

**BEFORE THE BOARD OF COMMISSIONERS
IN AND FOR THE COUNTY OF WALLOWA
IN AND OF THE STATE OF OREGON**

**IN THE MATTER OF THE S. 192,)
UNDER CONSIDERATION IN THE) RESOLUTION 2021-022
117TH UNITED STATES CONGRESS)**

Whereas on February 3, 2021, United States Senators Ron Wyden and Jeff Merkley introduced S. 192, known as the “Rivers Democracy Act” to designate specified river segments, primarily in Oregon, as components of the National Wild and Scenic Rivers System; and

Whereas S. 192, as introduced, would apply Wild & Scenic River designations to 404 additional miles of Wallowa County rivers, streams, gulches, draws and unnamed tributaries, most of which are not classified as rivers, are not free-flowing and do not carry water year-round; and

Whereas S. 192, as introduced, undermines the original intent of the Wild & Scenic Rivers Act of 1968, which was to preserve certain rivers with “outstanding natural, cultural, and recreational values in a free-flowing condition which already includes 300 miles of Wallowa County rivers”; and

Whereas S. 192, as introduced, circumvents study and public engagement provisions of the Wild & Scenic Rivers Act of 1968 authorizing and directing federal agencies to conduct careful eligibility studies and analyses of waterways under consideration for Wild & Scenic designations; and

Whereas S. 192, as introduced, would apply half-mile buffer restrictions to waterways designated as Wild & Scenic, affecting economic development, public access, water resource management, forest and vegetation management, ranching and grazing, and other responsible multiple use activities on an estimated 240,000 acres of public lands and an additional 16,000 acres of private land in Wallowa County; and

Whereas arbitrary land designations, including those lands designated under the Wild & Scenic Rivers Act of 1968, impose restrictions and additional federal bureaucracy on multiple-use land management activities, and federal courts have upheld legal challenges to those activities on the basis of these designations; and

Whereas Wallowa County has experienced severe wildfires that have threatened and displaced our citizens, damaged private properties, affected water resources, impacted recreational opportunities, wildlife habitat and other natural resource values, and affected the county's economy; and

Whereas severe wildfires have ignited and/or spread on unnaturally overgrown and fire-prone lands administered by federal land management agencies, and those agencies have failed to adequately mitigate the risks to Wallowa County communities and natural resources; and

Whereas S. 192, as introduced, does not direct or authorize federal agencies to utilize available land management tools- including mechanical treatments- to reduce the risk of severe wildfires, nor does it explicitly permit post-fire restoration work, such as the removal of dead and dying trees, to maintain public access; and


Whereas S. 192 was introduced without the consultation of rural county governments, local businesses and landowners, and its development was limited to a select few individuals and organizations; and

Whereas, five months after introduction, no meaningful maps of the proposed legislation have been provided by Senators Wyden and Merkley to the public, local governments, land management agencies, the State of Oregon, and neighboring landowners despite repeated requests.


Now, therefore, be it resolved, that the Wallowa County Board of Commissioners does not approve of nor support S. 192 as introduced, and copies of this resolution shall be provided to the county's congressional delegation in the United States Congress, the Governor of the State of Oregon, and the county's delegation in the Oregon State Legislature.

Be it further resolved that the Wallowa County Board of Commissioners requests that all segments located within Wallowa County proposed for Wild and Scenic designations under S. 192, as introduced, be removed from the legislation.

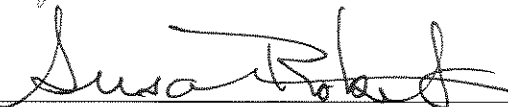
DONE AND DATED this 21ST of July 2021.




Commissioner John Hillock



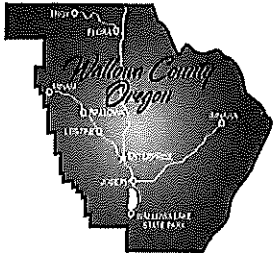
Commissioner Todd Nash



Commissioner Susan Roberts



Attest: Stacey Fregulia, Exec. Asst.



State of Oregon
WALLOWA COUNTY
BOARD of COMMISSIONERS
101 S. River Street #301
Enterprise, Oregon 97828

541-426-4543 ext#1130
Fax: 541-426-0582
Email: commissioners@co.wallowa.or.us

COMMISSIONER, JOHN HILLOCK
COMMISSIONER, TODD NASH
COMMISSIONER, SUSAN ROBERTS

April 13, 2021

Sen. Ron Wyden
221 Dirksen Senate Office Bldg.
Washington, D.C., 20510

Dear Sen. Wyden,

The Wallowa County Board of Commissioners has reviewed language of The River Democracy Act and recommends all rivers and streams proposed in Wallowa County be removed from the list.

Almost 300 miles of the county's rivers and streams are already designated wild, scenic, or recreational under the 1968 Wild and Scenic River Act, including the county's largest rivers, the Snake and Grande Ronde. These two rivers are migration routes for endangered Chinook salmon and steelhead. We do not believe designating an additional 404 miles, as proposed in The River Democracy Act, are necessary to improve the survival of these anadromous fish. We believe warming ocean conditions and the eight dams on the Columbia and Snake rivers are the major barriers to salmon and steelhead recovery.

More than half of the county's land, 58 percent, is publicly owned and managed by the U.S. Forest Service. Most of these river segments are already in special designations and many of the nominated streams are in one of three wilderness areas, the Hells Canyon National Recreation Area or ESA designated critical habitat, giving them multiple protections from human impact. Existing management guidelines such as PacFish and InFish strongly restrict human activity near fish-bearing streams.

Since the 1992 listing of Snake River Chinook salmon as threatened on the Endangered Species List and the 1993 publication of the Wallowa County Nez Perce Tribe Salmon Recovery Plan tens of millions of dollars have been invested in restoring fish and wildlife habitat in the county with an emphasis of streambank and instream work.

While the Board understands these wild and scenic designations are intended to consider fish and wildlife corridors as Outstanding Remarkable Values, we want to point to the effort by private landowners, Bonneville Power Administration, USDA Natural Resources Conservation Service, U.S. Forest Service, Oregon Watershed and Enhancement Board, Oregon Department of Forestry, Oregon Department of Fish and Wildlife, the U.S Forest Service, the Nez Perce Tribe, Wallowa County Soil and Water Conservation District and Grande Ronde Model Watershed as well as other funders, to restore habitat on private and public land.

Funders and agencies have not only targeted restoration projects on public land where a spectrum of protections are in place, but along privately held stretches of the Wallowa River that winds through the Wallowa Valley's agricultural and developed land. Meanders have been reintroduced to the river outside of Enterprise on two different ranches, side channels dug into a hay field to alleviate erosion from flooding in the lower Wallowa Valley, and numerous fish passage barriers removed in the mid-Valley outside of Lostine.

Other habitat enhancement projects include fencing, weed control, road improvements to reduce sediment, and alternative water source development on both private and public lands. According to Wallowa County Soil and Water data approximately 5,000 projects have been completed in the last three decades totaling roughly \$75 million.

John Williams, retired Wallowa County OSU extension agent, spent many years presenting the county's salmon plan to other counties, purporting the benefits of natural resource collaborative planning. A 25-year member of the Wallowa County Natural Resource Advisory Committee, Williams says, "We provide the hotel," when referring to the county's habitat enhancement focus.

Since 1996, habitat projects completed in the county have been vetted through the Natural Resource Advisory Committee, a group of private landowners, government agencies and natural resource organizations that advises the board of commissioners on policies and projects. The Forest Service and the Nez Perce Tribe are permanent members of this committee. We understand individuals and groups around the state recommended these 404 miles of water to be included in the new bill, but neither members of the Nez Perce Tribe fisheries or the local Forest Service staff, who regularly attend our technical and standing committee meetings, addressed the proposed bill in any meeting nor were the members of the Board of Commissioners asked directly about their recommendations by Senator Wyden's office. We feel if there had been an opportunity to meet with the senator's staff, the Forest Service, tasked with implementing the Act, and the tribe's wildlife department that recommended many of the northern segments, we may have been able to have articulated the full impact of the Act on the county's economy, culture and recreation opportunities.

We understand that when the Forest Service went through a district level assessment of wild and scenic characteristics two streams were identified - Big Sheep and Swamp Creek. Yet we believe even those do not qualify as they have well-traveled roads used for public access and active grazing allotments.

We have grave concern over the half-mile buffers recommended in the Act that would put many of the county's streams in protection from ridgetop to ridgetop. Where buffers overlap, the acreage of protected ground increases. While we understand that the Act would allow forest restoration through prescribed fire within these buffers, we believe it would eliminate harvest and mechanical treatment, or at least make it extremely difficult and controversial, potentially spurring lawsuits that hamper Forest Service budgets and keep specialists and line officers from completing monitoring, planning and project implementation.

While habitat restoration has been both a boon for fish and wildlife as well as local contractors and a stream of funding for local agencies, the impact of salmon listing on timber harvest and grazing has been detrimental to the local economy. The county's 2019 updated "Wallowa County Forest Management Plan" identifies 209,950 acres on the Wallowa Valley and Eagle Cap Ranger districts and 39,000 acres on the Hells Canyon National Recreation Area as available, capable, and suitable for timber production. From these acres, timber harvests should occur on 12,448 acres with an estimated 40 million board feet being removed annually. In Fiscal Year 2020

only 16.5 million board feet were harvested across the entire Wallowa-Whitman National Forest.

Besides lawsuits that cost the federal government time and money, the planning foisted on the back of the Wallowa-Whitman National Forest, and the Wallowa Mountains Office in Joseph in particular, will cost tens of millions of dollars and years to complete - one estimate is \$2 million per waterway. Again, the cost and the time necessary to implement the Act would keep the Forest Service staff, a skeleton of what it was in the early and mid-90s, from focusing on their day-to-day work.

The Act also states existing grazing permits would not be affected, yet we believe it would not only exclude the possibility of reopening closed and vacant allotments, but could possibly increase stubble height requirements, miles of fence needed, and riparian area setbacks within the buffers. We have also been assured that the Act wouldn't affect private land, but in some cases the half-mile buffers do indeed include private land and would affect private land through the adjacency clause of the Wild and Scenic Act.

The proposed Act considers fish and wildlife corridors Outstanding Remarkable Values. If a salmon's migration route is from the Pacific Ocean to spawning grounds in the Wallowas, that would mean more than 500 miles of river would need to be put into protection. Road closures to protect ORVs for big game could close administrative roads used to access grazing pasture and bringing in fuel and maintenance support to tourist sites like the Cache Creek Ranch on the Snake River.

We believe the Act would be a burden on an already fragile economy by -

1. increasing protections that decrease the number of acres allowable for forest restoration, timber harvest and livestock grazing affecting local employment;
2. increasing restrictions on land management would push an ever-shrinking Forest Service budget and put the few jobs the agency has left in the county at risk;
3. adding to the remaining Forest Service staff's workload by saddling it with the task of implementation;
4. reducing the number of open roads available for recreation and public land access; and
5. costing taxpayers tens of millions of dollars.

We are also concerned that the Act has even greater private land condemnation authorities than even the Wilderness Act. Senator Wyden's news release on this proposal stated "ensures that only federal lands are affected by Wild and Scenic designations. . ." If that is the intent, then any segment containing private land or included in a buffer must be dropped from the proposal.

The proposal designates miles of streams as Wild, but the Act prevents new impoundments in Wild Rivers, curtailing hatchery expansions if fish returns from the ocean don't improve. The Act allows no new power lines in Wild or Scenic rivers, which will likely remove future consideration of small hydropower generation from these newly designated streams.

We object to the proposed bill because it contradicts the original Wild and Scenic Act process for nominating new rivers. Section 4a of the Act says considerations for new segments must be routed through the agencies to the President, with language analyzing which segments are eligible. Notice that Section 3, which listed the original rivers nominated for inclusion, is immediately followed by Section 4, the process for future nominations. The proposed bill ignores Section 4, instead listing a staggering 262 pages of streams. Section 4 was included to curb efforts like this one.

Very few of the proposed nominations for Wallowa County qualify as a river. According to Section 15 of the WSR Act, "River" means a flowing body of water. . . Many of the nominations are creeks or headwaters that carry snowmelt during the spring and early summer and are dry the remainder of the year. We fail to understand Wild and Scenic Act protection of free flow for intermittent streams that carry water only a few months of the year.

Please halt this proposed legislation and refer Wild and Scenic nominations to the Secretaries of Agriculture and Interior as required by Section 4 of the Act. Here's what the act says is needed before considering a river for inclusion in the system:

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system;

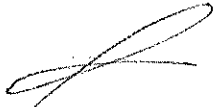
Instead, use Section 4 of the Wild and Scenic Act to develop potential candidates. When the Forest Service previously reviewed streams for nomination, employees used local knowledge to identify rivers that are free-flowing with potential Outstanding Remarkable Values. Use their efforts as a baseline, and through collaboration, bring site-specific information to the effort. Include local tribes, local government, and state and federal agencies.

The Board of Commissioners would very much like to receive readable maps to better see the river segments and buffers and to meet with your staff to discuss our concerns of the proposed Act.

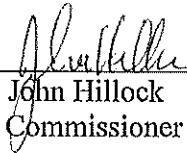
Sincerely,



Susan Roberts
Commissioner



Todd Nash
Commissioner



John Hillock
Commissioner