miles to the Siskiyou National Forest near Marial. The USFS has administrative responsibility for the lower approximately 37 miles located within the boundaries of the Siskiyou National Forest.

The Outstandingly Remarkable Values for which the Rogue River was designated are its natural scenic environment, the fisheries resource, and the recreational opportunities it provides. While not specifically singled out by Congress, Federal managers of the river also consider the wildlife and cultural resources to be significant.

The House Report (H.R. Rep. No. 1623, 90th Cong., 2nd Sess. 1968 USCC&AN 3801.) provides additional information about the river.

"The section of the Rogue River under consideration for scenic river designation begins at its confluence with the Applegate River and runs 85 miles downstream to Lobster Creek Bridge. The Rogue, which drains the western slopes of the Cascade Range, is a major Pacific coast stream and contains a diversity of recreation and scenic values."

"Several stretches of the river remain virtually in a natural state, passing through impressive rock gorges and canyons. The river passage is interrupted by numerous riffles and rapids. In other portions, the river flows through relatively undeveloped lands, marked only by an occasional farm."

"The Rogue is a big-fish stream, with salmon catches exceeding 40 pounds and steelhead trout 15 pounds. The stream's outstanding fishing qualities, its many miles of near natural scenic environment, and its exciting whitewater boat trips are principal contributors to the river's fame. Hunting, swimming, hiking, boating, picnicking, camping, and sightseeing also are popular in the area."

The BLM and USFS manage the River under a jointly developed "Rogue National Wild and Scenic River Revised Development and Management Plan" which was published in the Federal Register on July 7, 1972". This plan provides management objectives for the entire Wild and Scenic River:

"Special efforts will be made to (1) maintain or improve the quality of water which empties in the river, (2) improve the fish and wildlife habitat, and (3) maintain its free-flowing condition."

#### Rationale for Determination

The determination of effects of alternatives is based on information contained in the Planning Report and Draft Environmental Statement (PR/DES) prepared by the BOR for fish passage improvements at the Savage Rapids Dam, the evaluation of BLM and USFS staff specialists and other available information. This is appropriate in accordance with 40 CFR 1502.21, 36 CFR 297.6, and 43 CFR Subpart 8351. This determination addresses both of the action alternatives in the PR/DES.

#### Analysis

The PR/DES prepared by the BOR specifically addresses the effects of the proposed action alternatives on Wild and Scenic Rivers (see Chapter VI, page 14). BOR findings conclude that:

"The action alternatives (Preferred Alternative and the Dam Retention Alternative) do not invade any river reach in the national system of wild and scenic rivers or state system of scenic rivers and would not diminish the scenic, recreational, or fish and wildlife values or have any effect on streamflows".

and

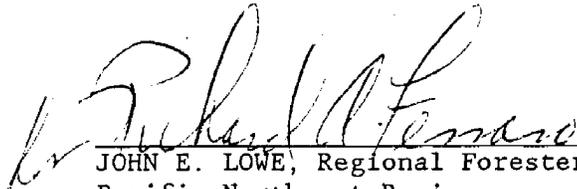
"the action alternatives would have no significant or measurable adverse effect on any wild and scenic river, but would have a large positive effect due to increased populations of salmon and steelhead".

The PR/DES does recognize that there would be temporary but insignificant increases in turbidity during construction with either action alternative.

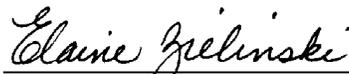
USFS and BLM staff specialists who have reviewed the PR/DES and considered possible effects on downstream Wild and Scenic River values concur with the findings of the BOR.

#### Determination

Our conclusion is that neither of the action alternatives would invade or unreasonably diminish the scenic, recreational, and fish and wildlife values of the Rogue Wild and Scenic River.

  
 JOHN E. LOWE, Regional Forester  
 Pacific Northwest Region  
 USDA Forest Service

March 21, 1995 Date

  
 ELAINE ZIELINSKI, State Director  
 Oregon/Washington  
 USDI Bureau of Land Management

March 16, 1995 Date

## Responses to Public Comments -Emigrant Lake Draft EA

### **A. Oregon Dept. Of Agriculture**

1. Thank you for taking time to review the EA and provide your comments. CRMP is widely used by archeologists in Federal agencies as an acronym for Cultural Resource Management Plan. To avoid confusing readers in Oregon , we have decided to not use the acronym CRMP in this document.

### **B. Joseph Strahl, Director - Jackson County, Oregon**

1. Thank you for taking time to review the EA and provide your comments. We have corrected the County reference. We checked the use of the acronym SHPO in the Advisory Council on Historic Preservation Federal Register notice on the Protection of Historic Properties (36 CFR Part 800). SHPO correctly refers to the State Historic Preservation Officer.

**2. We have identified Hill Creek on the aerial photograph.**

**3. Reclamation will work with the County to identify means of funding the recommendations contained in the RMP**

### **C. Colonel D.Z. Boyd**

1. The general locations of the no-wake zones are shown on The Plan map in the Emigrant Resource Management Plan. Boundaries will be refined and specific regulations will be developed as appropriate to protect fish and wildlife and other natural resources.

### **D. Bear Creek Greenway Equestrian Association**

Thank you for taking time to review the draft EA and provide your comments. We are aware of your interests, and believe that connecting the Emigrant Lake area with your proposed trail system would enhance recreation opportunities. Reclamation will work with your Association to the extent possible to ensure that your planned trail extension is compatible with the multiple-use trail plan proposed under the preferred alternative.

### **E. R. Damasek**

Thank you for taking time to review the draft EA and provide your comments.

### **F. James Woltanski**

Thank you for taking time to review the draft EA and provide your comments.

### **G. Pat Hackett**

Thank you for taking time to review the draft EA and provide your comments.

**H. Sandrya Danehy, Parks Advisory Committee - Jackson County, Oregon**

Thank you for taking time to review the draft EA and provide your comments.

**1. See response to comment number 3 of Joseph Strahl, Director Jackson County Department of Public Works and Parks.**

**I. Frank H. Hirst**

Thank you for taking time to review the draft EA and provide your comments.

**J. W.R. Kim Boyd**

Thank you for taking time to review the draft EA and provide your comments. Reclamation went through a long planning process before arriving at the preferred alternative. We believe the preferred alternative is a reasonable and fair compromise which addresses the most appropriate use for all the Reclamation lands **and resources at Emigrant Lake.**

**K. Robert L. Peyton**

Thank you for taking time to review the draft EA and provide your comments.

**L. Robert J. Staal**

Thank you for taking time to review the draft EA and provide your comments.

**M. Rogue Group - Sierra Club**

Thank you for taking time to review the draft EA and provide your comments.

**N. U.S. Fish and Wildlife Service - Oregon State Office**

Thank you for taking time to review the draft EA and provide your comments.

**O. Oregon Department of Fish and Wildlife - Rogue District Office**

Thank you for taking time to review the draft EA and provide your comments.

1. Reclamation has noted your suggestion regarding an impoundment for the Emigrant Creek arm to enhance wildlife habitat. As with the proposed Hill Creek impoundment project, we will have to pursue cost-sharing arrangements with non-Federal partners to implement fish and wildlife enhancement measures at Emigrant Lake in the future.

2. Reclamation has noted your suggestion. All special events are currently limited to the

developed park areas and, under the preferred alternative, will be subject to specific criteria to minimize disturbances to wildlife.

3. We have changed the text to reflect this information.

4. We added your department to the distribution list as requested and apologize for the oversight.

#### **P. Vern Crawford**

1. Thank you for taking time to review the draft EA and provide your comments. Night-time closure of the park is part of the County rules and regulations, but is not intended to be overly restrictive. County regulations actually state “closed at sunset,” and we have corrected the statement in the document. You may want to further discuss this concern directly with the Jackson County Public Works and Parks Department.

2. Reclamation will work with Jackson County to be sure that recommendations in the Bald Eagle Management Plan (BEMP) regarding the Quarry Point area are carried out to minimize human access to the area. The BEMP will be adhered to in consultation with the Oregon Eagle Foundation and U.S. Fish and Wildlife Service.

**3. The preferred alternative ensures that the road associated with hang gliding activities in Patrick Dunn Beach area will be carefully controlled and monitored. Development at this dispersed recreation area will be limited to designated vehicle access to the shoreline, designated parking, and an accessible restroom. The existing dirt road across an open grassy slope can be used only to access the hang gliding area. A permit will be issued annually to hang gliders for use of the area, maintenance of the access road, and trash pickup and removal.**

**4. The Emigrant Lake area remains accessible to rock climbing recreationists under the preferred alternative. If problems and conflicts associated with rock climbing activities develop in the future, they will be addressed by Reclamation and Jackson County.**

**5. See response number 1 to Motorcycle Riders Association letter.**

#### **Q. Oregon Eagle Foundation**

Thank you for taking time to review the draft EA and provide your comments.

1. We have noted your recommendation. Reclamation will continue to work with the Oregon Eagle Foundation and other partners to ensure that any future impoundment constructed in upper Hill Creek is sited to reduce disturbance of perching and foraging bald eagles at the north end of Quarry Point.

2. We have noted your recommendation. Reclamation will consider multiple use trail plans that are consistent with the recommendations contained in the Bald Eagle Management Plan.

**R. W. C. Nielsen**

Thank you for taking time to review the draft EA and provide your comments.

**S. Klaas and Conny van de Pol**

Thank you for taking time to review the draft EA and provide your comments.

**T. George Thompson**

Thank you for taking time to review the draft EA and provide your comments.

**U. Motorcycle Riders Association**

Thank you for taking time to review the draft EA and provide your comments.

1. Reclamation is aware of the Statewide Comprehensive Outdoor Recreation Plan and its reference to the limited facilities for off-highway vehicle use in Oregon. During our lengthy **resource management and** National Environmental Policy Act planning process, we considered diverse opinions from all users and interested parties in an open public forum before formulating the preferred alternative which includes closure of all Federal land to off-road motorized vehicles. This measure reflects the general view of the **local** public that protecting the fish, wildlife, cultural, and public safety values at Emigrant Lake are major concerns, **and that continued OHV use at Emigrant Lake is not conducive to these values.**

2. See response to 1. above.

3. See response to 1. above.

**V. Gary M. Reeser Jr.**

Thank you for taking time to review the draft EA and provide your comments.

**1. See response number 1 to Motorcycle Riders Association letter.**

**W. Bob Lofgren**

Thank you for taking time to review the draft EA and provide your comments.

**1. See response number 1 to Motorcycle Riders Association letter.**

**X. Tyrrell Hart**

Thank you for taking time to review the draft EA and provide your comments.

**1. See response number 1 to Motorcycle Riders Association letter.**