




MEMORANDUM

TO: Water Resources Commission
FROM: Thomas M. Byler, Director 
SUBJECT: Agenda Item B, December 7, 2017
Water Resources Commission Meeting

Division 517 - South Coast Basin Program Rulemaking to Reclassify the Waters of the Smith River Watershed in Curry County

I. Introduction

During this agenda item, the Commission will consider adoption of amendments to the South Coast Basin Program, Oregon Administrative Rules 690, Division 517. The proposed rules amend the basin program to classify the waters of the Smith River for instream public uses, human and livestock consumption, and exempt ground water uses.

II. Background

The Commission received a petition dated August 31, 2015, for withdrawal of the watershed of the Smith River in Southern Oregon, including its tributaries and groundwater, from appropriations under ORS 536.410. The petition requested withdrawal of all uses including exempt uses, except for the establishment of instream water rights. The Commission instead directed the agency to begin a basin program rulemaking to consider classifying the waters of the area of interest for instream purposes under ORS 536.340.

III. The Smith River Watershed

Located in Curry County near the Oregon-California border, the Smith River Watershed includes streams that arise in Oregon and flow south into California, eventually draining into the Smith River. Department staff have compiled a detailed report with further information about the watershed, existing management protections, potential beneficial uses of water in the area, as well as a consideration of policies as required by statute. See Attachment 1.

IV. Rulemaking Process

A Rules Advisory Committee (RAC) meeting was held on June 30, 2016 in Brookings to discuss modifications to the draft rules and the statement of need and cost of compliance. The Department invited individuals representing the following groups: League of Oregon Cities, Special Districts Association, Oregon Farm Bureau, a local agricultural producer, a Curry

County Commissioner, a Curry County Planner, U.S. Forest Service, U.S. Bureau of Land Management, Oregon Mining Association, Oregon Department of State Lands, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, WaterWatch of Oregon, citizen of O'Brien and Certified Water Rights Examiner, the Coquille Indian Tribe, Trout Unlimited and fishing guide, small business owner/kayaking guide, and Friends of the Kalmiopsis. Not all invitees attended. Proponents of the rulemaking provided information on why they believed the rulemaking was necessary, and discussed the economic benefits of recreation and fisheries to the area. Other members of the committee expressed concerns about the rulemaking, stating that it was not necessary and that mining could be done in a responsible manner. The information provided by the RAC was essential in developing rulemaking notices. The Department also briefed the Groundwater Advisory Committee and provided an opportunity for feedback on the notices.

The Public Comment Draft (Attachment 2) of the rules proposed to classify the surface waters in the Smith River Watershed in Curry County for human consumption, livestock, and instream public uses including pollution abatement, fish life, wildlife, and recreation, and classify the groundwater within the watershed for exempt uses that are outlined in ORS 537.545.

The notice of rulemaking was published in the September 2016 Oregon Bulletin. Notices were sent out to legislators, tribes, interested parties, and the rulemaking listserve. Newspaper notices were published in the Curry Coastal Pilot and the Grants Pass Courier. During the public comment period, the Department also met with the Groundwater Advisory Committee. They declined to provide comment on the rules. A public hearing was held in Brookings on September 29, 2016. Commission Chair John Roberts served as the hearings officer.

Consistent with our State Agency Coordination program, notices were also sent out to Curry County, requesting them to notify the agency if they believed the rules to be incompatible with the acknowledged comprehensive plan. On September 28, 2016, the Department received a request from a Curry County Commissioner to extend the public comment deadline by 30 days, to allow the County to review the proposal in more detail and hear from the local community. The County held a public hearing on October 12, 2016, which was followed by a letter to the Department in support of the rulemaking. The Department's public comment period closed on October 28, 2016.

See Attachment 3 for a summary of the number of written and oral comments received, summaries and excerpts of the public comments, the Department's responses, and a list of all commenters.

V. Discussion

Statutory Provisions

The Commission is responsible for the establishment of policy and procedures for use and control of the state's water resources. In executing this responsibility, the Commission "adopts and periodically modifies" basin program rules for the state's drainage basins (ORS 536.200(2)). When classifying or reclassifying the waters a basin, the Commission must take into consideration the "multiple aspects of the beneficial use and control of such water resources

with an impartiality of interest except that designed to best protect and promote the public welfare of Oregon's citizens generally” (ORS 536.200(2)(a)). To accomplish this, the Commission, may, “by a water resources statement” in ORS 536.300(2), “classify and reclassify waters” for the “highest and best use” of these waters in aid of “an integrated and balanced program for the benefit of the state as a whole” (ORS 536.340(1)(a)).

Classification “has the effect of restricting the use and quantities of uses” to only those uses approved by the Commission (ORS 536.340(1)(a)). In other words, classification of sources of water has the effect of restricting the new uses allowed to those that are specified by the classification; no other uses are allowed, except water uses that do not require a water right (for example, see ORS 537.141), water authorizations where classifications do not apply (e.g. alternative reservoirs pursuant to ORS 537.409; road registrations under ORS 537.040), and other uses as allowed by law or approved by the Commission (for example, see ORS 536.295).

ORS 536.310 outlines the purposes and policies to be considered in formulating a water resources statement under 536.300(2), and states that the Commission “shall take into consideration the purposes and declarations enumerated in ORS 536.220,” as well as the policies in ORS 536.310. Attachment 1 outlines the Department’s analysis of these policies for the Commission’s consideration.

Current classified uses in the South Coast Basin Program for the Smith River watershed include domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife, and fish life uses. The proposed rules would classify the surface waters in the Smith River Watershed in Curry County for human consumption, livestock, and instream public uses including pollution abatement, fish life, wildlife, and recreation, and the groundwater within the watershed for exempt uses that are outlined in ORS 537.545.

Summary of Findings

Attachment 1 outlines current management and protections of the watershed, and evaluates potential beneficial uses. Below is a high-level summary of findings:

1. **Natural Watershed Characteristics Limit Potential Beneficial Uses:** Given the nature of the watershed (topography, soils, location, ownership, etc.) and existing federal land management policies, future uses of water are limited. The only potential uses of water are mining and instream public uses, as well as uses incidental to recreation related to water for human consumption and livestock. Fire protection is allowable as an exempt use notwithstanding classifications and so is not included in the proposed rule. Similarly, registered uses such as water use for road maintenance as may be needed by the Forest Service or other public agencies, are unaffected by basin classifications.
2. **Federal Wild and Scenic Rivers and Eligible Rivers:** An Outstanding Remarkable Value (ORV) is a unique, rare or exemplary feature that is significant at a regional or national level. The North Fork Smith River in Oregon is designated as a federal Wild and Scenic River to the state line, with ORVs including scenic quality, water quality, and fisheries. Baldface Creek and its tributaries are eligible for designation as federal Wild and Scenic River for its ORVs related to fisheries and water quality. In California, much of the Smith River and its tributaries are designated as federal Wild and Scenic Rivers. Notably, starting at the state line in California, Rowdy Creek, North Fork Diamond

Creek, and Diamond Creek are designated Wild and Scenic Rivers for scenic, recreational, geologic, and fisheries ORVs. These designations in both Oregon and California support a state classification of the water of the North Fork Smith River and its tributaries for instream public uses.

3. Outstanding Resource Waters: The Oregon Environmental Quality Commission has designated the North Fork of the Smith River, its tributaries and associated wetlands, as Outstanding Resource Waters under the Clean Water Act in recognition of preserving values related to water quality, fisheries, unique water-dependent plant habitats, recreation, and scenic values. This designation supports classification of the watershed for instream public uses.
4. Fisheries and Wildlife: The Smith River watershed in Oregon contains SONCC Coho (threatened), coastal cutthroat trout, rainbow trout, steelhead, and Chinook salmon, as well as Pacific Lamprey. The Smith River watershed is also critical habitat for Coho, and is currently a known location of Foothill Yellow-Legged Frog, a sensitive species. It is also designated as a Key Watershed for anadromous fisheries under the Northwest Forest Plan, meaning it serves as crucial refugia habitat for at-risk stocks of anadromous salmonids and resident fish species.
5. Management Plans for the Watershed: The Smith River watershed is managed by the Forest Service with the primary goal of preserving the area in its natural condition, for recreation, fisheries and habitat:
 - a. Wilderness: Lands within the Kalmiopsis Wilderness are managed to maintain a wilderness character, natural conditions, and provide opportunities for solitude and recreation.
 - b. Wild and Scenic River Corridor: The Wild sections of the North Fork Smith River are managed to maintain the natural, free-flowing, and primitive character of the river in its natural state, while providing recreation opportunity. The Scenic River portion is managed to maintain the scenery and largely undeveloped character of the river and to provide river-oriented recreation.
 - c. Roadless Area within Key Watersheds: Much of the watershed outside of the Kalmiopsis Wilderness is located in the South Kalmiopsis and Packsaddle Roadless Areas. Roadless areas within Key Watersheds under the Northwest Forest Plan are intended to protect the remaining high-quality habitats. Construction of new roads is generally not allowed.
 - d. Late Successional Reserves (LSR): LSRs are designed to provide old growth forest habitat for populations of species that require late-successional forests for their survival. Most, if not all, of the Smith River watershed in Oregon outside of the Wilderness is designated as LSR. In addition, under the Aquatic Conservation Strategy of the Northwest Forest Plan, the area designated as LSR is managed to provide increased protection for streams, offering core areas of high quality stream habitat that will act as refugia for fisheries.
 - e. Research Natural Area: The Lemmingsworth Gulch Natural area is designated for its unique habitats and rare plants, and is managed to provide opportunities to study these ecosystems influenced only by natural processes.

- f. Backcountry Recreation: A small portion of the watershed is designated as backcountry recreation, which is managed to provide recreation opportunity within an undeveloped setting.
6. Recreation: Recreation uses in the watershed include, off-road vehicle use, nature study, botanizing, sightseeing, backpacking, fishing, swimming, hiking, hunting, camping, horseback riding, kayaking and rafting. These uses are dependent on existing land preservation policies and maintaining the wild and pristine conditions of the Smith River and its tributaries.
7. Mining: Mining has been restricted over time in the watershed, with mineral withdrawals in the Kalmiopsis Wilderness and Wild and Scenic River sections of the watershed. In January 2017, a public land order was issued withdrawing most of the remaining portion of the Smith River watershed in Oregon from new mining for 20 years, subject to valid existing claims. As a result, the only likely mining activity to occur in the watershed in the next 20 years is under existing valid claims. Existing claims must undergo a validity examination to determine if the claim lacks a discoverable mineral deposit, or if it is invalid for another reason. Given the recent federal withdrawal from mineral entry and state Outstanding Resource Water designation, mining is not likely to occur in the watershed in the future unless an existing claim is validated.
8. Groundwater Discharges: Cold water inputs from groundwater, seeps, springs and bogs, are essential to maintaining water quality for fisheries. Given the evidence of the significant contributions of groundwater during the low flow season, and the limited nature of groundwater in the area, limiting the use of groundwater and surface water will preserve these flows. Protecting these flows is also consistent with Oregon's designation of the river as an Outstanding Resource Water. Groundwater discharges also support unique plant habitats.
9. Economics: Given the available information on (1) the existing economic value of recreation and tourism, and fisheries, (2) the potential incompatibility of these uses with mining activity, (3) the existing low contribution of minerals to the economy, (4) the existing restrictions on mineral development in the area, (5) and the speculative nature of potential future mineral development, the Department finds that at this time classifying the waters for instream public uses furthers the economic development of the region.

Collectively, this information supports that instream public uses in the watershed are the highest and best uses of these waters.

Summary of Analysis

The purpose of classifications is to identify “the highest and best use and quantities of use thereof for the future in aid of an integrated and balanced program for the benefit of the state as a whole” (ORS 536.340(1)(a)). In defining the “highest and best” uses, the Commission must consider the multiple beneficial uses of the water as provided in ORS 536.220 and 536.310. In considering the multiple aspects of the beneficial use of the water resources of the Smith River watershed, the Department, pursuant to ORS 536.300 has reviewed the previous basin study report, as well as new information as outlined in Attachment 1.

Instream public uses, including fish and wildlife, water quality, and recreation are clearly the predominant uses of water in the watershed. Some public comments requested that stock watering be removed from the language as grazing is an unlikely use in this area. However, the Department believes that stock watering and human consumption uses may be necessary, in the event that the land management agencies seek to develop water sources for recreational use in the area. Mining is the only other activity that would likely require the use of water. However, given the existing federal land-management policies, and the United States Forest Service, mining is unlikely to occur in the watershed in the near future.

Analysis of the factors in ORS 536.310 and other agency policies is included in Attachment 1. In brief, the Department finds this rulemaking will ensure the “highest and best use” of the waters of the Smith River watershed in developing an integrated and balanced South Coast Basin program for the benefit of the state as a whole and for the best interest of the public generally by: (1) seeking consistency with other agency management plans and maintaining the current public uses of the Smith River watershed, including the habitat, recreational, scenic, and fishery values; (2) protecting the state's preference and interest in maintaining adequate supplies for human consumption and livestock; (3) protecting and preserving the principle of the sovereignty of this state over all the waters within the state, while cooperating with other states; (4) preserving streamflows to support aquatic life, minimize pollution, and maintain recreation values; (5) recognizing the economic values to this state of public instream uses in this watershed, while considering other beneficial uses.

VI. Changes to Public Hearing Draft

In reviewing the public hearing draft of the proposed rules in Attachment 2, staff realized that “and” was inadvertently deleted under subsection (12) of the proposed rules between “fish life and wildlife.” This is corrected in the proposed final draft of the rules shown in Attachment 4.

VII. Conclusion

The rules propose to classify the surface waters of the Smith River Basin for instream uses, livestock, and human consumption, while the groundwater uses are proposed to be classified for exempt uses only.

VIII. Alternatives

The Commission may consider the following alternatives:

1. Adopt the final proposed rules in Attachment 4.
2. Adopt final proposed rules as modified by the Commission.
3. Not adopt final proposed rules and request the Department to further evaluate the issues.

IX. Recommendation

The Director recommends Alternative 1; that the Commission adopt the final proposed rules in Attachment 4.

WRC Agenda Item B

December 7, 2017

Page 7

Attachments:

1. Report on the South Coast Basin's Smith River Watershed in Curry County
2. Public Hearing Draft of Proposed Rules Chapter 690, Division 517 along with Exhibit 1 and Statement of Need and Fiscal Impact
3. Summary of Public Comments Received, Department Responses, and List of Public Comments
4. Final Proposed Rules Chapter 690, Division 517 and Exhibit 1

Racquel Rancier

503-986-0828

STATE OF OREGON

South Coast Basin Report: Smith River Watershed in Curry County

Oregon Water Resources Department

December 2017

Contents

Table of Figures3

I. Introduction4

II. Overview of the Watershed.....5

 Geography5

 Location and Streams5

 Soils and Geology7

 Climate, Topography, and Influence on Streamflows8

 Groundwater and Groundwater Influence on Surface Water.....8

 Land Management and Existing Protections.....10

 Kalmiopsis Wilderness Designation10

 Wild and Scenic Designation10

 Public Land Orders Resulting in Mineral Withdrawals11

 Land Management Plans11

 Other Management Considerations.....13

 Outstanding Resource Waters – State of Oregon.....14

 Interstate Nature of the Watershed: Management in California18

III. Evaluation of Beneficial Uses within the Watershed and Classifications19

 Water Rights.....19

 State Water Rights and Exempt Wells19

 Federal Reserved Water Rights.....19

 Existing Classifications19

 Evaluation of Potential Beneficial Uses for Future Allocations19

 Evaluation of Potential for Out-of-Stream Uses20

 Evaluation of Instream Public Uses24

IV. Consideration of Policies in ORS 536.31030

 ORS 536.310(1) – Protecting Existing Rights30

 ORS 536.310 (2), (5), and (8) – Multiple Beneficial Uses, Economic Development, and Public Interest30

 Instream Public Uses31

 Secondary Uses32

 Mining33

 Economics of Instream Public Uses and Mineral Development.....35

ORS 536.310 (3) and (12) – Preserving Human Consumption and Livestock Use.....37

ORS 536.310 (4) – Multi-Purpose Impoundments and Fisheries Protection38

ORS 536.310(6) – Drainage and Effects on Groundwater and Wildlife39

ORS 536.310 (7) – Fostering Minimum Perennial Streamflows.....39

ORS 536.310 (9) – Water Recreation Facilities and Pollution39

ORS 536.310 (10) – Sovereignty of the State over Water.....40

ORS 536.310(11) – Development of Watershed Conservation.....41

ORS 536.310 (13) – South Umpqua River42

V. References43

Table of Figures

Figure 1. Smith River Watershed in Curry County, Oregon6

Figure 2. Water Resources Department Streamflow Measurements8

Figure 3. Overview of Land Management and Protections for the North Fork Smith River15

Figure 4. North Fork Smith Wild and Scenic Designation16

Figure 5. Inventoried Roadless Areas within the Smith River Watershed17

Figure 6. Water Resources Department Water Temperature Measurements.....27

I. Introduction

In June 1962, the State Water Resources Board completed its investigation of the South Coast Basin, which includes the Smith River Watershed in Curry County. The study was made to conform to ORS 536.300(1), and a corresponding report was published in January 1963. The report formed the foundation for the Board to formulate its South Coast Basin rules in accordance with ORS 536.300(2) (SWRB, 1963).

On September 2, 2015, the Water Resources Department (Department) received a petition, dated August 31, 2015, requesting the withdrawal of all waters within the Smith River watershed, except for instream purposes. The petition was provided to the Water Resources Commission for review. The petition included references to, and data from, various reports and studies conducted by the U.S. Forest Service and other government agencies (Moryc, et. al., 2015). At its November 2015 meeting, the Water Resources Commission considered the petition and request, directing the Department to begin a rulemaking process to consider reclassifying the waters of the Smith River Watershed.

This report summarizes information for the Smith River Watershed in Curry County contained in the original basin report, the petition for withdrawal that prompted this rulemaking, other existing sources, as well as incorporates the Department's own data, and expertise. Collectively, the contents of this report provides the information necessary for the Commission to consider the policies in ORS 536.220 and ORS 536.310.

This report was prepared by staff of the Oregon Water Resources Department.

II. Overview of the Watershed

Geography

Location and Streams

The Smith River watershed is included in the Water Resource Commission's South Coast Basin Program (OAR 690, Division 517). The area of interest for this rulemaking is located in Curry County near the California border, just west of the Josephine County line. See Figure 1. Unless noted otherwise in this report, references to the Smith River watershed in this report refer to the area in Figure 1.

All streams within the watershed eventually flow into California's Smith River or its tributaries. The Oregon portion of the Smith River watershed in Curry County is just under 60,000 acres, and is composed of the North Fork Smith River and its tributaries, as well as the headwaters of Rowdy Creek.

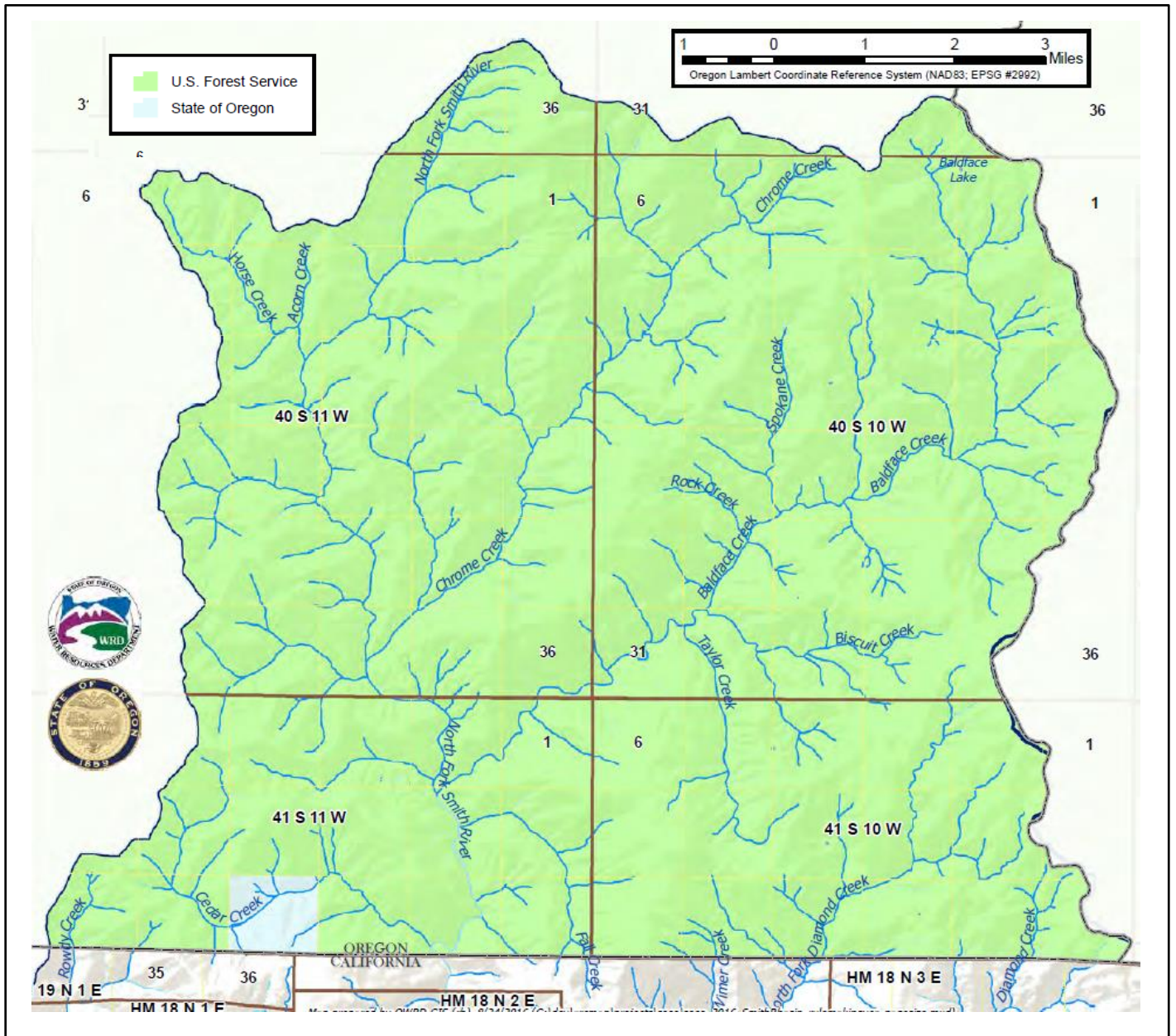
About half of the North Fork Smith River watershed is in Oregon, while the other half is in California. The primary tributaries of the North Fork Smith River in Oregon include:

- McGee Creek
- Cabin Creek
- Baldface Creek
- Taylor Creek
- Biscuit Creek
- Chrome Creek
- Spokane Creek
- Fall Creek
- Cedar Creek
- Horse Creek
- Packsaddle Creek

Diamond Creek and its tributaries – North Fork Diamond Creek and Wimer Creek – begin in Oregon but enter the North Fork Smith River downstream in California. A number of unnamed creeks also exist within the watershed.

Rowdy Creek is almost entirely in California, with just a small portion of the headwaters in Oregon. Rowdy Creek eventually flows into the main stem of the Smith River in California.

Figure 1. Smith River Watershed in Curry County, Oregon



Soils and Geology

The U.S. Forest Service (1995) describes the geology for the North Fork Smith River watershed in Oregon as follows:

The North Fork of the Smith River and its tributaries flow through the Dothan Formation, the Josephine Peridotite and igneous intrusive rocks. Roughly 50% of the North Fork of the Smith watershed is underlain by the Josephine ultramafic sheet. This ultramafic rock type produces soils high in iron and magnesium, and toxic metals such as chromium, nickel and cobalt. The soil has a dramatic influence on vegetation resulting in sparse plant growth and increased susceptibility to erosion. This rock type typically forms heavily dissected, oversteepened slopes that are prone to ravel and inner gorge landslides.

From the headwaters near Chetco Peak to the Oregon California border, the North Fork Smith flows through the Dothan Formation. Approximately 35% of the watershed is underlain by the Dothan Formation, which is comprised of interbedded sandstones and mudstones. From Hardtack creek south to the state border, the Dothan Formation is shaped like a finger, bordered to the east and west by the Josephine ultramafics. This finger is highly productive and well vegetated. The Dothan Formation typically forms more gently rounded slopes than the topography of the ultramafic rock types.

Nearly 15% of the North Fork of the Smith watershed is underlain by igneous intrusive rocks, mostly diorite and rhyolite with minor amounts of gabbro and gneissic amphibolite. Topography and vegetation is very similar to that found on the Dothan. Igneous rocks are quite durable and produce coarse gravel and cobbles that enhance fish habitat. (p. 9)

The Department's hydrogeologist for the region, Michael Thoma, reviewed information on the geology in the region and consulted with local experts, and provided similar observations. According to Ramp, Schlicker, and Gray (1977), the geology of the area is composed of Late-Jurassic marine sedimentary rocks (mostly sandstone) of the Dothan Formation that have been thrust under Middle- to Late-Jurassic ultramafic rocks that have been classified as an ophiolite sequence along with Late-Jurassic diorite and Tertiary igneous intrusions. In some places, the ophiolite rocks have been substantially serpentinized (a hydration process of alteration that changes the mineralogy of the rocks and produces less-dense zones within the ophiolites). Ultramafic and serpentinized rocks are low in potassium and high in metals such as nickel and chromium which, when weathered, produce soils that are potentially rich in minable elements but are not very favorable to vegetation. The sedimentary and igneous rocks present in the area, when weathered, produce better soils for vegetation. Consequently, ultramafic rock zones can be identified from vegetation patterns.¹

¹ This section was prepared with the assistance of Michael Thoma.

Climate, Topography, and Influence on Streamflows

The North Fork Smith River watershed is characterized by steep topography with mountains reaching 4,600 feet in elevation and very little flat land (USFS, 1995, p.26). Streams are primarily rainfall dominated, with the watershed receiving approximately 100 to 150 inches of precipitation each year (USFS, 1995; see also SWRB, 1963, Plate 2A). While more than half of the watershed is rain-dominant, just less than half is in the transient snow zone between 2,500 and 4,000 feet, primarily Baldface and Chrome Creeks (USFS, 1995, p. 10). According to the Siskiyou Forest Plan, for the forest generally, “as much as 70 to 80 percent of the total annual water yield runs off during the winter period (December - March). The summer months often experience seasonal drought (USFS, 1989, p. III-49).

Streamflow gradients are typically low for mountain streams, and yet, these systems can move relatively large wood and sediment, meaning the stream’s power is likely due to flashy, high peak flows (USFS, 1995, p. 10). The Department’s staff visited the area, noting that soils were thin and in some cases, undeveloped. This is consistent with the USFS report stating that ultramafic soils, which occur in about half of the watershed, tend to be porous and shallow, allowing them to transmit rainfall quickly (USFS, 1995, p. 10).

The USFS has found that the North Fork of Smith River, Baldface Creek, and Chrome Creek are the three largest streams in the watershed (USFS, 1995, p. 10). According to measurements taken by the Department, Baldface Creek is a significant contributor to the North Fork Smith River in Oregon. A table of the Department’s streamflow measurements is provided below in Figure 2.

Figure 2. Water Resources Department Streamflow Measurements

DATE	SOURCE	TRIBUTARY TO	DISCHARGE (CFS)
9/19/2014	TAYLOR CR	BALDFACE CR	0.29
9/22/2014	UNN STR	TAYLOR CR	0.08
5/16/2016	BALDFACE CR	N FK SMITH R	55.1
5/16/2016	N FK SMITH R	SMITH R	127.9
8/2/2016	BALDFACE CR	N FK SMITH R	15.7
8/2/2016	N FK SMITH R	SMITH R	26.3
10/13/2017	BALDFACE CR ²	N FK SMITH R	16.95
10/13/2017	N FK SMITH R	SMITH R	33.6

Groundwater and Groundwater Influence on Surface Water

The original South Coast Basin report included a map of the geology and noted that “The rocks of the basin are usually so fine-grained, compact and impermeable that they yield little groundwater... Groundwater supplies are generally inadequate” (SWRB, 1963, p.49).

² Similarly, the Forest Service found that Baldface Creek was 19.6 cubic feet per second (cfs) in November of 1991 (USFS, 1993, p.8).

Michael Thoma, the Department's hydrogeologist, reviewed the geology for the area and conducted a site visit in October 2017 with Jake Johnstone, District 14 Watermaster.³ Notable observations are discussed below.

Springs were observed along Wimer Road driving to Sourdough Camp from the USFS North Fork Campground in California. Darlingtonia were growing along the springs. Where USFS Road 206 crosses Falls Creek, there was a small amount of water flowing in the creek, likely less than 1cfs. Along most of the north slope of Baldface Creek, (T40S, R11W S36, SW ¼), the geology of the area consisted of weathered, serpentinized, ultramafic rocks with a very thin to non-developed soil horizon. Measured stream discharge was approximately 17 cfs on Baldface Creek and 33 cfs on the North Fork Smith River below Baldface Creek (contributions from both the North Fork Smith River and Baldface Creek). The last considerable rain, as measured by the Agrimet Site in Brookings, was 0.28 inches on September 7, and before that, not since Mid-June. At an unnamed hill above the headwaters of Falls Creek (T18N, R2E, S3) in the area of the Cleopatra Mine, a spring complex was observed near one of the mines and a mine adit, dug approximately 25 feet into the hillside, had water on the floor and seeping in from the walls. The spring complex had a small amount of water flowing from it but, based on the distinct vegetation area (i.e., the area where vegetation is taking advantage of spring water), it was clear that the "wetted" area is much larger during other times of the year and maintains wetness through late summer.

Based upon the field visit, generally accepted hydrogeologic principles, staff's understanding of the geology and specific experience with fractured-rock aquifer systems in Southwest Oregon, and staff's professional opinion, the dominant groundwater flow system in the Smith River watershed in Oregon can be characterized as a shallow, fracture-dominated system. The bedrock has been altered by metamorphic and tectonic processes such that primary porosity (and permeability) is nearly non-existent and secondary porosity (and permeability), by way of fractures, is the only significant means of groundwater flow. Where the ultramafic rocks have been serpentinized, overall permeability is very low.

Furthermore, where fractures capable of yielding water exist, they do not likely extend beyond 100-200 feet in depth and likely daylight nearby at lower elevations. Surface exposures of fractures may not be visible due to weathering and soil development. The presence of healthy vegetation at the spring sites observed and considerable measured flows in the North Fork Smith River and its tributaries in late-summer and early-fall implies that groundwater contributions to surface water are significant. Evidence of seasonally-variable springs suggests that groundwater flow paths and groundwater residence times are short. Based on the Department's interpretation of the geology and hydrogeology of the Smith River basin, the Department concludes that groundwater is tributary to surface water and consumptive groundwater development can contribute to depletion of flow in springs and streams.

In summary, the presence of streamflows during late summer in a drainage where no snowpack, glaciers, or reservoirs provide storage upstream, and where precipitation in the preceding months

³ This section of the report was written with the assistance of Michael Thoma, the Department's hydrogeologist for this area.

had been relatively absent, implies that groundwater discharge is the primary contributor to late season streamflows.⁴

Land Management and Existing Protections

As shown in Figure 1 above, the entire watershed is held by the U.S. Forest Service as part of the Rogue River-Siskiyou National Forest, except for 555 acres held by the Oregon Department of State Lands.

Over the years, a number of actions have been taken by Congress or the Forest Service that has resulted in management and protections discussed below.

Kalmiopsis Wilderness Designation

In 1964, Congress established the Kalmiopsis Wilderness, and later expanded it on February 24, 1978 (USFS, 1989, p. III-36). The Wilderness Act (16 USC §§ 1131-1136), is intended to preserve lands in their natural condition. Designated lands are to be administered “for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness...” (16 USC § 1131(a)). The management objective for the area is to “maintain wilderness character in its natural condition and provide opportunities for solitude and recreation” (USFS, 1989, p. IV-66).

As part of the wilderness designation, all lands within the boundary were withdrawn from mineral entry, subject to valid existing claims. This meant that the headwaters of the North Fork Smith River to Horse Creek were withdrawn on both sides of the river, as was the eastern side of the North Fork Smith River from Horse Creek to Sourdough Camp. Chrome Creek and portions of Horse Creek were included in the Wilderness, and were also withdrawn from mineral entry (USFS, 2015, p. 206). See the dark brown area in Figure 3 labeled as MA-1 Wilderness.

Wild and Scenic Designation

In 1988, Congress, through P.L. 100-557, added 13 miles of the North Fork Smith River in Oregon to the National Wild and Scenic River system due to its “outstandingly remarkable scenery, whitewater recreation potential, water quality and fisheries...” (USFS, 2003, p.1-2). The designations of the North Fork Smith River are shown in Figure 4 and described below.

As discussed in the Siskiyou Forest Plan, the goals for managing the Wild sections of the North Fork Smith River are to maintain the natural, free-flowing, and primitive character of the river in its natural state, while providing recreation opportunity (See USFS, 1989, p. IV-77 and IV-66). Similarly, the goals for the Scenic River portion are to maintain the scenery and largely undeveloped character, providing river-oriented recreation (USFS, 1989, p. IV-121 and IV-66).

The effect of the designation on mining is discussed below:

- *Headwaters to Horse Creek (4.5 miles) – Designated as Wild River. This segment flows through the Kalmiopsis Wilderness and was already withdrawn from mineral entry.*

⁴ The original petition for rulemaking as well as public comments on the rulemaking, included information and references supporting the Department’s analysis. See Moyrc, et. al., (2015) and Attachment 3 to the staff report.

- *Horse Creek to Sourdough Camp (6.5 miles) – Designated as Scenic River. This segment flows along the Wilderness boundary almost to Baldface Creek. The eastern side of the corridor is in the Wilderness and was already withdrawn from mineral entry. The western side, even after the Wild and Scenic Designation, remained open to mineral entry.*
- *Baldface Creek to the Oregon border (2 miles) – Designated as Wild River. This segment was withdrawn from Mineral Entry by inclusion in the Wild and Scenic Rivers system. (USFS, 2015, p.495)*

As described by the U.S. Forest Service, an Outstanding Remarkable Value is, “a unique, rare or exemplary feature that is significant at a regional or national level...” (USFS, 2003, p.1-2). In 1990, the Outstandingly Remarkable Values of the Wild and Scenic North Fork Smith were identified to be water quality, fisheries, and scenic quality. A more detailed discussion of these values is provided in the beneficial uses section below.

Public Land Orders Resulting in Mineral Withdrawals

Public Land Order 7556

The western portion of the North Fork Smith River from Horse Creek downstream to Sourdough Camp was administratively withdrawn from location and entry under the United States mining laws for a period of 20 years by Public Land Order No. 7556 on March 20, 2003 for 20 years, “to protect the outstanding recreational, scenic, fisheries, and water quality values of the Scenic section of the North Fork Smith Wild and Scenic River” (USFS, 2015, p. 274, 464, 509; BLM, 2003). Refer to the lighter green section in Figure 3 designated as MA-10 Recreation/ Scenic River. Note: the eastern side had already been withdrawn as part of the Kalmiopsis Wilderness.

Public Land Order 7859

Public Land Order No. 7859, appearing in the federal register on January 13, 2017, was issued by the Assistant Secretary for Land and Minerals Management. It withdrew certain U.S. Bureau of Land Management and U.S. Forest Service lands from “settlement, sale, location, and entry under the public land laws, location and entry under the U.S. mining laws, and operation of the mineral and geothermal leasing laws, for a period of 20 years.” The area included the North Fork Smith River watershed, and a portion of Rowdy Creek in Oregon. The withdrawal does not prevent development of existing valid mining claims, but prohibits new mining claims (BLM 2017).

No validity examinations have taken place for existing claims, meaning claims have yet to be deemed valid (USFS and BLM, 2016, p. 8; ODEQ, 2017a)

Land Management Plans

The North Fork Smith River Resource Management Plan and the Siskiyou Forest Plan

The North Fork Smith River Resource Management Plan (USFS, 2003) and the Siskiyou Forest Plan (USFS, 1989), prescribe management actions for the region. The watershed area (without considering Rowdy Creek and Diamond Creek and their tributaries) is designated as Wilderness, Wild River, Research Natural Area, Backcountry Recreation, Late Successional Reserves, and Scenic River (USFS, 1995, p. 2).

The Wilderness and Wild and Scenic management objectives were already discussed above. Management objectives for Research Natural Areas are to “provide opportunities for research, observation and study of ecosystems influenced only by natural processes,” whereas backcountry recreation is intended to “provide both motorized and non-motorized recreation opportunities in a largely undeveloped setting with the minimum management necessary for resource protection...” (USFS, 1989, p.IV-66). Lemmingsworth Gulch Research Natural Area is designated and managed for its unique habitats and rare plants, including *Darlingtonia* bogs (USFS, 1989; 2003). The designated backcountry area is adjacent to the Lemmingsworth Gulch. Refer to Figure 3.

Management objectives for Late Successional Reserves includes, “providing mature and old-growth habitat for dependent wildlife species” (USFS, 1989, p.IV-66). Most, if not all, of the watershed outside of the Wilderness is designated as Late Successional Reserves (USFS, 1995). See Figure 3.

In summary, management for the area is primarily focused on providing undisturbed, natural recreation.

The Northwest Forest Plan

The Northwest Forest Plan also influences management of the area, with its Aquatic Conservation Strategy relying on several approaches to improve and protect the health of watersheds on forest lands.

The Northwest Forest Plan’s Aquatic Conservation Strategy identifies Tier 1 Key Watersheds, which “serve as refugia [that] is crucial for maintaining and recovering habitat for at-risk stocks of anadromous salmonids and resident fish species” (USFS and BLM, 1994, p. B-18). The North Fork Smith River watershed in Oregon is designated as a Tier I Key Watershed (USFS and BLM, 1995, Map 1 and Map 6; USFS, 1995).

Roadless areas within Key Watersheds are intended to “protect the remaining high-quality habitats,” and construction of new roads is generally not allowed. This is because management actions can, “increase the risk to aquatic and riparian habitat, impair the capacity of Key Watersheds to function as intended, and limit the potential to achieve Aquatic Conservation Strategy objectives” (USFS and BLM 1994, p. B-19). Outside of the designated wilderness area, the Smith River watershed is included in two Inventoried Roadless Areas: the South Kalmiopsis and Packsaddle (USFS, 1989). Refer to Figure 5. Similarly, the U.S. Forest Service’s 2001 Roadless Area Rule (36 CFR Part 294) confirms that the Inventoried Roadless Areas in the Smith River Watershed prohibit road construction or reconstruction (USFS, 2000).

Outside of the Wilderness area, the Smith River watershed is designated Late Successional Reserves (USFS and BLM, 1995, Map 1 and Map 6; USFS, 2003). Late-Successional Reserves are another factor in the Aquatic Conservation Strategy, as they are “managed [to] provide increased protection for all stream types...they offer core areas of high quality stream habitat that will act as refugia and centers from which degraded areas can be recolonized as they recover. Streams in these reserves may be particularly important for endemic or locally distributed fish species and stocks” (USFS and BLM 1994, p. B-12). Refer to Figure 3. Most, if not all, of the area outside of the Wilderness is designated as Late Successional Reserves (USFS, 1993, p.2).

Other Management Considerations

Congressional Mineral Withdrawal

In 2015, Congress introduced the Southwestern Oregon Watershed and Salmon Protection Act of 2015 (S. 346 and H.R. 682). If passed, the Act would have withdrawn lands in Curry and Josephine Counties, including most of the Smith River watershed, from further mineral entry, subject to valid existing rights. This proposed legislation prompted the most recent 20-year Public Land Order withdrawal, wherein the goal is to maintain the current environmental conditions while Congress considers legislation to permanently withdraw these areas (USFS and BLM, 2016, p.1). The Act was reintroduced in 2017 as S. 192 and H.R. 310 (ODEQ, 2017a).

Wild and Scenic Eligibility– Baldface Creek

In 1993, the U.S. Forest Service published a Wild and Scenic Eligibility Study for Baldface Creek. The eligibility study provides additional information on the hydrology, geology, water quality, and other features of the Baldface Creek. The study concluded that Baldface Creek has Outstanding Resource Values for both fisheries and water quality, the river and its tributaries were eligible for inclusion in the Federal Wild and Scenic River System, and that most of the creek was eligible for designation as a “Wild” river (USFS, 1993, p.2).

Though eligible, Baldface Creek has not been designated as a Federal Wild and Scenic River. Forest Service policies direct interim management, as discussed below:

However, until Congress can make a determination for inclusion into the National System, the Forest Service manages these eligible rivers or creeks along with uplands within an approximate one-quarter mile corridor from either bank to protect the values identified for potential inclusion in the NWSRS [National Wild and Scenic River System]. When each river or creek is analyzed under an eligibility study, a recommendation is made to place that river or creek into one or more of the three classifications: wild, scenic, or recreational. Each river segment recommendation is based upon current levels of development regarding water resource projects, shoreline development, and accessibility. The Forest Service Land and Resource Management Planning Handbook (FSH1909.12), Chapter 80, provides direction on interim management of eligible rivers and creeks. Section 8.12 states that management prescriptions for eligible or suitable rivers should provide protection in the following ways:

- 1. To the extent the Forest Service is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the identified river cannot be modified.*
- 2. Outstandingly remarkable values of the identified river area must be protected and, to the extent practicable, enhanced.*
- 3. Management and development of the identified river and its corridor cannot be modified to the degree that eligibility or classification would be affected (i.e. classification cannot be changed from wild to scenic or scenic to recreational). (USFS, 2011, p. III – 194-195)*

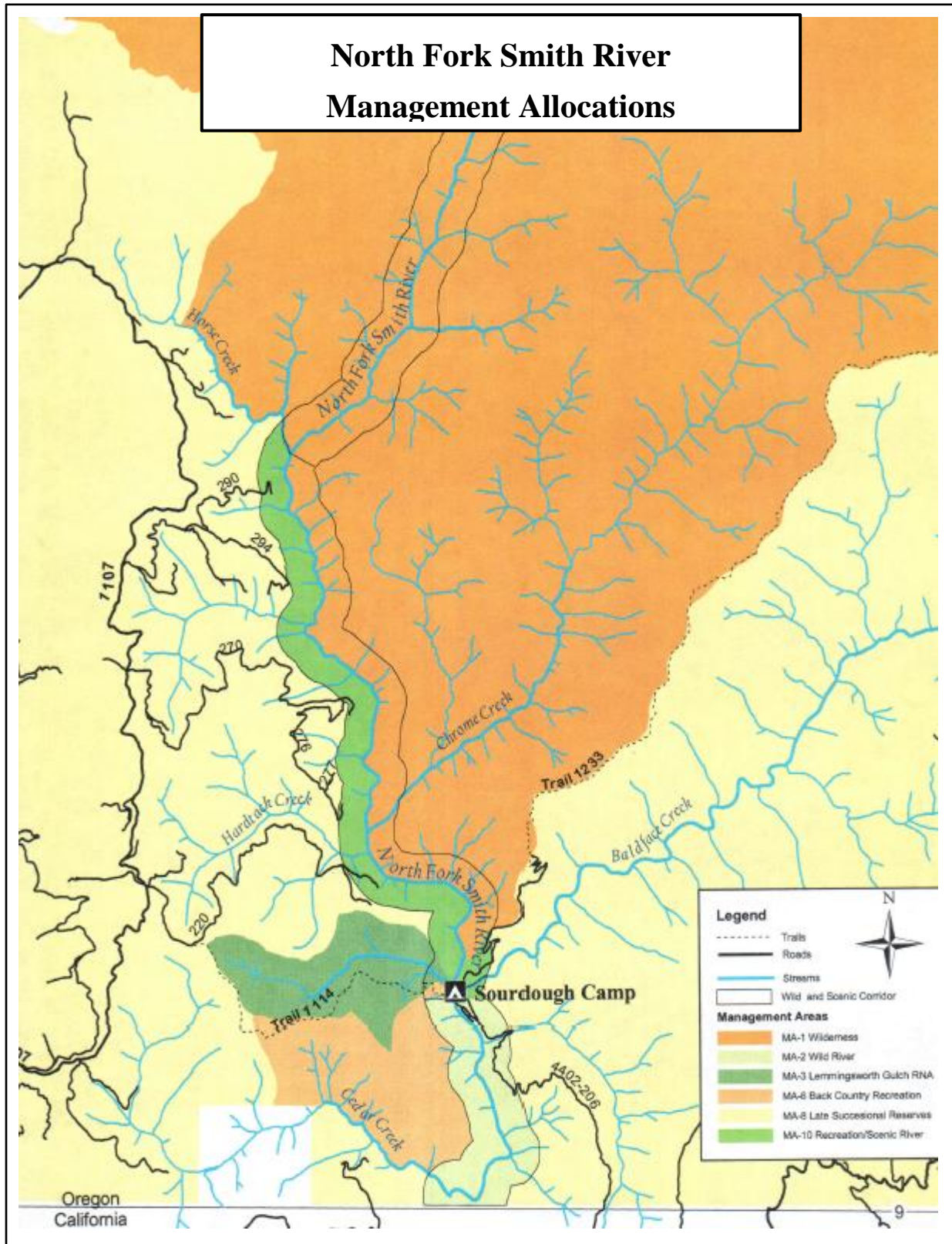
Outstanding Resource Waters – State of Oregon

Oregon’s Environmental Quality Commission (EQC) has the ability to protect high quality waters that constitute an outstanding state resource, due to their extraordinary water quality or ecological values, or where special protection is needed to maintain critical habitat areas.

In July 2017, the EQC designated the North Fork of the Smith River and its tributaries, and wetlands, as Outstanding Resource Waters, the first designation of its kind in Oregon or the Pacific Northwest. As stated in the press release, “The waters of the North Fork Smith River offer exceptional clarity and a vibrant blue color. The pristine conditions are valuable habitat for endangered populations of Coho salmon, several rare plant species and other fish and wildlife, making this designation an unparalleled opportunity for protection” (ODEQ, 2017b). The staff report to the Environmental Quality Commission also noted that the area offered unique recreational opportunities, particularly for whitewater, rafting, and kayaking (ODEQ, 2017a).

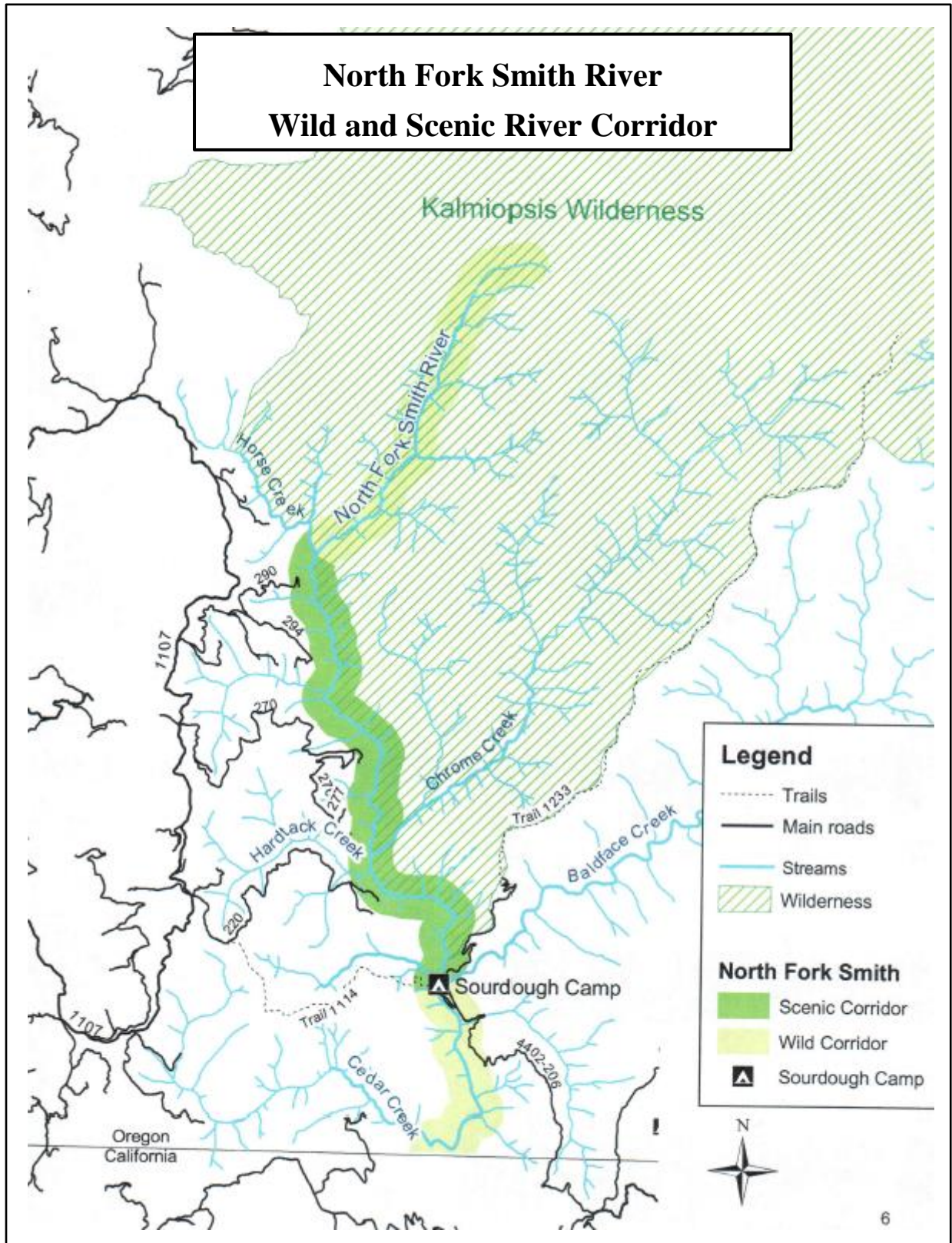
The designation adds protections under Oregon's water quality standards to maintain the outstanding resource values and prevent degradation of water quality in these waters, and their associated wetlands (see anti-degradation rule OAR 340-041-0004). The rulemaking also prohibits new permitted point source discharges to the waters and other activities that will degrade the current high water quality, exceptional ecological characteristics, and other outstanding values of the waters (OAR 340-041-0305). The staff report states that the Outstanding Resource Waters designation “would likely preclude” any surface mining in the watershed (ODEQ, 2017a)

Figure 3. Overview of Land Management and Protections for the North Fork Smith River



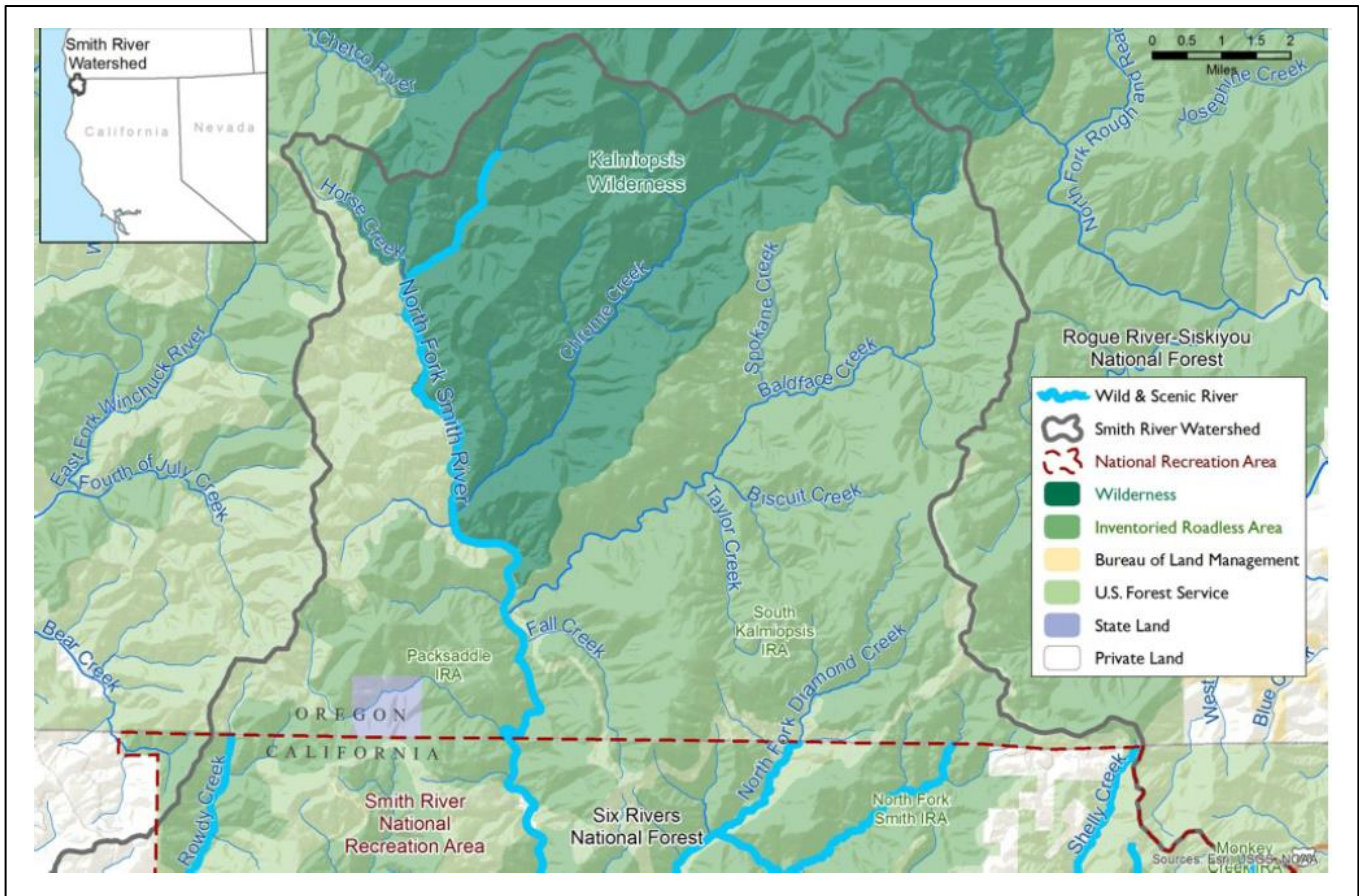
(As cited in USFS (2003), p. 9)

Figure 4. North Fork Smith Wild and Scenic Designation



(As cited in USFS, 2003, p. 6)

Figure 5. Inventoried Roadless Areas within the Smith River Watershed



Map Courtesy of Trout Unlimited. (Moryc, et. al., 2015, Attachment 1)

Interstate Nature of the Watershed: Management in California

The Smith River and its tributaries in California were first recognized by the state as part of the California Wild and Scenic River System. The Smith River flows through Jedediah Smith Redwoods State Park and Redwoods National Park.

In 1981, they were added to the National Wild and Scenic River system. In 1990, Congress created the Smith River National Recreation Area. The Smith River is the last major river in the State of California that is undammed. The Area is also withdrawn under the mining laws, subject to valid existing rights (USFS, 1992).

Waters connecting to Oregon are designated as follows along with their Outstandingly Remarkable Values:

- Rowdy Creek, Diamond Creek, and North Fork Diamond Creek - Classified as a Recreational River. Outstandingly Remarkable Values include Fish, Geologic, Recreation, and Scenery.
- North Fork Smith just below the Oregon border – Classified as Wild River. Outstandingly Remarkable Values include Fish, Geologic, Recreation, and Scenery (NWSRS, n.d.).

According to the management plan for the National Recreation Area, Rowdy Creek is within an area primarily managed for timber and dispersed recreational activities, whereas the North Fork Smith and Diamond and North Fork Diamond Creek areas are managed primarily for back-country and whitewater recreation, unique botanical communities, outstanding whitewater, and historic and scenic values” (USFS, 1992, p.16).

Gasquet obtains drinking water from the North Fork Smith River, while Hiouchi, Crescent City, and Redwood State and National Parks withdraw water from the mainstem (ODEQ, 2017a; and public comments⁵). Del Norte County noted in their public comments that the majority of their estimated 28,000 residents’ drinking water comes from the Smith River. Elk Valley Tribal Council also noted that the waters provide drinking water to their people.

⁵ Public comments from Gasquet Community Services District, and Big Rock Community Services District. North Fork Water Association also stated they obtain water from the North Fork in their public comments.

III. Evaluation of Beneficial Uses within the Watershed and Classifications

Water Rights

State Water Rights and Exempt Wells

The one water right of record within the watershed was on McGee Creek (Application #12640) for mining of 10 cfs (SWRB, 1963, Plate 3A) with a priority date of 1939. Department records indicate this right was cancelled due to non-use (OWRD, 2017). As a result, there are no existing water rights in the watershed, and no well logs in the Department's well log database that suggest the presence of exempt wells. The watershed has not been adjudicated; however, there are no surface water or groundwater registrations on file.

Federal Reserved Water Rights

Claims for federally reserved rights may arise from certain federal land designations, such as Wilderness, Organic Act forestlands, and federal Wild and Scenic Rivers. Federal reserved water rights have not been adjudicated in the basin; therefore, whether federal reserved rights exist in the basin has not been determined.

Existing Classifications

In formulating an integrated water resources program, the Department has authority to classify and reclassify water to consider the multiple beneficial uses of those waters. Classifications cannot restrict uses that must be determined through an adjudication; rather, classifications identify which uses can be allowed under a new water right application.

Currently, unless a more restrictive classification applies for a waterbody, the classified uses in the South Coast Basin Program for groundwater and surface water are for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses. The basin program includes some areas outside of the Smith River watershed that have been restrictively classified (See OAR 690-517-0000).

Evaluation of Potential Beneficial Uses for Future Allocations

The purpose of this rulemaking is to determine whether the Smith River Watershed in Curry County should be re-classified within the South Coast Basin Program administrative rules. In the following sections, the Department identifies potential beneficial uses within the watershed, in order to formulate an integrated water resources program.

Generally, the geology, location, topography, and soils of the area, while making it unsuitable for agriculture, grazing, development, and other human uses, has created an environment that lends itself to mineral development, as well as recreation, fisheries, and unique botanical habitats as described in more detail below (USFS, 1995, p.26). A review of the Web Soil Survey, generally supports this assessment. According to the survey, the area has class 6 and 7 soils, which are generally unsuitable for cultivation, but may be suitable for forestry, wildlife, and grazing (class 6 may also include pasture). The Web Soil Survey further shows that the soils are generally very limited for camp areas, very limited or not limited for off-road motorcycle trails, somewhat limited or very limited for paths and trails, very limited for developing surface water

management systems, very limited for pond or reservoir areas, very limited for irrigation, and have poor to fair potential as a source of gravel, road fill, and reclamation material (NRCS, n.d.). The soil survey information describes an area that is unlikely to support a high-level of use. As a result, it is unsurprising that this area is not currently used for grazing or agricultural activities, and there are no towns or homesteads.

The 1995 Watershed Analysis provides a brief summary of the expected uses within the watershed:

Recreational use is light and is expected to remain the same or slightly increase in the future. Timber harvest opportunities are limited by wilderness, backcountry recreation, and LSR [Late Successional Reserve] designations. Commercial thinning opportunities are limited by the low number of natural stands in suitable condition, but growth of highly-stocked managed stands offer future opportunities. Special forest products gathering is limited by the few roads accessing the watershed. Mining for a variety of minerals is possible in the watershed, however economic conditions do not allow for mining operations to be viable at this time. (USFS, 1995, p.8)

In reviewing potential beneficial uses, it should be noted that the purpose of the federal Wilderness Act is to maintain an area in its natural state; therefore, unless stated otherwise, out-of-stream withdrawals are anticipated to be inconsistent with the Wilderness character for any beneficial use category.

Evaluation of Potential for Out-of-Stream Uses

Municipal – There are no towns or cities within the North Fork Smith watershed in Oregon. As measured from Sourdough Camp, the closest population center is O’Brien, Oregon, which is approximately 14 miles to the east, or 27 miles by car. From the farther eastern portion of the watershed, O’Brien is approximately 7 miles away; regardless, O’Brien is outside of the basin, and within closer proximity to other streams and watersheds. Similarly, Brookings and Harbor are 16 miles to the west of Sourdough Camp, or 13 miles from its westerly point⁶. They are outside of the watershed, and they are closer to more accessible waters, making this an unlikely future source. The Siskiyou Forest Plan does not identify the Smith Watershed in Oregon as a municipal source, or municipal as beneficial use (USFS, 1989, p. III-53 & 55). Towns and cities downstream in California draw water from the watershed in California, outside of Oregon’s jurisdiction. The Department finds that demand for water for a municipal purpose is unlikely in this watershed.

Industrial – Given the location and remoteness of the watershed, the lack of flat land, the restrictions on new roads, as well as the current land management and ownership, there is little likelihood of industrial water use in the future. The current watershed protections, designations, and land management plans, as described above make it unlikely that industrial uses would be authorized, except perhaps in activities related to mining. Mining is discussed separately below.

⁶ These distances are estimates. They were derived by using GoogleMaps.

Power Development – Given the remoteness of the watershed and lack of evidence of the need for power within or nearby the watershed in Oregon, the demand for water to develop power is likely low. As discussed in the Siskiyou Forest Plan:

Reservoir sites large enough to store winter and spring flows for use during the long, dry summers are quite limited. In most cases power can be generated with only seasonal assurances. Another obstacle to hydropower development has been the long distance from load centers. Other major factors limiting hydropower development include designations of five rivers as National Wild and Scenic Rivers and the importance of anadromous fisheries. (USFS, 1989, p.III-20)

The Siskiyou Forest Plan does not identify the Smith River watershed in Oregon as a source for hydropower-development (USFS, 1989, p. III-55). The Management Plan for the Federal and Scenic North Fork Smith River in Oregon prohibits development of utility corridors within this section of the river (see USFS, 2003, MA-10-2N, p. 21). The eligibility status of Baldface Creek and its tributaries also discourages actions that would impact its free-flowing nature (USFS, 2011, p. III 194-196).

Furthermore, the Northwest Power & Conservation Council has also identified streams within the state as “protected” for the purposes of hydropower development, because of anadromous and resident fisheries (Streamnet, n.d.a). The rationale for this is outlined on their website:

[After conducting studies,] “the Council concluded that: the studies had identified fish and wildlife resources of critical importance to the region; mitigation techniques cannot assure that all adverse impacts of hydroelectric development on these fish and wildlife populations will be mitigated; even small hydroelectric projects may have unacceptable individual and cumulative impacts on these resources; and protecting these resources and habitats from hydroelectric development is consistent with an adequate, efficient, economical, and reliable power supply.” (Streamnet n.d.b)

The North Fork Smith River in Oregon, along with Baldface Creek and Chrome Creek, are all listed as protected, while their tributaries are not. Diamond Creek and Rowdy Creeks, and their tributaries were not addressed. Protected status discourages the development of new hydropower projects in these areas, but does not prohibit hydropower development. Protected status means that:

...the Council 1) calls on FERC not to license a new hydroelectric development in a Protected Area, and 2) calls on BPA not to acquire the power from such a project should one be licensed by FERC, nor to allow access to the Pacific Northwest-Pacific Southwest Intertie (the “power grid”) in a way that would undermine the protected areas policy. (Streamnet n.d.b)

The Council’s analysis did not take into account other federal protections such as Wild and Scenic designations. Wild and Scenic designations prohibit FERC from licensing “the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works ...” “on or directly affecting any river” and “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 the values” (16 U.S. Code § 1278 (a)).

Given the factors listed above, and considering the land management policies for the watershed, the Department finds that there is a strong likelihood of low demand and low opportunity for power development in this area. Also, see section below regarding suitability for reservoir development within the watershed.

Agricultural Use and Irrigation

The area is remote with relatively little flat land, and an “absence of arable or grazing land (USFS, 1995, p.28), which has resulted in very little development in the area. In parts of the watershed, the soil results in “sparse” plant growth and increased susceptibility to erosion (p.9). As discussed previously, a review of the Web Soil Survey generally supports this assessment. According to the survey, the area has class 6 and 7 soils, which are generally unsuitable for cultivation, very limited for developing surface water management systems, and very limited for irrigation (NRCS, n.d.). The Siskiyou Forest Plan does not identify the Smith watershed in Oregon as a source for irrigation water (USFS, 1989, p. III-55).

The Department finds that there is limited opportunity for agricultural activities and irrigation because of the area’s geology and topography, characterized by steep slopes and soils that generally do not support cultivation of traditional crops. Land management policies, including the federal Wild and Scenic River designation, the Roadless areas, the Wilderness designation, as outlined above, also support this finding.

Mining

In comparison to other watersheds in the Siskiyou National Forest, there has been relatively little mining in the North Fork Smith River watershed. Chromite mining at Sourdough/Baldface Mine began in 1918, and then occurred sporadically through the 1950s (USFS, 1995, p.7) in The Oaks area. Mining also occurred within the Kalmiopsis Wilderness. Spokane Creek has evidence of hydraulic mining, and was also the location of McKee Mine, which operated at some point between 1915 and 1936. Baldface Nickel Mine was also in the same area. The watershed contains historic sites related to mining (USFS, 2003, p. 28). The only water right in the watershed, which has since been cancelled due to nonuse, was for mining near McGee Creek (OWRD, 2017). Existing active claims include over a hundred lode claims under the name CLEO, where the claimant is Red Flat Nickel Corp, and one placer claim under the name Bald Eagle, which is held by eight individual claimants (BLM, n.d.).

As noted in the Standards and Guidelines for management of the forest, “National Forest lands are part of the land base available for mineral exploration and development; withdrawals from mineral entry should be held to a minimum. Areas with mineral potential should be recommended for withdrawal from mineral entry only when mitigation measures would not adequately protect other resource values which are of greater public benefit.” See Forest Wide Standards and Guidelines 10-2 (USFS, 1989, p. IV – 55).

Over time, mining activities in the watershed have been restricted. The Wilderness Act restricted mining within the Kalmiopsis Wilderness after December 31, 1983. The Omnibus Oregon Wild and Scenic Rivers Act of 1988 added the Wild segment from Baldface Creek to the state line, withdrawing it from mineral entry. In 2003, Public Land Order withdrew the western portion of the Scenic section of the North Fork Smith River for a period of 20 years. In early 2017, Public Land Order 7859 was published in the Federal Register announcing a 20 year withdrawal from

mineral entry for most of the portion of the Smith River in Oregon outside of the Kalmiopsis Wilderness. See discussion above on land management and protections.

There has been confusion about the implications of the latest withdrawal on existing claims. In responding to public comments, as outlined in the Appendix to the Environmental Assessment for the mineral withdrawal, the USFS and BLM (2016, Appendix A-8), explained the effect of the withdrawal on Red Flat Nickel Corporation's existing claims:

Only if an examination were requested and subsequently determined that a discovery of a valuable mineral deposit existed on the date of segregation (i.e., the amount and concentration of minerals present would be economically feasible to mine at the value that existed on June 29, 2015) could the decision memo be signed and the plan of operations approved...The RFNC [Red Flat Nickel Corporation] operation is not currently permitted and is subject to segregation and withdrawal, unless and until a minerals validity examination determines a valid existing right. (USFS and BLM, 2016, Appendix A-8)

In addition to the federal withdrawals from mining, in 2017, the Oregon Environmental Quality Commission designated the North Fork Smith River, its tributaries, and wetlands as Outstanding Resource Waters. As explained in the staff report, "Surface and subsurface mining...would likely be restricted or prohibited in the area of designation (ODEQ, 2017a, p.69).

Given that the entire area is withdrawn from further mineral entry, no claims have been validated, and the Outstanding Resource Waters designation, the Department finds it unlikely that future mining efforts in the watershed will occur⁷.

Domestic

Refer to the municipal section for additional analysis. The Siskiyou Forest Plan does not identify the Smith River watershed in Oregon as a beneficial use for private or public water supplies (USFS, 1989, p. III-55). Given the remote location of the watershed, and the primitive, to semi-primitive management of the area, development of water sources for domestic purposes is unlikely. Management plans did not identify the need for development of domestic water sources for recreational purposes; however, the Wild and Scenic Management plan did note a need for facilities to maintain sanitary conditions within Sourdough Camp. It does not appear that such facilities would require a water source; however, for the Scenic portion of the river, the plan does state that water withdrawals may be considered for recreational or administrative purposes (USFS, 2003).

Stock

The Siskiyou Forest Plan does not identify the Smith River watershed in Oregon as a source of water for livestock use, and the plan states that, generally, use of the forest for grazing is negligible (USFS, 1989, p. III-55). Currently, there is no grazing within the watershed and it appears that grazing is unlikely to occur in the future (ODEQ, 2017a).

⁷ Note that recreational gold panning, and suction dredge mining, wherein the water does not leave the wetted perimeter of the stream, do not typically require water right permits and are not addressed in detail here.

The Forest Plan notes that the Kalmiopsis Wilderness area is closed to grazing, but that pack stock are allowed (USFS, 1989, p.IV-73). In the Wild and Scenic Sections, grazing is also not permitted, nor is it allowed in Research Natural Areas (p.IV-82). Some recreational use for horseback riding occurs. Although, the North Fork Smith River management plan did not identify the need for development of stock watering sources for recreational purposes, several trails are authorized for pack stock use. For the Scenic portion of the river, the plan recognizes that water withdrawals may be considered for recreational or administrative purposes, but also does not permit grazing allotments (USFS, 2003).

In summary, while there is a low potential for grazing in the watershed, water for pack stock is a possible use. See recreational uses section below.

Fire Control

Given the long history of fires in this area, the Department anticipates that water sources may be required for use in controlling fires. The South Coast Basin Program includes fire control as a classified use; however, ORS 537.141 makes it clear that water for fire control from a groundwater or surface water source does not require a water right. As a result, the Department finds that this classification category is unnecessary, since classifications only affect applications for new water rights. Furthermore, classifications do not affect alternate reservoirs (ORS 537.409), in the event that a pond is needed for fire purposes.

Other Uses of Water

There are no other anticipated uses of water in this area. This is supported by the fact that there have not been other water authorizations requested in the watershed. Water rights are generally not needed for timber harvesting operations; therefore, this category is not included. Similarly, water needed by the County or Forest Service for road construction and maintenance can be authorized through a registration with the Department under ORS 537.040. Basin classifications do not apply. In the event that there is a need to obtain water rights for one of these uses, or another unusual use, ORS 536.295 provides a process for obtaining an exception to the classification for uses that were not anticipated by the Commission.

Evaluation of Instream Public Uses

The federal Siskiyou Forest Plan identifies the Smith River watershed in Oregon as a source of water for the following beneficial uses: visual quality, boating, wildlife, anadromous fishery resident fishery, fishing, and water contact recreation (USFS, 1989, p. III-55). Oregon's administrative rules defining beneficial uses, describes instream public uses as meaning, "an instream use of water that is available to the public at large" (OAR 690-400-0010 (13)). These uses include, but are not limited to: recreation; protection and enhancement of fish life, wildlife, fish and wildlife habitat and any other ecological values; pollution abatement; navigation; scenic attraction; and any other similar or related use.

Fisheries

Fisheries are listed as one of the Outstandingly Remarkable Values of the Wild and Scenic portions of the North Fork Smith River in Oregon (USFS, 2003), as well as for Baldface Creek and its tributaries that are eligible for Wild and Scenic designation (USFS 1993). Fisheries are

also one of the Outstandingly Remarkable Values of Rowdy Creek, as well as for Diamond Creek and North Fork Diamond Creek in California, where they are designated Wild and Scenic.

According to the Forest Service's 1995 Watershed Analysis, "The North Fork Smith and its tributaries provide pristine habitat which produces high numbers of chinook, steelhead, anadromous cutthroat trout, and resident rainbow and cutthroat trout" (p. 3). Although, summer stream temperatures can reach the warmer end of the range for fish, the fish habitat was still found to be good, with the exception of Baldface Creek, which was deemed excellent (p.8).

"The fisheries value of the North Fork Smith River is outstandingly remarkable due to its substantial contribution to the world-class fishery of the greater Smith River...[It] provides seven miles of near-pristine steelhead spawning and rearing habitat and is a significant source of the high quality water on which the anadromous fishery of the Smith River depends." (USFS, 2003, p.2)

The Baldface Creek Wild and Scenic eligibility study described Baldface Creek as having high numbers of salmonids, and that the "pristine" quality of the habitat could serve as "a model for desired future conditions" in other watersheds (USFS, 1993, p.10). Chinook salmon, Coho salmon, Steelhead trout, and cutthroat trout were found during two surveys in the early 1990s. The area was attributed to being one of the top anadromous fish production sites in the Illinois Valley Ranger District, and significantly contributing to the fishery of the broader Smith River (p.11). Groundwater from the hyporheic zones were noted as potentially providing cold water inputs during the summer, and contributing to lower water temperatures (USFS 1993, p.11).

Based on a review of the various stream surveys and data associated with the distribution of fisheries, it is unclear the full extent of the species present in each stream. The 1995 Watershed Analysis describes the various known distributions of fish species at that time, noting in particular that the watershed is an "exceptional producer of anadromous cutthroat trout" and that "Baldface Creek is remarkable in its variety of habitats and very high fish production potential" (USFS, 1995, p.12-13).

More recently, a 2007 Biological Assessment noted that juvenile Coho were observed in Horse Creek and Baldface Creek, and that "Isolated unconfined reaches in the North Fork Smith River do accommodate Coho salmon in this watershed" (USFS, 2007, p. 221). In reviewing Coho spawning surveys, the USFS noted that, "The majority of production appears to occur in Mill Creek and Rowdy Creek, while Coho seem to occur in low densities elsewhere" (USFS, 2015, p. 258). More recent surveys from 2011-2016, provide evidence of the diversity of species within the North Fork Smith River watershed in Oregon. Aquatic species detected included: Chinook salmon, Coho salmon, Chum Salmon, Steelhead, Rainbow Trout, Coastal Cutthroat Trout, Klamath Smallscale Sucker, and Pacific Lamprey (Walkley and Garwood, 2017, p.65).

Chinook salmon, trout (juvenile steelhead or coastal cutthroat trout), and adult coastal cutthroat trout were all widely distributed throughout the North Fork Smith River survey area ... Coho salmon were found in two general areas including the upper North Fork/Horse Creek drainage and in upper Baldface Creek...Available stream habitats in the upper North Fork Smith River are largely characterized by contrasting geologic features. Our observed species distribution and richness of aquatic species in this region highlight its unique

attributes relative to other subbasins in the Smith River watershed. (Walkley and Garwood 2017, p.65)

The watershed is also designated as Endangered Species Act Critical Habitat and Essential Fish Habitat under the Magnuson-Stevens Fisheries Conservation Act for SONCC Coho salmon (USFS and BLM, 2016, Table 7 p.41-42).

In summary, the Department finds that the watershed provides important habitat for fisheries as evidenced by the (1) the designation of the North Fork Smith River as Wild and Scenic, in part because of its fisheries; (2) the corresponding finding, that the fisheries are in fact an Outstanding Resource Value of the Wild and Scenic North Fork Smith River in Oregon, as well as the Wild and Scenic eligible Baldface Creek and tributaries; (3) its designation as a Key Watershed under the Northwest Forest Plan for anadromous fish; (4) its designation as critical habitat for SONCC Coho salmon; and (5) recent stream surveys finding a diversity of fish species present, including Coho salmon within the watershed in Oregon.

Wildlife

For the purpose of this analysis, the Department has focused on wildlife that is water-dependent and more likely to be affected by water management activities. For a description of other wildlife in the watershed, see the USFS's Siskiyou Forest Plan (1989), and the North Fork Smith River Watershed Analysis (1995), as well as the US Forest Service's analysis on the mineral withdrawal (USFS and BLM, 2016, p.58). Recent surveys from 2011-2016, detected the following aquatic species: Coastal Giant Salamander, Rough-skinned Newt, Foothill-Yellow Legged Frog, Coastal Tailed Frog, Pacific Chorus Frog, Northern River Otter, Mink, Aquatic Gartersnake, and Crayfish (Walkley and Garwood, 2017, p.65).

The Environmental Assessment for the mineral withdrawal also identified the presence of Foothill Yellow-Legged Frog, a sensitive species (USFS and BLM, 2016, p.58). The frog breeds in streams and the Smith River watershed has been identified as being currently occupied and suitable habitat. Notable threats to the frog include, but are not limited to impoundments that inundate habitat, alter flows, cause water-level fluctuations, or alter water temperatures; introduced species; and loss of habitat from agricultural practices. Perceived but unknown threats include siltation from logging, roads, grazing, mining, or water impoundments; applications of chemicals; motorized river recreation that results in wave action (Olson and Davis, 2007).

Water Quality

Water quality was identified as one of the Outstandingly Remarkable Values of the Wild and Scenic North Fork Smith River and the eligible Wild and Scenic Baldface Creek and tributaries.

The water quality of the North Fork of the Smith River contributes substantially to the river setting and overall functioning of the river ecosystem and, from a systems approach, is an integral part of the Smith river system." (USFS, 2003, p.2)

The Department of Environmental Quality noted that water quality data is limited (ODEQ, 2017a). According to the USFS (1993, p.8), Baldface Creek was 66 degrees F, while the North Fork was 64 degrees. Water Resources Department staff took temperature measurements at

select locations as shown in Figure 6. Some reports have found temperatures in the 70s. “During low flow years, stream temperatures in North Fork of the Smith River and the downstream reaches of Baldface and Chrome Creeks are warm, approaching the tolerance limit for salmonids. This is a natural condition that has not been affected by human activities.” (USFS, 1995, p. 11). The North Fork Smith River is listed as water quality limited for temperature for salmon and trout rearing and migration (ODEQ, 2012).

Figure 6 Water Resources Department Water Temperature Measurements

DATE	SOURCE	TRIBUTARY TO	TEMP (F)
9/19/2014	TAYLOR CR	BALDFACE CR	59.8
9/22/2014	UNN STR	TAYLOR CR	55.4
5/16/2016	BALDFACE CR	N FK SMITH R	61.8
5/16/2016	N FK SMITH R	SMITH R	59.9
8/2/2016	N FK SMITH R	SMITH R	72.3
10/13/2017	BALDFACE CR	N FK SMITH R	49.9
10/13/2017	N FK SMITH R	SMITH R	49.4

Aside from temperature, Baldface Creek was found to have very low turbidity, in part because of the soils and geology, as well as the ability of the stream to wash away finer substrates. While the main stem does not have canopy closure across much of its length, the tributaries and springs provide cool water inflows. The USFS findings for Baldface Creek concluded that “water quality is good to excellent,” and that “The drainage is locally known to be of exceptional quality for fisheries. The water quality is a major factor in the excellent functioning for this watershed” (USFS, 1993, p. 8-9). Additional data on water quality is discussed in the Department of Environmental Quality’s staff report for the designation of the North Fork Smith River Watershed as an Outstanding Resource Water (ODEQ, 2017a, p. 64-66).

The Oregon Environmental Quality Commission recently designated that watershed as Outstanding Resource Waters – the highest water quality designation under the Clean Water Act. The designation essentially prohibits “activities that would degrade the current high water quality and exceptional ecological characteristics and values of the waters” (ODEQ, 2017a, p.3). Oregon’s Department of Environmental Quality staff recommended the designation because of the waters:

...exceptional water quality and valuable habitat for endangered populations of Coho salmon, several rare plant species, and other fish and wildlife. The waters are renowned for recreation use and provide economic benefit to businesses serving recreational users. They also provide water for consumption and agriculture to downstream users. (p.8)

Water Quality: Springs, Seeps and Associated Plants

Note: For a more complete characterization of plants, including rare plants, see the USFS 1993, 1995, and 1989. Only plants that are dependent on water features such as springs or seeps have been highlighted here.

As outlined in the Environmental Assessment for the mineral withdrawal, the area is within the Klamath-Siskiyou ecoregion, with high levels of endemic plants that are tied to geology that is similarly prime for mineral resources (USFS and BLM, 2016, p. 43). The result is that many of the sensitive listed plants within the region have a fairly narrow range. As discussed in the groundwater section, the area is characterized by fractured bedrock aquifer systems which generally have local flow paths. In portions of the watershed, groundwater discharges to the surface forming seeps, springs, wetlands, or bogs, which provide habitat for endemic plants, particularly in areas with serpentinite and peridotite bedrock geology due to the minerology of the soils. According to Oregon Explorer (n.d), “Serpentine fens are one of Oregon's rarest wetland types”. These wetlands are restricted primarily to areas in Northern California and Josephine County in Oregon.

Within the Smith River watershed, fens have formed on terraces above some of the stream channels, providing habitat for water-loving species within a landscape that is often dry for up to five months. Plants within these fens may include: *Darlingtonia californica* - pitcher plants or cobra lily, *Epilobium oregonum* - Grants Pass willow herb, *Gentiana setigera* - Mendocino gentian, *Hastingsia bracteosa* var. *bracteosa* - large flowered rush lily, *Hastingsia bracteosa* var. *atropurpurea* - purple flowered rush lily, *Viola primlifolia* ssp. *occidentalis* - western bog violet, *Calypogeia sphagnicola* - bog liverwort (USFS and BLM, 2016).

It is unclear how many fens are located within the Smith River watershed. Based on maps, it appears that other areas within Josephine County have a higher number of serpentine fens, bogs, and botanical habitats (USFS and BLM, 2016). Several studies provide insight into the presence of these unique habitats; however, no comprehensive survey exists. As described in the USFS (1995) North Fork Smith Watershed Analysis, the watershed's unique habitats include “open meadows, serpentine areas, springs, and bogs, as well as western hemlock plant series in Baldface Creek” (p.14). Lemmingsworth Gulch contains the most prominent bog; however, “Smaller bogs and seeps are scattered throughout the watershed..” (p.16). In addition, several (4-6) small lakes occur in the watershed, mostly within the Chrome Creek and Baldface Creek areas.

The Baldface Eligibility Study provides further detail. “Numerous springs are fed by groundwater from the highly fractured ultramafic bedrock. The cold water from the seeps and fens, although not great in quantity, contribute to cool summer stream temperatures” (USFS, 1993, p.5). Springs and bogs are noted along the banks in some sections (p.7, p.13), and “There are numerous small wetland seeps, *Darlingtonia* bogs and springs that aid in maintaining lower temperatures” (p.10).

Recreation/Scenic

Wild and Scenic Outstandingly Remarkable Values for the North Fork Smith River include scenic quality. “The variety of landscape elements combined with the pristine character of the landscape and the river's emerald hued waters, characterize a setting that is representative of the

region and that greatly enhance and complements the Smith River National Recreation Area immediately downstream.” (USFS, 2003, p.2) Baldface Creek and its tributaries are also noted for “scenic features” including “clear water, seasonal variations in vegetation, canyon walls, waterfalls, large boulders, serpentine outcrops and minimal visual intrusions” (USFS 1993, p.20).

Recreational use of the area includes off-road vehicle use, nature study, botanizing, sightseeing, backpacking, fishing, swimming, hiking, hunting, camping, horseback riding, kayaking and rafting. The area offers dispersed camping, as well as camping at primitive Sourdough Camp. Generally, use is low (USFS, 2003; 1993; 1995). Trails providing access to or bordering the watershed include: Trail 1215 Baldface; Trail 1216 Frantz Meadow; Trail 1210 Buckskin Peak; Trail 1124 Kalmiopsis Rim; Trail 1233 North Fork Smith River; Trail 1210 Chetco Divide; Trail 1105 Red Mountain; and Trail 1114 Sourdough/Lemmingsworth Gulch (USFS, n.d.b.).

IV. Consideration of Policies in ORS 536.310

When classifying or reclassifying uses of water within a basin program, the Commission is directed to take into consideration the declarations of policy in ORS 536.310 (1) - (13) to determine the “highest and best use and quantities thereof for the future in aid of an integrated and balanced program for the benefit of the state as a whole.”⁸ Below is a consideration of the factors in ORS 536.310 (1) - (13). This section relies on information presented in prior sections of this report. See above sections for supporting references.

ORS 536.310(1) – Protecting Existing Rights

ORS 536.310(1)⁹ establishes a policy of protecting existing rights, duties, and relative priorities. Based on a query of the Department’s water rights database (OWRD, 2017), there are no existing water rights in the watershed to protect or preserve. Even if there were existing rights in the Smith River watershed, ORS 536.340 provides that the classification is “[s]ubject at all times to existing rights and priorities to use waters of this state.” That is, classifications are not applied retroactively, but rather only affect permitting decisions after the effective date of the rules. As a result, the Department finds that the classification takes into consideration existing rights and that no existing rights will be harmed by this classification. Therefore, the Department believes that the proposed classification is consistent with the policy set forth in ORS 536.310

ORS 536.310 (2), (5), and (8) – Multiple Beneficial Uses, Economic Development, and Public Interest

ORS 536.310 (2)¹⁰, (5)¹¹, and (8)¹², as well as ORS 536.220 emphasize consideration of the multiple beneficial uses within a watershed. As supported by the analysis in section II of this report, the Department finds that it is unlikely that there is demand, or suitable conditions for hydroelectric development, irrigation, agricultural use, municipal use, or industrial use within this watershed.

The only likely potential water uses are for instream public uses and mining, as well as incidental human consumption and livestock uses associated with recreational uses of the watershed. Given the recent federal withdrawal from mineral entry and state Outstanding Resource Water designation, mining is not likely to occur in the watershed. As a result, and for reasons

⁸ ORS 536.300, ORS 536.310, and ORS 536.340(1)(a).

⁹ ORS 536.310(1) Existing rights, established duties of water, and relative priorities concerning the use of the waters of this state and the laws governing the same are to be protected and preserved subject to the principle that all of the waters within this state belong to the public for use by the people for beneficial purposes without waste;

¹⁰ ORS 536.310 (2) states that “it is in the public interest that integration and coordination of uses of water and augmentation of existing supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the state as a whole.” This is also similar to ORS 536.220 (2), which the Commission must also consider. The analysis in this section and this report is also intended to address and consider ORS 536.220.

¹¹ ORS 536.310 (5) Competitive exploitation of water resources of this state for single-purpose uses is to be discouraged when other feasible uses are in the general public interest.

¹² ORS 536.310 (8) Watershed development policies shall be favored, whenever possible, for the preservation of balanced multiple uses, and project construction and planning with those ends in view shall be encouraged.

discussed below, the Department finds that instream public uses are the highest and best uses of water in the watershed, with human consumption and livestock being incidental to the recreational uses of the watershed.

Instream Public Uses

The Department finds that the highest and best uses of water in the watershed are for instream public uses, which benefit and are available to the public, for the reasons outlined below. *Note: this section summarizes previous sections of this report. For supporting reference citations, see above sections.*

1. Federal Wild and Scenic Rivers and Eligible Rivers: The North Fork Smith River in Oregon is designated as federal Wild and Scenic River to the state line, with Outstandingly Remarkable Values that include scenic quality, water quality, and fisheries. An Outstanding Remarkable Value (ORV) is a unique, rare or exemplary feature that is significant at a regional or national level. Baldface Creek and its tributaries are eligible for designation as federal Wild and Scenic River for its fisheries and water quality. In California, much of the Smith River and its tributaries are designated as federal Wild and Scenic Rivers. Notably, starting at the state line in California, Rowdy Creek, North Fork Diamond Creek, and Diamond Creek are designated Wild and Scenic Rivers for scenic, recreational, geologic, and fisheries ORVs. These designations in both Oregon and California support a state classification of the water of the North Fork Smith River and its tributaries for instream public uses.
2. Outstanding Resource Waters: The Oregon Environmental Quality Commission has designated the North Fork of the Smith River, its tributaries and associated wetlands, as Outstanding Resource Waters under Oregon's anti-degradation regulations under the Clean Water Act. This designation supports classification of the watershed for instream public uses in recognition of preserving values related to water quality, fisheries, and scenic values.
3. Existing management actions in the watershed seek to preserve the natural features of this area, prevent degradation or human impacts, and preserve water quality, recreation, scenic values, and fisheries. This is supported by the fact that through the U.S. Forest Service management plans for the area, most of the area is designated as one or more of the following: Wilderness, Roadless Area, Late Successional Reserves, National Research Area, and Backcountry Recreation. In addition, most of the area has been federally-withdrawn from mineral entry.
4. The watershed in Oregon contains SONCC Coho (threatened), coastal cutthroat trout, rainbow trout, steelhead, and Chinook salmon, as well as Pacific Lamprey. The North Fork Smith River watershed is designated as a Key Watershed for anadromous fisheries under the Northwest Forest Plan, critical habitat for Coho, and is currently a known location of Foothill Yellow-Legged Frog, a sensitive species.
5. Cold water inputs from groundwater, seeps, springs and bogs, are essential to maintaining water quality for fisheries. Given the evidence of the significant contributions of groundwater during the low flow season, and the limited nature of groundwater in the area, limiting the use of groundwater and surface water will preserve these flows.

Protecting these flows is consistent with Oregon's designation of the river as an Outstanding Resource Water.

6. Recreation uses in the watershed include, off-road vehicle use, nature study, botanizing, sightseeing, backpacking, fishing, swimming, hiking, hunting, camping, horseback riding, kayaking and rafting. These uses are dependent on existing land preservation policies and maintaining the wild and pristine conditions of the Smith River and its tributaries.

The Department also finds that classifying the area for instream public uses is in the best interest of the public and consistent with the Commission's policies, including:

1. OAR 690-410-0040 (1) "The state will seek to cooperate with other states in planning, developing, managing, and resolving conflicts involving surface or groundwater resources. Interstate cooperation shall be actively pursued to benefit the public interest, welfare, health, economy and safety of Oregon's citizens." The California Department of Fish and Wildlife and California Redwood State Parks both submitted comments in support of the proposed rulemaking, noting the value of instream public uses. The classification is also consistent with the California and federal Wild and Scenic Designations of the Smith River and tributaries in California.
2. OAR 690-410-0050 (1) "The water-related functions of riparian areas on public lands shall be protected. On public lands, management activities in riparian areas shall be planned to maintain or improve riparian conditions that support water-related functions, consistent with the constitutional or statutory purposes of the public land." The classification supports preservation of water-related riparian areas and water-dependent ecosystems.
3. OAR 690-410-0030 (1) states that "Benefits are provided by water remaining where it naturally occurs. Protecting streamflows which are needed to support public uses is a high priority for the state." The benefits of classifying the waters of the Smith River for instream uses support this policy of preserving water where it naturally occurs to support public uses that are dependent on in-stream flow and preservation of high-water quality.
4. OAR 690-410-0070 (2)(h) When instream flow needs are not protected by instream water rights, new out-of-stream allocations may be limited or conditioned to protect public uses. The proposed classification will facilitate application for new instream water rights that protect public uses and will limit new out-of-stream allocations that could compromise instream values and public uses.
5. OAR 690-410-0070 (2)(j) When classifying allowable new uses of water or establishing reservations, the Commission shall seek consistency with management plans for public lands and resources. As discussed above, the Commission's action to classify the waters for instream uses and limited out-of-stream consumptive uses is consistent with federal and state management plans for the Smith River watershed.

Secondary Uses

Consistent with formulating an integrated program that considers multiple beneficial uses, the Department finds that classifying water for human consumption and livestock provides a basis for allocating water for uses that are incidental to recreational use of the watershed. This is also

consistent with other policies of the Commission outlined in other sections of this report. By allowing preservation of and access to the waters of the Smith River watershed, the Commission recognizes the economic benefits that may be gained by allowing use of water compatible with policies conserving the watershed for instream public uses. See other sections of this report for more information on these uses.

Mining

As noted above, mining is the only other reasonably possible use of water in the watershed. However, due to the existing federal mineral withdrawals and federal and state management policies in the watershed, mining is an unlikely use of the lands in the watershed in the future unless (1) existing claims are validated, or (2) the mineral withdrawal is rescinded. As a result, it is evident that instream public uses are the highest and best uses of water in the watershed, consistent with achieving the maximum beneficial use and economic development of the waters.

Responses provided by the USFS and BLM (2016) as part of the Environmental Assessment associated with the recent federal mineral withdrawal highlight the challenges associated with mining and compatibility with other uses. In response to public comment that there are “existing environmental laws, regulations and approval processes in place to protect the environment from negative environmental impacts,” the USFS and BLM responded:

Given that nickel laterite minerals are dispersed through the soil, and that to retrieve the mineral, the soil must be removed and processed, it is difficult to conceive of project design criteria that would fully mitigate environmental impacts.

A previous environmental analysis for a mining plan of operations in the withdrawal area concluded that “damage to the valued resources could not be completely avoided if full scale mining (and road access) were implemented...full scale mining would irretrievably alter the character of the landscape and resources.” (USFS & BLM, 2016, Appendix A-9 & 10)

Given that the entire watershed in question has been withdrawn, at least temporarily, it appears that mining may be incompatible with protecting other resources values, and that these other resource values are considered to be of greater public benefit. Similar to the comments received by the USFS and BLM for their mineral withdrawal, the public comments submitted for this rulemaking to reclassify the waters in Oregon, asserted that mining was incompatible with existing economies and activities related to recreation and tourism, fisheries, as well as impact drinking water supplies (see Attachment 3).

The Environmental Assessment for the mineral withdrawal characterized mining as being incompatible with the wilderness characteristics of the basin. Under the no action alternative, it was found that new mining claims could be filed and existing claims could continue to move forward and the “remarkable scenery and landscapes that exist within South Kalmiopsis and Packsaddle Roadless Areas would be jeopardized...The opportunities for solitude and scenery free of equipment or disturbance will likely diminish under the no action alternative (USFS and BLM, 2016, p.79).

Impacts have also been noted for fisheries. In their public comments on the proposed rules, California Department of Fish and Wildlife stated:

The Department is concerned that large scale industrial strip mining proposed in Oregon will have significant irreversible downstream effects on the Smith River. Because of the documented substantial environmental risks to aquatic resources associated with strip mining, the Department is strongly opposed to strip mining in the Smith River watershed. Classification of groundwater and surface water...would strengthen the protections of the river as a State and National Wild and Scenic River.

Similarly, in public comments the U.S. Fish and Wildlife Service, stated that:

“Pacific lamprey, a service species of concern, also occurs throughout the proposed withdrawal area. Major threats to lamprey include poor water quality, dredging, and stream and floodplain degradation, all of which are consequences of inappropriate mining methods...Withdrawing this area from mining will provide needed long-term habitat conservation benefits to lamprey and native freshwater resident fishes while simultaneously benefitting anadromous salmonid species.

The USFS and BLM (2016, Table 7 p.41-42) found that without the withdrawal of these lands from mineral entry, mining would be likely to adversely affect SONCC Coho salmon and its Endangered Species Act Critical Habitat and Essential Fish Habitat under the Magnuson-Stevens Fisheries Conservation Act. Similarly, without the withdrawal, actions would be likely to adversely affect Chinook Salmon Essential Fish Habitat, and could impact individuals or habitat of SONCC Chinook salmon and Klamath Mountains Province steelhead. Conversely, there would be no effect or no impact on such species if the mineral withdrawal were in place.

It is unclear the extent to which future mining would impact fens, as the survey for threatened and endangered plant species identified only Howell’s jewelflower (*Streptanthus howellii*) within the Cleopatra mining claims project area. Further analysis would be required (USFS and BLM, 2016, p.53). If the mining withdrawal is revoked or expires in the future, however, new mining claims could be established within or near these sensitive habitats.

According to Oregon Explorer (n.d.):

Primary threats to serpentine wetlands are groundwater pumping and diversion of spring water for domestic or agricultural use, and plant succession occurring in the absence of periodic fire. In the past, some of these wetlands have been threatened by mining claims seeking to extract deposits of nickel and chromium from serpentine.

The USFS & BLM (2016) have noted that direct impacts have mostly come from road building to accommodate grazing, mining, logging, or fire-suppression. For example, the EIS on the Nicore mining claims in the adjacent Rough and Ready watershed identified potential impacts to fens as a result of road activities associated with the mining (USFS, 1999). The Environmental Assessment states that indirect effects, however, from altering hydrologic regimes are the greatest threat from mining (USFS and BLM, 2016, p.47-48). As discussed in the Environmental Assessment, “Indirect effects to Darlingtonia fens could occur, depending on location of future permits for mining within existing claims...” (USFS and BLM, 2016, p.53).

In addition to the federal withdrawals from mining, in 2017, the Oregon Environmental Quality Commission designated the North Fork Smith River, its tributaries, and wetlands as Outstanding Resource Waters. As explained in the staff report, “Surface and subsurface mining has the potential to degrade water quality and, as a result, would likely be restricted or prohibited in the area of designation” (ODEQ, 2017a, p.69).

Given that the entire area is withdrawn from further mineral entry, no claims have been validated, and the Outstanding Resource Waters designation, the Department finds it unlikely that future mining efforts in the watershed will occur.¹³ Furthermore, it appears based on information above as well as in other sections of this report below, that mining could be incompatible with other uses in the watershed, including fisheries, water quality, recreation and scenic attraction. In addition, public comments assert that mining would also degrade drinking water downstream. As noted by the Forest Service, actual impacts of mining could not be determined without evaluating a specific proposal.

In light of the clear facts and present policies favoring preservation of the area in its natural condition, as weighed against the unlikely to uncertain ability to development mining claims, the Department has determined that the highest and best uses of the waters of the Smith River watershed are instream uses and ancillary human and livestock consumption uses.

Economics of Instream Public Uses and Mineral Development

As discussed in the original South Coast Basin program, mining played a relatively “small role in the economy of the South Coast Basin (SWRB, 1963, p.63),” whereas agriculture, manufacturing, commercial fishing, and forestry¹⁴ were identified as important to the economy. Recreation was also noted as being popular. Below, the Department has summarized more recent information on the economics of both public instream uses and mineral development, as it pertains to this rulemaking.

According to the USFS and BLM (2016, p.15), Nickel is a strategic mineral for the United States:

A number of criteria affect the potential for development of known nickel-laterite resources. Nickel spot-price remains around \$4 per pound, after a peak of around \$23 per pound in 2007. Concentrating nickel from nickel-laterite cannot be accomplished given current technologies. No smelter capable of processing nickel-laterite resources exists in the United States; therefore, resources would need to be shipped out of country for processing, or facilities capable of processing those resources would need to be constructed. Upstart costs for constructing an adequate smelting facility would be significant. Nickel-laterite resources identified and explored to date have shown low quantities of mineable

¹³ Note that recreational gold panning, and suction dredge mining, wherein the water does not leave the wetted perimeter of the stream, do not typically require water right permits and are not addressed in detail here.

¹⁴ Forestry was also listed as an important economic industry (SWRB, 1963, p.16); however, it was noted that some of the forestland was classed as primarily noncommercial because it was “incapable of producing timber crops” (p.16). Notably, most of this Smith River watershed was included in this noncommercial classification (p.11).

*resources per location and low metal grades in the deposits. The potential for the occurrence of nickel resources in the area is **moderate to high** (p.18).*

The Forest Service looked at the impact of precluding additional exploratory drilling by Red Flat Nickel Corporation, noting that “The most problematic aspect of proving a valuable discovery is the economics of the current low nickel prices, combined with high expenses associated with the remote location of the claims, and the lack of any processing facility in the United States” (p.18). They further state that:

The lack of this activity would have some negative economic effects to Josephine and Curry counties, because RFNC would not be expending funds to complete exploratory drilling. However, these operations were expected to last only one to two months, including reclamation. Few, if any, local residents would be expected to be hired, and the primary economic benefit would be secondary receipts to local stores, restaurants, and other businesses. In the context of the broader recreation and timber economies of the counties, such impact would be low, whether present or absent. Effects at the state level would be immeasurable.

A temporary or permanent mineral withdrawal may or may not delay or preclude full development of a nickel-laterite mining operation in these areas. The potential for such development is, at this point, purely speculative, not reasonably foreseeable, and cannot be assessed. (USFS and BLM, 2016, p.19)

The USFS and BLM’s response in the Environmental Assessment related to the economic impact of mining and the mining withdrawal supports that recreation and tourism provides benefits to the region, which are greater than the current value of minerals to the economy.

Specifically, “The current and proposed mineral exploration activity has a negligible effect on the economy of Josephine and Curry Counties. According to a recent analysis of economic contributions for 2014 from Rogue River-Siskiyou NF lands, the contribution to the recreation economy is more than 14 times that of minerals and energy” (USFS & BLM, 2016, Appendix A-11).

In reviewing this 2014 economic analysis of the contributions of the entire Rogue-River Siskiyou National Forests, recreation by local visitors accounted for 70 jobs (direct and secondary), while recreation by non-local visitors provided about 80 jobs. In contrast, minerals and energy production was found to provide less than 10. Similarly, economic contributions by local visitors recreating, contributed to \$2.2 million in labor income, while recreation by non-local visitors contributed \$2.6 million in labor income. In comparison, minerals and energy production contributed less than \$100,000 in labor income (USFS, n.d.a.).

Other reports for Curry County specifically, show that leisure and hospitality in 2014 accounted for just under 1,200 jobs, while retail trade accounted for less than 1,000. Mining and natural resources accounted for less than 200 jobs (OED, n.d.). Wages for Leisure and Hospitality tend to be lower than other sectors, but still account for a large economic sector. According to the Oregon Employment Department, Leisure and related businesses accounted for 17.1 percent of the workforce in Curry County, and 8.8 percent of the sole proprietors and entrepreneurs. Tourist “spending extends far beyond just arts, entertainment, and accommodations or food services...[but also impacts] retail trade, local transportation and gasoline services, grocery stores, etc.” (Tideman, 2016). Estimates for travel-generated expenditures in Curry County in

2008 for fishing, hunting, and wildlife viewing was \$20.1 million, while in Josephine County it was \$11.7 million (Dean Runyan Associates, 2009). Public comments received for this rulemaking (see Attachment 3), as well as information submitted to the Department of Environmental Quality (see ODEQ, 2017a) also provide information or support for the importance of recreation and tourism to the region's economy.

Ultimately, it is impossible to estimate the economic contributions of the Smith River watershed in Oregon, as data is not collected to this scale. However, it is apparent that recreation and tourism are important drivers in the local economy. Similarly, it is difficult to determine the hypothetical economic impacts of mining in the area. The U.S. Forest Service's conclusions on the matter are relevant here:

Just as we cannot speculate about the environmental impacts of hypothetical full-scale mining, we cannot speculate about the economic benefits. However, many local governments, businesses, and individuals assert that the wild character, outstanding waters, and fisheries associated with the withdrawal area form the basis of their economies and that current economies would be threatened by extensive mining (USFS and BLM, 2016, Appendix A-11).

Given the available information on (1) the existing economic value of recreation and tourism, and fisheries, (2) the potential incompatibility of these uses with mining activity, (3) the existing low contribution of minerals to the economy, (4) the existing restrictions on mineral development in the area, (5) and the speculative nature of potential future mineral development, and (6) the fact that this rulemaking establishes highest and best uses of the waters with a process for allowing exceptions,¹⁵ the Department finds that classifying the waters for instream public uses furthers the economic development of the region.

ORS 536.310 (3) and (12) – Preserving Human Consumption and Livestock Use

ORS 536.310 (3) relates to preserving waters for human consumption, while ORS 536.310 (12)¹⁶ provides that preference will be given to uses for human consumption and livestock.

Currently, there are no consumptive uses of water in the watershed. The existing uses are for instream purposes, including but not limited to fisheries, recreation, scenery, and water quality. Overall use of the watershed is low (USFS, 2003). The potential for human consumption and livestock use is likely only to occur in the context of recreational uses in the watershed. Mining is the only other potential beneficial use in the watershed.

¹⁵ The proposed rulemaking calls for classification of uses rather than a withdrawal of the water from all uses, future mining proposals are not necessarily precluded by this rulemaking and use of water for mining purposes within the watershed may be allowed in some instances. Specifically, water may be appropriated for mining purposes if an applicant successfully obtains a basin program exception pursuant to ORS 536.295. In addition, water uses ancillary to mining may be accommodated pursuant to other provisions of the water code including authorizations for specific uses of water not requiring a water right.

¹⁶ ORS 536.310(12) states “When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses and for livestock consumption, over any other use, and thereafter other beneficial purposes in such order as may be in the public interest consistent with the principles of chapter 707, Oregon Laws 1955, under the existing circumstances”.

This rulemaking includes domestic and livestock as classified surface water uses, as well as exempt groundwater uses, which include domestic and stock water. Therefore, the Department finds that the preference for human consumption and livestock are preserved in the classification, along with other proposed classified uses for instream public uses. This classification assures that adequate supplies will be preserved and protected for human consumption, while also protecting the watershed for instream public uses, the highest and best uses in the watershed.

ORS 536.310 (4) - Multi-Purpose Impoundments and Fisheries Protection

ORS 536.310 (4) relates to the development of impoundments and protection of fisheries.¹⁷ Based on a query of the Department's water rights database (OWRD, 2017), there are no existing impoundment structures. According to the Web Soil Survey provided by the United States Department of Agriculture Natural Resources Conservation Service (NRCS, n.d.), shows the area is very limited for developing surface water management systems, and very limited for pond or reservoir areas. No projects for the area are listed in the Department's potential storage projects database (OWRD, n.d.). No storage sites are included in the Department's South Coast Basin Program Rule on storage (OAR 690-517-0030) and no storage sites were identified in the South Coast Basin report (SWRB, 1963, p. 115-117).

In consulting with the Department's State Engineer for Dam Safety, Keith Mills, the Department believes that reservoir development within this watershed could be problematic and possibly unsafe, due to landslide potential. Roughly 50% of the watershed is underlain by Josephine ultramafic sheet which "produces soils high in iron and magnesium, and toxic metals such as chromium, nickel, and cobalt" that are prone to erosion and landslides. The USFS has documented the area as being prone to slope instability. For example, "Cedar Creek, Chrome Creek and Baldface Creek all have numerous natural failures and highly unstable inner gorges. There are also several large, ancient landslide forms in all these drainages" (USFS, 2007, P. 226). While further investigation of a specific project site would be necessary, it is unlikely to be feasible in this area because of toxic metals in soils, and erosion and landslide risk. In addition, there are currently no known uses that would seek to develop the water within Oregon, given the location of the watershed, lack of arable soils, and the lack of nearby cities.

Regardless of the lack of potential suitability for storage, surface water storage in particular, would be incompatible with designations of the North Fork Smith River as a Federal Wild and Scenic River, wherein, the primary purpose is to maintain its free-flowing nature, as well as water quality, and fisheries. Rowdy, Diamond Creek and North Fork Diamond Creek are also designated as Wild and Scenic River once the creeks cross into California. Furthermore, the status of Baldface Creek and its perennial tributaries as eligible for Federal Wild and Scenic River designation makes development of storage within those areas inconsistent with direction to preserve the Outstanding Resource Values of fisheries and water quality. Finally, reservoir development within the Wilderness area would be incompatible with maintaining the area in its natural state.

¹⁷ ORS 536.310 (4) Multiple-purpose impoundment structures are to be preferred over single-purpose structures; upstream impoundments are to be preferred over downstream impoundments. The fishery resource of this state is an important economic and recreational asset. In the planning and construction of impoundment structures and milldams and other artificial obstructions, due regard shall be given to means and methods for its protection.

In conclusion, the Department finds that the potential for impoundment development in the watershed is low, due in part to landslide risk, surface erosion, and ruggedness of the area. In addition, there does not appear to be a demand or need for storage in the watershed at this time; while there is evidence as provided in the public comments of an interest in the fisheries and recreation opportunities that exist in this watershed. Reservoir development is likely incompatible with existing protections and land management plans and policies within the watershed. Classifying the surface waters for instream public uses, as well as human consumption and stock watering purposes is consistent with protecting the fisheries in the watershed.

ORS 536.310(6) - Drainage and Effects on Groundwater and Wildlife

ORS 536.310(6) relates to drainage.¹⁸ Given the topography of the basin as primarily categorized by steep slopes (NRCS, n.d.), and porous soils, there does not appear to be a need for drainage in the basin. The original South Coast Basin report did not find this as an area requiring drainage (SWRB, 1963, p.79). The lack of flat land in the area, as well as the lack of population centers or irrigated lands further supports that drainage activities are unlikely to be needed in the basin. Furthermore, drainage activities would be inconsistent with preserving springs and seeps, which provide cold water influxes that are important for fisheries.

ORS 536.310 (7) - Fostering Minimum Perennial Streamflows

ORS 536.310 (7) calls for fostering and encouraging the maintenance of minimum perennial streamflows¹⁹ sufficient to support aquatic life, minimize pollution and maintain recreation values if existing rights and priorities permit. See analysis under the section for ORS 536.310 (2), (5), and (8) above related to water uses for aquatic life, pollution abatement, and recreation values. There are no existing rights or priorities in the watershed. This classification includes public instream uses such as pollution abatement, fish life and wildlife, as well as recreation values, meaning that these uses are allowed in the basin and authorized uses for new water right applications.²⁰ The classifications for public instream uses foster and encourage the protection of the instream values.

ORS 536.310 (9) - Water Recreation Facilities and Pollution

ORS 536.310 (9) provides that “Due regard shall be given in the planning and development of water recreation facilities to safeguard against pollution.” As discussed elsewhere in this report, the recreational uses within this watershed are hiking, camping, fishing, hunting, off-road vehicles, photography, rafting, etc. The USFS plans (USFS, 2003 and USFS, 1989) note that recreational use in the area is low. As such, much of the watershed is designated as wilderness,

¹⁸ ORS 536.310 (6) In considering the benefits to be derived from drainage, consideration shall also be given to possible harmful effects upon ground water supplies and protection of wildlife;

¹⁹ OAR 690-410-0030 (2) (f) Instream water rights are preferred, over the establishment of new minimum perennial stream-flows, to protect instream public uses.

²⁰ OAR 690-410-0070 (2) (h) When instream flow needs are not protected by instream water rights, new out-of-stream allocations may be limited or conditioned to protect public uses.

or managed to maintain a natural or primitive setting providing opportunities for solitude (USFS, 2003; 1989).

Allowing for development of domestic and stock watering facilities associated with recreational uses to maintain sanitary conditions and reduce the need for stock to enter waterways will safeguard against pollution. Furthermore, any new permits will undergo a review under the Department's division 33 rules, which consider both water quality and fisheries impacts. For reasons discussed elsewhere in this report, the Department does not believe reservoir development is likely and that reservoir-based recreation is incompatible with the existing watershed protections and land management.

The Department finds that this classification limits pollution related to recreation, and maintains existing recreational uses through its classifications for instream public uses, as well as by allowing groundwater and surface water for domestic and stock watering purposes. The emphasis on recreational opportunities within a natural setting is preserved by this classification.

ORS 536.310 (10) – Sovereignty of the State over Water

ORS 536.310(10) states that “[i]t is of paramount importance in all cooperative programs that the principle of the sovereignty of this state over all the waters be protected and preserved, and such cooperation by the commission shall be designed so as to reinforce and strengthen state control.” In addition, OAR 690-410-0040(1) provides that “The state will seek to cooperate with other states in planning...involving surface or groundwater resources. Interstate cooperation shall be actively pursued to benefit the public interest, welfare, health, economy and safety of Oregon's citizens.” Taken together, the Commission is directed to maintain state sovereignty over its waters while simultaneously cooperating with other states where water resources span political boundaries.

In this case, the Smith River watershed spans both Oregon and California, making it an interstate watershed. Both California and the federal government have taken actions to preserve those portions of the Smith River in California through the Smith River National Recreation Area, as well as designating the river and its tributaries in California as Wild and Scenic. Mining is restricted throughout most of the National Recreation Area. Several communities in California rely on streams within the watershed for drinking water. California allows for some withdrawals for domestic purposes, but has placed limits on withdrawals and impoundments within the watershed as a result of the Wild and Scenic designation (SWRCB, 1991).²¹

With this rulemaking, the Commission is acting consistently with the preservation priorities expressed by California laws while still maintaining sovereignty over Oregon's waters. The Oregon Water Resources Commission retains the right to modify these classifications, and may include additional consumptive uses in the future. At this time, however, the Department finds that it is in Oregon's public interest to develop policies that are compatible with related management actions taken by California and the Federal government. For example, Oregonians

²¹ California Pub. Res. Code § 5093.55, prohibits the development of dams, reservoirs, diversions, or other water impoundment facilities, unless the water is needed for a domestic supply and is determined that it will not adversely affect the free-flowing condition and natural character of the river.” A similar provision applies to Rowdy Creek under California Pub. Res. Code § 5093.541.

living in Brookings, noted that they rely on the Smith River in California for fishing, and for recreation within the Smith River National Recreation Area. In addition, Southwest Oregon and Northwest California have branded themselves as the Wild Rivers Coast, which contributes to the tourism economy of the region. Therefore, the Department finds that reclassifying the Smith River watershed in Oregon:

- (1) Maintains the state's sovereignty over waters within the state by classifying the waters for those uses that will benefit Oregonians such as allowing for new water rights to be issued for human consumption, stock watering, and instream public uses, as well as allowing for exempt groundwater uses.
- (2) Is consistent with the federal government's land management policies, which generally seek to preserve the watershed in its natural condition and provide opportunities for solitude and primitive recreational experiences. These include the wilderness designations, Federal Wild and Scenic Designation for the North Fork Smith River watershed in Oregon, Federal Wild and Scenic designations and the National Recreation Area designation downstream in California; and Federal Wild and Scenic Eligibility of Baldface Creek and its perennial tributaries.
- (3) Is consistent with the federal policies to protect and recover SONNC Coho Salmon and its habitat.
- (4) Is consistent with protecting Lemmingsworth Gulch Natural Research Area, by limiting new out-of-stream uses.
- (5) Enhances the federal policies that have withdrawn the area to mining.
- (6) Is consistent with preserving downstream water supplies for drinking water and other public instream uses in California, which also benefits Oregonians that rely on the tourism economy, as well as recreate in the area.

ORS 536.310(11) - Development of Watershed Conservation

ORS 536.310(11) states that "Local development of watershed conservation, when consistent with sound engineering and economic principles, is to be promoted and encouraged." The petition (Moryc, et. al., 2015) that prompted this rulemaking, as well as the public comments received regarding the rulemaking, included entities and individuals from the local area. These comments, along with the Department review of the watershed, support that the natural characteristics of the watershed should be preserved by limiting the types of consumptive uses and conserving the waters for public instream uses that are consistent with federal land management policies and protections. The proposed classifications also provide for protection of riparian areas consistent with OAR 690-410-0050, which calls for federal land managers to protect of riparian areas to support water-related functions. The proposed classifications are also consistent with sound engineering principles, because the classifications will result in reduced water development in areas where soils are prone to erosion (see sections on soils and reservoirs). In addition, classification for public instream uses, including recreation, may provide an economic benefit to the region (as discussed above).

ORS 536.310 (13) – South Umpqua River

This section relates to uses from the South Umpqua River. This watershed is not in the South Umpqua River; therefore, the Department finds that this factor is inapplicable to this rulemaking.

V. References

- (BLM) United States Department of Interior, Bureau of Land Management. (2003). *Public Land Order No. 7556; Withdrawal of Public Lands for the North Fork Smith River, OR*. Federal Register Document 03-6673. Available at: <https://www.federalregister.gov/documents/2003/03/20/03-6673/public-land-order-no-7556-withdrawal-of-public-lands-for-the-north-fork-smith-river-or>
- (BLM) United States Department of Interior, Bureau of Land Management. (2017). *Public Land Order No. 7859; Withdrawal of National Forest System and Bureau of Land Management Public Lands in Southwestern Oregon; Oregon*. Federal Register Document 2017-00770. Available at: <https://www.federalregister.gov/documents/2017/01/13/2017-00770/public-land-order-no-7859-withdrawal-of-national-forest-system-and-bureau-of-land-management-public>
- (BLM) United States Department of Interior, Bureau of Land Management. (n.d). *Mining Claim Geographic Report: List of Mining Claims by Section*. Bureau of Land Management LR 2000 database. Accessed on August 2, 2017: https://rptapp.blm.gov/report_filter.cfm. Report on file.
- Dean Runyan Associates. (2009). *Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008*. Prepared for the Oregon Department of Fish and Wildlife Travel Oregon. Available at: [http://www.dfw.state.or.us/agency/docs/Report_5_6_09--Final%20\(2\).pdf](http://www.dfw.state.or.us/agency/docs/Report_5_6_09--Final%20(2).pdf)
- Moryc, D., O'Keefe, T., Spain, G., Kober, J., Knight, C., Cooper, E., Ullian, B., Vileisis, A., Vaile, J., Sherwood, M., La Follette, C., Wolf, T., Werschkull, G., Willis, D., Finnerty, D., Brown, L., Brown, S.J.M., Babin, A., Lyford, G., Rahr, G., (2015). *In the Matter of the Withdrawal From Appropriations of the Smith River, its tributaries, and its Groundwater in Oregon: Petition for Withdrawal from Appropriations*. On file.
- (NWSRS) National Wild and Scenic Rivers System. (n.d). [Website and database]. Available at: <https://www.rivers.gov/rivers/smith.php>
- (NRCS) United States Department of Agriculture, Natural Resources Conservation Service, (n.d). *Web Soil Survey*. [Website database]. Accessed December 16, 2016. <http://websoilsurvey.nrcs.usda.gov/>
- Olson, D.H. and Davis, R.J. (2007). *Conservation Assessment for the Foothill Yellow-legged Frog in Oregon (Rana boylei)*. [Version 1.0.]. U.S.D.A. Forest Service Region 6 and U.S.D.I. Bureau of Land Management. Available at: <https://andrewsforest.oregonstate.edu/sites/default/files/lter/pubs/pdf/pub4395.pdf>
- (OED) Oregon Employment Department. (n.d.). *Labor Market Information: Curry County Indicators*. Available at: <http://www.travelcurrycoast.com/i/f/files/Curry%20County%20Economic%20Indicators%202016-Aug24withJulyData.pdf>
- (ODEQ) Oregon Department of Environmental Quality. (2012). *Oregon's 2012 Integrated Report*. [Website Database]. Accessed October 24, 2017. Available at: <http://www.deq.state.or.us/wq/assessment/rpt2012/results.asp>

- (ODEQ) Oregon Department of Environmental Quality. (2017a). *July 11-13, 2017 Oregon Environmental Quality Commission meeting Rulemaking, Action item P, North Fork Smith River Outstanding Resource Water Rulemaking*. Available at: <http://www.oregon.gov/deq/Rulemaking%20Docs/nfeqcstaffreport.pdf>
- (ODEQ) Oregon Department of Environmental Quality. (2017b). Oregon EQC protects the North Fork Smith River. Press release. <http://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=2164>
- Oregon Explorer. (n.d.). *Serpentine Fens*. [Website]. Natural Resources Digital Library. <http://oregonexplorer.info/content/serpentine-fens>.
- (OWRD) Oregon Water Resources Department. (2017). *Water Rights Information Query*. [Website database]. Available at: <http://apps.wrd.state.or.us/apps/wr/wrinfo/>.
- (OWRD) Oregon Water Resources Department. (n.d.). Above Ground Potential Storage Project Search. [Website database]. Available at: http://apps.wrd.state.or.us/apps/planning/owsci/sw_project_search.aspx
- Ramp, L., Schlicker, H. G., and Gray, J. J. (1977). *Geology, Mineral Resources, and Rock Material of Curry County, Oregon*. Department of Geology and Mineral Industries. Bulletin 93.
- Streamnet. (n.d.a). Fish Data for the Northwest: *Protected areas mapper*. [Website database]. Available at: <http://psmfc.maps.arcgis.com/apps/webappviewer/index.html?id=f4a9bf13f2014b259d63c8eb03e1f7af>
- Streamnet. (n.d.b) Protected Areas. [Website]. Available at: <https://www.streamnet.org/data/protected-areas/>
- (SWRCB) State of California, State Water Resources Control Board. (1991). *In the Matter of Declaration of Fully Appropriated Stream Systems in California: Order WR 91-07*. Available at https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/1991/wro91-07.pdf
- (SWRB) State of Oregon, State Water Resources Board. (1963). *South Coast Basin*. Salem, Oregon.
- Tideman, A. S. (2016 June 16). *Tourism in Coos, Curry and Douglas Counties*. State of Oregon Employment Department. [Website Article]. Available at: <https://www.qualityinfo.org/-/tourism-in-coos-curry-and-douglas-counties>
- (USFS) United States Department of Agriculture, Forest Service. (n.d.a.). *Rogue River - Siskiyou NFs Job and Income Contributions for 2014: At a Glance*. Available at: <https://www.fs.fed.us/emc/economics/contributions/documents/at-a-glance/published/pacificnorthwest/AtaGlance-RogueRiverSiskiyou.pdf>
- (USFS) United States Department of Agriculture, Forest Service. (n.d.b). [Interactive Website Map]. Available at: <https://www.fs.fed.us/ivm/>

- (USFS) United States Department of Agriculture, Forest Service. (1989). *Land and Resource Management Plan for the Siskiyou NF: FEIS, Appendices, Map, Management Plan and Record of Decision*. United States Department of Agriculture, Forest Service, Pacific Northwest Region, Siskiyou National Forest. Available at:
https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5315175.pdf
- (USFS) United States Department of Agriculture, Forest Service. (1992). *The Smith River National Recreation Area Management Plan*. United States Department of Agriculture, Forest Service, Six Rivers National Forest.
<https://www.rivers.gov/documents/plans/smith-plan.pdf>
- (USFS) United States Department of Agriculture, Forest Service, Baldface Interdisciplinary Team. (1993). *Wild and Scenic River Eligibility Study for Baldface Creek and Its Tributaries*. United States Department of Agriculture, Forest Service, Siskiyou National Forest. On file. Also available at:
<http://www.oregon.gov/deq/Rulemaking%20Docs/nfeqcstaffreport.pdf>
- (USFS) United States Department of Agriculture, Forest Service. (1995). *North Fork Smith River Watershed Analysis*. [Iteration 1.0]. USDA Forest Service, Pacific Northwest Region, Rogue River-Siskiyou National Forest, Chetco Ranger District, Brookings, Oregon. Available at: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5315502.pdf
- (USFS) United States Department of Agriculture, Forest Service. (1999). *Nicore Mining Plan of Operations: Final Environmental Impact Statement*. Siskiyou National Forest, Josephine County, Oregon. Available at:
https://books.google.com/books?id=Qp02AQAAMAAJ&pg=PP7&lpg=PP7&dq=Nicore+Mining+Plan+of+Operations:+Final+Environmental+Impact+Statement.&source=bl&ots=YTwnI5rkAT&sig=d7VVmN12IfINz1TY_CI3sbnhdQ&hl=en&sa=X&ved=0ahUK_Ewi2idPogvDXAhVJ0GMKHcBxAdsQ6AEILzAB#v=onepage&q=Nicore%20Mining%20Plan%20of%20Operations%3A%20Final%20Environmental%20Impact%20Statement.&f=false
- (USFS) United States Department of Agriculture, Forest Service. (2000). Siskiyou National Forest *.Siskiyou National Forest Inventoried Roadless Areas*. Map dated 2000. Available at:
https://www.fs.usda.gov/detail/roadless/2001roadlessrule/maps/statemaps/?cid=fsm8_037728
- (USFS) United States Department of Agriculture, Forest Service. (2003). *North Fork Smith Wild and Scenic River Management Plan*. USDA Forest Service, Pacific Northwest Region, Siskiyou National Forest. Available at:
http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5315366.pdf
- (USFS) United States Department of Agriculture, Forest Service. (2007). *Biological Assessment: Coastal Healthy Forest Treatments Project*. USDA Forest Service, Pacific Northwest Region, Rogue River-Siskiyou National Forest, Medford, Oregon. Available at:
https://www.fs.fed.us/r6/icbemp/esa/files/Final%20CHFT%20BA%202_18_07.doc

- (USFS) Pacific Northwest Region (2011) *Draft supplemental EIS: Motorized Vehicle Use on the Rogue River-Siskiyou NF*. Available at: <https://www.fs.usda.gov/detailfull/rogue-siskiyou/news-events/?cid=stelprdb5334754&width=full>.
- (USFS) United States Department of Agriculture, Forest Service. (2015). *Biological Assessment: Suction Dredging and High Banking Operations for Notices of Intent within the Rogue River-Siskiyou National Forest*. Prepared by Maiyo, S. J. and J. K. Moreau, 2015 for USDA Forest Service, Pacific Northwest Region, Rogue River-Siskiyou National Forest, Medford, Oregon. Available at: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd496876.pdf
- (USFS and BLM) United States Department of Agriculture, Forest Service and United States Department of Interior, Bureau of Land Management. (1994). *Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl: Attachment A to the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl*. Portland, Oregon: Author. Available at: <https://www.fs.fed.us/r6/reo/nwfp/documents/>
- (USFS and BLM) United States Department of Agriculture, Forest Service and United States Department of Interior, Bureau of Land Management. (1995). *Southwest Oregon Late-Successional Reserve Assessment 10/95*. Medford District, Bureau of Land Management, Department of the Interior and Siskiyou National Forest, and U.S. Forest Service, Department of Agriculture Medford, Grants Pass, Oregon. Available at: <https://www.fs.usda.gov/detail/rogue-siskiyou/landmanagement/?cid=stelprdb5315187>
- (USFS & BLM) United States Department of Agriculture, Forest Service and United States Department of Interior, Bureau of Land Management. (2016). *Environmental Assessment: 2015 Southwestern Oregon Mineral Withdrawal*. [Revised July 2016]. USDA Forest Service, Rogue River-Siskiyou National Forest. Bureau of Land Management Medford and Coos Bay Districts, Curry and Josephine Counties, Oregon. Available at: <https://www.fs.usda.gov/project/?project=47877>
- Walkley J., and Garwood, J.M. (2017). *2011-2016 Salmonid Redd Abundance and Juvenile Salmonid Spatial Structure in the Smith River Basin, California and Oregon*. Final Progress Report to the California Department of Fish and Wildlife Fisheries Restoration Grants Program. Grantee Agreement P1210524 on Behalf of the Smith River Alliance and California Department of Fish and Wildlife Anadromous Fisheries Resource and Monitoring Program. Available at: <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=140793>

PUBLIC HEARING DRAFT OF PROPOSED RULES

DIVISION 517

SOUTH COAST BASIN PROGRAM

NOTE: The South Coast Basin is delineated on agency Map, File No. 17.6, available from the agency dated January 1, 1971.

690-517-0000

Classifications

(1) ~~Ground water~~ Groundwater resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West, Willamette Meridian; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West, Willamette Meridian; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, Willamette Meridian, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and in lake use for recreation, fish life, and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes, or require outlet control structures to protect recreation, fish life and wildlife uses:

(a) Bradley Lake;

(b) Eel Lake;

(c) Garrison Lake.

(3) All other natural lakes are classified for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and in lake use for recreation, fish life and wildlife.

(4) The waters of Glenn Creek (tributary to the East Fork, Millicoma River) and its tributaries are classified for domestic and livestock uses irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife;

(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified for domestic, livestock irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life, and wildlife during the period from July 1 to September 30 of every year. Water diverted for storage between October 1 and June 30 may be used for any purpose specified in section ~~44~~ 12 of this rule.

(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and instream use for recreation, fish life and wildlife.

DRAFT PROPOSED RULES FOR PUBLIC COMMENT

Draft Dated 8.25.2016

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek — Geiger Creek confluence are classified for municipal use.

(8) In accordance with ORS 538.120, the waters of Brush Creek (Brushes Creek) and its tributaries are withdrawn from further appropriation or condemnation, and shall not be diverted or interrupted for any purpose except for use in state parks or as otherwise prescribed by ORS 538.120.

(9) The waters of Clear Lake are withdrawn from further appropriation by order of the State Engineer dated October 4, 1940 (Special Order Vol 3, Pg. 504).

(10) The waters of Edna Lake are withdrawn from further appropriation by order of the State Engineer dated October 4, 1940 (Special Order Vol 3, Pg. 504).

(11) The surface waters of the Smith River watershed in Curry County (Exhibit 1) are classified for human consumption, livestock, and instream public uses including recreation, pollution abatement, fish life, and wildlife uses. Groundwater within the boundaries of the Smith River watershed in Curry County is classified for exempt groundwater uses authorized under ORS 537.545. Limited Licenses may be allowed only as consistent with the classifications in this subsection.

~~(4112)~~ All other surface and ground-water resources are classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife_fish life uses.

~~(4213)~~ The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

[ED. NOTE: Tables and exhibits referenced are not included in rule text. [Click here for PDF copy of table\(s\) and exhibits.](#)]

690-517-0010

Reservations

Water in the amounts specified is reserved in the following streams for municipal use:

(1) Chetco River — three cfs, downstream from the confluence with the North Fork Chetco River.

(2) Winchuck River — one cfs, downstream from the confluence with Bear Creek.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170

690-517-0020

Minimum Perennial Streamflows

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not

DRAFT PROPOSED RULES FOR PUBLIC COMMENT

Draft Dated 8.25.2016

exceeding one-half acre in area shall be allowed for waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Resources Commission requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Commission's minimum flow regime or the public interest. The Water Resources Commission intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Commission solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 2), shall remain in full force and effect except as follows:

(a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded;

(b) The minimum perennial streamflow for the Coquille River Middle Fork above Bear Creek (4 cfs) is rescinded;

(c) The minimum perennial streamflow for the Sixes River above the U.S. Highway 101 crossing is reduced to 25 cfs during the period from August 1 to September 30;

(d) The minimum perennial streamflow for the South Fork Coquille River near Powers is reduced to 15 cfs during the period from June 16 to September 30.

(4) For purposes of distributing water, minimum flows established in 1964 shall be considered part of and not in addition to revised minimum flow regimes.

(5) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be granted for the waters of the Coquille River and tributaries when flows are below the specified levels in Table 2. This limitation shall not apply to:

(a) Domestic and livestock uses and irrigation of non-commercial gardens not exceeding 1/2 acre in area;

(b) Water legally released from storage.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

690-517-0030

Storage

DRAFT PROPOSED RULES FOR PUBLIC COMMENT

Draft Dated 8.25.2016

The following reservoir sites should be protected through the comprehensive land-use planning process for possible future development or until alternative methods of meeting water needs have been developed:

- (1) West Fork of the Millicoma River, site 223;
- (2) South Fork of Coquille River at Eden Ridge, site 430;
- (3) North Fork Coquille River, site 146A;
- (4) Rock Creek at Rasler Creek, site 201;
- (5) Catching Creek, site 101;
- (6) Fourmile Creek, site 158;
- (7) North Fork Floras Creek at Okietown, sit 435;
- (8) North Fork Chetco River, site 239;
- (9) Wheeler Creek, site 241;
- (10) East Fork Winchuck River, site 243;
- (11) Joe Ney Slough.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

690-517-0040

Out-of-Basin Appropriations

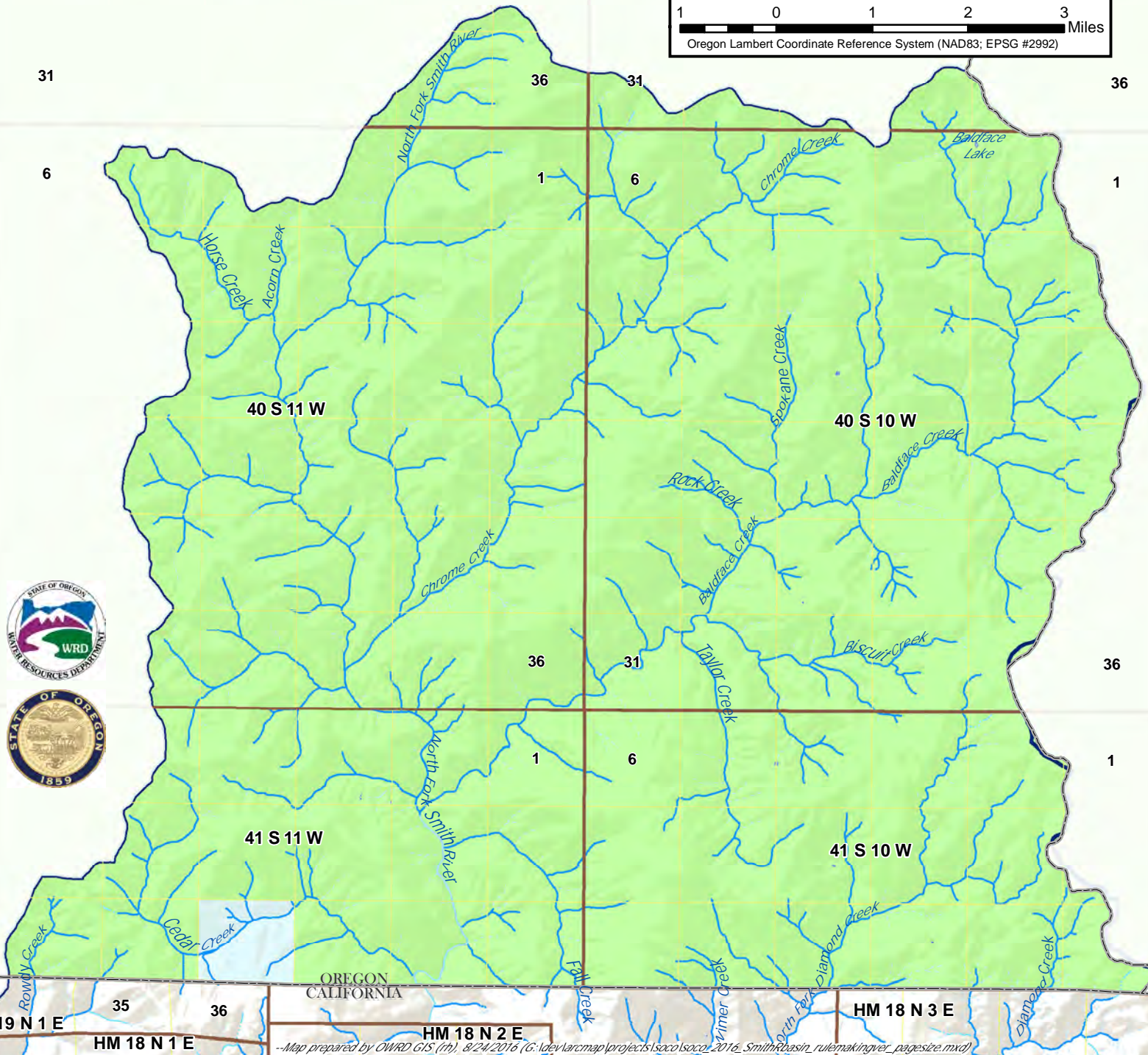
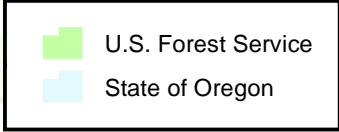
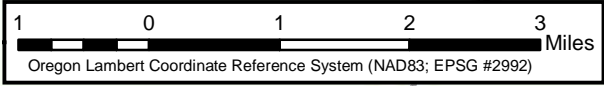
No out-of-basin diversion of South Coast Basin water shall be granted without the prior approval of, and following a public hearing by, the Water Resources Commission.

Stat. Auth.: ORS 536 & 537

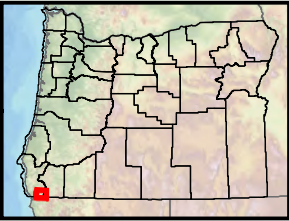
Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

OAD 690-517-000 EXHIBIT 1 SMITH RIVER WATERSHED IN CURRY COUNTY



DISCLAIMER
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

FILED
8-15-16 4:38 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Water Resources Department
Agency and Division

690
Administrative Rules Chapter Number

Classifying the Groundwater and Surface Waters of the Smith River Watershed in Curry County.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending Oregon Administrative Rules 690, Division 517 to classify the waters within the Smith River watershed to limit the types of uses allowed for new appropriations of water.

Statutory Authority:

ORS 183 and ORS 536

Other Authority:

OAR 690, Divisions 400, 410 and 500

Statutes Implemented:

ORS 536.340, ORS 536.300, ORS 536.310 and ORS 536.220

Need for the Rule(s):

The Water Resources Commission received a petition to withdraw all of the unappropriated waters of the Smith River watershed, including groundwater and surface water, from further appropriations including exempt uses, except for instream. The Smith River watershed in Oregon was designated as a key watershed under the Northwest Forest Plan to maintain and recover anadromous fisheries, and a portion of the watershed is designated as critical habitat for ESA-listed threatened coho salmon. Thirteen miles of the North Fork Smith River is a federally designated Wild and Scenic River for its fisheries, water quality, and scenery. Eighty-eight percent of the watershed is within the Kalmiopsis Wilderness and the South Kalmiopsis and Packsaddle Inventoried Roadless Areas. Potential fisheries in the watershed include Chinook salmon, coho salmon, steelhead, anadromous cutthroat trout, resident rainbow and resident cutthroat trout; the area is critical habitat for Coho. The area is also known for Darlingtonia wetlands, which support rare plant species. Although use in the area is low due to limited access, recreational uses include fishing, swimming, hiking, hunting, camping, kayaking and rafting. OAR 690-410-0070 provides that the Commission may limit new out-of-stream allocations to protect public uses, where instream flow needs are not protected by instream water rights. Petitioners asserted that conserving the waters for instream uses is the maximum beneficial use of the waters. While recognizing the important instream public uses of the watershed, instead of undertaking a withdrawal of the waters, the Water Resources Commission directed the Department to begin a basin program amendment to classify the waters in the area of interest for instream purposes.

The Water Resources Commission is charged with developing basin program rules with consideration to the multiple aspects of the beneficial use and control of such water resources to best protect and promote the public welfare of Oregon's citizens generally. Current classified uses in the South Coast Basin Program for the Smith River watershed include domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife, and fish life uses. These rules propose to classify the surface waters in the Smith River watershed for human consumption, livestock, and instream public uses including pollution abatement, fish life, wildlife, and recreation, and classifies the groundwater within the watershed for exempt uses that are outlined in ORS 537.545. Classification of sources of water has the effect of restricting the uses allowed for new water right applications to those that are specified by the classification; no other uses are allowed, except water uses that do not require a water right (for example, see ORS 537.141), alternative reservoirs (i.e., ORS 537.409), and other uses as allowed by law or approved by the Commission (for example, see ORS 536.295).

This rulemaking will ensure the maximum beneficial use of the waters of the Smith River watershed by maintaining the current public uses of the Smith River watershed, including the habitat, recreational, scenic, and fishery values; protecting the state's preference and interest in maintaining adequate supplies for human consumption and livestock; protecting and preserving the principle of the sovereignty of this state over all the waters within the state; fostering streamflows to support aquatic life, minimize pollution, and maintain recreation values; and recognizing the economic and recreational asset of fisheries to the state. The Water Resources Commission has the authority to reclassify these uses should it determine in the future that the maximum beneficial use and control of these resources would be attained by modifying the authorized uses.

Documents Relied Upon, and where they are available:

U.S. Forest Service, 2003, "North Fork Smith Wild and Scenic River Management Plan," Siskiyou National Forest. Available at: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5315366.pdf

U.S. Forest Service, 2015 SW Oregon Mineral Withdrawal Environmental Assessment. Available at: <http://www.fs.usda.gov/project/?project=47877&exp=overview>

Petition for Withdrawal from Appropriations (2015). On file at the Oregon Water Resources Department.

U.S. Forest Service, 2015. Suction Dredging and High Banking Operations for Notices of Intent within the Rogue River-Siskiyou National Forest Biological Assessment http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd496876.pdf

Fiscal and Economic Impact:

The land is publicly owned by the US Forest Service and a small portion by the Oregon Department of State Lands. The Oregon Water Resources Department cannot estimate the future fiscal or economic impact of this rule because it cannot predict whether there will be future interest in developing water in the watershed, and whether such use would be affected by the classification or could be obtained in a manner that is not restricted by the classifications (for example, see ORS 536.141, ORS 536.695, etc.). Water could also potentially be transported in to meet the desired need.

This rule would not limit future livestock water use, and it is expected that logging operations, if they were to occur, would not be affected by this rule as they do not generally require water rights. There are no municipal water needs in the area, nor are the lands in the area practical for agricultural use. In regards to mining activity, some lands are already withdrawn from mineral entry, while the rest of the USFS lands are currently segregated from new mining activity, except for existing valid claims. Furthermore, although there are existing active claims on the USFS land; there are currently no valid claims. In addition, portions of the area are under the state moratorium on motorized suction dredge mining through 2021. The Department cannot predict whether any existing claims will be validated, whether all Federal lands will continue to be under mineral withdrawal, or whether the State of Oregon's moratorium will remain in effect. Regardless, according to the USFS, given the low activity and use of the area, the impacts of mineral withdrawal would be low and immeasurable - potentially impacting Red Flat Nickel Corporation's Cleopatra site and reducing associated revenues in Josephine and Curry Counties; similar fiscal impacts could be expected from this rule proposal. The Department cannot determine the longer-term fiscal or economic impact of this rule if a claim were to be validated and the site was considered for full development as this is too speculative to assess: until minerals are identified, it is not possible to estimate the economic value. Existing uses of the watershed and its waters that would continue include: instream public uses of the water for its recreational, scenic, botanical, and fisheries values, which support recreation and tourism activities including camping, hiking, local off-highway jeep trips, fishing, kayaking, and rafting, and the associated economic benefits from tourism at nearby restaurants and stores.

In summary, some uses may be allowed that are not limited by the classifications; however, there are no anticipated needs for water for agricultural use, power development, irrigation, industrial, or municipal uses. Mining uses are expected to be limited in the near-term due to current state and federal actions; particularly since no claims have been validated. Therefore, the fiscal and economic impact of this rule is likely to be low.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Department does not anticipate any additional costs of compliance by state and local government and the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

This rule would limit the types of uses for new water rights, but does not affect new exempt uses. This rule limits the uses of surface water to human consumption, livestock, instream public uses including pollution abatement, fish life, wildlife, and recreation, and the uses of groundwater to exempt uses; therefore, any other out-of-stream uses or groundwater withdrawals that require a water right would be limited. Industries affected could include mining and well drilling. Aside from recreational outfitters and two mining associations along with a corporation holding active claims in the watershed that have not been validated, the Department is not aware of other businesses operating in this area. If the USFS lands are not withdrawn from mineral entry, this rule could affect any potential new mining businesses in the area.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The Department does not anticipate additional costs associated with reporting and other administrative activities.

c. Equipment, supplies, labor and increased administration required for compliance:

The Department cannot predict whether there will be action to withdraw the USFS lands from mineral entry; the area is currently segregated from new mining activity through June 2017, and existing claims, if determined to be valid, would likely be unable to withdraw surface or groundwater except to the extent allowed under exempt uses or if authorized under ORS 536.295. The ability of the mining operation to continue and obtain water, and the associated costs, cannot be estimated because it would depend on the specific proposal. This may mean that water needs are met through transporting water in; the Department cannot estimate the cost of this activity, because the Department does not know how much water would be required, the distance of such transport, or the method of transport. In addition, since new non-exempt wells would be limited, well-drilling businesses would not be authorized to drill new non-exempt wells. The impacts on well-drilling businesses;

however, are unlikely as there are no active water rights in this region, or exempt wells on record.

How were small businesses involved in the development of this rule?

The Rules Advisory Committee (RAC) included representatives from the Oregon Mining Association and the Oregon Farm Bureau, as well as a certified water rights examiner, a fishing guide and representative of Trout Unlimited, and kayaking guide. These individuals and organizations represent the potential large and small business types that could be affected by changes in the rules. In addition, the Department met with the Groundwater Advisory Committee, which includes well drillers who represent the well drilling industry.

**Administrative Rule Advisory Committee consulted?: Yes
If not, why?:**

<u>09-30-2016 5:00 p.m.</u>	<u>Diana Enright</u>	<u>diana.m.enright@wrд.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

Summary of Public Comments Received, Department Responses, and List of Public Comments

Overview of Comments Received

Between September 1 and October 28, 2016, the Department received 2,226 written comments and 36 oral comments. All comments received by the deadline were reviewed and considered. Due to the large quantity of comments and given that most were form letters, summaries, excerpts, and themes of the comments received and the Department's responses are included below, followed by a list of all comments received. The complete written and oral comments are available on file at the Department.

After removing duplicates, there were 2,173 written comments. Some commenters (122) submitted multiple written comments separately, provided both written and oral comment, and/or signed both individual and group written comments. Of the written comments provided, four were in opposition to the rules and five were in support of the rules but requested changes related to the inclusion of stock or exempt uses. During the public hearing, 36 individuals provided comments, three of which were in opposition to the proposed rules. Comments were received from 49 states. Both Californians and Oregonians provided more than 500 comments each, with Californians providing the greatest number of comments. There were also a large number of comments (more than 300) that did not list a location. Of the comments from Oregon with locations, the top counts were from Ashland, followed by Portland, and then Eugene. Comments were also received by individuals in 27 other countries. A full list of commenters and their locations is provided at the end of this document.

Summary of Comments Received and the Department's Response

Topic: Water quality and proposed Outstanding Resource Water Designation, Impacts on Agriculture

- *Robert Miller, Del Norte County Farm Bureau* – Opposes rule.
Rule change would prohibit future surface and groundwater allocations. There is no justification for the proposed rule change, the water quality data is insufficient and potentially detrimental to the farming industry and such a rule changes provides fodder for the petitions desired ONRW designation which would result in an increased risk of environmental litigation, which the agricultural industry is not economically or technically capable of defending.

And the mine that was proposed on the North Fork, I assume everyone here in this room is against it, including the Farm Bureau. But it doesn't necessarily mean that all of the unintended consequences that come out of this request and so forth between the ONRW in Oregon and the ONRW in California. All of the other unintended consequences that arise out of ONRW (Outstanding National Resource Water) designations we are not for, we just need to ban the mining.

...the water quality information being presented...is both inadequate in depicting background conditions and incorrect in justifying restrictions on future water allocations for the purpose of protection of a pristine water basin...do not meet several EPA standards for drinking water nor do they meet several other water quality criteria to sustain species...the basin is rich in serpentine soils, which contain high levels of magnesium and concentrations of heavy metals...

- *Ryan McCarthy, Coos-Curry Farm Bureau and Robert Miller, Del Norte Farm Bureau* – Opposes rule.
Lack of process, notification, technical analysis to support such an action and seemingly lack of consideration of the future impact of such a designation on the agricultural industry. Repetitive analysis of the petitioner's data without the consideration of any downstream impacts on the proposed water allocation restrictions. Focus is to gain momentum on the California side for designation of Outstanding National Resource Water and on the Oregon side for an Outstanding Resource Waters. Such a designation is unjustified...scientifically unfounded and supports the underhanded objectives by the petition for support towards their desired designation. Agricultural production in Curry County continues to support multiple families... it is imperative that an unbiased technical and economic analysis of the impact of such a rule change be completed...

- *Ryan McCarthy, Coos-Curry Farm Bureau* – Opposes rule.
Objective of the petition has little local support; and is a threat to the local agricultural industry in the entire Smith Basin. Water quality data is insufficient and potentially detrimental to the farming industry.
- *Becky Crockett, Coos-Curry Farm Bureau* – Opposes rule.
This rulemaking is about attempt by a state agency to support the taking of water from citizens in Curry County without compensation or due process. The rule change is proposed to lock up the entire Smith River Basin. The focus is to eliminate the possibility of mining. This rule change will gain momentum to lock up the Smith River Basin. Every government agency, water district, and industry locally in Del Norte County has stated their opposition to the proposal and that for the Outstanding Water Designation which is where this is headed. There has been confusion, they support strip-mining restriction; they do not support Outstanding Resource Waters Designation. I have never seen your agency close a basin over an object of a single use which is being proposed, especially when the basin is not fully appropriated. The justification being used is to strengthen water quality and that's not supported by ODFW. There seems to be a significant policy change for your agency and one that should be of concern to all people of Curry County.

Department Response: There is no agricultural industry in the Smith River basin in Oregon and lands are generally not irrigable in this area. This rulemaking will not affect or take any existing water rights in Oregon, or any new water rights that are proposed outside of the North Fork watershed in Oregon. This rulemaking applies only to the Smith River Watershed in Curry County; it does not impact water rights or potential water rights where the point of diversion is located in California. The appropriation and use of water downstream in California is subject to the jurisdiction of the State of California and this rulemaking does not impede or change that authority. There is no economic impact on the agricultural industry as a result of the Department's proposed classification. See Attachment 1 for further information on potential beneficial uses as well as water quality.

Commenters stated that additional review of the basin was needed. While the petition provided substantial information on the watershed, supplemented by the Statement of Need and Proposed Rulemaking, the Department has undertaken additional review and study of the watershed, generating its own report as suggested by the commenters. See Attachment 1.

Commenters believe that this rulemaking will be used as evidence in support of establishing an Outstanding Resource Water in Oregon or an Outstanding National Resource Water in California; however, those proposals and any associated impacts of such proposals are a separate matter under the jurisdiction of separate departments and commissions. Furthermore, the Environmental Quality Commission adopted its rules establishing the Smith River as an Outstanding Resource Water at its July 2017 meeting.

Topic: Lack of Process

- *Coos-Curry Farm Bureau, and Del Norte Farm Bureau* – Opposes rule.
...Please consider that many families involved in agricultural production in the Smith River basin are economically challenged and find it difficult to understand the complexities of the documentation and make time to engage in a process...For this reason, we respectfully request that any future discussions or considerations related to water allocation rule changes recognize the need to accommodate the local agricultural interests as a marginalized population and subject to environmental justice considerations. This should include ample local opportunities for landowners to interface with water quality staff...Your staff provided only one opportunity for a select group for specially invited participants to engage in a discussion regarding the proposed rules...

Department Response: Note that the Department does not have water quality staff, as water quality is addressed by the Oregon Department of Environmental Quality (DEQ). It is unclear if this comment was intended for DEQ's rulemaking. The Department reached out to find a local agricultural producer to participate on the Rules Advisory Committee, as well as a state Oregon Farm Bureau employee. Ultimately, the local participant became ill the day of the RAC meeting. However, RAC members also had the opportunity to provide input

after the RAC meeting. Agricultural producers also had the opportunity to provide written comments during the public comment period, as well as oral comments at the public hearing in the basin. Agricultural producers provided comment at the public hearing. Curry County also requested that the public comment period be extended, so that the County could hear from the public on the proposal as well, before they provided input supporting the proposal. The Department extended the comment deadline to enable this process to occur. The Department, however, appreciates this feedback and will keep this in mind for future rulemakings.

Topic: Fish Data

- Rich Angstrom, Oregon Mining Association – Opposes rule.
ODFW stated that the area does not contain any salmonids.

Department Response: The Department confirmed with ODFW that there are several types of fish species, including salmonids, within the Smith River watershed in Oregon. Other agencies have also documented fish species. See Attachment 1 for further information on fisheries.

Topic: Intended to stop a single proposed mining operation / Other Work

- Rich Angstrom, Oregon Mining Association– Opposes rule.
The BLM is considering a broader mineral withdrawal, which will encompass the area proposed in the rule. OMA’s position is that OWRD should let the BLM public process play-out before making a decision on the rule. If the mineral withdrawal is approved, this rulemaking is moot.

Department Response: At the time of this comment in 2016, a mineral withdrawal was proposed for the area, but no action had been taken. The proposed withdrawal that is the subject of comments was in addition to other existing mineral withdrawals in the watershed as outlined in Attachment 1. On January 12, 2017, the Assistant Secretary for Land and Minerals Management signed a public land order for a 20-year mineral withdrawal in this area, withdrawing the lands from settlement, sale, location, and entry under public land laws, location and entry under the U.S. mining laws, and operation of the mineral and geothermal leasing laws. The order is subject to valid existing rights, meaning that the action prohibits the location of new mining claims, but does not prohibit ongoing or future mining exploration or extraction operations on existing valid claims.

Classifications should consider the practical uses within a basin, including policies of the federal property owner. OAR 690-410-0070(2)(j) states that, “When classifying allowable new uses of water or establishing reservations, the Commission shall seek consistency with management plans for public lands and resources...” In addition, the Commission’s policy in OAR 690-410-0050(1), states that “The water-related functions of riparian areas on public lands shall be protected. On public lands, management activities in riparian areas shall be planned to maintain or improve riparian conditions that support water-related functions, consistent with the constitutional or statutory purposes of the public land.” The proposed rules are consistent with stated federal priorities for management of this watershed, including but not limited to the most recent mineral withdrawal, as well as the federal Wild and Scenic River designation. See Attachment 1 for further information on existing federal protections and land management. The federal policy of preserving the watershed in its natural condition supports a finding that public instream uses are the highest and best uses of water in the watershed. See discussion in this document and Attachment 1 for more information on classifications and rationale.

Topic: Agency should use withdrawal statute

- Mary Anne Nash – Oregon Farm Bureau, Jerome Rosa – Oregon Cattlemen’s Association, and April Snell – Oregon Water Resources Congress. Opposes rule.
 - The statute sets forth a separate process for withdrawing unappropriated waters from appropriation that would result in a final order issued by the Department. While we understand the Department believes this process would be inefficient and difficult to use at the subbasin or basin level, it does not change the fact that there is a procedure set forth in law for the department to use in closing a basin, and the Department has chosen not to follow it. The method chosen is important, as a final order would move through an entirely different appeals process than a rulemaking should the decision of the Department be appealed.

- The basin program rules were never intended to be used to close a basin to appropriations. The program statutes were never intended to be used for this purpose and are not the statutory means of withdrawing or closing a basin to further appropriation.

Department Response: The Commission is authorized to restrictively classify the waters of the Smith Basin. Pursuant to ORS 536.300(2), the Water Resources Commission, may, “by a water resources statement” in basin program rules, “classify and reclassify waters” for the “highest and best use” of these waters in aid of “an integrated and balanced program for the benefit of the state as a whole...Classification or reclassification of sources of water supply...has the effect of restricting the use and quantities of uses...and no other uses...except as approved by the commission under ORS 536.370 to 536.390, or as accepted by the Commission under ORS 536.295” (ORS 536.340(1)(a)).

Based on these authorities, it is the Department’s position that the Commission may classify streams, drainage areas, and other water bodies for limited, specific future uses. In this case, the proposed basin program amendment classifies the surface and ground waters of the Smith River watershed to specific limited uses such as human consumption, livestock, and instream public uses, including recreation, pollution abatement, fish life, and wildlife uses. For groundwater, the proposed classification allows for exempt ground water use under ORS 537.545(1), including, but not limited to, single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and any single industrial or commercial use not exceeding 5,000 gallons per day. The proposed classification allows certain uses of water that are determined to be the highest and best uses, rather than prohibiting any further appropriation and use of the waterways in the Smith River watershed. The Department’s analysis of the highest and best uses in the watershed is outlined in more detail in Attachment 1. Note that in addition to these uses, there are other uses and water use authorizations to which basin classifications do not apply (see ORS 537.141, ORS 537.409, etc.).

The classification through rulemaking is the appropriate mechanism, versus a withdrawal order. The classification process does not close out the basin because the rules: (1) restrict rather than prohibit any future water use; (2) allow for new permits for water for instream water rights, human consumption and livestock from surface waters; (3) allow for exempt groundwater uses; and (4) allow for the Commission to consider new uses that are not classified as authorized under ORS 536.295. Furthermore, the classification process is preferred as it requires more analysis through the rulemaking procedures, as well as the requirement to consider ORS 536.310. While it may have been the intent of the petitioners to withdraw the basin from further appropriation via a withdrawal order, the Commission instead directed the agency to proceed with rulemaking for a basin program classification.

Topic: The proposed rules do not meet the standards set forth in the statutes governing basin program rule development.

- Mary Anne Nash – Oregon Farm Bureau, Jerome Rosa – Oregon Cattlemen’s Association, and April Snell – Oregon Water Resources Congress. Opposes rule.
The Department has also failed to study this basin as required by law before adopting these amendments. The proposed rules do not meet the standards set forth in the statutes governing basin program rule development. There were no studies to demonstrate that this furthers the use of waters for all beneficial purposes and for the maximum economic development and benefit of the state as a whole.
- Rich Angstrom, Oregon Mining Association – Opposes rule.
OWRD has a process to follow when assessing the need to withdraw a basin from seeking a water right. In this case, there have been no studies conducted assessing the availability of surface or groundwater for any use, including instream uses. WRD stated that the agency has not assessed the quantity of water that may be available for appropriate from either surface or groundwater sources.

Department’s Response: The foundational study for the South Coast Basin was completed in January 1963. This study included a general survey of the physical factors, the economic factors, as well as groundwater, surface water, water use, water control, and general water resources development potential. The North Fork Smith River, while not studied in depth, was included in this report. For example, the report shows that the Smith River watershed does not have irrigable lands, the geology is likely to result in poor yielding aquifers, and, at that time, one water right existed in the Smith River subbasin. In addition, the petitioners that prompted

this rulemaking provided a substantial amount of information and references including several other sources of data, which are also part of the record for this rulemaking. In addition, a recent report by the US Forest Service and Bureau of Land Management studied the proposed mineral withdrawal. It is the Department's position that there is no particular form that the "studies" that must accompany a classification or a reclassification of surface water must take. Regardless, the Department has generated its own report on this subbasin in Attachment 1. The attachment builds on the information provided in the original basin report, as well as reviews many of the original sources of information that were cited by the petitioners, and the US Forest Service. In addition, the Department has incorporated information from field investigations by staff and other sources. The report also assesses the rulemaking in the context of the state's water resources policies outlined in ORS 536.310.

Topic: Instream water rights were created to protect water instream

- Mary Anne Nash – Oregon Farm Bureau, Jerome Rosa – Oregon Cattlemen's Association, and April Snell – Oregon Water Resources Congress. Opposes rule.
 - To achieve this goal, the Department proposes to close the basin to all non-exempt consumptive uses, essentially creating a new instream water right with all the water in the subbasin. Furthermore the proposed rules create a significant new de facto instream water right in Oregon without following the process mandated under Oregon Water Law.
 - The proposed rules conflict with the basin program statutes and Oregon's Instream water rights program and are outside the scope of the authority of the Oregon Water Resources Department. Rules reflect a significant expansion of the Department's use of its basin program rules."
 - The rule does not promote the use of water for all beneficial purposes, but favors instream purposes over potential other beneficial uses.
 - It does not conserve supplies for other beneficial uses, as it prohibits any non-exempt consumptive beneficial uses. Proposed rulemaking prohibits multiple uses from being developed within the basin and does not meet the standards set forth in the basin planning rules.
 - The Department has circumvented the instream water rights process in favor of a more simple rulemaking. The Department must ensure that water protected instream is developed using the vehicles prescribed by Oregon law for creation of instream water rights. Given that the formal instream water rights process has not been followed, the Department cannot create a new de facto instream water right through rulemaking. The Department should not allow the Department to circumvent the process for creating new instream water rights and should not adopt the proposed rules.
 - This represents a significant shift in the use of the basin program rules, circumvents the process for protecting water instream, and exceeds the scope of the agency's authority. Instream water rights were created to enable the state to protect water instream.
 - The instream water rights process would be circumvented in favor of a more simple rulemaking.
- Rich Angstrom, Oregon Mining Association – Opposes rule. Moreover, the Oregon Department of Fish and Wildlife, the Department of Environmental Quality, and State Parks have a defined process in law to seek instream water rights for valuable fish and wildlife resources or water quality purposes. None of those agencies have sought an instream water right!
- Lisa Brown, WaterWatch of Oregon – Supports rule. Some have also incorrectly asserted that a classification for instream use is improper where there is no instream water right. However, there is no such standard. Basin Program classifications are separate from water rights...Basin Program classifications are designed to guide water right permitting, not the other way around.

Department Response: The purpose of the basin program classifications is to "classify and reclassify waters" for the "highest and best use" of these waters in aid of "an integrated and balanced program for the benefit of the state as a whole." Classified uses are considered as the highest and best use of the waters in a particular basin taking into consideration basin characteristics, land management, identified future uses, water needs for instream flows, and other factors.

The Department disagrees that this rulemaking creates a de-facto instream water right. OAR 690-410-0070(2)(h) provides that the Commission may limit new out-of-stream allocations to protect public uses, where instream flow needs are not protected by instream water rights. The Commission does not “circumvent the process for creating a new instream water rights” in the course of classifying water for uses instream. There is no water protected instream, no priority date assigned, and no water is deducted from water availability. Should a water right be issued for other classified uses, or through the exceptions process, those rights could withdraw water without regard to the instream flows, because no instream water right exists. Classifications are in rules, which can be amended by the Commission; conversely, an instream water right is held in trust for the public and cannot be modified. However, should the Department of Environmental Quality, Department of Fish and Wildlife or the Department of Parks and Recreation subsequently file an application for an instream water right on the waters classified for instream public uses such as recreation, pollution abatement and fish and wildlife uses, the Department could proceed to find that the proposed use is consistent with the basin program because waters have been classified within that program for those uses.

The Department disagrees that the proposed rules represent a significant shift in the use of basin program rules.¹ There are several examples of restrictive classifications in the South Coast Basin program rules.²

The Department has also reviewed other basin program plans and has found that waters were restrictively classified in other basins where basin characteristics and water needs informed the need to identify only certain types of water uses as the highest and best use of the water in the basin. A few examples from other basin programs are included below.

Example 1. The Rogue River Basin Study Report states: “Although Galice and Taylor Creeks have relatively little development in the watersheds, the Oregon Department of Fish and Wildlife felt that certain stream reaches should be protected from potential power development. The stream reaches of concern are the prime spawning areas for anadromous fish. Power development within these reaches could have major adverse impacts on fish life” (p.232).³

Example 2. The Rogue River Basin Study Report states: “The lower Illinois River from the confluence of Deer Creek to the Rogue River has been designated a State Scenic Waterway. Within this area, the Illinois River flows through deep canyons and dense forests. Very little development has occurred and access is limited. Most of the land on either side of the river is National forest land and is managed to protect and enhance the scenic qualities... While existing laws and administrative procedures may protect the scenic waterway from developments which are incompatible with the intended uses, additional measures may be needed to insure that adequate water supplies are provided to this reach of the river. The adoption of the recommended minimum

¹ For example, the Rogue River Basin Study Report from 1985, provides a summary regarding the various tools available to the Commission to protect water for fisheries: “Adoption of minimum perennial streamflows...is one method the Board has to protect and maintain existing levels of anadromous fish runs...Other management procedures available to the Water Policy Review Board to protect or enhance the basin’s fishery potential include withdrawing fully appropriated streams from further appropriation, classifying streams with high fish potential only for water uses having low consumptive demands, or limiting the beneficial use of water only to the high flow months” (Water Resources Department, January 1985, pg. 82).

² See OAR 609-517-0000(2) to (7). For example, subsection 3 classifies all other natural lakes only for domestic, livestock uses, irrigation of lawns and non-commercial gardens, in-lake use for recreation, fish life and wildlife. Subsection 4 classifies Glenn Creek and its tributaries for domestic, livestock uses, irrigation of lawns and non-commercial gardens, fire control and instream uses. Section 7 classifies certain waters of Pony Creek for municipal use only.

³ As suggested, the classifications were carried out in OAR 690-515-0040(1)(a)(H). “To protect, maintain and perpetuate anadromous fish habitat and propagation within the Middle Rogue Basin, the waters of the following stream reaches shall not be diverted, interrupted or appropriated for hydropower development purposes...”

streamflows in conjunction with the proposed classification for domestic and livestock uses may help provide this assurance” (p.275).⁴

Example 3. The 1992 Willamette Basin Report states that one of the implementing actions for the report was to, “Protect headwater streams with instream values from development for out-of-stream use by applying a restrictive classification” (p.173). The Willamette Basin Report, states that water use classifications took into account water availability, as well as proposed instream flow needs. In addition, “The rules also restrictively classify those streams which have important in-stream use values and are located in headwater areas, often on public lands” (p.172). For example, “The Middle Fork Willamette subbasin contains major natural recreation areas. Parts of the Diamond Peak, Waldo Lake, and Three Sisters Wilderness Areas are located here. Given the level and types of uses in the subbasin, it would appear that recreation, fish life, wildlife, and aesthetic values are the highest and best uses for not only scenic waterways, but also for ODFW’s [Oregon Department of Fish and Wildlife] and PRD’s [Parks and Recreation Department] priority streams. Restricting new uses of these streams now would preserve flows to meet instream needs and anticipated instream water right requests” (p. 160).⁵

Topic: Role of Basin Program Rules and Allocation:

- Lisa Brown, WaterWatch of Oregon – Supports rule.
Some have argued that Basin Program classifications cannot be established until waters are fully allocated. That is simply incorrect. First, that would plainly conflict with the purpose of the Basin Programs, as described at OAR 690-500-0010(2), which include classifying waters according to permitted uses and reserving waters for future uses. Neither of those makes sense if classifications can only be made once the water is fully allocated. Second the agency had adopted 19 Basin Programs by rule...replete with examples of classifications of waters that are not fully allocated. The clear purpose and intent of basin planning is to classify waters before those waters are fully allocated.
- Rich Angstrom, Oregon Mining Association – Opposes rule.
WRD stated that there are zero water appropriations in the proposed basin...Closure of a basin is only appropriate when the basin is fully appropriated and no new water rights could practically be granted.

Department’s Response: The Department has confirmed that there are no water appropriations in the basin for surface or groundwater. As noted elsewhere in this document, a classification identifies the highest and best uses of water, and only applies to new applications for water rights. New uses of water may be allowed, provided the proposed use is consistent with the basin classification, or as provided under an exception in ORS 536.295. Because new uses may be allowed, it is clear that a basin classification need not occur only when a basin is fully or even partially appropriated.

Topic: The Department has failed to demonstrate a need for the proposed rule

- Mary Anne Nash – Oregon Farm Bureau, Jerome Rosa – Oregon Cattlemen’s Association, and April Snell – Oregon Water Resources Congress. Opposes rule.
The Department has failed to demonstrate a need for the proposed rule. Oregon law provides that an agency shall include with the notice of intended action, “a statement of the need for the rule and how the rule is intended to meet the need.” The statement does not contain anything proving that the watershed’s current protections – including the current basin rules, are insufficient.
- David Scott – Opposes rule.
Nobody here wants to see mining and nobody wants to see degradation of the water quality. But when you’re doing this rulemaking process, you are sitting up there and saying I am the authority, I am so much smarter than the rest of you, I know what needs to be done in this basin... Most of it is because

⁴ The classifications were carried out in OAR 690-515-0050 (1)(a)(A), “The waters within the Illinois River Scenic Waterway from the confluence with Deer Creek near river mile 47 to the confluence with the Rogue River are classified only for domestic and livestock uses and instream use for recreation, wildlife and fish life...”

⁵ See classifications in OAR 690-502-0060(1)(c)-(e).

just like this regulatory process that has driven people out of business and has caused us to have major economic problems. Like I said none of us want to see the degradation of the water quality or do we want to see a mining company up there but we don't someone to unnecessarily lock something up when there is absolutely no purpose other than a group of people saying they want something protected...

Department Response: The statement of need identifies many of the reasons for this rulemaking. In addition, this staff report and its attachments provide additional information regarding the need for the rule. ORS 536.340 provides that the Water Resources Commission may “classify and reclassify waters” for the “highest and best use” of these waters in aid of “an integrated and balanced program for the benefit of the state as a whole...” This rulemaking will ensure the maximum beneficial use of the waters of the Smith River watershed by maintaining the current public uses of the Smith River watershed, including the habitat, recreational, scenic, and fishery values. The proposed classification will also protect the state's preference and interest in maintaining adequate supplies for human consumption and livestock, protect and preserve the principle of the sovereignty of this state over all the waters within the state, foster streamflows to support aquatic life, minimize pollution, and maintain recreation values. Finally the proposed rules also recognize the economic and recreational asset of fisheries to the state. The proposed classification will also aid in furthering the Commission policy of seeking “consistency with management plans for public lands and resources...” OAR 690-410-0070(2)(j).

All of this area has been protected by the landowner, with many management designations related to its contributions to fisheries, water quality and scenic values, as well as unique habitats(see Attachment 1, discussing Federal Wild and Scenic River, several public land order mineral withdrawals, Roadless Areas, a Key Watershed, Wilderness, and Natural Research Area, etc.). Several of these designations have a management goal of protecting the area in its natural condition, or preventing degradation and improving watershed functions. The proposed rules recognize the fact that the highest and best use of the waters, consistent with the protected status of the land and waters are for instream public uses such as pollution abatement, fisheries, and scenic qualities, as well as for stock and human consumption purposes. Other types of uses may be allowed on a case by case basis, as authorized by the Commission under ORS 536.295. The Water Resources Commission has the authority to reclassify these uses should it determine in the future that the maximum beneficial use and control of these resources would be attained by modifying the authorized uses.

Topic: Multiple Uses

- Mary Anne Nash – Oregon Farm Bureau, Jerome Rosa – Oregon Cattlemen’s Association, and April Snell – Oregon Water Resources Congress. Opposes rule.
The basin program rules contain a presumption that basins should be managed for a variety of uses, and the Department has not overcome that presumption through the record it has created for this rulemaking.
- Curry County Board of Commissioners – Supports rule.
The Board...would however like to caution OWRD and other State Agencies, on their use of broad rulemaking for limiting a single use.
- Rich Angstrom, Oregon Mining Association – Opposes rule.
The proposed rule, by the proponent’s own admission, is intended to stop a single proposed mining operation by restricting the company’s access to water. Closing a basin over concerns of a single use is poor public policy and sets a bad precedent.

Department’s Response: ORS 536.340 provides that the Water Resources Commission may “classify and reclassify waters” for the “highest and best use” of these waters in aid of “an integrated and balanced program for the benefit of the state as a whole...” ORS 536.220 (2)(a) states that the State “shall give proper and adequate consideration to the multiple aspects of the beneficial use and control of such water resources with an impartiality of interest except that designed to best protect and promote the public welfare generally.” ORS 536.340(1)(a) states that the effect of a classification is to restrict the use of water to the uses specified in the classification “and no other uses” may be allowed except as approved by the Commission. As a result, the Commission, may, contrary to commenters’ arguments, classify or reclassify the waters in a basin to specific and limited uses to the exclusion of other uses if it finds that the uses classified are “the highest and best use” of the waters so classified. If only a few types of beneficial use are the highest and best use, the Commission is

authorized to classify waters for only a few particular uses. See discussions elsewhere in this document related to classifications.

While the Commission is required to consider the policies in ORS 536.310 in adopting these rules, it is the Department's position that there is no support for the argument that the Commission must "ensure" that the basin program rules achieve "all of the factors included in ORS 536.310." Instead, the Commission is directed to "take into consideration" the policies in ORS 536.310 as it determines that the classifications made are the "highest and best use" of the waters in "aid of" an integrated and balanced program that benefits the state "as a whole." The Commission's decision, after consideration of the factors in ORS 536.310, to restrict some uses and allow others, is not inconsistent with the standards and policies in ORS 536.310.

Topic: Support Rules but Remove Livestock as a Classified Use

- Gordon Lyford – The watershed has no grazing leases or grazing allotments, and the soils are not suitable for grazing. In addition, the US Forest Service is unlikely to approve any grazing in the watershed because it would be in direct conflict with the interagency botanical conservation agreement of 2007.
- Grant Werschull – Smith River Alliance – ...remove or at least clarify the term "livestock" in the context of livestock watering. If not deleted entirely, such a use of water should be limited to the watering of occasional or accessory livestock to human consumption and needs rather than large scale livestock grazing...
- Petitioners of Water Withdrawal – Livestock watering, subject to certain conditions, is already identified as an exempt surface water use. ORS 537.141(1)(f). Therefore, we recommend removing "livestock" as a classified use, or at a minimum describing that use as "livestock watering"... We note that there is not now, nor is there likely to be in the future, any grazing in the area.
- Eileen Cooper – Livestock grazing should be omitted, as there are no agricultural livestock lands.
- Thomas O'Keefe and Megan Hooker, American Whitewater – ...The proposed rule adds "livestock" as an allowed surface water use, and that livestock watering is already listed as an exempt surface water use. We recommend that the Commission remove this as a classified use.

Department Response: Commenters are correct that, for groundwater, livestock watering is already an exempt use under 537.545. It is also an exempt use, in some circumstances, under 537.141(1)(f). Since, this statute is not applicable to all scenarios the Department recommends retaining livestock use in the surface water classification. Comments request that stock watering be removed from the proposed rule as grazing is an unlikely use in this area. However, even if that may be the case, the Department believes that stock watering and human consumption uses are appropriate to maintain as an authorized use, in the event that the land management agencies seek to develop water sources for recreational use in the area. Furthermore, recognition of use for livestock is consistent with water use preferences provided in ORS 536.310(12). The Department did not change to "livestock watering" as the current approach is consistent with other basin program rules. See Attachment 1 for more discussion on livestock.

Topic: Support Rules but want further Restrictions

- Grant Werschull, Smith River Alliance, Letter from 21 Conservation Groups, and Thomas O'Keefe and Megan Hooker, American Whitewater – "Because the rule would continue to allow exempt groundwater uses, we are hopeful that a future effort by the Department and Water Resources Commission can also place appropriate restrictions on those uses."

Department Response: The Department did not include a restriction on exempt groundwater uses in the proposed uses because the Department has not identified a need for, or sufficient evidence to support undertaking such action. Exempt ground water uses include, but are not limited to, domestic use of up to 15,000 gallons per day, livestock use, and commercial/industrial use of up to 5,000 gallons per day.

Topic: Support and Reasons for the Rulemaking

There were 2,169 written comments and 33 oral comments in support of the proposed rule changes. Most of the written comments appeared to be form letters (estimated 2,140), with approximately 305 from anglers, 93 from

rafters, and the remaining primarily two other types of form letters. Public support included the following themes, some comments have been excerpted below as further examples:

- Public Interest: Rule would protect the public interest.
 - Rule would promote the welfare and quality of life of all Oregonians who live, work, and play along America's Wild River's Coast.
- National and State Parks downstream:
 - The North Fork flows into California through Redwood National Park and Jedidiah Smith Redwood State Park, which were set aside to protect the forest and rivers for enjoyment of the people, including for scenic, scientific, recreational, and resources of the area. This is a World Heritage Site.
 - ...the health of the entire Smith River system is critical to the maintenance of exceptional water quality which supports the anadromous fishery...Rulemaking to classify groundwater and surface waters of Smith River Watershed in Curry County will provide additional protection of the significant resources and values of the Smith River in Redwood National and State Parks downstream of the Oregon/California boundary.
 - Protection of the superb water quality, the associated anadromous fishery, and recreational resources and the scenic values along the Smith River, and the opportunities for public enjoyment of these resources and values are mandated under the Organic Act of 1916, the General Authorities Act of 1970, the Redwood National Park enabling and expansion legislation, and the National Wild and Scenic Rivers Act, as well as the Declaration of Purpose for Jedediah Smith Redwoods State Park.
- Wild and Scenic River:
 - The North Fork of the Smith River is a National Wild and Scenic River because of its contributions to water quality, fisheries, and scenic values.
 - The Forest Service found that Baldface Creek is eligible for inclusion in the Wild and Scenic River system.
- Fisheries:
 - Mining and Fish:
 - "The mineral withdrawal is needed because the Service believes that mining activities are incompatible with the high resource values of this bioregion and do not align with the conservation of Federal trust species which the Service is entrusted to protect and conserve...Salmonid strongholds, including ESA listed Coho salmon and nationally significant Wild and Scenic Rivers, occur with the mineral withdrawal area. Pacific lamprey, a service species of Concern, also occurs throughout the proposed withdrawal area. Major threats to lamprey include poor water quality, dredging, and stream and floodplain degradation, all of which are consequences of inappropriate mining methods. The Service, along with other federal agencies, has spent considerable time and resources in developing best management practices for lamprey because the immediate need for conservation is evident. Withdrawing this area from mining will provide needed long-term habitat conservation benefits to lamprey and native freshwater resident fishes while simultaneously benefitting anadromous salmonid species (US Dept. of Interior, Fish and Wildlife Service letter).
 - The Department is concerned that large scale industrial strip mining proposed in Oregon will have significant irreversible downstream effects on the Smith River. Because of the documented substantial environmental risks to aquatic resources associated with strip mining, the Department is strongly opposed to strip mining in the Smith River watershed. Classification of groundwater and surface water...would strengthen the protections of the river as a State and National Wild and Scenic River (CA Department of Fish and Wildlife).
 - Fish abundance and diversity:

- Biologists have done stream surveys and they are surprised to find fish, where they wouldn't expect: Coho in the upper reaches, cutthroat in small tributaries.
- In Baldface Creek, we found Juvenile salmonids, including steelhead and Coho. Lots of Coho and I can see why. It's clear, cold, and the ecological functions still exist up there. There is very limited human impact, if any at all.
- Fish Habitat:
 - The federally listed Coho salmon rely on these cold water habitats these tributaries provide. In order to protect and recover these species these spawning habitats needs to be protected.
 - About all our streams have fish, but few of them have the same component and habitat conditions they did 150 years ago before we showed up on the scene. The North Fork has what we call reference conditions, so it gives us a measuring stick so we can see where we are with other streams as compared with habitat and fisheries in the Smith River... this gives us a little glimpse of back in the past before we altered streams and fisheries in our area...
 - The North Fork Smith in Oregon also plays an important role in supporting salmonid species that migrate throughout the lower Smith River in California. The 2008 U.C. Davis report, "Salmon, Steelhead and Trout in California, Status of an Emblematic Fauna," recognizes the Smith River as one of the state's few salmon strongholds. As such, the Department's action to classify the waters of the North Fork Smith for instream uses, such as fish life, safeguards ongoing efforts to ensure the long-term viability of native salmonid species...
 - Anadromous fishery requires clean and abundant water. The link between clean and uncontaminated water and healthy fish populations is undisputable.
 - Additionally, the Forest Service recognizes the North Fork Smith as a "Tier-One Key Watershed" intended to serve as refugia for at-risk fish populations, particularly in the short term, to provide sources of high-quality water to provide for the greatest potential for restoration.
- Water Quality:
 - Needed for fisheries, recreation, drinking.
 - So when I came to the Smith, I was in awe with its quality, not only the recreational opportunities but also the water quality as well.
- Local economy/Tourism/Recreation:
 - My father commercially fished out of Crescent City for 25 years and he quit doing that in 1972 when he realized there was a major decline of salmon taking place and he could no longer make a living on the salmon. The Friends of Del Norte was formed about 43 years ago, in 1973 in a large part to fight to protect fishery habitat and keep the salmon and steelhead runs vibrant and to protect the pristine waters of the Smith River.
 - The Board recognizes that the Watershed has abundant economical, recreational, and environmental benefits to the citizens of both Curry County and Del Norte County...The Board...agrees that protecting this watershed is in the best interest of our respective residents (Curry County Board of Commissioners).
 - In our two-state region at the border of Oregon and California...economic benefit and environmental quality go hand in hand...The Smith River in Oregon flows from rugged and remote public lands...that provides habitat for abundant and diverse populations of winter steelhead, fall chinook, rainbow trout and cutthroat trout. Excellent salmon habitat in Oregon supports a robust fishery downstream, just south of the border in California...serves as a potent magnet that draw anglers from afar to fish. Our local Oregon-based fishing guides often cross the border to fish the lower reach of the Smith in California. The economic value of the sport fishery to our county was last studied by the Oregon Department of Fish and Wildlife and Travel Oregon in 2008, and the

resulting report indicated that fishing generated more than \$9.3 million in travel-generated expenditures in Curry County alone...

- Rules will protect the existing beneficial water uses and preserve the status quo of the local economy, which depends on cool, clean, fresh waters of the North Fork Smith River and its tributaries for the instream public uses such as recreation, fish life, and wildlife. The recreational uses include fishing, swimming, hiking, hunting, camping, kayaking, and rafting.
- In addition to our members who recreate on these rivers for personal enjoyment, several of our members have businesses based on the rivers directly within the Smith River watershed. The North Fork and its tributaries are legendary among river runners for the outstanding whitewater experiences they provide, which includes high quality whitewater, exceptionally pure water quality, opportunities for backcountry exploration, nationally significant botanical values, and pristine and critical habitat for Fall Chinook, steelhead, sea-run cutthroat trout, resident rainbow and threatened Southern Oregon Northern California Coast Coho (American Whitewater).
- ...viability of my business relies on clean, cold flowing water for my fishing service, and kayak/raft shuttle service on the Smith River. People come from all over come to float the river. It's an internationally acclaimed heritage site. The pristine, clean river helps the whole region to attract tourist and recreational visitors. Visitors rely on recreation in the Smith River for rafting or fishing, want to keep it pristine, and not have things like strip mining destroy it.
- I have a personal interest, business interest, I run a fishing Service on the Smith River and various other rivers in the county, and I have conducted this business since 1979 on the Smith. My vitality or viability of my business relies on clean, cold flowing water for wild Chinook and steelhead and cutthroat and the other fish that interface with those fish. I have many clients that enjoyed doing trips with me... it's been a...economic driver for me to be able to stay in Curry County.
- ...visitors rely on recreation in the Smith River, whether its rafting or fishing, we feel very strongly about keeping the Smith River pristine and not having things like strip mining ultimately destroy what we have here...
- Co-owner of Redwood Rides, which is an adventure outfitter based business in Crescent City, California, which operates primarily on the Smith River in California, with 95 percent of our trips downstream of Oregon North Fork Smith River... The Smith River is our livelihood by providing guided eco kayak tours. The Smith River helps us to create a sustainable economic boost for our company and its employees, plus local lodging, restaurants and other parts of the local tourism industry. We entertain destination travelers who specifically come to Redwood Rides Smith River tours, in addition to national and international Redwood Parks' visitors. The unique geology and botanical diversity of the North Fork Smith River Basin is a fantastic tourist resource that needs protection. Oregon's North Fork Smith River is upstream from the ancient Redwood groves of the Jedediah Smith Redwood state park where we take most of our tours...We want the opportunity to offer these experiences to our guests with the cold, clear waters of the North Fork Smith River.
- Attracts anglers, and tourists, hiking to see the remarkable, rare wetlands and plants.
- Ever since the designation of the Smith River as a National Recreation Area, there has been a draw of people to the area to enjoy the environmental, fishing and recreational opportunities available by the Smith River... They are camping there, they are recreating there, and they are enjoying the river. They are coming there because of the environmental quality of the river. Anything that changes or jeopardizes the water, I think would affect the people's perception of this River. It is a pristine environmentally protected area and I think it would adversely affect tourism and economy. Secondly, I am aware that there has been a substantial investment of time, effort and money to protect fisheries on the Smith River, and these rules...protect the flow and the environmental quality of the water on the Smith River...So to fail to adopt this would jeopardize every substantial investment that we have made, in time and money, to protect the fisheries and the environmental quality of the Smith River
- The North Fork is only about 90 square miles on the Oregon side...[the rules] will protect the status quo of the local economy. There are no arable lands, so the rule will not harm farming. In fact

protecting the North Fork Smith River Watershed will protect all downstream users including the farms and ranches on the coastal plains. I reviewed all the 53 soil types in the basin and from the Soil Conservation Report, and there are no lands suitable for grazing, and most of the cattle in the counties of Del Norte and Curry are on the coastal plain. Protecting the watershed in the upper reaches will protect all the downstream users. The watershed is a late season successional reserve, so there is no impact on logging and the rule would protect recreation, drinking water, fish life such as the threatened Coho. In the little town of O'Brien where I live, there is an occasional jeep trip which is permitted by the Forest Service. They go into Sourdough Camp, so O'Brien benefits economically from the Jeep ride like on Fathers' Day, Mothers' Day, 4th of July, etc. The little town of O'Brien has a grocery store, and McGrew Restaurant; so they fuel up there and get supplies. So there is already an economic benefit from the status quo...

- Draws whitewater enthusiasts – swimming, kayaking and rafting. High quality water and pristine environment. Fish guides, outdoor recreation guides and outdoor recreationalists. Existing uses that are already happening in the watershed and it's just going to help maintain the economic viability of the citizens and business down river. Kayak rental company relies on water quality and quantity in the Smith River provided by this upper watershed.
- The pristine waters of the Smith River and its tributaries..." brings visitors, which "benefits the communities, fishing and recreation guides, commercial fishermen, hotels, restaurants, and other business of America's Wild Rivers Coast..."
- A few years back I had the privilege with some friends, I hiked my hard-shell Kayak into Oregon a section of the North Fork Smith and it's unlike the California side. It is pristine, with ferns very narrow canyon and heavily depends on instream water flows to recreate on.

○ Prevent Mining:

- Concern about them "putting their toxic waste into the river from their mining company, while they are employing everyone from this area."
- My experience has been pollution inevitably accompanies mining.
- I look at mining tailing situation, a hard rock tailing situation and engineering wise are the same. You have to protect the mining spoils from the infiltration of rain water to protect the ground water and ultimately protect the instream flow from devastating pollution. So, I don't think when you look long term 100 years down the road, I don't think there is an engineering solution. Engineers will tell you there is, but I have cleaned up too many of their mistakes.
- The [California] Department [of Fish and Wildlife] is concerned that large scale industrial strip mining proposed in Oregon will have significant irreversible downstream effects on the Smith River. Because of documented substantial environmental risks associated with strip mining, the Department is strongly opposed to strip mining in the Smith river watershed."

○ Social values: Lifeblood of California. Love the river. Value the river. Remarkable, special river.

○ Protecting Drinking Water and Concerns about Mining:

- Drinking water for the public in California. Classification protects drinking water.
- As an Association which gets its water from the North Fork of the Smith River we are passionately interested in maintaining the purity of the North Fork. My experience has been pollution inevitably accompanies mining.
- County of Del Norte County - The majority of Del Norte County's approximately 28,000 residents receive their drinking water from the Smith River.
- Gasquet Community Services District: Our service district provides drinking water to approximately 300 residents in Gasquet, California. Presently, the water we distribute to our customers is of the highest quality, and this is critically important to our community. Our service district is small and we could not afford additional treatment costs if mining waste and related activities polluted the water...Recent mine accidents in British Columbia and Colorado have polluted rivers that used to provide clean drinking water...

- The only water source for the town of Gasquet, California is the Smith River, it is our drinking water, and it was a major factor in my decision to move there. Water from the Smith River has proven to be one of the last cleanest purest surface water in the world. Do not violate the watershed of this river with leaching slag, tailings of chemicals from a new heavy metal mine. This puts at risk the health of our people, the children of the people, and future children of the people....
 - Elk Valley Tribal Council: Historically, those waters supplied the villages of our ancestors and today provide drinking water to our people and the surrounding community.
 - The Big Rock Community Services District...relies upon the Smith River for its municipal water supply. Water quality and protection of this precious resource are top priorities for Hiouchi's residents, business owners and the many thousands of tourists who visit this area every year."
 - Protecting Plants/Animals and Concerns about Mining:
 - Sustains Rare Plants, unique aquatic and wetland communities. Unique geology and botanical diversity.
 - Aquifers, wetlands, and water ways must remain uncontaminated for water is essential for life. We must preserve wildlands, and protect the plants and animals native to each place. It is not worth polluting one of the last pure wild rivers for nickel. Stop this project before it starts to preclude likely and irreparable damage to the Smith River drainage.
 - Mining poses risk to fish, birds, frogs, salamanders, and other creatures that populate the ecosystem.
 - The Smith River watershed within Curry County, Oregon is an extraordinary place located within the Klamath-Siskiyou Mountain Province – a unique region of high biological diversity and great national significance...
 - US Dept. of Interior, Fish and Wildlife Service: The Klamath-Siskiyou (K-S) bioregion has long been recognized as an important ecoregion not only nationally but globally as well (see World Wildlife Fund and International Union for the Conservation of Nature). The K-S bioregion is an expression of its biological diversity and unique evolutionary history. Because of these unique factors, it hosts some of the most productive salmon and steelhead fisheries outside of Alaska; is home to the largest concentration of Wild and Scenic Rivers in the nation; has some of the largest-contiguous acreage of forest on the West Coast; and provides habitat for 3,500 plant species of which 280 are rare or endemic.
 - I believe it is our civic duty to preserve this natural gem for future generations and to protect it from foreign interest groups who would prefer to squander the resources for a quick profit. There are many species of flora and fauna, some endemic and some endangered that rely on this river system for sustenance. Aside from threatened plants and animals, it is also important to remember that so many of us live downstream of these headwaters. What happens up there, happens to us all.
 - Department Mission: This fits with mission of the department to restore and protect streamflows in order to ensure long-term sustainability.
 - Streams are Over-Appropriated in California:
 - The watershed downstream is already over-appropriated:
 - This drought year exhibits the crises, between the Crescent City intake and the diversions on the Smith River plains; hardly any water gets to the estuary at all. So we need more water in the river not less. The fact that so little water in late summer gets into the estuary means the estuary is greatly impaired.
 - Place/Local Culture - Family has this legacy of loving our natural places. This echoes people in Curry County. We have a culture of place here that is unique compared to anywhere else in the world. We label ourselves as the Wild Rivers Coast for a reason; we have more undammed rivers than anywhere else in North America which makes us a really special place. Most people I think unite around culture geography, food sometimes, music perhaps where their families are from. People in Curry County our culture is a culture of place and a love of the wild places where we live and that to me is the back bone of why everyone is here tonight expressing their feelings about how important it is to keep these places wild.

- Land Ownership/No Private Lands/Competing Uses
 - ... and then I want to add that I don't believe there are any private lands in the remote Oregon portion of this watershed and no competing water uses, the vast majority of the watershed lies on forest service lands that include the Kalmiopsis Wilderness and two inventoried Roadless Areas and a Research Natural area.
 - The Smith river watershed in Oregon encompasses approximately 59,200 acres...555 acres of Oregon Common School Trust lands, remaining lies entirely within Rogue River Siskiyou National Forest. In Oregon, 88 percent of the river's watershed lies within the Kalmiopsis Wilderness and two U.S. Forest Service Inventoried Roadless Areas. Because of the remote and rugged setting of the watershed in Oregon, with 99% of the area on U.S. Forest Service land and with no private land, there is no land base giving rise to any typical competing water uses...
- Climate Change - We need to maintain the health of the fresh water as climate change is occurring and is going to greatly affect our water so maintaining that healthy safe water is going to become critical.
- Protects Agriculture Downstream/Doesn't Impact Oregon Agriculture:
 - But if the Smith River is degraded then the dairy farmers, bulb farmers, vegetable farmers of Del Norte County will not have fresh water to pump onto their crops, the fields and I think that's very significant. I also want to clarify that seems to be a major confusion. I do not see how the Coos-Curry Farm Bureau and members there even possible rely on the Smith River water to grow their crops and to farm their land. And, also, you are talking about the headwaters of the Smith River not the Smith River Basin which was alluded to earlier.
 - In regards to the farmers, I don't know what they are worried about, I think there is a lot of speculation going on that you could shut their farms down or what not...
- Need to Protect Groundwater [All comments from Barbara Ullian: see letter for comments in full and citations]
 - Both surface and ground water are critical to protecting the nationally outstanding water quality, fisheries, and scenic values of the National Wild and Scenic North Fork Smith River and the listed beneficial uses. This includes the Smith River's role in providing clean, clear drinking water to the majority of the population of Del Norte, California. Scientists, land managers and the public are increasingly cognizant that ground and surface water resources are intimately intertwined... "development of either...affects the quantity and quality of the other..."
 - We wrote in the petition about a study that was done in the North Fork Smith river Watershed for the proposed Gasquet Mountain mine...[describing] how in late summer, stream flows in the study area are fed by deep groundwater drainage and exhibit little fluctuation from year to year...
 - ...water quality was maintained by ground water input. This was particularly evident in Taylor Creek with the presences of large *Darlingtonia* fens that provided cold water to a stream...
 - [As discussed in the original petition...The] unique hydrogeologic setting with a groundwater regime that exerts a positive and crucial influence on the water quality and quantity of the river and its tributaries. Groundwater helps maintain stream flow and low water temperatures through the input of numerous seeps and springs found along the river and its tributaries. Many of these springs form globally rare serpentine *Darlingtonia* wetlands... The area's relatively low elevation means late spring, summer and fall stream flows are entirely dependent on water sources other than snow melt. From April through July, stream flows fed by shallow groundwater sources remain high despite the decrease in precipitation. In late summer stream flow is low but remains relatively constant from year, to year. These characteristics indicate a stream system fed by and dependent on groundwater...
 - Test wells for the proposed Gasquet mine suggest that the area is underlain by three hydrogeologic components [References three, which identify aquifers up to around 160 feet deep or more. Also, discusses geology in more depth. Notes complexity of the aquifer. Reports similar findings of groundwater discharging and supporting springs and wetlands.]
 - Notes Serpentine Fen Agreement and the impact of changes in hydrology on these habitats.

Department Response: Thank you for your comments. These comments have been added to the rulemaking record. The comments generally support the Department's findings regarding the watershed, and some comments add additional information. No modifications were made to the proposed rules as a result of these comments. The Department notes that it is the policy of the state that classifications consider policy statements in ORS 536.310, including the statement in subsection 10, which states that "It is of paramount importance in all cooperative programs that the principle of the sovereignty of this state over all the waters within the state be protected and preserved, and such cooperation by the commission shall be designed so as to reinforce and strengthen state control." This rulemaking is consistent with protecting the Oregon's sovereignty over its waters, and as such, the Department makes no determinations related to the availability of water or quality of water downstream within the jurisdiction of California. See Attachment 1 for more information.

List of Public Comments Received

Note: This table includes a list of all of the public comments received. Where a number in parenthesis (#) is included next to an individual’s name, the Department flagged this as a potential duplicate of the same comment and same name, and only included it once on the list of comments. In instances where the same form letter was submitted with the same name, but one included a location and the other did not, staff did not note this as a duplicate. Instead, this was noted in the column “multiple written comments.” The “multiple comments” column is checked when multiple comments were submitted by what appears to be the same individual as follows: (1) two different form letters were submitted, but same name and location; or (2) the same form letter and same name were submitted, but with slightly different location information or no location information for one of the two comments. Based on this approach, it is estimated that likely one hundred and twenty-two individual submitted “multiple comments.” In addition, the multiple comments box is not checked if the person submitted individual comments and then signed on to another letter or petition from several commenters, or if the individual also provided oral comments; these are listed in the table separately as well.

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
AK	Ed Czech		Hope	Support	N		Written
AK	Eric Booton		Anchorage	Support	N		Written
AK	Greg and Carole Demers		Anchor Point	Support	N		Written
AK	Jennifer Weis		Anchorage	Support	N		Written
AK	Lisa Byers		Yakutat	Support	N		Written
AK	Michele Cornelius		Homer	Support	N		Written
AL	Jennifer Green		Mobile	Support	N		Written
AL	Karen Neubauer		Huntsville	Support	N		Written
AL	Sandra Arapoudis (2)		Rhodos	Support	N		Written
AR	Dustin Sahlmann		Alexander	Support	N		Written
AR	Irene Huskisson		Springdale	Support	N		Written
Australia	Adam Ostler		Adelaide	Support	N		Written
Australia	Caroline Williams		Sydney	Support	N		Written
Australia	Judy Rees		Glenalta	Support	N		Written
Australia	Karl Mortimer		Adelaide	Support	N		Written
Australia	Nic Passmore		Melbourne	Support	N		Written
Australia	Peter Cummins		Cairns	Support	N		Written
Australia	R. Soxsmith		Canberra	Support	N		Written
Austria	Elisabeth Bechmann		St. Poelten	Support	N	x	Written
Austria	Elisabeth Bechmann		St. Poelten	Support	N		Written
AZ	Albert Bechtel		Green Valley	Support	N		Written
AZ	Dianne Douglas		Phoenix	Support	N		Written
AZ	Dianne Douglas		Phoenix	Support	N	x	Written
AZ	Douglas Rohn		Tucson	Support	N	x	Written
AZ	Ed Roeseborough		Scottsdale	Support	N		Written
AZ	Emilia Boccagna		Catanzaro	Support	N		Written
AZ	Janet Chase		Sedona	Support	N		Written
AZ	Linda Bescrypt		Tucson	Support	N	x	Written
AZ	Linda Bescrypt		Tucson	Support	N		Written
AZ	Linda Jones		Sedona	Support	N		Written
AZ	Lois Jordan		Tucson	Support	N		Written
AZ	Madeline Friend		Flagstaff	Support	N		Written
AZ	Mercy Drake		Mesa	Support	N		Written
AZ	Michael Maggied		Mesa	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
AZ	Patrice Garcia		Phoenix	Support	N		Written
AZ	Patricia Always		Sun City	Support	N		Written
AZ	Tom Nunn		Tucson	Support	N		Written
AZ	Toni Thomas		Tucson	Support	N		Written
AZ	Tracy Cole		Glendale	Support	N		Written
AZ	Wayne Spradlin		Buckeye	Support	N		Written
Belgium	Anne Bekkers		Deurne	Support	N		Written
Belgium	Chantal Buslot		Hasselt	Support	N		Written
Belgium	Corinne Vanbegin		Bruxelles	Support	N		Written
Belgium	Marleen Neus		Zelee	Support	N		Written
Belgium	Stéphane Dachy		Saint-Servais	Support	N		Written
Brazil	André Henrique Bacci		Cambuquira	Support	N		Written
CA	Aaron David		Arcata	Support	N		Written
CA	Aida Parkinson		Mckinleyville	Support	N		Written
CA	Aida Parkinson	Redwood National Park		Support			Oral
CA	Alan Voigt		San Anselmo	Support	N		Written
CA	Alan Wayne Christian		Danville	Support	N		Written
CA	Alden Walkley			Support			Oral
CA	Alex Kwan	Redwood Rides	Crescent City	Support			Oral
CA	Alexandra Lamb		Eureka	Support	N		Written
CA	Alison Bermant		Truckee	Support	N		Written
CA	Allan Chen		Alameda	Support	N		Written
CA	Amber Tidwell		Los Angeles	Support	N	x	Written
CA	Amber Tidwell		Los Angeles	Support	N		Written
CA	Amberlee Gustafson		Eureka	Support	N		Written
CA	Andrea Kraus		West Hollywood	Support	N		Written
CA	Andrew Cairns		Clovis	Support	N		Written
CA	Andrew Wood		San Francisco	Support	N		Written
CA	Angie Gerbino		San Jose	Support	N		Written
CA	Animae Chi		Ojai	Support	N		Written
CA	Animae Chi (2)		Ojai	Support	N	x	Written
CA	Anita Coolidge		Cardiff	Support	N		Written
CA	Anita Wisch		Valencia	Support	N		Written
CA	Ann Bein		Los Angeles	Support	N		Written
CA	Ann Thompson		Crescent City	Support	N		Written
CA	Anthony Montapert		Ventura	Support	N		Written
CA	Anthony Stratton		Elk Grove	Support	N		Written
CA	Antoinette Gonzales		Victorville	Support	N		Written
CA	Antonia & Andrew Chianis		Blue Jay	Support	N		Written
CA	Antony Mohsen		Elk Grove	Support	N		Written
CA	April Quigley		Crescent City	Support	N		Written
CA	Arien Crellin-Quick		Oakland	Support	N		Written
CA	Asano Fertig		Berkeley	Support	N		Written
CA	Bailey Sory		San Francisco	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Barbara and Rob Goodell		Boonville	Support	N		Written
CA	Barbara Bennigson		Palo Alto	Support	N		Written
CA	Barbara Kennedy		Weott	Support	N		Written
CA	Barbara Kennedy		Weott	Support	N	x	Written
CA	Barbara Robbin		Studio City	Support	N		Written
CA	Barrie Walkley	North Fork Water Association		Support			Oral
CA	Barry Kaufman		Burbank	Support	N		Written
CA	Beatriz Pallanes		Santa Ana	Support	N		Written
CA	Bernard Hochendoner		Patterson	Support	N		Written
CA	Bernie Beldner		Encino	Support	N		Written
CA	Bill Gardner		Forest Ranch	Support	N	x	Written
CA	Bill Swisher		Valley Center	Support	N		Written
CA	Bo Adams		Torrance	Support	N		Written
CA	Bob Petermann		Escondido	Support	N		Written
CA	Bob Rosenberg		Greenbrae	Support	N		Written
CA	Bonnie Dombrowski		Pasadena	Support	N		Written
CA	Bonnie MacRaith		Arcata	Support	N		Written
CA	Brad Buddenberg		Del Norte County	Support			Oral
CA	Brad Camden	Kayak/Raft Shuttle Service		Support			Oral
CA	Bradford Buddenberg		Crescent City	Support	N		Written
CA	Bre Clark		Mckinleyville	Support	N		Written
CA	Brennan Lagasse		Tahoma	Support	N		Written
CA	Bret Polish		Los Angeles	Support	N		Written
CA	Brett Jensen		Palo Cedro	Support	N		Written
CA	Briana Villalobos		Arcata	Support	N		Written
CA	Brien Brennan		Red Bluff	Support	N		Written
CA	Bruce Finney		Santa Cruz	Support	N		Written
CA	Bruce Jones		Paradise	Support	N		Written
CA	Bruce Keegan		San Francisco	Support	N		Written
CA	Bruno Pitton		Winters	Support	N	x	Written
CA	Bruno Pitton		Winters	Support	N		Written
CA	Bryan Randolph		Arcata	Support	N		Written
CA	C. S.		San Diego	Support	N		Written
CA	C. S.		San Francisco	Support	N		Written
CA	Candace Narvaez		Santa Monica	Support	N		Written
CA	Candy Bowman		Sacramento	Support	N	x	Written
CA	Candy Bowman		Sacramento	Support	N		Written
CA	Candy LeBlanc		Placerville	Support	N		Written
CA	Candy LeBlanc		Placerville	Support	N	x	Written
CA	Carl May		Moss Beach	Support	N		Written
CA	Carl Page	Smith River Kayaks		Support			Oral
CA	Carla Davis		Corte Madera	Support	N		Written
CA	Carol Taggart		Menlo Park	Support	N		Written
CA	Carol Vallejo		Stockton	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Carolyn Frazee		Eureka	Support	N		Written
CA	Carrie Durkee		Mendocino	Support	N		Written
CA	Caryn Cowin		South Pasadena	Support	N		Written
CA	Caryn Graves (2)		Berkeley	Support	N		Written
CA	Catherine Zakoren		Garberville	Support	N		Written
CA	Celeste Anacker		Santa Barbara	Support	N		Written
CA	Charlene Woodcock		Berkeley	Support	N		Written
CA	Charles Hammerstad		San Jose	Support	N	x	Written
CA	Charles M Gillingham		Yreka	Support	N		Written
CA	Charles Pisano		Hayward	Support	N		Written
CA	Charlotte Pirch		Fountain Valley	Support	N		Written
CA	Cheri Keysiner		Piercy	Support	N		Written
CA	Christa Neuber		W. Hollywood	Support	N		Written
CA	Christie Childs		Eureka	Support	N		Written
CA	Christina Babst		W. Hollywood	Support	N		Written
CA	Christine Hayes		Upland	Support	N		Written
CA	Christine Nelson		Santa Rosa	Support	N		Written
CA	Christine Stewart		Escondido	Support	N	x	Written
CA	Christine Stewart		Escondido	Support	N		Written
CA	Christine Wright-Shacklett		Rohnert Park	Support	N		Written
CA	Christopher Dunnbier		Healdsburg	Support	N		Written
CA	Christopher Kane		Mount Shasta	Support	N		Written
CA	Christopher Lish		San Rafael	Support	N		Written
CA	Chuck Nelson		Huntington Beach	Support	N		Written
CA	Claire Perricelli		Eureka	Support	N		Written
CA	Clifford Anderson		Sacramento	Support	N		Written
CA	Cole Graves		Santa Rosa	Support	N		Written
CA	Colleen Lobel		San Diego	Support	N	x	Written
CA	Connie Devine		San Jose	Support	N		Written
CA	Constance Franklin		Los Angeles	Support	N		Written
CA	Craig Bradford	Big Rock Community Services District	Crescent City	Support	N		Written
CA	Craig Cook		Santa Rosa	Support	N		Written
CA	Craig Corbett		Sacramento	Support	N		Written
CA	Craig Nielsen		Mount Shasta	Support	N		Written
CA	Craig Strong	Crescent Coastal Research	Crescent City	Support	N		Written
CA	Curt Johnson		Santa Cruz	Support	N		Written
CA	Cynthia OByrne		Lompoc	Support	N		Written
CA	Dale Riehart		San Francisco	Support	N		Written
CA	Dana Adler		Fallbrook	Support	N		Written
CA	Dana Silvernale		Blue Lake	Support	N		Written
CA	Daniel Bloxsom		Fairfield	Support	N		Written
CA	Daniel Tiarks		Los Angeles	Support	N		Written
CA	Dave Moore		Newhall	Support	N		Written
CA	Dave Ortiz		Willits	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	David Adams		Penn Valley	Support	N		Written
CA	David Beard		Eureka	Support	N		Written
CA	David Burtis		Calistoga	Support	N		Written
CA	David Enevoldsen		San Jose	Support	N		Written
CA	David Geisser		Oakland	Support	N		Written
CA	David Lass		Truckee	Support	N		Written
CA	David Mackey		Walnut Creek	Support	N		Written
CA	David Morris		San Rafael	Support	N		Written
CA	David Ross		Santa Cruz	Support	N		Written
CA	David Scott		Del Norte County	Oppose			Oral
CA	David Smith		Irvine	Support	N		Written
CA	Davin Peterson		Eureka	Support	N		Written
CA	Dawn Hill		McKinleyville	Support	N		Written
CA	Debbie Bolsky		Santa Monica	Support	N		Written
CA	Deborah Filipelli		Sea Ranch	Support	N		Written
CA	Debra Krause		Covelo	Support	N		Written
CA	Denise De Stefano		Los Angeles	Support	N		Written
CA	Denise Lenardson		Sunland	Support	N		Written
CA	Dennis Carty		Berkeley	Support	N		Written
CA	Dennis Ledden		Fiddletown	Support	N		Written
CA	Dennis Murphy		Sacramento	Support	N	x	Written
CA	Dennis Tapley		Sebastopol	Support	N		Written
CA	Dg Van Arsdale		Burlingame	Support	N		Written
CA	Don Gillespie	Friends of Del Norte	Del Norte County	Support			Oral
CA	Donna Carr		Encinitas	Support	N		Written
CA	Donna Thompson		Del Norte County	Support			Oral
CA	Douglas McCormick		Coto De Caza	Support	N		Written
CA	Douglas Snyder		Laguna Beach	Support	N		Written
CA	Drew Irby		Mission Viejo	Support	N	x	Written
CA	Dylan Walkley			Support			Oral
CA	E. P.		Talmage	Support	N		Written
CA	Earl Frounfelter		Santa Maria	Support	N		Written
CA	Ed Barich	Russian River Fly Fishers	Santa Rosa	Support	N		Written
CA	Ed Schehl		Santa Cruz	Support	N		Written
CA	Edward Filice		Sonoma	Support	N		Written
CA	Edwina Smith		San Francisco	Support	N		Written
CA	Eileen Cooper		Crescent City	Support	Y		Written
CA	Eileen Cooper	Friends of Del Norte	Crescent City	Support			Oral
CA	Eileen Sauppe		Eureka	Support	N		Written
CA	Elaine Alfaro		Felton	Support	N		Written
CA	Elaine Hogan		Loomis	Support	N		Written
CA	Eleanor Porciello (2)		Ventura	Support	N		Written
CA	Elena Ennouri		Redwood City	Support	N		Written
CA	Eliot Tigerlily		Garberville	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Eliza Commons		Bolinas	Support	N		Written
CA	Erica Gillingham		Yreka	Support	N		Written
CA	Erica Petrofsky		Santa Barbara	Support	N		Written
CA	Erik Young		Ross	Support	N		Written
CA	Erwin Bol		Danville	Support	N		Written
CA	Evan Sedlock		San Rafael	Support	N		Written
CA	F. Hammer		San Francisco	Support	N		Written
CA	Florence Robin		Vilde Guingalan	Support	N		Written
CA	Francis Mangels		Mount Shasta	Support	N		Written
CA	Fred Lewis		Mount Shasta	Support	N		Written
CA	Fred Rinne		San Francisco	Support	N		Written
CA	Gabriel Lautaro		Oakland	Support	N		Written
CA	Gail McMullen		Los Angeles	Support	N		Written
CA	Gail Roberts		Tecate	Support	N		Written
CA	Gary Scott		Santa Rosa	Support	N		Written
CA	Gavin Lantry		Escondido	Support	N	x	Written
CA	George Lewis		Los Osos	Support	N		Written
CA	Gerald Shaia		Sun Valley	Support	N		Written
CA	Geraldine Card		Exeter	Support	N		Written
CA	Gerry Hemmingsen	County of Del Norte County Board of Supervisors	Crescent City	Support	N		Written
CA	Gina Gatto		Castro Valley	Support	N		Written
CA	Glenn Short		Sherman Oaks	Support	N	x	Written
CA	Glenn Short		Sherman Oaks	Support	N		Written
CA	Grant Werschkull	Smith River Alliance	Crescent City	Support	Y		Written
CA	Grant Werschkull	Smith River Alliance		Support			Oral
CA	Greg Anzalone		Bakersfield	Support	N	x	Written
CA	Greg Goodman		Concord	Support	N		Written
CA	Gregory Coyle		San Francisco	Support	N		Written
CA	Gretchen Whisenand		Santa Rosa	Support	N		Written
CA	Guy Zahller		Aptos	Support	N		Written
CA	Harry James		Union City	Support	N		Written
CA	Helen Bacon		San Rafael	Support	N		Written
CA	Henry Weinberg		Santa Barbara	Support	N		Written
CA	Howard Reed		Placentia	Support	N		Written
CA	Howard Robinson		Los Angeles	Support	N		Written
CA	Ian Davidson		Arcata	Support	N		Written
CA	Ian Schatz		Eureka	Support	N		Written
CA	Ida Crawford		Chico	Support	N		Written
CA	Isla Kegler-Williams (2)		San Pedro	Support	N		Written
CA	Ivaylo Stoilov		Redwood City	Support	N	x	Written
CA	J. Angell		Rescue	Support	N	x	Written
CA	J. Angell		Rescue	Support	N		Written
CA	J. R. Fleisher		Costa Mesa	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	J. Seeley		Los Angeles	Support	N		Written
CA	James Brannan		Torrance	Support	N		Written
CA	James Columbia		Bakersfield	Support	N		Written
CA	James Gonsman		Occidental	Support	N		Written
CA	James Lennon		Arcata	Support	N		Written
CA	James Morry		El Sobrante	Support	N		Written
CA	James Naughton		Sausalito	Support	N		Written
CA	James R. Monroe (2)		Concord	Support	N		Written
CA	James Wilhelm		Garberville	Support	N		Written
CA	James Wong		San Francisco	Support	N		Written
CA	Jamie Camden		Gasquet	Support	N		Written
CA	Jamie Green		Ventura	Support	N		Written
CA	Jane Barbarow		Oakland	Support	N		Written
CA	Janet Gilbert		Del Norte County	Support			Oral
CA	Janet Maker		Los Angeles	Support	N		Written
CA	Jary Stavely		Fort Bragg	Support	N		Written
CA	Jason Bowman		Placerville	Support	N	x	Written
CA	Jason Bowman		Placerville	Support	N		Written
CA	Jason Olson		Elk Grove	Support	N		Written
CA	Jean Patterson		Crescent City	Support	N		Written
CA	Jeanne Clement		Gasquet	Support	N		Written
CA	Jef Schultz		Caspar	Support	N		Written
CA	Jeff and Karen Hay		Santa Cruz	Support	N		Written
CA	Jeff Laxier (2)		Fort Bragg	Support	N		Written
CA	Jeff Parmer	Del Norte County Chamber of Commerce and Visitors Bureau	Del Norte County	Support			Oral
CA	Jeff Pierce		Torrance	Support	N		Written
CA	Jeffrey Kline		San Francisco	Support	N		Written
CA	Jemma Williams		Santa Rosa	Support	N		Written
CA	Jennifer Hayes		Modesto	Support	N		Written
CA	Jennifer Kardos		San Mateo	Support	N		Written
CA	Jennifer Sellers		Concord	Support	N		Written
CA	Jennifer Smith		Mckinleyville	Support	N		Written
CA	Jeremy Quinlan		Woodland Hills	Support	N	x	Written
CA	Jeremy Quinlan		Woodland Hills	Support	N		Written
CA	Jerry Bender		Santa Rosa	Support	N		Written
CA	Jerry D. Sutton Jr		Riverside	Support	N		Written
CA	Jerry Sullivan		Mount Shasta	Support	N		Written
CA	Jesse Merrifield		Hayfork	Support	N		Written
CA	Jesse Wade		Eureka	Support	N		Written
CA	Jessica Wodinsky		Los Angeles	Support	N		Written
CA	Jessie Kainz (2)		Healdsburg	Support	N		Written
CA	Jim Lamb		Citrus Heights	Support	N		Written
CA	Jim McGill		Irvine	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Jim Rowland		Willits	Support	N		Written
CA	Joan Squires		Oceanside	Support	N		Written
CA	Joan Walker		Bishop	Support	N		Written
CA	Joan Walker (2)		Bishop	Support	N	x	Written
CA	Joe Agnew		Los Angeles	Support	N		Written
CA	Joe Griffith		Santa Maria	Support	N		Written
CA	Joe Salazar		Santa Rosa	Support	N		Written
CA	Joel McDonald		Vallejo	Support	N		Written
CA	John Baum		Hesperia	Support	N		Written
CA	John Dolinsek		Santa Rosa	Support	N		Written
CA	John Essman		Healdsburg	Support	N		Written
CA	John Hewitt		Carmel Valley	Support	N		Written
CA	John Livingston		Redding	Support	N	x	Written
CA	John Livingston		Redding	Support	N		Written
CA	John Maybury		Moss Beach	Support	N		Written
CA	John Nowak (2)		Santa Ana	Support	N		Written
CA	John Oda		San Francisco	Support	N		Written
CA	John Pasqua		Escondido	Support	N	x	Written
CA	John Pasqua		Escondido	Support	N		Written
CA	John Putnam		Fresno	Support	N		Written
CA	John Sikora		Placerville	Support	N		Written
CA	John Stewart		Redway	Support	N		Written
CA	Jolyon Walkley	Smith River Alliance	Del Norte County	Support			Oral
CA	Jon Anderholm		Cazadero	Support	N		Written
CA	Jon Lo		Aptos	Support	N		Written
CA	Jon Spitz		Laytonville	Support	N		Written
CA	Joseph Rand		Berkeley	Support	N		Written
CA	Joseph Reel (2)		Pacific Grove	Support	N		Written
CA	Joseph Tryon		Marysville	Support	N		Written
CA	Jot S. McDonald		Watsonville	Support	N		Written
CA	Joyce Hough Neighbor		Arcata	Support	N		Written
CA	Judy Christensen		Sebastopol	Support	N		Written
CA	Julia Adkins		Napa	Support	N		Written
CA	Julie Munger		Truckee	Support	N		Written
CA	Julie O'Rielly		Aptos	Support	N	x	Written
CA	Julie O'Rielly		Aptos	Support	N		Written
CA	Julie Smith		Los Osos	Support	N		Written
CA	K.L. Barton		Sylmar	Support	N		Written
CA	Kamia Taylor		Long Beach	Support	N		Written
CA	Kamilla Dietrichson		Beverly Hills	Support	N		Written
CA	Karen Pierce		Torrance	Support	N		Written
CA	Karen Ratzlaff		Santa Rosa	Support	N		Written
CA	Karl Koessel		Mckinleyville	Support	N	x	Written
CA	Karl Koessel		Mckinleyville	Support	N		Written
CA	Karla Devine		Manhattan Beach	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Karla Youngblood		Orick	Support	N		Written
CA	Karynn Merkel		Eureka	Support	N		Written
CA	Katelynn Hopkins		Crescent City	Support	N		Written
CA	Katherine Patterson		Ukiah	Support	N		Written
CA	Katrina Child		San Francisco	Support	N		Written
CA	Kelly Brannigan		Oceanside	Support	N		Written
CA	Kelly Commons		Bolinas	Support	N		Written
CA	Kelly Dunn		Aliso	Support	N		Written
CA	Kenneth Bruce		Belvedere Tiburon	Support	N		Written
CA	Kent Faure		Gasquet	Support			Oral
CA	Kermit Cuff		Mountain View	Support	N		Written
CA	Kevin Branstetter		Lotus	Support	N		Written
CA	Kevin Collins		Felton	Support	N		Written
CA	Kimberlee Tellez		Los Angeles	Support	N		Written
CA	Kris Blakely		Pleasanton	Support	N		Written
CA	Kristin Womack		San Anselmo	Support	N		Written
CA	Kristina Fukuda		Culver City	Support	N		Written
CA	Kyle Feldmann		Richmond	Support	N		Written
CA	L. David Waterbury		San Carlos	Support	N		Written
CA	Lacey Hicks		Union City	Support	N		Written
CA	Lacey Levitt		San Diego	Support	N		Written
CA	Lacey Murnig		Sonoma	Support	N		Written
CA	Lanelle Lovelace		Columbia	Support	N		Written
CA	Lauren Schiffman		El Cerrito	Support	N		Written
CA	Laurie Fraker		El Centro	Support	N		Written
CA	Lawrence F. Gatt		San Mateo	Support	N		Written
CA	Lawrence Thompson		Livermore	Support	N		Written
CA	Lee Jordan		Los Angeles	Support	N		Written
CA	Lee Miller		Cotati	Support	N	x	Written
CA	Lee Miller		Santa Rosa	Support	N		Written
CA	Lee Nickel		Garberville	Support	N		Written
CA	Lee Pettenger		Seiad Valley	Support	N		Written
CA	Les Roberts		Fresno	Support	N		Written
CA	Lesley D. Hand		Lafayette	Support	N		Written
CA	Lesley Stansfield		San Francisco	Support	N		Written
CA	Linda Petrulias		Cazadero	Support	N		Written
CA	Linda Shak		San Francisco	Support	N		Written
CA	Lisa Butterfield		Arcata	Support	N		Written
CA	Lisa Hammermeister		Granada Hills	Support	N		Written
CA	Lisa Salazar		Shasta Lake	Support	N		Written
CA	Lisabette Brinkman		Santa Barbara	Support	N		Written
CA	Loren Crow		Hayward	Support	N		Written
CA	Lorraine Lowry		Vacaville	Support	N		Written
CA	Lorretta Marcel		San Francisco	Support	N		Written
CA	Louise Lieb		Sebastopol	Support	N		Written
CA	Lourdes Best		East Palo Alto	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Lynda Leigh		Santa Cruz	Support	N		Written
CA	Lynn Price		South Lake Tahoe	Support	N		Written
CA	Lynn Ryan		Arcata	Support	N		Written
CA	Lynne Preston		San Francisco	Support	N		Written
CA	M. Katz (2)		West Hollywood	Support	N		Written
CA	Mal Gaff		Lompoc	Support	N		Written
CA	Malia Anspach		McKinleyville	Support	N		Written
CA	Mandi T		Los Altos	Support	N	x	Written
CA	Mandi T		Los Altos	Support	N		Written
CA	Manmeet toor		Los Angeles	Support	N		Written
CA	Marc Kiefer		Walnut Creek	Support	N	x	Written
CA	Marguerite Shuster		Sierra Madre	Support	N		Written
CA	Mari Dominguez		Linden	Support	N		Written
CA	Marian Cruz		Hollister	Support	N		Written
CA	Mariel Morison		Blue Lake	Support	N		Written
CA	Marijane Poulton		Trinidad	Support	N		Written
CA	Marilyn Page		Napa	Support	N		Written
CA	Marisa Strange		Long Beach	Support	N		Written
CA	Marisol Dominguez		Linden	Support	N		Written
CA	Mark Dodd	Gasquet Community Services District	Gasquet	Support	N		Written
CA	Mark Escajeda		Lafayette	Support	N		Written
CA	Mark Glasser		Los Angeles	Support	N		Written
CA	Mark Moskowitz		San Carlos	Support	N	x	Written
CA	Mark Reback		Los Angeles	Support	N		Written
CA	Mark Speer		Westminster	Support	N		Written
CA	Marsha Lowry		El Sobrante	Support	N		Written
CA	Martin Horwitz		San Francisco	Support	N		Written
CA	Mary Dederer		Menlo Park	Support	N		Written
CA	Mary Foley		El Dorado Hills	Support	N		Written
CA	Maryellen Redish		Palm Springs	Support	N		Written
CA	Matt Emmer		Sherman Oaks	Support	N		Written
CA	Matthew Carlstroem		Kensington	Support	N		Written
CA	Matthew Henry		Rancho Cordova	Support	N		Written
CA	Maureen Roche		Petrolia	Support	N	x	Written
CA	Maureen Roche		Petrolia	Support	N		Written
CA	Max Ventura		San Leandro	Support	N		Written
CA	Medwin Peck		Huntington Beach	Support	N		Written
CA	Melissa McDowell		Crescent City	Support	N		Written
CA	Michael Biggins		Dana Point	Support	N		Written
CA	Michael C. Ford and Richard B. Marks		Watsonville	Support	N		Written
CA	Michael Harvey		Roseville	Support	N		Written
CA	Michael Kavanaugh		San Francisco	Support	N		Written
CA	Michael Kevin McRae		Sacramento	Support	N		Written
CA	Michael Laing		Carmichael	Support	N	x	Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Michael Laing		Carmichael	Support	N		Written
CA	Michael Linvill		San Rafael	Support	N		Written
CA	Michael Lyster		Rescue	Support	N		Written
CA	Michael Marsden		Martinez	Support	N		Written
CA	Michael Mitsuda		Fremont	Support	N		Written
CA	Michael Mitsuda		Fremont	Support	N	x	Written
CA	Michael Morgan		Valencia	Support	N		Written
CA	Michael Parrett		San Rafael	Support	N	x	Written
CA	Michael Sarabia		Stockton	Support	N		Written
CA	Michael Welch		McKinleyville	Support	N		Written
CA	Michael White		Los Angeles	Support	N	x	Written
CA	Michelaina Johnson		Berkeley	Support	N		Written
CA	Michelle Eaton		Forest Knolls	Support	N		Written
CA	Michelle Waters		Los Gatos	Support	N		Written
CA	Mike Livingston		El Dorado Hills	Support	N		Written
CA	Mike Mattz	Elk Valley Rancheria		Support	N		Written
CA	Mike O'Brien		Doyle	Support	N		Written
CA	Miranda Everett		Lake Isabella	Support	N		Written
CA	Molly Huddleston		Santa Rosa	Support	N		Written
CA	Monica Coyne (2)		Redway	Support	N		Written
CA	Morlee Griswold		Auburn	Support	N		Written
CA	Myra Erario		Castaic	Support	N		Written
CA	Nancy Hiestand		Davis	Support	N		Written
CA	Nancy McKinney	Northern California Council of the Covenant of the Goddess	Gasquet	Support			Oral
CA	Nansee Greenwich		Sebastopol	Support	N		Written
CA	Naomi Sobo		San Diego	Support	N		Written
CA	Neil Manji	California Department of Fish and Wildlife	Redding	Support	N		Written
CA	Nessy Kipuw		Upland	Support	N		Written
CA	Neville Loberg		Sacramento	Support	N		Written
CA	Nic Duong		Santa Ana	Support	N		Written
CA	Nicola Grobe		Crescent City	Support	N		Written
CA	Niki Conrad		Auburn	Support	N		Written
CA	Nina Griesert		Healdsburg	Support	N		Written
CA	Nora Lyman		Berkeley	Support	N		Written
CA	Pamela Scott		Boulder Creek	Support	N		Written
CA	Pat Blackwell-Marchant		Castro Valley	Support	N		Written
CA	Pat Mccarthy		Gasquet	Support	N		Written
CA	Pat Pendergast		Anderson	Support	N		Written
CA	Pat Weaver		Redway	Support	N		Written
CA	Patricia Daniels		Arcata	Support	N		Written
CA	Patricia Dugherty		McKinleyville	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Patricia Puterbaugh		Cohasset	Support	N		Written
CA	Patty Mccleary	Smith River Alliance	Hiouchi	Support			Oral
CA	Paul Belz		Oakland	Support	N		Written
CA	Paul Nelson		Twain Harte	Support	N	x	Written
CA	Paul Norup		Crescent City	Support	N		Written
CA	Paul Senyszyn		Crescent city	Support	N		Written
CA	Peggy Latham		Albion	Support	N		Written
CA	Peggy Leviton		McKinleyville	Support	N		Written
CA	Pete Childs		Rancho Mirage	Support	N		Written
CA	Peter dal Poggetto		Willits	Support	N		Written
CA	Philip Glaser		Laguna Niguel	Support	N		Written
CA	Philip Simon		San Rafael	Support	N		Written
CA	Philip Simon (2)		San Rafael	Support	N	x	Written
CA	Polly Savoie		Carlotta	Support	N		Written
CA	Prisca Gloor		Los Angeles	Support	N		Written
CA	Ralph Penfield		San Diego	Support	N		Written
CA	Randall Hughes		Alameda	Support	N		Written
CA	Randy Hamann		Douglas City	Support	N	x	Written
CA	Rea Freedom		Los Gatos	Support	N		Written
CA	Rena Nayyar		Davis	Support	N		Written
CA	Rene Henery		Mount Shasta	Support	N		Written
CA	Richard Cardella		Hydesville	Support	N		Written
CA	Richard DeSantis		Palm Desert	Support	N		Written
CA	Richard Jorgensen		Hidden Valley Lake	Support	N		Written
CA	Richard Montgomery		Santa Cruz	Support	N		Written
CA	Richard Stein		Napa	Support	N		Written
CA	Richard Unger		Oakland	Support	N		Written
CA	Rick Huyett		Los Gatos	Support	N		Written
CA	Rick Shreve		Weott	Support	N		Written
CA	Rio Elkhart		Albion	Support	N		Written
CA	Rita Carlson		Eureka	Support	N		Written
CA	Rob Miller	Del Norte Farm Bureau		Oppose			Oral
CA	Rob Seltzer		Malibu	Support	N	x	Written
CA	Rob Seltzer (2)		Malibu	Support	N		Written
CA	Robert Burk		Los Angeles	Support	N		Written
CA	Robert Chirpin		Northridge	Support	N		Written
CA	Robert Giusti		San Jose	Support	N		Written
CA	Robert Lieber		Albany	Support	N		Written
CA	Robert Lorentzen		Fort Bragg	Support	N		Written
CA	Robert McCombs		Arcata	Support	N		Written
CA	Robert Miller	Del Norte County Farm Bureau	Smith River	Oppose	N		Written
CA	Robert Nelson		Sacramento	Support	N		Written
CA	Robert Soto		La Quinta	Support	N		Written
CA	Robert Torre		Santa Rosa	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Robin Chacko		Mather	Support	N		Written
CA	Rocky Taylor		Dana Point	Support	N	x	Written
CA	Rocky Taylor		Dana Point	Support	N		Written
CA	Rod Rochambeau		Eugene	Support	N		Written
CA	Roger Krause		San Francisco	Support	N		Written
CA	Rolf Svehaug		Santa Cruz	Support	N		Written
CA	Ron Melin		Torrance	Support	N		Written
CA	Ron Peterson & Family		Gasquet	Support	N		Written
CA	Ron S.		HP	Support	N		Written
CA	Ronald Thompson		Crescent City	Support	N		Written
CA	Rosa Rashall		Whitethorn	Support	N		Written
CA	Rosebud and Scott Ireland		Laytonville	Support	N		Written
CA	Ryan Clark		Pinole	Support	N		Written
CA	Sam King		McKinleyville	Support	N		Written
CA	Sandra Menzel		Brookdale	Support	N		Written
CA	Sandy Adler Killen		Fairfax	Support	N		Written
CA	Sandy Levine		Pasadena	Support	N		Written
CA	Sara Hayes		Long Beach	Support	N		Written
CA	Sarah Meyers (3)		Upland	Support	N		Written
CA	Sarai Lucarelli		Arcata	Support	N		Written
CA	Saun Stone		Smith River	Support	N		Written
CA	Scott Amundson		Oakland	Support	N		Written
CA	Scott R. Ferguson		San Francisco	Support	N		Written
CA	Scott Statler		Tracy	Support	N		Written
CA	Seth Simchowitz		Laguna Beach	Support	N		Written
CA	Shawna Hyatt		Crescent City	Support	N		Written
CA	Sheila Desmond		Cameron Park	Support	N		Written
CA	Sheila Smith		Salinas	Support	N		Written
CA	Sherilyn McDonald		Brea	Support	N		Written
CA	Sherrill Futrell		Davis	Support	N		Written
CA	Shylo Steintal		Santa Cruz	Support	N		Written
CA	Sidney Robles		Napa	Support	N		Written
CA	Stacey Rohrbaugh		Willits	Support	N		Written
CA	Stanley J. Backlund		Shingle Springs	Support	N		Written
CA	Stanley Ohara		Granite Bay	Support	N	x	Written
CA	Stephen Haywood		Coronado	Support	N		Written
CA	Stephen Prokop / Brett Silver	US Department of Interior and California Department of Parks and Recreation: Redwood National and State Parks	Crescent City	Support	N		Written
CA	Steve McCullough		Cloverdale	Support	N		Written
CA	Steve Roth		Santa Rosa	Support	N		Written
CA	Steve Schramm		Petaluma	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Steve Stover		Crescent City	Support	N		Written
CA	Steven Lillie		Oakdale	Support	N		Written
CA	Steven Pettit		El Cajon	Support	N		Written
CA	Steven Rock		Berkeley	Support	N		Written
CA	Steven Russ		Fremont	Support	N		Written
CA	Stu Lips		Eugene	Support	N	x	Written
CA	Sue Harrington		Martinez	Support	N	x	Written
CA	Sue Harrington		Martinez	Support	N		Written
CA	Susan Hathaway		Pico Rivera	Support	N		Written
CA	Suzanne Remien		San Jose	Support	N		Written
CA	Suzie Fortner		Arcata	Support	N		Written
CA	Sylvia Cardella		Hydesville	Support	N		Written
CA	Sylvia De Rooy		Eureka	Support	N		Written
CA	Tammy Esser		Cottonwood	Support	N		Written
CA	Tanya Horlick(3)		Redway	Support	N		Written
CA	Tara Dettmar		Crescent City	Support	N		Written
CA	Ted Fishman		San Jose	Support	N		Written
CA	Teresa Edmonds		Carmel Valley	Support	N		Written
CA	Teri Endrich		Antioch	Support	N		Written
CA	Terry Raymer		Eureka	Support	N		Written
CA	Tess Husbands		San Diego	Support	N		Written
CA	Therese Adams		Santa Barbara	Support	N		Written
CA	Thomas Galindo		Oakland	Support	N		Written
CA	Thomas McDonnell		Chico	Support	N		Written
CA	Thomas Moll-Rocek		Kneeland	Support	N		Written
CA	Tim Barrington		San Jose	Support	N		Written
CA	Tim Harden		Redwood City	Support	N		Written
CA	Tim Kardos		San Mateo	Support	N		Written
CA	Timothy Devine		Hayward	Support	N		Written
CA	Timothy Devine		Hayward	Support	N	x	Written
CA	Timothy Loomis		Santa Cruz	Support	N		Written
CA	Timothy Webb		San Luis Obispo	Support	N		Written
CA	Tina Colafranceschi		Whitethorn	Support	N		Written
CA	Todd Vick		Manteca	Support	N		Written
CA	Tom Jennings		Encinitas	Support	N		Written
CA	Tom McBride		Sebastopol	Support	N		Written
CA	Tom Morehouse		Orinda	Support	N		Written
CA	Tom Nulty Jr		Dana Point	Support	N		Written
CA	Tom Pelikan		Carmel	Support	N		Written
CA	Tom Toretta		Bakersfield	Support	N	x	Written
CA	Tony Brookfield		Piedmont	Support	N		Written
CA	Tracey Kleber		Los Angeles	Support	N		Written
CA	Trevor Estlow		Blue Lake	Support	N		Written
CA	Trisha Lee		Eureka	Support	N		Written
CA	Twyla Meyer		Pomona	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CA	Urmila Padmanabhan		Fremont	Support	N		Written
CA	Valerie Larson		Trinidad	Support	N		Written
CA	Vic Bostock		Altadena	Support	N	x	Written
CA	Vic Bostock		Altadena	Support	N		Written
CA	Victor Afanasiev		La Grange	Support	N		Written
CA	Victoria Brandon		Northridge	Support	N		Written
CA	Vilya Ageeva		Москва	Support	N		Written
CA	Vincent Fugina		Sacramento	Support	N		Written
CA	Vincent Rogers		Westwood	Support	N		Written
CA	Vincent Rubino		Albany	Support	N		Written
CA	Vincent Sereno		Arnold	Support	N		Written
CA	Walt Levitus		Fountain Valley	Support	N		Written
CA	Wayne Anderson		Sacramento	Support	N		Written
CA	Wayne Watanabe		Placentia	Support	N		Written
CA	Wes Schrecongost		Mckinleyville	Support	N		Written
CA	William A. Mc Guire		San Francisco	Support	N		Written
CA	William Boosman		Pacific Grove	Support	N		Written
CA	William Bramley		San Diego	Support	N		Written
CA	William F Rasmussen		Fair Oaks	Support	N		Written
CA	Zachary Byars		Ventura	Support	N		Written
Canada	Angelina Coriandoli		Montreal	Support	N		Written
Canada	Anna Louise E. Fontaine		Lantier	Support	N		Written
Canada	Brad Lucas		Vancouver	Support	N		Written
Canada	Bronwen Evans		Vancouver	Support	N		Written
Canada	Claude Robert		Shefford	Support	N		Written
Canada	Danielle Tran		Calgary	Support	N		Written
Canada	Derek Spragg		Vancouver	Support	N		Written
Canada	Ella Reeves		Vancouver	Support	N		Written
Canada	Evelyn Badeau		Calgary	Support	N		Written
Canada	Janet Cameron		Calgary	Support	N		Written
Canada	Jess B.		High Level nada	Support	N		Written
Canada	Kenneth Lapointe		Ottawa	Support	N		Written
Canada	Mary Cooke		Halifax	Support	N		Written
Canada	Michelle Fournier		Bruderheim nada	Support	N		Written
Canada	Nancy Archibald		Ottawa	Support	N		Written
Canada	Natasha Salgado		Toronto	Support	N		Written
Canada	Suneet Srivastava		Toronto	Support	N	x	Written
Canada	Suneet Srivastava (2)		Toronto	Support	N		Written
Chile	Mauricio Carvajal		Santiago	Support	N		Written
CO	Amy Wanninger		Englewood	Support	N		Written
CO	Anna Simle		Denver	Support	N		Written
CO	Anthony Potter		Fort Collins	Support	N		Written
CO	Beth Copanos		Arvada	Support	N		Written
CO	Brent Broekemeier		Castle Rock	Support	N		Written
CO	Chason Russell		Woody Creek	Support	N		Written
CO	Chris Ocean		Berlin	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
CO	Dale Zulauf		Telluride	Support	N		Written
CO	Dawn Hendry		Littleton	Support	N		Written
CO	Dea Smith		Loveland	Support	N		Written
CO	Dillon Smith		Denver	Support	N		Written
CO	E.B. Bentley		Windsor	Support	N		Written
CO	Evi Meuris		Denver	Support	N		Written
CO	Garrison Doctor		Lafayette	Support	N		Written
CO	Jeffrey Bright		Carbondale	Support	N		Written
CO	Karina Branson		Fort Collins	Support	N		Written
CO	Margaret Lohr		Commerce City	Support	N		Written
CO	Marilyn Downing Staff		Steamboat Springs	Support	N		Written
CO	Mark R. Miller		Evans	Support	N		Written
CO	Matt Hardy		Englewood	Support	N		Written
CO	Michelle Emry		Denver	Support	N		Written
CO	Paul Kelly		Arvada	Support	N		Written
CO	Ragen Serra		Denver	Support	N		Written
CO	Rebecca Elliot		Denver	Support	N		Written
CO	Royce William Crissman		Timnath	Support	N		Written
CO	Sharyn Dreyer		Denver	Support	N		Written
CO	Spencer Branson		Fort Collins	Support	N		Written
CO	Stan Hayes		Montrose	Support	N		Written
CO	Zbyslaw Owczarczyk		Littleton	Support	N	x	Written
CO	Zbyslaw Owczarczyk		Littleton	Support	N		Written
CT	Barbara Burghart		Bridgeport	Support	N		Written
CT	Deborah Dahlgren		East Hartford	Support	N		Written
CT	Joann Koch (2)		Lebanon	Support	N		Written
CT	Ken Martin		Newtown	Support	N		Written
CT	Linda Smyth		Enfield	Support	N		Written
CT	Merrill Katz		Groton	Support	N		Written
CT	Michael Wichman		Clinton	Support	N		Written
CT	Steve Rudolf		Brookfield	Support	N		Written
DC	Glostrup		Washington	Support	N		Written
DC	Jose de Arteaga		Washington	Support	N		Written
DC	Tania Lown-Hecht		Washington	Support	N		Written
DE	Bruce Abbott		Newark	Support	N		Written
DE	Carol Collins		Dover	Support	N		Written
Denmark	Antonella Nielsen		Copenhagen	Support	N		Written
Denmark	Line Ringgaard		Herning	Support	N	x	Written
Denmark	Line Ringgaard		Herning	Support	N		Written
Denmark	Lotte Larsson		Roskilde	Support	N		Written
Denmark	Sonja Nielsen		Glostrup	Support	N		Written
Denmark	Yvonne Fast		Aalborg	Support	N		Written
England	Cat Sykes		Hinchley Wood	Support	N		Written
England	Ceri McClellan		Althorne	Support	N		Written
England	J. David Scott		London	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
England	Phillip Anderton		Poole	Support	N		Written
England	Rax Green		Leatherhead	Support	N		Written
England	Ruhee Baltz		London	Support	N		Written
England	Tom Tamplin		Wallington	Support	N		Written
England	Wendy Forster		Gateshead	Support	N		Written
England	Wendy Forster		Newcastle	Support	N		Written
Finland	Birgitta Siponen		Oulu	Support	N	x	Written
Finland	Birgitta Siponen		Oulu	Support	N		Written
Finland	Ernst Mecke (2)		Helsinki	Support	N		Written
Finland	Heidi Parvela (2)		Helsinki	Support	N		Written
Finland	Miia Suuronen		Tampere	Support	N		Written
FL	Abe Levy		Bonita Springs	Support	N		Written
FL	Brian Paradise		Ponte Vedra Beach	Support	N	x	Written
FL	Brian Paradise (2)		Ponte Vedra Beach	Support	N		Written
FL	Cheryl Watters		Palm Coast	Support	N		Written
FL	Christeen Anderson		Crestview Okaloosa County	Support	N		Written
FL	Christina Crosby		Melbourne	Support	N		Written
FL	Colonel Meyer		North Port	Support	N		Written
FL	Craig Stemmer		Highland Beach	Support	N		Written
FL	Debbie Lapierre		Ocala	Support	N		Written
FL	Doug Landau		St. Petersburg	Support	N		Written
FL	Elsy Shallman		Loxahatchee	Support	N		Written
FL	Esther Garvett		Miami	Support	N		Written
FL	Evgeniya Vyatchanina		Gainesville	Support	N		Written
FL	Frank Tragobra		Lantana	Support	N		Written
FL	Gina Mondazze		Hollywood	Support	N		Written
FL	Gudrun Dennis		Gainesville	Support	N	x	Written
FL	Gudrun Dennis		Gainesville	Support	N		Written
FL	Janet Robinson		Boca Raton	Support	N		Written
FL	Jeanne Rogers		Estero	Support	N		Written
FL	Judy Moran		Panama City	Support	N		Written
FL	Kevin Silvey		Seminole	Support	N		Written
FL	Kira Lapierre		Ocala	Support	N		Written
FL	Lasha Wells		Saint Petersburg	Support	N		Written
FL	Linda Janota		Englewood	Support	N		Written
FL	Lisa Mazzola		Tampa	Support	N		Written
FL	Lorna Wallach		Boynton beach	Support	N		Written
FL	Marjorie Angelo		Bunnell	Support	N		Written
FL	Paul Cole		Lake Worth	Support	N		Written
FL	Paul Verzosa		Tampa	Support	N		Written
FL	Paula Morgan		Hollywood	Support	N		Written
FL	Rob Sorensen		West Palm Beach	Support	N		Written
FL	Robert Rusher		Clearwater	Support	N		Written
FL	Robyn Reichert		Lake Worth	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
FL	Russell Riley		Pensacola	Support	N		Written
FL	Ruth Ann Wiesenthal-Gold		Palm Bay	Support	N		Written
FL	Sandra Sorensen		Key West	Support	N		Written
FL	Scott Finamore		Citrus Springs	Support	N		Written
FL	Susan Ponchot		Sunrise	Support	N		Written
FL	Tipton S. Cohen		Boca Raton	Support	N		Written
FL	Virginia Mendez		Miami	Support	N	x	Written
FL	Virginia Mendez		North Miami Beach	Support	N		Written
FL	Virginia Utt		Melbourne	Support	N		Written
FL	W. Hearle		Crystal River	Support	N		Written
FL	Whitney Watters		Saint Augustine	Support	N		Written
France	Adeline Ladoué		Grasse	Support	N		Written
France	Bernadette Cuellar		Névian	Support	N		Written
France	Eliette Bozzola		Muël	Support	N	x	Written
France	Eliette Bozzola		St. Martin de Crau	Support	N		Written
France	Frederic Maisongrande		Miramas	Support	N		Written
France	Jelica Roland (2)		Buzet	Support	N		Written
France	Magaly Léger		Callian	Support	N		Written
France	Mireille Urbain		Marseille	Support	N		Written
France	Monique Tonet		Nice	Support	N	x	Written
France	Monique Tonet		Nice	Support	N		Written
France	Nathalie Quesnel		Calais	Support	N		Written
France	Regula Hess		Parmain	Support	N		Written
France	Riche Joelle		Arcueil	Support	N		Written
GA	Bala Palani		Lilburn	Support	N		Written
GA	Marco Pardi		Lawrenceville	Support	N		Written
GA	Nancy Howard		Douglasville	Support	N		Written
GA	Phaedra Dresch		Crawfordville	Support	N		Written
GA	Robert Sanders		Temple	Support	N		Written
GA	Skip Clement	publisher flylifemagazine.com	Woodstock	Support	N		Written
GA	Susan Thurairatnam		Rincon	Support	N		Written
Germany	Amala Kohler		Ludwigsburg	Support	N		Written
Germany	Angelika Engels		Berlin	Support	N		Written
Germany	Astrid Keup		Allendorf	Support	N		Written
Germany	Barbara Garris		Nürnberg	Support	N		Written
Germany	Bo Dhi		Tuebingen	Support	N		Written
Germany	Christine Roeffen		Clausen	Support	N		Written
Germany	Ilona Vaupel		Willroth	Support	N		Written
Germany	Jörg Gaiser		Baiersbronn	Support	N		Written
Germany	Lorenz Steininger		Hohnewart	Support	N	x	Written
Germany	Maria Schneider		Munich	Support	N		Written
Germany	Markus Kraemer		Kreuzau	Support	N		Written
Germany	Michaela Rohr		Frankfurt	Support	N		Written
Germany	Mickey Soyulu		Bobenheim	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
Germany	Petra Jaerling		Cologne	Support	N		Written
Germany	Richard Hieber		Memmingen	Support	N		Written
Germany	Tanja Rieger		Neumünster	Support	N		Written
Germany	Vanessa Stöferle		Ochsenhausen	Support	N		Written
Greece	Konstantina Balaska		Thessaloniki	Support	N		Written
Greece	Maria Peteinaraki		Heraklion City	Support	N		Written
HI	Christopher Gonsalves		Pahoa	Support	N		Written
HI	Janette Shablow		Kapaa	Support	N		Written
HI	Javier Mendez		Honolulu	Support	N		Written
HI	Kater Hiney		Kona	Support	N		Written
HI	Lorraine Barrie		Kihei	Support	N		Written
HI	Wandalea Walker		Kilauea	Support	N		Written
IA	Jody Gibson		Des Moines	Support	N		Written
IA	Vickey Baker		Harlan	Support	N		Written
ID	Abby McMurtry		Moscow	Support	N		Written
ID	Amanda Stahlke		Moscow	Support	N		Written
ID	Ben Mcmurtry		Moscow	Support	N		Written
ID	Bill Baer		Salmon	Support	N		Written
ID	Cathy Tyson-Foster		Hailey	Support	N		Written
ID	Conner Jackson		Boise	Support	N		Written
ID	Daniel Roper		Twin Falls	Support	N		Written
ID	Daniel Thiessen		Jerome	Support	N		Written
ID	David Gotsch		Moscow	Support	N		Written
ID	Duane Marler		Meridian	Support	N		Written
ID	Gary Carlson		Bonnors Ferry	Support	N		Written
ID	Harrison Hilbert		Pocatello	Support	N		Written
ID	Jacob Miczulski		Bellevue	Support	N		Written
ID	James Bishop		Sandpoint	Support	N		Written
ID	Jane Beattie		Ketchum	Support	N		Written
ID	John Driessen		McCall	Support	N		Written
ID	John Gwin		Boise	Support	N		Written
ID	Jonathan Absher		Cascade	Support	N		Written
ID	Kimberly Cunningham (2)		Coeur D'Alene	Support	N		Written
ID	Michael Commins		Tetonia	Support	N		Written
ID	Michael Dawkins		Victor	Support	N		Written
ID	Mikki Fritz		Moscow	Support	N		Written
ID	Ryne Christen		Moscow	Support	N		Written
ID	Tom Kovalicky		Grangeville	Support	N		Written
IL	Andrea F.		Beach Park	Support	N		Written
IL	Andrea Lopez		Oak Lawn	Support	N		Written
IL	Anna Sorensen		Huntley	Support	N		Written
IL	Carol Jurczewski		Riverside	Support	N		Written
IL	Cecelia Samp		Schiller Park	Support	N		Written
IL	Cheryl Weiss		Granite City	Support	N		Written
IL	Cindy Moczarney		Elmwood Park	Support	N		Written
IL	Connie Burris		Springfield	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
IL	Craig Mankowski		Naperville	Support	N		Written
IL	Dori Cole		Wheaton	Support	N		Written
IL	Ellen Domke		Chicago	Support	N		Written
IL	Gloria Picchetti		Chicago	Support	N	x	Written
IL	Gloria Picchetti		Chicago	Support	N		Written
IL	Greg Heiser		Deerfield	Support	N		Written
IL	Harrison P. Bertram		Schumburg	Support	N		Written
IL	Jeff Hopkins		Lindenhurst	Support	N		Written
IL	Lenore Reeves		Mokena	Support	N		Written
IL	Letitia Noel		Chicago	Support	N		Written
IL	Lisa Barrett		Loves Park	Support	N		Written
IL	Niall McCarthy		Chicago	Support	N		Written
IL	Robert Shmikler		Deerfield	Support	N		Written
IL	Roger D .Trout		Springfield	Support	N		Written
IL	S. Dri		Peoria	Support	N		Written
IL	Sonja Chan (2)		Kankakee	Support	N		Written
IL	Walter Schultz (2)		Galesburg	Support	N		Written
IL	Wyman Whipple		Dahinda	Support	N		Written
IN	Bruce Hlodnicki		Indianapolis	Support	N		Written
IN	Denice Kastner		Lowell	Support	N		Written
IN	James L. Wolcott		New Albany	Support	N		Written
IN	Karen D. Felts		Noblesville	Support	N		Written
IN	Patrick Blair		Indianapolis	Support	N		Written
IN	Ricki Newman		Newburgh	Support	N		Written
IN	Russ Cross		Ladoga	Support	N		Written
IN	Russ Cross (2)		Ladoga	Support	N	x	Written
IN	Sam DiMaio		Valparaiso	Support	N		Written
IN	Strait Hill		Columbus	Support	N		Written
Israel	Yael Shimshon		Jerusalem	Support	N		Written
Italy	Brigitte Bregagna		Senigallia	Support	N		Written
Italy	Chiara Canalini		Scafa	Support	N		Written
Italy	Cristina Tirelli		Reggio Emilia	Support	N		Written
Italy	Dani Mess		Lecce	Support	N		Written
Italy	Emilia Boccagna		Catanzaro	Support	N	x	Written
Italy	Enzo Mulas		Florence	Support	N		Written
Italy	Laura Melotti		Castellanza	Support	N		Written
Italy	Marcello Contini		Torino	Support	N		Written
Italy	Mario Giannone		Florence	Support	N		Written
Italy	Pablo Bobe		Bs As	Support	N		Written
Italy	Sandra Albo		Sesto San Giovanni	Support	N		Written
Italy	Silvia Bertano		Torino	Support	N		Written
Italy	Sos Animali		Trento	Support	N		Written
KS	Carol Bischoff		Junction City	Support	N		Written
KY	Patricia Nazzaro		Union	Support	N		Written
KY	Terry Huey		Lexington	Support	N		Written
KY	Tiffany Baker		Nicholasville	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
LA	Anita Merrigan		Covington	Support	N		Written
MA	Bonnie Faith		Cambridge	Support	N	x	Written
MA	Bonnie Faith		Cambridge	Support	N		Written
MA	Brandie Deal		Bothell	Support	N		Written
MA	Brendan O'Brien		Boston	Support	N	x	Written
MA	Brendan O'Brien		Boston	Support	N		Written
MA	Brian Gingras		Braintree	Support	N		Written
MA	Brigid Courtney		Duxbury	Support	N		Written
MA	Deborah Spencer		Billerica	Support	N		Written
MA	Eileen Sonnenberg		Brewster	Support	N		Written
MA	Gerald Eves Jr.		Wilbraham	Support	N		Written
MA	Jodi Rodar		Springfield	Support	N		Written
MA	John Gittins		North Brookfield	Support	N		Written
MA	John Quin		Marstons Mills	Support	N		Written
MA	Judith Embry		Florida	Support	N		Written
MA	Kate Kenner		Jamaica Plain	Support	N		Written
MA	Kathleen Rolih		Warwick	Support	N		Written
MA	Mindy Maxwell		Cambridge	Support	N		Written
MA	Toni Siegrist		Boston	Support	N		Written
Malaysia	Chenie Kaur		Kuala Lumpur	Support	N	x	Written
Malaysia	Chenie Kaur		Kuala Lumpur	Support	N		Written
MD	Anette Stauske		Davidsonville	Support	N		Written
MD	Carolina Usandivaras		North Potomac	Support	N		Written
MD	Helena Doerr		Silver Spring	Support	N		Written
MD	JoAnn Schropp		Edgewater	Support	N		Written
MD	joseph McGurrin		Stevensville	Support	N		Written
MD	Kelly Holland	Sundance Kayak School	Cabin John	Support	N		Written
MD	Mary Spano		Edgewater	Support	N		Written
MD	Nicole Weber		Pasadena	Support	N	x	Written
MD	Nicole Weber		Pasadena	Support	N		Written
MD	Roger Blake		Reisterstown	Support	N		Written
MD	Van Plummer		Solomons	Support	N		Written
ME	Karen Stickney		Lewiston	Support	N		Written
ME	Karin Holtzhausen		Margate	Support	N		Written
ME	Meryl Pinque		Bangor	Support	N		Written
Mexico	Henry Newhouse		New Harbor	Support	N		Written
Mexico	Manuel Madero		Monterrey	Support	N		Written
Mexico	Miriam Cardiel		Xalapa	Support	N		Written
MI	Anna Brewer		Fountain	Support	N		Written
MI	Art Hanson		Lansing	Support	N		Written
MI	Bonna Mettie			Support	N		Written
MI	Curt Cunningham		Grand Rapids	Support	N		Written
MI	David Herring		Okemos	Support	N		Written
MI	E. James Nedeau		Muskegon	Support	N		Written
MI	Gary Myers		Westland	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
MI	Gloria La Fleur		Dearborn Heights	Support	N		Written
MI	Ildiko Cziglienyi		Trinidad	Support	N		Written
MI	John Canavan		Troy	Support	N		Written
MI	Lorne Beatty		Brighton	Support	N		Written
MI	Mark L. Ish		Berkley	Support	N		Written
MI	Marylen Kincer		Shelby Township	Support	N		Written
MI	Michael Kitchen		Portage	Support	N		Written
MI	Michael Miller		Harbor Springs	Support	N		Written
MI	Natalie Hanson		Lansing	Support	N		Written
MI	Ryan J. Engle		Chase	Support	N		Written
MI	Steven Carpenter		Woodhaven	Support	N		Written
MI	Travis Carter		Grandville	Support	N		Written
MN	Adam Ward		Vernon Center	Support	N		Written
MN	Amy Buchanan		Minneapolis	Support	N		Written
MN	Barbara Stamp		Bloomington	Support	N		Written
MN	Brent Koehler		Excelsior	Support	N		Written
MN	Denise Thomas		West St. Paul	Support	N		Written
MN	Dylan Golla		Minneapolis	Support	N		Written
MN	Heidi Ahlstrand		Owatonna	Support	N		Written
MN	Janet Neihart		Cottage Grove	Support	N		Written
MN	Jeffrey Jaspersen		Duluth	Support	N		Written
MN	Jeremy Olmscheid		Albany	Support	N		Written
MN	Jill Johnson		Mankato	Support	N		Written
MN	Maggie Thompson		Saint Paul	Support	N		Written
MN	Mary Johannsen		Minneapolis	Support	N		Written
MN	Nate Scheibe		Wabasha	Support	N		Written
MN	Nora Whitmore		Red Wing	Support	N		Written
MN	Peggy Seppmann		Mankato	Support	N		Written
MN	Sheila D.			Support	N		Written
MN	William Nusbaum		Minneapolis	Support	N		Written
MO	Charles Phillips		Boonville	Support	N		Written
MO	Claire Sefiane		Ozark	Support	N		Written
MO	Edward Spevak		Saint Louis	Support	N		Written
MO	Gordon Newton		Saint Louis	Support	N		Written
MO	James Nash		Saint Louis	Support	N		Written
MO	Laurel Eckert		Kansas City	Support	N		Written
MO	Lauri DesMarais		Innsbrook	Support	N		Written
MO	Marshall Simpson		Richmond	Support	N		Written
MO	Michael Olenjack		St. Louis	Support	N		Written
MS	Michael Maglothin		Acton	Support	N		Written
MS	Will Alexander		Amory	Support	N		Written
MT	Alec Underwood		Missoula	Support	N		Written
MT	Borden Porter		Bozeman	Support	N		Written
MT	David Schroeder		Bozeman	Support	N		Written
MT	Doug Wonders		Gardiner	Support	N		Written
MT	Hannah Holst		Bozeman	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
MT	Jillian Fiedor		Billings	Support	N		Written
MT	John Dillon		Great Falls	Support	N		Written
MT	Kathlene Withycombe		Missoula	Support	N		Written
MT	Matt Simms		Missoula	Support	N		Written
MT	Robin Vogler		Big Fork	Support	N		Written
MT	Sam Lungren	Backcountry Journal Editor	Missoula	Support	N		Written
MT	Sam Monroe Olson		Missoula	Support	N		Written
MT	Sarah Stewart		Gardiner	Support	N		Written
NC	Annie Wei		Queensland	Support	N		Written
NC	Annie Wei		Queensland	Support	N	x	Written
NC	Giana Peranio-Paz		Hendersonville	Support	N	x	Written
NC	Giana Peranio-Paz		Hendersonville	Support	N		Written
NC	Marie Michl		Rocky Mount	Support	N		Written
NC	Matthew K. Ellement		Durham	Support	N		Written
NC	Melissa Hastings		Newport	Support	N		Written
NC	Nancy Yarosis		Benson	Support	N		Written
ND	Doug Krause		Fargo	Support	N	x	Written
ND	Doug Krause		Fargo	Support	N		Written
ND	Randy Sailer		Beulah	Support	N		Written
NE	Natalie Van Leekwijck		Hazard	Support	N	x	Written
NH	Dominic Libby		Milton	Support	N		Written
NH	Doug Holler		Grantham	Support	N		Written
NH	Janice Banks		Center Barnstead	Support	N		Written
NH	Kellie Smith		Deering	Support	N		Written
Nicaragua	Melania Padilla		Managua	Support	N		Written
Nicaragua	Sergio Padilla		Somoto	Support	N		Written
NJ	Alex Ford		Far Hills	Support	N		Written
NJ	Amy Hansen		Asbury	Support	N		Written
NJ	Andrea Lewis		Hamilton	Support	N		Written
NJ	Carl Oerke Jr		River Edge	Support	N		Written
NJ	Chris Henrickson		Westwood	Support	N		Written
NJ	Christine Koehler		Vineland	Support	N		Written
NJ	Denise Lytle		Fords	Support	N		Written
NJ	Dennis Morley		Old Bridge	Support	N		Written
NJ	Dennis Morley		Old Bridge	Support	N	x	Written
NJ	Eileen Mahood-Jose		Little Ferry	Support	N		Written
NJ	Fred Fall		Cherry Hill	Support	N		Written
NJ	Fred Fall		Cherry Hill	Support	N	x	Written
NJ	Iris Sinai		Marlboro	Support	N		Written
NJ	Jackie Martinez		Belleville	Support	N		Written
NJ	Mark Canright		Asbury	Support	N		Written
NJ	Michael Masley		Manville	Support	N		Written
NJ	Mitchell Dormont		Monroe Township	Support	N		Written
NJ	Nina Clausen		New Brunswick Middlesex County	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
NJ	O. Ruiz		Clifton	Support	N		Written
NJ	Rebecca Canright		Asbury	Support	N		Written
NJ	Robert Moore		Lakewood	Support	N		Written
NM	B. Thomas Diener		Albuquerque	Support	N		Written
NM	Howard Bradley		Bloomfield	Support	N		Written
NM	Kenneth L. Payne		Albuquerque	Support	N		Written
NV	Charlene Boydston		Pahrump	Support	N		Written
NV	Derek Gendvil		Las Vegas	Support	N		Written
NV	Georgina Wright		North Las Vegas	Support	N		Written
NV	Janna Caughron		Reno	Support	N		Written
NV	Jennifer Pritchard		Henderson	Support	N		Written
NV	John Fochetti		Reno	Support	N		Written
NV	Lance Rava		Renovada	Support	N		Written
NV	Nicole Hickok		Reno	Support	N		Written
NY	Amy Harlib		New York	Support	N		Written
NY	Anita Maldonado		Brooklyn	Support	N		Written
NY	Barbara Vieira		Staten Island	Support	N		Written
NY	Barbara Vieira		Staten Island	Support	N	x	Written
NY	Chris Washington		New York	Support	N		Written
NY	Christopher Panayi		New York	Support	N		Written
NY	Christopher Panayi		New York	Support	N	x	Written
NY	Christy Carosella		Ozone Park	Support	N		Written
NY	Clifford Provost		New York	Support	N		Written
NY	Curtis Hartman		Elmira	Support	N		Written
NY	Darren Mc Eniff		Maspeth	Support	N		Written
NY	Darryl Braley		Mayville	Support	N		Written
NY	Deborah Boomhower		Albany	Support	N		Written
NY	Donald W. Henderson		Ithaca	Support	N		Written
NY	Doug Butler		Painted Post	Support	N		Written
NY	Ed Vieira		New York	Support	N		Written
NY	Ed Vieira		Staten Island	Support	N	x	Written
NY	Elizabeth Guthrie		Webster	Support	N	x	Written
NY	Elizabeth Guthrie		Webster	Support	N		Written
NY	Erma Lewis		Brooklyn	Support	N		Written
NY	Fay Forman		New York	Support	N		Written
NY	Gabrielle DiFonzo		Staten Island	Support	N		Written
NY	Georgianne Matranga		Port Jefferson Station	Support	N		Written
NY	Heather Cross		Brooklyn	Support	N		Written
NY	Janet Forman		New York	Support	N		Written
NY	Jeanette Capotorto		Commack	Support	N		Written
NY	Jeffrey Judd		Hillsdale	Support	N		Written
NY	Jennifer Griffith		New Rochelle	Support	N		Written
NY	john papandrea		New York City	Support	N		Written
NY	Ken Ward		Gloversville	Support	N		Written
NY	Kimberly Wiley		Rochester	Support	N	x	Written
NY	Kimberly Wiley (2)		Rochester	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
NY	M. kenny		Trumansburg	Support	N		Written
NY	Mark Hollinrake		New York	Support	N		Written
NY	Mark Mansfield		Geneva	Support	N		Written
NY	MaryAnn Burch		Aurora	Support	N		Written
NY	Patricia Vineski		Madrid	Support	N		Written
NY	Paul Panus		Ossining	Support	N		Written
NY	Rich Redman		Moriah Center	Support	N		Written
NY	Richard Kite		New York	Support	N		Written
NY	Richard Stern		New York	Support	N		Written
NY	Rob Fursich		Hartsdale	Support	N		Written
NY	Ruth Byingtn		Flushing	Support	N		Written
NY	Steven Kostis		New York	Support	N		Written
NY	Thomas Minehan		Saranac Lake	Support	N		Written
NY	Tiffany Theden		Lomita	Support	N		Written
NY	Vicky Moraiti		Albany	Support	N		Written
NY	Walter Stoeckmann		Stormville	Support	N		Written
NY	William Sharfman		New York	Support	N		Written
OH	Amy Schumacher		Beavercreek	Support	N	x	Written
OH	Carmen Elise Rincones		Columbus	Support	N		Written
OH	Cynthia Takaht		Garfield Hts	Support	N		Written
OH	Jesse Williams		Cincinnati	Support	N		Written
OH	John Brewer		Marietta	Support	N		Written
OH	Karel Lojowsky		Bay Village	Support	N		Written
OH	Kurt Frees		Cincinnati	Support	N		Written
OH	Marianne Frusteri		Rocky River	Support	N		Written
OH	Mark Kasubick		Cleveland Heights	Support	N		Written
OH	Michael Nypaver		Andover	Support	N		Written
OH	Mitzi Frank		Sharon Center	Support	N		Written
OH	Natalie A. Carter		Newark	Support	N		Written
OH	Nicole Maschke		Cleveland	Support	N		Written
OH	Robert Williams		Mason	Support	N	x	Written
OH	Tammy Weatherly		Cortland	Support	N		Written
OH	Toby Ann Reese		Valley City	Support	N		Written
OH	Virginia Douglas		Elyria	Support	N		Written
OK	Andrew McDougall		Arcadia	Support	N		Written
OK	Deborah Smith (2)		Oklahoma City	Support	N		Written
OK	Duane Wittman		Inola	Support	N		Written
OK	Lydia Garvey		Clinton	Support	N		Written
OK	Mercedes Lackey		Claremore	Support	N		Written
OR	A. Todd		Eugene	Support	N		Written
OR	Aaron Bento		Beaverton	Support	N		Written
OR	Alan Bartl		Eagle Point	Support	N		Written
OR	Alan R. Haight		Sunriver	Support	N		Written
OR	Albert Collinet		Brookings	Support	N		Written
OR	Alden, Denise & Aaron Moffatt		Ashland	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Alex Budd		Grants Pass	Support	N		Written
OR	Alisa Ocean		O'Brien	Support	N		Written
OR	Allen Crutcher		Ashland	Support	N		Written
OR	Alyssa Babin	Wild and Scenic Rivers	Curry County	Support			Oral
OR	Amanda Alford		Ashland	Support	N		Written
OR	Amanda Winters		Portland	Support	N		Written
OR	Amber Gayle Thalmayer		Eugene	Support	N		Written
OR	Amy Schlotterback		Ashland	Support	N		Written
OR	Andrea Good		Ashland	Support	N		Written
OR	Andrea Pellicani		Eagle Point	Support	N		Written
OR	Andrew Kerr		Eugene	Support	N		Written
OR	Ann Tibbot		Ashland	Support	N		Written
OR	Ann Vileisis	Kalmiopsis Audubon Society	Port Orford	Support			Oral
OR	Ann Vileisis	Kalmiopsis Audubon Society	Port Orford	Support	N		Written
OR	Ann Watters		Salem	Support	N		Written
OR	Anna Ward		Grants Pass	Support	N		Written
OR	Anne-Marie Anantha		Portland	Support	N		Written
OR	Antoinette Laferriere		Bend	Support	N		Written
OR	Arden Erlichman		Ashland	Support	N		Written
OR	Assaf Diab		Ashland	Support	N		Written
OR	Avram Chetron		Ashland	Support	N		Written
OR	Ayani Mikasi		Talent	Support	N		Written
OR	Barbara Bauer		Ashland	Support	N		Written
OR	Barbara Comnes		Ashland	Support	N		Written
OR	Barbara Kelberlau		Central Point	Support	N		Written
OR	Barbara L. Taylor		North Bend	Support	N		Written
OR	Barbara Ullian	Friends of the Kalmiopsis	Grants Pass	Support	N		Written
OR	Barrett D Edgar		Wedderburn	Support	N	x	Written
OR	Barrett Edgar		Wedderburn	Support	N		Written
OR	Basey Klopp		Bend	Support	N		Written
OR	Becky Crockett	Agriculture and forestry business; Coos-Curry Farm Bureau, Oregon Farm Bureau	Curry County	Oppose			Oral
OR	Becky Schilling		Ashland	Support	N		Written
OR	Ben Marean		Eugene	Support	N		Written
OR	Ben Scott		Ashland	Support	N		Written
OR	Benjamin Thomas		Portland	Support	N		Written
OR	Betty H. Olson		Port Orford	Support	N		Written
OR	Bill Rogers		Talent	Support	N		Written
OR	Bill Street		Ashland	Support	N		Written
OR	Bill Yungstrom		Brookings	Support	N		Written
OR	Bob Bumstead		Eugene	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Bob Thomas		Myrtle Creek	Support	N		Written
OR	Bob, Carolyn & Marissa Litak		Cave Junction	Support	N		Written
OR	Bobbie Gross		Brookings	Support	N		Written
OR	Bonnie & George Kuppler		Brookings	Support	N		Written
OR	Brent Ross		Eugene	Support	N		Written
OR	Brett M Ayotte		Terrebonne	Support	N		Written
OR	Brian Delagrance		Grants Pass	Support	N		Written
OR	Brian Hilden		Ashland	Support	N		Written
OR	Brian Oliver		Joseph	Support	N		Written
OR	Brian Von		Portland	Support	N		Written
OR	Bruce Anderson		Eugene	Support	N		Written
OR	Bruce Cooley		Eugene	Support	N		Written
OR	Bruce McCullough		Estacada	Support	N		Written
OR	Bruce Thompson		Portland	Support	N		Written
OR	Bud Erland		Portland	Support	N		Written
OR	Burton Lazar		Portland	Support	N		Written
OR	Cameron La Follette	Oregon Coast Alliance	Astoria	Support	N		Written
OR	Carl Combs		Portland	Support	N		Written
OR	Carla Sylvae		Ashland	Support	N		Written
OR	Carol Ampel		Medford	Support	N		Written
OR	Carol Hinman		Gold Beach	Support	N		Written
OR	Carol J. Loomis		Portland	Support	N		Written
OR	Carole Olds		Portland	Support	N		Written
OR	Catherine D. Susman		Eugene	Support	N		Written
OR	Celene Jarvi		Eugene	Support	N		Written
OR	Char Nuessle		Ashland	Support	N		Written
OR	Charles Gehr		Ashland	Support	N		Written
OR	Charles Gehr		Talent	Support	N		Written
OR	Charles Petit		Portland	Support	N		Written
OR	Cheryl Rawson		Ashland	Support	N		Written
OR	Chester Inkabro		Corvallis	Support	N		Written
OR	Chris Conaty		Portland	Support	N		Written
OR	Christine Williams		Ashland	Support	N		Written
OR	Christine Wilson		Pendleton	Support	N		Written
OR	Christopher Hiatt		Eugene	Support	N		Written
OR	Ciry Null		Chiloquin	Support	N		Written
OR	Claire Cohen		Lake Oswego	Support	N		Written
OR	Cliff Oakley		Jacksonville	Support	N		Written
OR	Clint Brumitt		Eugene	Support	N		Written
OR	Connie Lynn		Ashland	Support	N		Written
OR	Conrad P. Gowell		Portland	Support	N		Written
OR	Constance Huff		Vida	Support	N		Written
OR	Corbin Brashear		Williams	Support	N		Written
OR	Dan Ellis		Portland	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Dan Hockett		Tigard	Support	N		Written
OR	Dan Volz		Medford	Support	N		Written
OR	Dana Bleckinger		Yachats	Support	N	x	Written
OR	Dana Bleckinger		Yachats	Support	N		Written
OR	Daniel Shaw		Pheasant Hill	Support	N		Written
OR	Dar & Beth Krambule		Portland	Support	N		Written
OR	Darek Staab		Bend	Support	N		Written
OR	Dave Carpenter		Lyons	Support	N		Written
OR	Dave Cornell (2)		Talent	Support	N		Written
OR	Dave Lacey		Gold Beach	Support	N		Written
OR	Dave Lacey	South Coast Tours		Support			Oral
OR	Dave Manzella		Gold Beach	Support	N		Written
OR	Dave Thomas		Eugene	Support	N		Written
OR	Dave Willis		Ashland	Support	N		Written
OR	David & Leann Tourzan		Ashland	Support	N		Written
OR	David Andruss		Richland	Support	N		Written
OR	David Carpenter		Lyons	Support	N		Written
OR	David Chuse		Ashland	Support	N		Written
OR	David Gasser		Keizer	Support	N		Written
OR	David Heller		Portland	Support	N		Written
OR	David Hohler		Corvallis	Support	N		Written
OR	David Kirkpatrick		Talent	Support	N		Written
OR	David Levine		Williams	Support	N		Written
OR	David Leyva		Corvallis	Support	N		Written
OR	David McAlaster		Ashland	Support	N		Written
OR	David Mitchell		Gold Beach	Support	N		Written
OR	David Morton		Bend	Support	N		Written
OR	David Shiah		Murphy	Support	N		Written
OR	DB Kruse		Gladstone	Support	N		Written
OR	Deanna Collis		Agness	Support	N		Written
OR	Deborah Buitron		Port Orford	Support	N		Written
OR	Delwin Holland		Prineville	Support	N		Written
OR	Dennis Biggins		Hillsboro	Support	N	x	Written
OR	Dennis Biggins		Hillsboro	Support	N		Written
OR	Dennis Hebert		Eugene	Support	N		Written
OR	Dennis Miller		Bend	Support	N	x	Written
OR	Dennis Miller		Bend	Support	N		Written
OR	Dia Paxton		Ashland	Support	N		Written
OR	Diana Anderson		Roseburg	Support	N		Written
OR	Diane Newell Meyer		Ashland	Support	N		Written
OR	Diane Wood		Gold Beach	Support	N		Written
OR	Don Lange		Dundee	Support	N		Written
OR	Don Titterington		Wilsonville	Support	N		Written
OR	Donald Feltham		West Linn	Support	N		Written
OR	Donlon McGovern		Portland	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Doug Heiken		Eugene	Support	N		Written
OR	Doug Shipley		Ashland	Support	N		Written
OR	Doug Viner		Ashland	Support	N		Written
OR	Dustin & Tera Lyons/Ptacek		Ashland	Support	N		Written
OR	Dusty Bloomingheart		Eugene	Support	N		Written
OR	Dylan Rose		Ashland	Support	N		Written
OR	Ed Hughes		Bend	Support	N		Written
OR	Ed Sylvester		Bend	Support	N		Written
OR	Eden Luz		Jacksonville	Support	N		Written
OR	Edward Gross		Brookings	Support	N		Written
OR	Edward Shelley		Ashland	Support	N		Written
OR	Ellen Fineberg (2)		Williams	Support	N		Written
OR	Ellen Watrous		Corvallis	Support	N		Written
OR	Emily Berlant		Talent	Support	N		Written
OR	Emily Nuechterlein		Port Orford	Support	N	x	Written
OR	Emily Nuechterlein		Port Orford	Support	N		Written
OR	Erik Burlingame		Eugene	Support	N		Written
OR	Eugene Wier		Ashland	Support	N		Written
OR	Evan Durland		Newport	Support	N		Written
OR	Evelyn Pietrowski-Ciullo		Salem	Support	N		Written
OR	F. M. 'Doc' Reedy		Albany	Support	N		Written
OR	Frank Lospalluto		Ashland	Support	N		Written
OR	Fred Caldwell		Brookings	Support	N		Written
OR	Friends and supporters	Bauer Fly Reel	Ashland	Support	N		Written
OR	Froggy Frog and Dug		Cave Junction	Support	N		Written
OR	Gabe Babcock		Corvallis	Support	N		Written
OR	Gail Pearlman		Grants Pass	Support	N		Written
OR	Gary Grotrian		Agness	Support	N		Written
OR	Gary Nuechterlein		Port Orford	Support	N		Written
OR	Gary Pellett		Central Point	Support	N		Written
OR	Gayle Norie		Bend	Support	N		Written
OR	Genevieve Long		Portland	Support	N		Written
OR	George Getty		Grants Pass	Support	N		Written
OR	George Hutchinson		Corvallis	Support	N		Written
OR	George Sexton		Ashland	Support	N		Written
OR	Ginger Ellis		Portland	Support	N		Written
OR	Glen Love		Eugene	Support	N		Written
OR	Gloria & Bob Ziller		O'Brien	Support	N	x	Written
OR	Gloria Schwartz		Ashland	Support	N		Written
OR	Gordon Huestis		Portland	Support	N		Written
OR	Gordon Lyford		O'Brien	Support			Oral
OR	Gordon Lyford	Wild Rivers Water Rights	O'Brien	Support	Y		Written
OR	Greg Hayden		Ashland	Support	N		Written
OR	Hans Stroo		Ashland	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Harmony Oltman		Williams	Support	N		Written
OR	Harry C. Piper		Ashland	Support	N		Written
OR	Harry Freiberg		Brookings	Support	N		Written
OR	Harvey Young		Brookings-Harbor	Support			Oral
OR	Heather Chapin		Portland	Support	N		Written
OR	Heather Faith		Ashland	Support	N		Written
OR	Heidi Bosworth		Central Point	Support	N		Written
OR	Helen Rueda		Portland	Support	N		Written
OR	Henry Carlile		Portland	Support	N		Written
OR	Henry Wilkinson		Portland	Support	N		Written
OR	Herb & Wendy Everett		Eugene	Support	N		Written
OR	Herb Long		Ashland	Support	N		Written
OR	Hillary Tiefer		Lake Oswego	Support	N		Written
OR	Howard Erbe		Grants Pass	Support	N		Written
OR	Hudson Gardner		Forest Grove	Support	N		Written
OR	Jack Churchill		Agness	Support	N		Written
OR	Jack E. Williams		Medford	Support	N		Written
OR	Jackson Meadows		Klamath Falls	Support	N		Written
OR	Jacob Rose (2)		Forest Grove	Support	N		Written
OR	Jake Crawford		Ashland	Support	N		Written
OR	James Daugherty		Grants Pass	Support	N		Written
OR	James Fenner		Lake Oswego	Support	N		Written
OR	James Fraser		Portland	Support	N		Written
OR	James Miller		Portland	Support	N		Written
OR	James Mitchell		Eugene	Support	N		Written
OR	James Rowen		Bend	Support	N		Written
OR	James Smith		Gold Beach	Support	N		Written
OR	Jan Barbas		Curry County	Support			Oral
OR	Jane Holloway		Pleasant Hill	Support	N		Written
OR	Jane Mara		Murphy	Support	N		Written
OR	Jane McLaughlin		Rogue River	Support	N		Written
OR	Janet Shellman Sherman		Gold Beach	Support	N		Written
OR	January Jennings		Ashland	Support	N		Written
OR	Jared Sandeen		Grants Pass	Support	N		Written
OR	Jasmine Patten		Ashland	Support	N		Written
OR	Jason Balderson		Corvallis	Support	N		Written
OR	Jason Clark		Talent	Support	N		Written
OR	Jason Margulis		Ashland	Support	N		Written
OR	Jay H. Beckstead		Medford	Support	N		Written
OR	Jean Edwards		Hillsboro	Support	N		Written
OR	Jeff and Tina Perin		Sisters	Support	N		Written
OR	Jeff Pokorny (2)		Bend	Support	N		Written
OR	Jeff Stewart		Ashland	Support	N		Written
OR	Jeffrey A. Evershed		Lake Oswego	Support	N		Written
OR	Jeffrey Thieret		Selma	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Jeffrey White		Forest Grove	Support	N		Written
OR	Jen Matthews		Eugene	Support	N		Written
OR	Jeni Harris		Hood River	Support	N		Written
OR	Jenny Van Winkle		Williams	Support	N		Written
OR	Jenny Velinty		Florence	Support	N		Written
OR	Jerry Feakes		Portland	Support	N		Written
OR	Jerry Hubbard		Bend	Support	N		Written
OR	Jim Fety		Rogue River	Support	N		Written
OR	Jim Freeberg		Ashland	Support	N		Written
OR	Jim Lawrence		Baker City	Support	N		Written
OR	Jim Miller		Portland	Support	N		Written
OR	Jim Pruett		Lake Oswego	Support	N		Written
OR	Jim Wells		Medford	Support	N		Written
OR	Joan and Al Geiser		Port Orford	Support	N		Written
OR	Joana Kirchhoff		Portland	Support	N		Written
OR	John Adams		Jacksonville	Support	N		Written
OR	John Altshuler		Eugene	Support	N		Written
OR	John Anderson		Garibaldi	Support	N		Written
OR	John Babin	Wild and Scenic Rivers	Curry County	Support			Oral
OR	John Brinkley		Eugene	Support	N	x	Written
OR	John Brinkley		Eugene	Support	N		Written
OR	John Brinkley		Eugene	Support	N		Written
OR	John Copp		Portland	Support	N		Written
OR	John DeVoe		Portland	Support	N		Written
OR	John Gardiner		Cave Junction	Support	N	x	Written
OR	John Herberg		Eugene	Support	N		Written
OR	John Larison		Corvallis	Support	N		Written
OR	John Nettleton		Portland	Support	N		Written
OR	John O'Connor		Eugene	Support	N		Written
OR	John Riha		Ashland	Support	N		Written
OR	John Schlosser		Portland	Support	N		Written
OR	John Villella		Ashland	Support	N		Written
OR	John Wadsworth		Portland	Support	N		Written
OR	Jon B. Lund		Eugene	Support	N		Written
OR	Jon C. Sewell		Lake Oswego	Support	N		Written
OR	Jonathan A. Rettmann		Portland	Support	N		Written
OR	Joni Randall		Eugene	Support	N		Written
OR	Jonnel Covault		Portland	Support	N	x	Written
OR	Jonnel Covault		Portland	Support	N		Written
OR	Joseph Lian		Williams	Support	N		Written
OR	Joseph Youren		Lincoln City	Support	N		Written
OR	Josh A Lusher		Eugene	Support	N	x	Written
OR	Josh Lusher		Eugene	Support	N		Written
OR	Judy McFarlane		Brookings	Support	N		Written
OR	Julian Peet		Lake Oswego	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Julian Spalding		Talent	Support	N		Written
OR	Julie Cymore		Ashland	Support	N		Written
OR	Julie Norman		Ashland	Support	N		Written
OR	Justine Cooper		Eugene	Support	N		Written
OR	Karen Debraal		Springfield	Support	N		Written
OR	Karen Horn		Ashland	Support	N		Written
OR	Karen Sinclair		Grants Pass	Support	N		Written
OR	Karen Wennlund		Ashland	Support	N		Written
OR	Kate Gribskov		Portland	Support	N		Written
OR	Katelyn Detweiler		Phoenix	Support	N		Written
OR	Katharine Wert		Dundee	Support	N		Written
OR	Kathi Lindsay		Port Orford	Support	N	x	Written
OR	Kathi Lindsay		Port Orford	Support	N		Written
OR	Kathie Cotter		Gold Beach	Support	N		Written
OR	Kathryn O'Connor		Aumsville	Support	N		Written
OR	Kathy Stasny		Ashland	Support	N		Written
OR	Kathy Svendsen		Grants Pass	Support	N		Written
OR	Katie Becker		Talent	Support	N		Written
OR	Kayla Starr		Cave Junction	Support	N		Written
OR	Ken Morrish		Ashland	Support	N		Written
OR	Kenneth D. MacDonald		Gresham	Support	N		Written
OR	Kevin Hill (2)		Silverton	Support	N		Written
OR	Kris N.		Portland	Support	N		Written
OR	Kris Nelson		Portland	Support	N		Written
OR	Kristin Sterling		Ashland	Support	N		Written
OR	Kristina Lefever		Ashland	Support	N		Written
OR	Kyle Huntley		Oregon City	Support	N		Written
OR	Kyle Smith		Salem	Support	N		Written
OR	Larry Francis		Applegate	Support	N		Written
OR	Larry Marcer		Portland	Support	N		Written
OR	Laura M. Ohanian		Eugene	Support	N		Written
OR	Laura Rost		Portland	Support	N		Written
OR	Lawrence Nagel		Ashland	Support	N		Written
OR	Lee & Marilyn Rengert		Salem	Support	N		Written
OR	Lee Hughes		Medford	Support	N		Written
OR	Lenore Shisler		Ashland	Support	N		Written
OR	Linda Becker		Lake Oswego	Support	N		Written
OR	Linda Becker		Lake Oswego	Support	N	x	Written
OR	Linda Becker		Lake Oswego	Support	N		Written
OR	Linda Tarr		Port Orford	Support	N		Written
OR	Lisa Brown	WaterWatch	Portland	Support	N		Written
OR	Lon Otterby		Marcola	Support	N		Written
OR	Lori L. Wraith		Brookings	Support	N		Written
OR	Lori Turbes		Merlin	Support	N	x	Written
OR	Lori Turbes	Sundance Kayak School	Rogue River	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Lori Turbes	Sundance Kayak School		Support			Oral
OR	Lorie Ruskin		Jacksonville	Support	N		Written
OR	Lorraine Foster (2)		Portland	Support	N		Written
OR	Lorraine Vail		Ashland	Support	N		Written
OR	Lorrie Coey		Ashland	Support	N		Written
OR	Louis Geltman		Hood River	Support	N		Written
OR	Luz Engelbrecht		cave junction	Support	N		Written
OR	Lynn Kitagawa		Portland	Support	N		Written
OR	Lynn Kush		Gardiner	Support	N		Written
OR	M. Aulenbach		Monroe	Support	N		Written
OR	M. Lee Zucker		Eugene	Support	N		Written
OR	M.L. Moore		Ashland	Support	N		Written
OR	Marc Leuthold		Portland	Support	N		Written
OR	Marcia Rodine		Ashland	Support	N		Written
OR	Margaret Philhower		Cave Junction	Support	N		Written
OR	Marian Crumme		Ashland	Support	N		Written
OR	Marie Wakefield		Newport	Support	N		Written
OR	Marion Hadden		Jacksonville	Support	N	x	Written
OR	Marion Hadden		Jacksonville	Support	N		Written
OR	Marius Wasbauer		Brookings	Support	N	x	Written
OR	Marjorie Reynolds		Cave Junction	Support	N		Written
OR	Mark Rogers		Tigard	Support	N		Written
OR	Mark Sherwood & Sunny Bourdon	Native Fish Society	Oregon City	Support	N		Written
OR	Mark Taratoot		Corvallis	Support	N		Written
OR	Mark Thibert		Bend	Support	N		Written
OR	Mark W. Rogers		Tigard	Support	N		Written
OR	Marshal Moser		Chiloquin	Support	N		Written
OR	martin brockway		Clackamas	Support	N		Written
OR	Mary Ann Nash, April Snell, and Jerome Rosa	Oregon Farm Bureau, Oregon Cattleman, and Oregon Water Resrouces Congress		Oppose	N		Written
OR	Mary Eastman		Toledo	Support	N		Written
OR	Mary Wahl		Gold Beach	Support	N		Written
OR	Marybeth Howell		Ashland	Support	N		Written
OR	Matt Witt		Talent	Support	N		Written
OR	Maureen O'Neal		Portland	Support	N	x	Written
OR	Maureen O'Neal		Portland	Support	N		Written
OR	Megan Hooker		Bend	Support	N	x	Written
OR	Megan Hooker & Thomas O'Keefe	American Whitewater	Bend	Support	Y		Written
OR	Melba & Dan Dlugonski		Portland	Support	N		Written
OR	Melissa Michaels		Medford	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Michael Allender		Redmond	Support	N	x	Written
OR	Michael Allender		Redmond	Support	N		Written
OR	Michael Glemser		Gresham	Support	N		Written
OR	Michael Gosenski		Cave Junction	Support	N		Written
OR	Michael Gross		Cascadia	Support	N		Written
OR	Michael J. Ellsworth		Camp Sherman	Support	N		Written
OR	Michael McNelly		Cave Junction	Support	N	x	Written
OR	Michael Nacrelli		Clackamas	Support	N		Written
OR	Midge Raymond		Ashland	Support	N		Written
OR	Mike Gross		Cascadia	Support	N		Written
OR	Mira Wiegmann		Portland	Support	N		Written
OR	Miriam Margulies		Portland	Support	N		Written
OR	Mitchell Malcolm		Bend	Support	N		Written
OR	Monica Fioretti		Ashland	Support	N		Written
OR	Nabha Goldfeder		Applegate	Support	N		Written
OR	Nancy Joeckel		Rogue River	Support	N		Written
OR	Nancy L. Anderson		Ashland	Support	N		Written
OR	Nancy Spector		Ashland	Support	N		Written
OR	Natalie Van Leekwijck		Beaverton	Support	N		Written
OR	Nathan Hall		Portland	Support	N	x	Written
OR	Nathaniel Wilson		Pendleton	Support	N		Written
OR	Newt Chapin		Eugene	Support	N		Written
OR	Nicholas Reid		Bend	Support	N		Written
OR	Nicholas Rowell		Oregon City	Support	N		Written
OR	Nick Chambers		Grants Pass	Support	N		Written
OR	Nicole Kraft		Williams	Support	N		Written
OR	Oceanah D'amore		Talent	Support	N		Written
OR	Opie Heyerman		Ashland	Support	N		Written
OR	Oscar Mayer		Portland	Support	N		Written
OR	Ourania Marcandonatou		Talent	Support	N		Written
OR	Park Walker		Ruch	Support	N		Written
OR	Pat Benton		Grants Pass	Support	N		Written
OR	Patricia Armstrong		Yachats	Support	N		Written
OR	Patrick Uhtoff		Ashland	Support	N		Written
OR	Paul Brown		Grants Pass	Support	N		Written
OR	Paul Daniello		Pendleton	Support	N		Written
OR	Paul Goff		O'Brien	Support	N		Written
OR	Paul Henson	US Fish and Wildlife Service	Portland	Support	N		Written
OR	Paul Norman		Portland	Support	N		Written
OR	Paul Ridgway		McMinnville	Support	N		Written
OR	Paul W. Sherman		Gold Beach	Support	N		Written
OR	Peter Ware (2)		Talent	Support	N		Written
OR	Philip Barbar		Portland	Support	N		Written
OR	Philip Ratcliff		Salem	Support	N		Written
OR	Phoebe Quillian		Talent	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Pierre Caritey		Brookings	Support	N		Written
OR	Priscilla Macy		Albany	Support	N		Written
OR	Rae Peronneau		Portland	Support	N		Written
OR	Randy and Shelley MacIntosh		Gold Beach	Support	N		Written
OR	Randy Harrison		Eugene	Support	N		Written
OR	Ray North		Portland	Support	N		Written
OR	Raymond Malone		Gold Beach	Support	N		Written
OR	Rebecca Kennedy		Corvallis	Support	N		Written
OR	Renee Abousamra		Milwaukie	Support	N		Written
OR	Rich Angstrom	Oregon Mining Association	Salem	Oppose	N		Written
OR	Rich Zellman (2)		Ashland	Support	N		Written
OR	Richard D. Nelson		Eugene	Support	N		Written
OR	Richard Harrington		Oregon City	Support	N		Written
OR	Richard Hernandez (2)		Merlin	Support	N		Written
OR	Richard Knablin		North Bend	Support	N		Written
OR	Richard Nawa	Klamath Siskiyou Wildland Center	Ashland	Support			Oral
OR	Richard Nawa		Selma	Support	N	x	Written
OR	Richard Nawa		Selma	Support	N		Written
OR	Richard Olson		Gresham	Support	N		Written
OR	Richard Stoltze		Portland	Support	N		Written
OR	Rick Hazard		Port Orford	Support	N		Written
OR	Rick Papa		Coos Bay	Support	N		Written
OR	Rob Elliot		West Linn	Support	N		Written
OR	Robbin Lacy (2)		Talent	Support	N		Written
OR	Robert Bernstein		Portland	Support	N		Written
OR	Robert Falconer		Portland	Support	N		Written
OR	Robert Harvey		Bend	Support	N		Written
OR	Robert L. Ivey		Eugene	Support	N		Written
OR	Robert Mumby		Phoenix	Support	N		Written
OR	Robert R. Elam		Nehalem	Support	N		Written
OR	Robert Shearer		Mckinleyville	Support	N		Written
OR	Robert Simpson		Ashland	Support	N		Written
OR	Robin Bourdon		Brookings	Support	N		Written
OR	Robin Cross		Ashland	Support	N		Written
OR	Rocky Pisto		Hood river	Support	N		Written
OR	Rod and Laurie Chambers		Grants Pass	Support	N		Written
OR	Rod Lundberg		Portland	Support	N		Written
OR	Roger Doll		Myrtle Point	Support	N		Written
OR	Ron Jackman		Harbor	Support	N		Written
OR	Ron Spies		Depoe Bay	Support	N		Written
OR	Ron Thomas		Selma	Support	N		Written
OR	Rusty Lininger		Roseburg	Support	N		Written
OR	Ruth Ann Tsukuda		Portland	Support	N		Written
OR	Ryan Fogelman		Bend	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Ryan McCarthy	Coos-Curry Farm Bureau		Oppose	N		Written
OR	Ryan Pingo		Portland	Support	N	x	Written
OR	Ryan Pingo		Portland	Support	N		Written
OR	Sadie curry		Eugene	Support	N		Written
OR	Sara Arrendando		Talent	Support	N		Written
OR	Sara Campagna		Ashland	Support	N		Written
OR	Sara Smith		Phoenix	Support	N		Written
OR	Sarah Breckenridge		Ashland	Support	N		Written
OR	Sarah Mayer		Cave Junction	Support	N		Written
OR	Sarah Shaw		Ashland	Support	N		Written
OR	Scott Hoelscher		Portland	Support	N		Written
OR	Sean Bistoff		Portland	Support	N		Written
OR	Sean Brady		Portland	Support	N		Written
OR	Shane E. Smith		Ashland	Support	N		Written
OR	Sharon Ebleu		Curry County	Support			Oral
OR	Shawn Donnille		Eugene	Support	N		Written
OR	Sherri Gallant		Coos Bay	Support	N		Written
OR	Sky-Marie McDonald	Wild River Coast Foundation for Dance	Brookings	Support			Oral
OR	Stacy Bloodworth		Ashland	Support	N		Written
OR	Stephen and Megan Goetz		Portland	Support	N		Written
OR	Stephen Canning		Port Orford	Support	N		Written
OR	Stephen Kendrick		Portland	Support	N		Written
OR	Steve Baker		Lake Oswego	Support	N		Written
OR	Steve Lanigan		Portland	Support	N		Written
OR	Steve Rewick		Bend	Support	N		Written
OR	Steve Sheehy (2)		Klamath Falls	Support	N		Written
OR	Steven Baker		Lake Oswego	Support	N		Written
OR	Steven J. Prince		Eugene	Support	N		Written
OR	Steven Lent		Beaverton	Support	N		Written
OR	Steven Tichenor		Grants Pass	Support	N		Written
OR	Stu Lips		Eugene	Support	N		Written
OR	Stuart O'Neill		Ashland	Support	N		Written
OR	Summer Henderson		Portland	Support	N		Written
OR	Sunny Bourdon	Native Fish Society	Brookings	Support			Oral
OR	Sunny Bourdon		Brookings	Support	N		Written
OR	Susan Elliott		Portland	Support	N		Written
OR	Susan Norman-Jones		Cave Junction	Support	N		Written
OR	Sussan Delles		Rogue River	Support	N		Written
OR	Suzanne Keaveny		Cottage Grove	Support	N		Written
OR	Suzanne Seiber		Ashland	Support	N		Written
OR	Suzanne Zook		Cave Junction	Support	N		Written
OR	Suzie Savoie		Jacksonville	Support	N	x	Written
OR	Suzie Savoie		Jacksonville	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR	Teresa A. Gryder		Portland	Support	N		Written
OR	Teresa Bird		Langlois	Support	N		Written
OR	Terry Brayer		Curry County	Support			Oral
OR	Thomas Detweiler (2)		Medford	Support	N		Written
OR	Thomas Housen		Estacada	Support	N	x	Written
OR	Thomas Housen		Estacada	Support	N		Written
OR	Thomas Huxley, Susan Brown, David Brock Smith	Curry County Board of Commissioners	Gold Beach	Support	N		Written
OR	Thomas Tarlow		Ashland	Support	N		Written
OR	Tim Goforth		Idleld Park	Support	N		Written
OR	Tim Knecht		Portland	Support	N		Written
OR	Tim Knecht		Portland	Support	N	x	Written
OR	Timothy Haley		Woodburn	Support	N		Written
OR	Timothy Taber		Salem	Support	N		Written
OR	Tom Battaglia		Lyons	Support	N		Written
OR	Tom Berridge		Lake Oswego	Support	N		Written
OR	Tom Derry		Molalla	Support	N		Written
OR	Tom Peil		Ashland	Support	N	x	Written
OR	Tracie Sage		Williams	Support	N		Written
OR	Tracy Buckner		Oregon City	Support	N		Written
OR	Tyler Pohle		Ashland	Support	N		Written
OR	Tzaddi Heatherstone		Ashland	Support	N		Written
OR	Veroune Chittim		Selma	Support	N		Written
OR	Vicki Graham		Port Orford	Support	N		Written
OR	Vince Zauskey		Ashland	Support	N		Written
OR	Wally Sykes		Joseph	Support	N		Written
OR	Wayne Kelly		Ashland	Support	N		Written
OR	William E Lovelace		Portland	Support	N		Written
OR	William Newton		Portland	Support	N		Written
OR	Woody Fine	Willamette Kayak and Canoe Club and 275 members	Corvallis	Support	N		Written
OR	Yancy Lind		Bend	Support	N		Written
OR	Zachary Barry		Portland	Support	N		Written
OR/CA	35 signatures on a Petition	American Rivers		Support	N		Petition

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
OR/CA	Petitioners for water withdrawal: David Moryc - American Rivers, Glen Spain - Pacific Coast Federation of Fisherman Association, Thomas O'Keefe - American Whitewater, John Kober - Pacific Rivers Council, Curtis Knight - California Trout, Grant Werschkull - Smith River Alliance, Eileen Cooper - Friends of Del Norte, Dave Willis - Soda Mountain Wilderness Council, Barbara Ullian - Friends of Kalmiopsis, Dean Finnerty - Trout Unlimited, Ann Vileisis - Kalmiopsis Audubon Society, Lisa Brown - WaterWatch of Oregon, Joseph Vaile - Klamath-Siskiyou Wildlands Center, Susan Jane M. Brown - Western Environmental Law Center, Mark Sherwood - Native Fish Society, Alyssa Babin - Wild and Scenic Rivers, Cameron La Follette - Oregon Coast Alliance, Gordon Lyford - Wild Rivers Water Rights, Tom Wolf - Oregon Council Trout Unlimited, Guido Rahr - The Wild Salmon Center, Dave Lacey - South Coast Tours.			Support	Y		Group Written
PA	Anthony Capobianco		Bethel Park	Support	N		Written
PA	Bryan Black		New Kensington	Support	N		Written
PA	Carol Thompson		South Park	Support	N	x	Written
PA	Carol Thompson		South Park	Support	N		Written
PA	Dadja Roerig		Pittsburgh	Support	N		Written
PA	David Kagan		Jersey Shore	Support	N		Written
PA	H. Dennis Shumaker		Marietta	Support	N		Written
PA	Jill Turco		Philadelphia	Support	N		Written
PA	Joseph Byrnes		Butler	Support	N		Written
PA	Laura Manz		Ingomar	Support	N	x	Written
PA	Laura Manz		Ingomar	Support	N		Written
PA	Lee Fister		Allentown	Support	N		Written
PA	Mark E. Beard		Sinking Spring	Support	N		Written
PA	Paul Killian		Pittsburgh	Support	N		Written
PA	Raymond Bartlett		Harborcreek	Support	N		Written
PA	Shaowei Chen		West Chester	Support	N		Written
PA	Suzanne Hall		Mont Alto	Support	N		Written
PA	Thomas Nelson		Lansdowne	Support	N		Written
PA	Vittorio Ricci		Genova	Support	N		Written
Philippines	Christine Cerqueda		Paranaque	Support	N		Written
Poland	Joanna Dziamba		Lublin	Support	N		Written
Portugal	Bruno Prata		Esquerdo Castelo Branco	Support	N		Written
Portugal	Claudia Correia		Portimão	Support	N		Written
Portugal	Daniel Fernandes		Aveiro	Support	N		Written
Portugal	Jorge Marques		Frente Maia	Support	N		Written
Romania	Camelia Mitu		Bucharest	Support	N		Written
Russia	Alisa Adobajor		Moscow	Support	N		Written
Russia	Anna Pukhlinskaya		Khanty-Mansyisk	Support	N		Written
Russia	Jose Avetikyan		Moscow	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
SC	June Cattell		West Columbia	Support	N		Written
SD	Ronald Ratner		Sioux Falls	Support	N		Written
SD	Scott Hed		Sioux Falls	Support	N		Written
Spain	Antonio García-Palao Redondo		Madrid	Support	N		Written
Spain	Maria del Pilar Barranco		Madrid	Support	N		Written
Spain	Tiziana Perricone		Valverde	Support	N		Written
Sweden	Camilla Torsander		Skovde	Support	N	x	Written
Sweden	Camilla Torsander		Skovde	Support	N		Written
Sweden	Magdalena Borkowska		Stockholm	Support	N		Written
Sweden	Marianne Ivarsson		Gothenburg	Support	N		Written
Sweden	Sofie Løve Forsberg		Lundby	Support	N		Written
Sweden	Tanja Lepikkö (2)		Smålandsstenar	Support	N		Written
Switzerland	Angelica Chinellato (2)		Monthey	Support	N		Written
Switzerland	Egli Veronika und Andreas		Oberschan	Support	N		Written
Thailand	S. Jitreun (2)		Thailand	Support	N		Written
TN	Chris Drumright		Murfreesboro	Support	N	x	Written
TN	Chris Drumright		Murfreesboro	Support	N		Written
TN	Christine Coons		Chattanooga	Support	N		Written
TN	Larry Olivier		Reliance	Support	N		Written
TN	M. Irwin		Maynardville	Support	N		Written
TN	Michael J. Murray		Hixson	Support	N		Written
TN	Michele Villeneuve		Kingsport	Support	N		Written
TN	Rhonda Bradley		Crossville	Support	N	x	Written
TN	Rhonda Bradley		Crossville	Support	N		Written
TN	Robert Cobb		Knoxville	Support	N		Written
Turkey	Dogan Ozkan		Besiktas Istanbul	Support	N		Written
TX	Anita Faulkner		Carrollton	Support	N		Written
TX	Bonnie Lynn MacKinnon		Georgetown	Support	N		Written
TX	Brant Kotch		Houston	Support	N		Written
TX	Camila Cossio		Houston	Support	N		Written
TX	Casey Pittman		Coppell	Support	N		Written
TX	Dirk Rogers		Dallas	Support	N		Written
TX	Dwight Doty		Waco	Support	N		Written
TX	H. Guh		Addison	Support	N		Written
TX	James Klein		Corpus Christi	Support	N		Written
TX	James Tillotson		Dallas	Support	N	x	Written
TX	James Tillotson		Dallas	Support	N		Written
TX	Joseph B. Crouch		Houston	Support	N		Written
TX	Kenneth Terrell		Fredericksburg	Support	N		Written
TX	Leslie Smith		San Marcos	Support	N		Written
TX	Lorelei Stierlen		Plano	Support	N	x	Written
TX	Lorelei Stierlen		Plano	Support	N		Written
TX	Michael Aldridge		Kerrville	Support	N		Written
TX	Sandra Woodall		San Antonio	Support	N		Written
TX	Sarah Glaze		Austin	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
TX	Sharon Gillespie		Austin	Support	N		Written
TX	Stacy Lupori		Dallas	Support	N		Written
TX	Steven Schrom		Austin	Support	N		Written
TX	Terrie Williams		Vidor	Support	N		Written
TX	Vince Mendieta		Austin	Support	N		Written
TX	Vivian Conterio		Plano	Support	N		Written
Uruguay	Colette Duriez		Brou	Support	N		Written
UT	Adam Erickson		Salt Lake City	Support	N		Written
UT	Alice Clark		Cedar Valley	Support	N		Written
UT	Brad Clawson (2)		Ogden	Support	N		Written
UT	Carla L		Draper	Support	N		Written
UT	Chris Pratt		Alta	Support	N		Written
UT	Cynthia Hammond		Loleta	Support	N		Written
UT	Daniel Carolan		Logan	Support	N		Written
UT	Justin Grover		Salt Lake City	Support	N		Written
UT	Kim Garside		Midvale	Support	N		Written
UT	Thomas Lankford		South Jordan	Support	N		Written
VA	Austin Smith		Arlington	Support	N		Written
VA	Bob Greenlee		Leesburg	Support	N		Written
VA	Caleb Laieski (2)		Fredericksburg	Support	N		Written
VA	Cara Lalley		Falls Church	Support	N		Written
VA	Elaine Becker		Roanoke	Support	N		Written
VA	Jim Muse		Richmond	Support	N		Written
VA	Lewis Bell		Fairfax	Support	N		Written
VA	Lorenz Steininger		Stafford	Support	N		Written
VA	Mary Ann Calvert		Virginia Beach	Support	N	x	Written
VA	Mary Ann Calvert		Virginia Beach	Support	N		Written
VA	Natalynne DeLapp		Arcata	Support	N		Written
VA	Steven Goldberg		Fairfax	Support	N		Written
VA	Steven Kranowski		Blacksburg	Support	N		Written
VA	Tami Palacky		Springfield	Support	N		Written
VT	Bruce Jager Jr.		White River Junction	Support	N		Written
VT	Heather Kennedy		Montpelier	Support	N		Written
VT	Michelle Kaufman		Rutland	Support	N		Written
WA	Adam Holtz		Bainbridge Island	Support	N		Written
WA	Bob Iness		Fall City	Support	N		Written
WA	Bob Triggs		Port Townsend	Support	N		Written
WA	Brandon Sly		Bellingham	Support	N		Written
WA	Brandon Sly		Bellingham	Support	N	x	Written
WA	Brenda Michaels		Issaquah	Support	N		Written
WA	Brian Baltin		Seattle	Support	N		Written
WA	Brian Davern		Kelso	Support	N		Written
WA	Brian ONeill		White Salmon	Support	N		Written
WA	Brian Wade		Seattle	Support	N		Written
WA	Carey J. Allison		Vancouver	Support	N		Written
WA	Casey Nelson		Kingston	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
WA	Charles Paul Gillingham		White Salmon	Support	N		Written
WA	Chase Wagner		Darrington	Support	N		Written
WA	Chris Kline		Sequim	Support	N		Written
WA	Clint Lougheed		Leavenworth	Support	N		Written
WA	Craig Jensen		Edmonds	Support	N		Written
WA	Dake Traphagen		Bellingham	Support	N		Written
WA	Dan Jones		Covington	Support	N		Written
WA	Dave Wertz		Bellingham	Support	N		Written
WA	David C. Quinn		Ocean Shores	Support	N		Written
WA	David Graves		Seattle	Support	N		Written
WA	Deane Rimerman		Olympia	Support	N		Written
WA	Dennis Pennell		Vancouver	Support	N		Written
WA	Diane Williams (2)		Lacey	Support	N		Written
WA	Dick Law		Washougal	Support	N		Written
WA	Dolores Darst		Port Angeles	Support	N		Written
WA	Edward T Beaty		Chattaroy	Support	N		Written
WA	Erin Burdick		Bainbridge Island	Support	N		Written
WA	Forest Shomer		Port Townsend	Support	N	x	Written
WA	Forest Shomer		Port Townsend	Support	N		Written
WA	Francis V. Estalilla		Aberdeen	Support	N		Written
WA	Fred Teixeira		Redmond	Support	N		Written
WA	G. H.		Orting	Support	N		Written
WA	Gabriel Newton		Seattle	Support	N		Written
WA	Glen Huntington		Redmond	Support	N		Written
WA	Gregory Roland Topf		Seattle	Support	N		Written
WA	Hilarie Ericson		Seattle	Support	N		Written
WA	Howe Crockett		Vancouver	Support	N		Written
WA	Hugh Lentz		Olympia	Support	N		Written
WA	Ian Boyden		Friday Harbor	Support	N		Written
WA	Ira A. Smith		Mountlake Terrace	Support	N		Written
WA	James Johnson		Poulsbo	Support	N		Written
WA	James Mulcare		Clarkston	Support	N		Written
WA	James Mulcare (2)		Clarkston	Support	N	x	Written
WA	Jason Stephany		Seattle	Support	N		Written
WA	Jay Beebe		Bainbridge Island	Support	N		Written
WA	Jeff Layton		Washougal	Support	N		Written
WA	Jim Casey		Anacortes	Support	N		Written
WA	Jo Harvey		Pacific	Support	N		Written
WA	Joe Papenleur		Spokane	Support	N		Written
WA	Joe Rutter		Seattle	Support	N		Written
WA	John Besagno		Maple Valley	Support	N		Written
WA	John Sanders		Kirkland	Support	N	x	Written
WA	John Sanders		Kirkland	Support	N		Written
WA	John Seeburger		Olympia	Support	N		Written
WA	Jon Luthanen		Bellingham	Support	N		Written
WA	Joseph Slepski		Maple Valley	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
WA	K. H.		Orting	Support	N		Written
WA	Kathryn Alexandra		Anacortes	Support	N		Written
WA	Kelten Johnson		Seattle	Support	N		Written
WA	Kevin Orme		Seattle	Support	N		Written
WA	Leslie Nuckoles		Husum	Support	N		Written
WA	Lucas Young		Bainbridge Island	Support	N		Written
WA	Luke Kelly		Olympia	Support	N		Written
WA	Luke Kelly		Olympia	Support	N	x	Written
WA	Mariko Metzger		Bremerton	Support	N		Written
WA	Michael James Mathis		Spokane Valley	Support	N		Written
WA	Michael McMahon		Poulsbo	Support	N		Written
WA	Mike Taylor		Vancouver	Support	N		Written
WA	Nora Davidson		Bremerton	Support	N		Written
WA	Norman T. Baker		Sequim	Support	N		Written
WA	Patrick Owen		Spring Valley	Support	N	x	Written
WA	Patrick Prichard		Olympia	Support	N		Written
WA	Paul Bakke		Lacey	Support	N		Written
WA	Paul Schmierer		Poulsbo	Support	N		Written
WA	Rani Merz		White Salmon	Support	N		Written
WA	Ray Sperling		Vancouver	Support	N		Written
WA	Rayna Holtz		Vashon	Support	N		Written
WA	Rick Schoen		Fox Island	Support	N		Written
WA	Robert Goodrich		Nine Mile Falls	Support	N		Written
WA	Robert L. Merz		White Salmon	Support	N		Written
WA	Robert Masonis		Seattle	Support	N		Written
WA	Roger Williams		Bainbridge Island	Support	N	x	Written
WA	Shane Severide		North Bend	Support	N		Written
WA	Shaun Alice Hubbard		Friday Harbor	Support	N		Written
WA	Steve Kopp		Bellingham	Support	N		Written
WA	Suzanne Delgado		Seattle	Support	N		Written
WA	Thom Peters		Snohomish	Support	N		Written
WA	Tom Shuhda		Colville	Support	N		Written
WA	Vicky Matsui		Seattle	Support	N		Written
WA	Wesley Banks		Vancouver	Support	N		Written
WA	Willem Broekhof		Seattle	Support	N		Written
WA	William Atlas		Seattle	Support	N		Written
WA	Wyatt Thaler		Seattle	Support	N		Written
WA	Zack Dalton		Poulsbo	Support	N		Written
WI	Alisha Sprangers		Hilbert	Support	N		Written
WI	Chase Jensen		Ellsworth	Support	N		Written
WI	Claire Russell		Oconomowoc	Support	N		Written
WI	Donald Lintner		Oak Creek	Support	N		Written
WI	Ellen Gutfleisch		Sussex	Support	N		Written
WI	Irene Schmidt		Mt. Horeb	Support	N		Written
WI	James Maurer		Milwaukee	Support	N		Written
WI	Janet Grunke		Colgate	Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
WI	Jo Ardell		Madison	Support	N		Written
WI	Kent John Clark		Sussex	Support	N		Written
WI	Mark M. Giese		Racine	Support	N		Written
WI	Mitch Cholewa		Holmen	Support	N		Written
WI	Nicole Loh		Mayville	Support	N		Written
WI	Nina Spelter		Madison	Support	N		Written
WI	Rose Wood		Verona	Support	N		Written
WI	Shirley Rodgers		Weyauwega	Support	N		Written
WV	Heather Ruckman		Wellsburg	Support	N		Written
WY	Jerry Jech		Cody	Support	N		Written
WY	Paul Hub		Casper	Support	N		Written
WY	Sandra Materi		Casper	Support	N	x	Written
WY	Sandra Materi		Casper	Support	N		Written
	Alan Goggins			Support	N		Written
	Alan Journet			Support	N		Written
	Alcyon Lord			Support	N		Written
	Alexander Gaguine			Support	N		Written
	Algin Amores			Support	N		Written
	Allan Bolton			Support	N		Written
	Allan Peterson			Support	N		Written
	Amy Schumacher			Support	N		Written
	Andrew Bray			Support	N		Written
	Andrew Weiner			Support	N		Written
	Anna Jasiukiewicz			Support	N	x	Written
	Anna Jasiukiewicz			Support	N		Written
	Anthony Mar			Support	N		Written
	Arthur Hurley			Support	N		Written
	Barbara Ungersma			Support	N		Written
	Barry Temple			Support	N		Written
	Ben Oscar Andersson			Support	N		Written
	Benjamin Sandoval			Support	N		Written
	Beth Peterson			Support	N		Written
	Beverly Kin			Support	N		Written
	Bill Gardner			Support	N		Written
	Bill Ibershof			Support	N		Written
	Bill Lapcevic			Support	N		Written
	Bill Markwood			Support	N		Written
	Bob Davisson			Support	N		Written
	Bob Gomez			Support	N		Written
	Bob Pagliuco			Support	N		Written
	Bob Shoberg			Support	N		Written
	Bradley Jenkins			Support	N		Written
	Bradley Upton			Support	N		Written
	Brent Patera			Support	N		Written
	Bruce Cheek			Support	N		Written
	Bruce Moore			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	Bus Gehring			Support	N		Written
	C. Lima			Support	N		Written
	Cameron Derbyshire			Support	N		Written
	Candy LeBlanc			Support	N		Written
	Carl Natalizia			Support	N		Written
	Carlos Diaz			Support	N		Written
	Carol Ralph			Support	N		Written
	Carole Papy			Support	N		Written
	Catherine Moresco			Support	N		Written
	Charles Askins			Support	N		Written
	Charles Bucaria			Support	N		Written
	Charles Dyke			Support	N		Written
	Charles Hammerstad			Support	N		Written
	Charles McCabe			Support	N		Written
	Charles Rockwell			Support	N		Written
	Cheryl Bruner			Support	N		Written
	Cheryl Martin			Support	N		Written
	Chris Barger			Support	N		Written
	Chris Fairley			Support	N		Written
	Chris Littau			Support	N		Written
	Chris Travis			Support	N		Written
	Christine Aralia			Support	N		Written
	Christopher Leivas			Support	N		Written
	Chuck Paganetti			Support	N		Written
	Cliff Butcher			Support	N		Written
	Cole Graves			Support	N		Written
	Colleen Lobel			Support	N		Written
	Colleen Pedersen			Support	N		Written
	Curtis Knight			Support	N		Written
	Cynthia Beck			Support	N		Written
	Cynthia Gorospe			Support	N		Written
	Dakota Whitney			Support	N		Written
	Dan Hauser			Support	N		Written
	Dan Johnson			Support	N		Written
	Dane Clarke			Support	N		Written
	Daniel Dalegowski			Support	N		Written
	Darrell Boyle			Support	N		Written
	Darrin Abby			Support	N		Written
	Dave Geisser			Support	N		Written
	Dave Maize			Support	N		Written
	Dave Maze			Support	N		Written
	Dave Potter			Support	N		Written
	David Mierkey			Support	N		Written
	David Allen			Support	N		Written
	David Distad			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	David Moser			Support	N		Written
	David Rasmussen			Support	N		Written
	David Rosa			Support	N		Written
	David Wilson			Support	N		Written
	Dawn Present			Support	N		Written
	Dennis Davie			Support	N		Written
	Dennis Miller			Support	N		Written
	Dennis Murphy			Support	N		Written
	Dennis Pagonos			Support	N		Written
	Derald Lahti			Support	N		Written
	Desmond Hinds			Support	N		Written
	Devin Farrell			Support	N		Written
	Diana Ashley			Support	N		Written
	Diana Minton			Support	N		Written
	Diane Brink			Support	N		Written
	Diane Pietrzak			Support	N		Written
	Diane Stuart			Support	N		Written
	Dick Pedersen			Support	N		Written
	Don Lintz			Support	N		Written
	Donald Olson			Support	N		Written
	Donald Smith			Support	N		Written
	Donna Boyd			Support	N		Written
	Donna Thompson			Support	N		Written
	Doug Walker			Support	N		Written
	Douglas Rohn			Support	N		Written
	Drew Irby			Support	N		Written
	Earl Haramaki			Support	N		Written
	Edward Ross			Support	N		Written
	Elizabeth Knight			Support	N		Written
	Ellery West			Support	N		Written
	Eric Tausend			Support	N		Written
	Erik Osbun			Support	N		Written
	Ernie Swanson			Support	N		Written
	Ethan Newby			Support	N		Written
	F. Thomas Biglione			Support	N		Written
	Frank Harris			Support	N		Written
	Frantz Johnson			Support	N		Written
	Fred Steffan			Support	N		Written
	Frederick Newirth			Support	N		Written
	Gary Harris			Support	N		Written
	Gavin Lantry			Support	N		Written
	George Barnhill			Support	N		Written
	George Gates			Support	N		Written
	George Hayford			Support	N		Written
	George L. Kuppler			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	Gerald Hess			Support	N		Written
	Glenn Short			Support	N		Written
	Glenna Richardson			Support	N		Written
	Gloria & Bob Ziller			Support	N		Written
	Grant Volk			Support	N		Written
	Graydon Garlough			Support	N		Written
	Greg Anzalone			Support	N		Written
	Greg Weston			Support	N		Written
	Gregg Wrisley			Support	N		Written
	Harvey Zeidweg			Support	N		Written
	Henry Little			Support	N		Written
	Ian Tawes			Support	N		Written
	Iris Chinook			Support	N		Written
	Ivaylo Stoilov			Support	N		Written
	J. E. Mount			Support	N		Written
	Jack Helms			Support	N		Written
	James Killen			Support	N		Written
	James Mann			Support	N		Written
	James Paddor			Support	N		Written
	James Weil			Support	N		Written
	Jamie Taylor			Support	N		Written
	Jamie Tolan			Support	N		Written
	Jared Kennedy			Support	N		Written
	Jason Bridger			Support	N		Written
	Jason Bridges			Support	N		Written
	Jean Rupert			Support	N		Written
	Jeff Baptista			Support	N		Written
	Jeff Loutit			Support	N		Written
	Jeffrey Kaminski			Support	N		Written
	Jeffrey Muscatine			Support	N		Written
	Jeffrey Trafican			Support	N		Written
	Jennie Goldberg			Support	N		Written
	Jeremy Quinlan			Support	N		Written
	Jerry Davis			Support	N		Written
	Jerry Krohn			Support	N		Written
	Jerry P. Becker			Support	N		Written
	Jerry Rapiere			Support	N		Written
	Jerry Zampino			Support	N		Written
	Jessica Stagner			Support	N		Written
	Jim and Diana Prola			Support	N		Written
	Jim Molinari			Support	N		Written
	Jim Waldvogel			Support	N		Written
	Jinx Hydeman			Support	N		Written
	Joaquin Perea			Support	N		Written
	Joel Huie			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	John Barry			Support	N		Written
	John Gardiner			Support	N		Written
	John Grant			Support	N		Written
	John Hale			Support	N		Written
	John Morris			Support	N		Written
	John Murphy (2)			Support	N		Written
	John Murray			Support	N		Written
	John Pizza			Support	N		Written
	John Rusmiser			Support	N		Written
	John Soos			Support	N		Written
	Joseph Armstrong			Support	N		Written
	Joseph Herzog			Support	N		Written
	Joshua Danson			Support	N		Written
	Joy Wolf			Support	N		Written
	Julia Moore			Support	N		Written
	Julie Ford			Support	N		Written
	Julie Johnson			Support	N		Written
	K. Krupinski			Support	N		Written
	K.L. Matlock			Support	N		Written
	Kalman Edelman			Support	N		Written
	Karen Harner			Support	N		Written
	Keith Etchells			Support	N		Written
	Kelly Timchak			Support	N		Written
	Kelpie Wilson			Support	N		Written
	Ken DeBow			Support	N		Written
	Ken Mooney			Support	N		Written
	Kenneth Wine			Support	N		Written
	Kenneth Tsutsui			Support	N		Written
	Kevan Urquhart			Support	N		Written
	Kevin Kuhn			Support	N		Written
	Kim James			Support	N		Written
	Kimberly Baker			Support	N		Written
	Kimberly M. Kosa			Support	N		Written
	Kristi Bray			Support	N		Written
	Larry Chambers			Support	N		Written
	Larry Lundberg			Support	N		Written
	Laurie Easter			Support	N		Written
	Lawrence Basch			Support	N		Written
	Lawrence Miller			Support	N		Written
	Lawrence Rey			Support	N		Written
	Lenny Gonzalez			Support	N		Written
	Lezlie Heckel			Support	N		Written
	Linda Sutter			Support			Oral
	Lisa Bernard			Support	N		Written
	Lisa Kelz			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	Lisa Kramer			Support	N		Written
	Lois Clift-O'Grady			Support	N		Written
	Louis Fry			Support	N		Written
	Lowell Ashbaugh			Support	N		Written
	Luann Walsh			Support	N		Written
	Lukas Ferrenburg			Support	N		Written
	Lynn Henry			Support	N		Written
	M. James Arnett			Support	N		Written
	Maelagh Baker			Support	N		Written
	Maggie Rasmussen			Support	N		Written
	Major Nelson			Support	N		Written
	Manfred Antar			Support	N		Written
	Marc Hogue			Support	N		Written
	Marc Kiefer			Support	N		Written
	Marius Wasbauer			Support	N		Written
	Marjorie Sill			Support	N		Written
	Mark Brown			Support	N		Written
	Mark Moskowitz			Support	N		Written
	Mark Palmer			Support	N		Written
	Mark Zahn			Support	N		Written
	Marla Morrissey			Support	N		Written
	Marney Reed			Support	N		Written
	Mary Burke			Support	N		Written
	Mary Camp			Support	N		Written
	Mary Lyda			Support	N		Written
	Matt Edens			Support	N		Written
	Matt Kane			Support	N		Written
	Matt Richardson			Support	N		Written
	Matt Titre			Support	N		Written
	Maureen Hanson			Support	N		Written
	Maury Swoveland			Support	N		Written
	Meghan Potter			Support	N		Written
	Megumi Ishiyama			Support	N		Written
	Melvin Kreb			Support	N		Written
	Michael Abraham			Support	N		Written
	Michael McKibben			Support	N		Written
	Michael McNelly			Support	N		Written
	Michael Parrett			Support	N		Written
	Michael Proto			Support	N		Written
	Michael Rosauer			Support	N		Written
	Michael Tarpey			Support	N		Written
	Michael Turner			Support	N		Written
	Michael White			Support	N		Written
	Michel Masson			Support	N		Written
	Mike Wigginton			Support	N		Written
	Nathan Hall			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	Nella and Steve Abbott			Support	N		Written
	Nick Bauer			Support	N		Written
	Nick Fasiano			Support	N		Written
	Nina Erlich-Williams			Support	N		Written
	Obrien Mike			Support	N		Written
	Pat Manly			Support	N		Written
	Patricia Black			Support	N		Written
	Patrick Carroll			Support	N		Written
	Patrick Owen			Support	N		Written
	Patty Dalegowski			Support	N		Written
	Patty Mccleary			Support	N		Written
	Paul Nelson			Support	N		Written
	Paula Cracas			Support	N		Written
	Paula Ivie			Support	N		Written
	Paula Zerzan			Support	N		Written
	Pauline Black			Support	N		Written
	Penny Sullivan			Support	N		Written
	Peter Williamson			Support	N		Written
	Philip Davies			Support	N		Written
	Philip Havlicek			Support	N		Written
	Rael Hirning			Support	N		Written
	Ralph Rothfelder			Support	N		Written
	Randy Hamann			Support	N		Written
	Ray Bramlette			Support	N		Written
	Ray Lorenson			Support	N		Written
	Rich Spott			Support	N		Written
	Richard A. Johnson			Support	N		Written
	Richard Bourdon			Support	N		Written
	Richard Harvey			Support	N		Written
	Richard May			Support	N		Written
	Richard Rabins			Support	N		Written
	Richard West			Support	N		Written
	Riley Swift			Support	N		Written
	Rob Jacob			Support	N		Written
	Robert Adams			Support	N		Written
	Robert Copeland			Support	N		Written
	Robert Ferroggiaro			Support	N		Written
	Robert Johnson			Support	N		Written
	Robert Oliver			Support	N		Written
	Robert Stone			Support	N		Written
	Robert Van Dyk			Support	N		Written
	Robert Williams			Support	N		Written
	Roberta Hill			Support	N		Written
	Roberta Taylor			Support	N		Written
	Roger Williams			Support	N		Written
	Rolf Lygren			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	Ronald Yoshiyama			Support	N		Written
	Rory McDonald			Support	N		Written
	Rudy Ramp			Support	N		Written
	Sarah Hugdahl			Support	N		Written
	Saundra Harris			Support	N		Written
	Scott Boller			Support	N		Written
	Scott Connell			Support	N		Written
	Scott Ferguson			Support	N		Written
	Scott Valentine			Support	N		Written
	Sean Solway			Support	N		Written
	Sebastian Vazquez			Support	N		Written
	Shavon			Support			Oral
	shelly woodley			Support	N		Written
	Sherri Miller			Support	N		Written
	Sonja Taylor			Support	N		Written
	Stacy Willoughby			Support	N		Written
	Stanley Backlund			Support	N	x	Written
	Stanley Ohara			Support	N		Written
	Stephen Black			Support	N		Written
	Stephen Sturken			Support	N		Written
	Stephen Wheeler			Support	N		Written
	Steve Carlson			Support	N		Written
	Steve Hollowell			Support	N		Written
	Steve Kline			Support	N		Written
	Steve Maiolini			Support	N		Written
	Steve Merlone			Support	N		Written
	Steve Netti			Support	N		Written
	Steve Schramm			Support	N		Written
	Steven Chan			Support	N		Written
	Steven Kwok			Support	N		Written
	steven Van Nort			Support	N		Written
	Susan Blake			Support	N		Written
	Susan DeLeeuw			Support	N		Written
	Susan Safford			Support	N		Written
	Susan Senser			Support	N		Written
	Susan Stienstra			Support	N		Written
	Tara Shepersky			Support	N		Written
	Tegwyn Karaba			Support	N		Written
	Terry Daly			Support	N		Written
	Terry Sternberg			Support	N		Written
	Theodore Lindsay			Support	N		Written
	Thomas Nickelson			Support	N		Written
	Thomas Walker			Support	N		Written
	Tim Palmer			Support	N		Written
	Tim Pickering			Support	N		Written
	Tim Swan			Support	N		Written

State or Country	Name	Organization Representing	City	Support/ Oppose	Propose Changes	Multiple Written Comments	Comment Type
	Timothy Devine			Support	N		Written
	Timothy Harden			Support	N		Written
	Timothy Hunt			Support	N		Written
	Timothy Laverne			Support	N		Written
	Tom McGee			Support	N		Written
	Tom Peil			Support	N		Written
	Tom Toretta			Support	N		Written
	Tom Williams			Support	N		Written
	Tomio Iwamoto			Support	N		Written
	Tony Brookfield			Support	N		Written
	Tracey Diaz			Support	N		Written
	Trevien Stanger			Support	N		Written
	Trevor Fagerskog			Support	N		Written
	Trevor Howard			Support	N		Written
	Tyler Hanson			Support	N		Written
	Victor Tanny			Support	N		Written
	W.C.S. Reed			Support	N		Written
	Warren Watkins			Support	N		Written
	Will Keller			Support	N		Written
	William Kauth			Support	N		Written
	William Loehr			Support	N		Written
	William Savage			Support	N		Written
	William Werner			Support	N		Written

FINAL PROPOSED RULES

DIVISION 517

SOUTH COAST BASIN PROGRAM

NOTE: The South Coast Basin is delineated on agency Map, File No. 17.6, available from the agency dated January 1, 1971.

690-517-0000

Classifications

(1) ~~Ground water~~ Groundwater resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West, Willamette Meridian; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West, Willamette Meridian; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, Willamette Meridian, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and in lake use for recreation, fish life, and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes, or require outlet control structures to protect recreation, fish life and wildlife uses:

(a) Bradley Lake;

(b) Eel Lake;

(c) Garrison Lake.

(3) All other natural lakes are classified for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and in lake use for recreation, fish life and wildlife.

(4) The waters of Glenn Creek (tributary to the East Fork, Millicoma River) and its tributaries are classified for domestic and livestock uses irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife;

(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified for domestic, livestock irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life, and wildlife during the period from July 1 to September 30 of every year. Water diverted for storage between October 1 and June 30 may be used for any purpose specified in section ~~44~~ 12 of this rule.

(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and instream use for recreation, fish life and wildlife.

Underline=New Text (included in Public Hearing Draft)

~~Strikethrough~~=Deleted Text (included in Public Hearing Draft)

Shaded=Existing Rule Text that was Added Back after Public Hearing Draft

(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek — Geiger Creek confluence are classified for municipal use.

(8) In accordance with ORS 538.120, the waters of Brush Creek (Brushes Creek) and its tributaries are withdrawn from further appropriation or condemnation, and shall not be diverted or interrupted for any purpose except for use in state parks or as otherwise prescribed by ORS 538.120.

(9) The waters of Clear Lake are withdrawn from further appropriation by order of the State Engineer dated October 4, 1940 (Special Order Vol 3, Pg. 504).

(10) The waters of Edna Lake are withdrawn from further appropriation by order of the State Engineer dated October 4, 1940 (Special Order Vol 3, Pg. 504).

(11) The surface waters of the Smith River watershed in Curry County (Exhibit 1) are classified for human consumption, livestock, and instream public uses including recreation, pollution abatement, fish life, and wildlife uses. Groundwater within the boundaries of the Smith River watershed in Curry County is classified for exempt groundwater uses authorized under ORS 537.545. Limited Licenses may be allowed only as consistent with the classifications in this subsection.

~~(112)~~ All other surface and ground-water resources are classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife and fish life uses.

~~(113)~~ The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

[ED. NOTE: Tables and exhibits referenced are not included in rule text. Click here for PDF copy of table(s) and exhibits.]

690-517-0010

Reservations

Water in the amounts specified is reserved in the following streams for municipal use:

(1) Chetco River — three cfs, downstream from the confluence with the North Fork Chetco River.

(2) Winchuck River — one cfs, downstream from the confluence with Bear Creek.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170

690-517-0020

Minimum Perennial Streamflows

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not exceeding one-half acre in area shall be allowed for waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Resources Commission requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Commission's minimum flow regime or the public interest. The Water Resources Commission intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Commission solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 2), shall remain in full force and effect except as follows:

(a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded;

(b) The minimum perennial streamflow for the Coquille River Middle Fork above Bear Creek (4 cfs) is rescinded;

(c) The minimum perennial streamflow for the Sixes River above the U.S. Highway 101 crossing is reduced to 25 cfs during the period from August 1 to September 30;

(d) The minimum perennial streamflow for the South Fork Coquille River near Powers is reduced to 15 cfs during the period from June 16 to September 30.

(4) For purposes of distributing water, minimum flows established in 1964 shall be considered part of and not in addition to revised minimum flow regimes.

(5) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be granted for the waters of the Coquille River and tributaries when flows are below the specified levels in Table 2. This limitation shall not apply to:

(a) Domestic and livestock uses and irrigation of non-commercial gardens not exceeding 1/2 acre in area;

(b) Water legally released from storage.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

690-517-0030**Storage**

The following reservoir sites should be protected through the comprehensive land-use planning process for possible future development or until alternative methods of meeting water needs have been developed:

- (1) West Fork of the Millicoma River, site 223;
- (2) South Fork of Coquille River at Eden Ridge, site 430;
- (3) North Fork Coquille River, site 146A;
- (4) Rock Creek at Rasler Creek, site 201;
- (5) Catching Creek, site 101;
- (6) Fourmile Creek, site 158;
- (7) North Fork Floras Creek at Okietown, sit 435;
- (8) North Fork Chetco River, site 239;
- (9) Wheeler Creek, site 241;
- (10) East Fork Winchuck River, site 243;
- (11) Joe Ney Slough.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

690-517-0040**Out-of-Basin Appropriations**

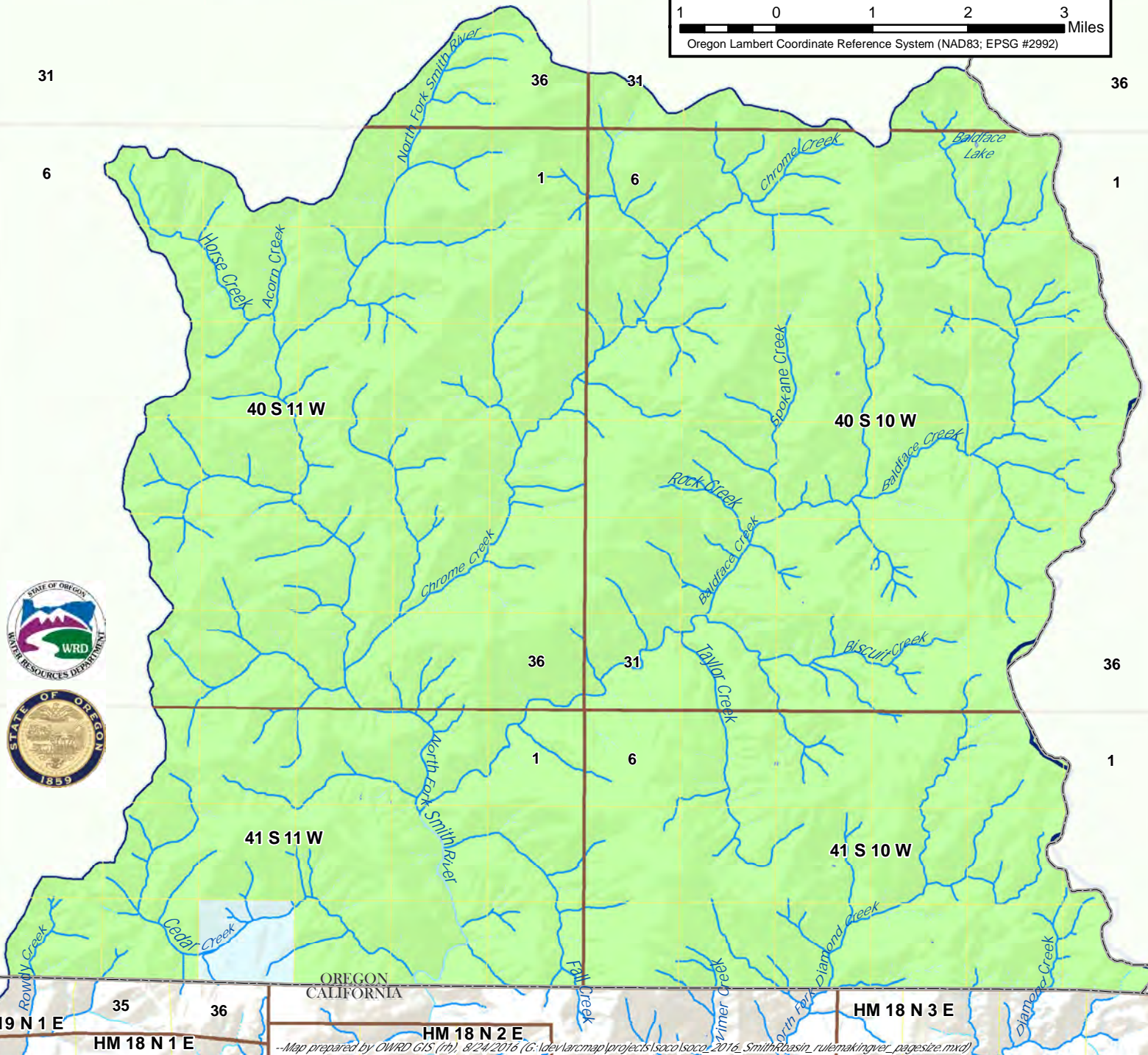
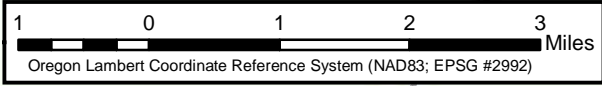
No out-of-basin diversion of South Coast Basin water shall be granted without the prior approval of, and following a public hearing by, the Water Resources Commission.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

OAD 690-517-000 EXHIBIT 1 SMITH RIVER WATERSHED IN CURRY COUNTY



DISCLAIMER
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

