

Lower Deschutes Managers Meeting

Date and Time: February 21, 2020 10: AM

**Location: Warm Springs Power and Water Enterprises
5180 Jackson Trail Road
Warm Springs, 97761**

Chair: Local Government

10:04 AM **Introductions:** Scott Hege (Local Govt.); Jeff Kitchens (BLM); Chris Parkins (OPRD); Tim Schwartz (OSP); Adam Shimer (OSP); Larry Warren (OSMB); Josh Mulhollem (OSMB); Brian Cunninghame (CTWS); Brad Houslet (CTWS); Mary Fleischmann (Facilitator); Kat Smith (BLM); Dru Johnson (BLM); Silas Lewis – via phone (All-star Outfitters).

No additions to agenda/ Approval of minutes from November 1st, 2019. Motion made by Chris and second by Jeff to accept minutes. Motion passed.

Old Business:

1. IIT Report – Jeff reported out stated that most will be discussed in today's meeting, but top four follow-up topics are : Long Bend boat ramps and rehab or closure; Disability mobility presentation; Compliance of tribal fee's; and Adding OSMB links regarding new rules/legislation on our website.
2. FUP – Scott reported there has been some progress. Dates need to be finalized for first meeting. That meeting will comprise of the information regarding the history of FUP, data on FUP to date, concerns and issues with the FUP and what will be discussed in the future around this issue. Carol Beatty was on this committee but had to drop out, Scott is recruiting or asking if anyone else knows someone who would be interested to serve on this committee. Brian volunteered to provide some historical context regarding the FUP.
3. Tribes and compliance of fees. Brad has the numbers but needs to get BLM's numbers. More than likely Tribes will need to develop something to increase compliance. Question raised regarding if there is a way to pull out figures for purchases made on website vs purchased on site. The Tribes are doing an internal review of methods to improve compliance.

4. White Paper – Jeff handed out final copy of white paper on Limited Entry. This is a good foundation of how limited entry works along with the history. Each year will update information with BLM's slide presentation and revisit paper each year and add changes. The White Paper also includes the where the numbers are for limited entry and why the numbers are the way they are. Any questions or feedback can be directed to Jeff.

5. Reminder regarding guides/outfitters on permits within 24 hour notice. This is now being implemented that guides/outfitters are allowed to have an employee or subcontractors name on a permit for limited entry as long as permit is purchased within 24 hour of launching date. BLM has a way to check for compliance. If there is a violation of this policy, the outfitter will end up on probation. Started this process last year so there has been a full season to get the kinks out. Letters have been sent out with all the information. The onerous is on the outfitters/guides. Outfitters have been wanting to know what they need to provide to be in compliance. Question brought up of how often this is checked. BLM reviews at the end of the year. When outfitters/guides post their use reports then can go back and make sure they are in compliance. Question about what kind of documentation is needed. Jeff reported he will bring samples at next meeting of what that looks like. Brad raised questions about do we know of restrictions for clients purchasing these permits. Jeff said that the outfitters/guides are purchasing for their customers. The past year somehow outfitter/guides names are still showing up on permits, not sure why this is happening but they are digging deeper to resolve. The new system with Rec.Gov. Should help clean this issue up. Further discussion of how this works regarding the previous hassles with clients/customers being able to purchase permits from outfitters. Old system outfitters could have own accounts on behalf of their clients. Question raised about status of vendor accounts. Still being worked on.

New Business:

1. OSMB adding links to our website; Josh reported out that OSMB will be adding a new page on their website middle of next week with information regarding new rules and legislation. They in turn will get that link or information to our website for people to access. Question raised if they are getting many questions from the public. OSMB has reached out to outfitter/guides regarding when they need the new WAP pass as far as what rivers. Recreational users have not had many

questions at this time. Discussion of helmet requirements for outfitters on class 3 rapids or higher. Outfitters need to ask if clients want them and make them available, if clients decline then that is their choice – but it is becoming more common on many rivers with class 3 and above to wear helmets. Question raised of who determines river rapid classifications. Josh shared that they are basing that on how American Whitewater classifies rapids. At this time fishing guides seem to be the ones most caught off guard with this expectation. Drift boaters are not accustomed to helmet wearing. OSP shared that this can become a challenge for them regarding knowing what a rapid is classified at. It was brought up that many river guides have the classification on their maps.

2. John Day River – Scott asked if John Day River is now on Rec.Gov. Jeff shared that at this time he doesn't know the status but on March 4th there will be a first release of permits for testing phase. Limits are being placed and then the John Day will finally be in compliance with the RMP.

3. Long Bend – Brian shared with group that last summer there was a tour by the Managers of several boat ramp areas upstream from Harpham Flat. He gave history of how Long Bend was illegally constructed and was/is outside of the RMP. When the Tribes worked with BLM for the use of Harpham Flat, there was a concern that if the Tribes closed access to Harpham Flat where would people launch. BLM developed Long Bend as a launching choice, taking away what previously was just camping. Currently there are no physical indicators as to parking, launching, etc. Brian suggested a proposal be made by the Managers to either close this site or at best look at rehabilitation. Jeff shared that he has not found any documented history of how Long Bend was developed. He can't find any information of how ramp was constructed or why. BLM is concerned about Long Bend and several other launch points in that area. He shared that there are two issues – the condition of boat launches and the use of the various sites. There has been extended damage than what was intended in these sites. Between use by boaters and non-boaters, these areas are getting hammered. BLM's priority at this time is to get to these sites and have better control of traffic. Looking at signage for information to improve safety and traffic. BLM has a person who will be looking at limits of acceptable change on the entire river. They are also looking at placing boulders at sites to prevent further damage at riparian sites. There have been many complaints this past year and so they are looking at better management of existing sites. Managers will have to look at all

sites on the river. Need to look at volume of use, which includes an analysis of Long Bend and others. Once that is done, then there is the process of putting out to the public results of that analysis, especially if looking at closure of some launch sites. Question posed if we need all these sites that are in close proximity of each other or need to improve. Priority is to prevent further damage. Scott asked how do we address this issue or how do we get to closing of sites. Jeff shared that outside of an emergency, BLM can't shut down Long Bend without public input and then need to look at what happens to the remaining sites as far as heavy use, etc. BLM is focused on completing toilet project, completing NEPA permits for repairs and getting Segment 4 EA completed. They will then move forward on Segments 1 and 2 regarding launch sites and taking out any of the other launch sites. Discussion of who uses Long Bend, which some commercial do and it is set up in their SRP- that being said new permits adding commercial outfitters are not given permission to launch at those sites. There are dedicated put- ins and take- outs, and at this time Long Bend is not an option since it is not a designated launch site in the Lower Deschutes River Management Plan (which the RMP are two different documents). Brian said that the Tribes supports BLM looking at Long Bend in the future and is glad about the boulders. Boulder placement this season and keeping Long Bend on their radar for better management is a plus. Chris shared that having an education season prior to closure would be useful/helpful. Glad BLM has foresight in EA when looking at this. Brad added that getting this pieced together for the long term is necessary. Can collect data for longer stretch and do some upgrade to maintain these sites.

4. Segment 4 EA. Scott asked about status of this. BLM did not get the funding they had hoped, but will start with the funding they do have and get the information that they can at this point. BLM has a specific person to assist with this process and capture information regarding Segment 4. Question brought up regarding time-line for competing EA given changes in policy. Jeff shared they have 180 days to complete once project initiation letter is done and then scoping of the project. They will be collecting data and then at some point need public scoping.
5. Disability mobility concerns: Discussion regarding previous presentation at IIT meeting by Mr. Wilhite. Josh from OSMB shared how they have dealt with similar complaints and had sent out copies of how those complaints were handled. Pretty much complaints have been dismissed. Cases are obviously done on a case by case basis,

but there are certain lakes as an example which simply are open to electric motors as an example. There are so many more lakes that allow this that is not discriminating someone who requires an electric motor to get on a lake. Scott asked what Managers position is on this. Jeff again discussed the previous discussion the group had with the gentleman who wanted permission to float down in his float tube due to his disability. The rules state that fisherman in float tubes have to be tethered to the bank and once they become untethered then they need a boaters pass. This may not be clearly articulated in the plan and so an amendment may be needed. The Lower Deschutes in Segments 1, 2 and 3 are classified as non-motorized which is clearly stated in the plan. Equal access does not mean special access. More discussion that this subject is coming up more and more as people want access to wilderness, etc. It was mentioned that unless someone brings up litigation, if it is non-motorized than it continues to be non-motorized. The challenge will come up someday especially in segment 1. OSMB felt that the Managers in a good position with things remaining as they are, again because it is in the plan and people have other options as far as where to boat or fish. Group made a decision that this subject has been considered, discussed and at this point they are moving on. Equal access is one thing but special access is different. Group wants to bring closure to this matter for Mr. Wilhite and Chris volunteered to put together a letter/email or phone call to Mr. Wilhite and let him know we did discuss it and will utilize some information that OSMB has provided about this subject.

6. Dalles Rod and Gun Club – Scott asked about the status of their request to use motors on Deschutes to reach their property, they apparently are now going to him for help. Jeff reviewed previous discussions on this matter and that they need to prove that they actually do not have right of way access to their land. They need to meet with lawyers and meet with someone from the railroad besides the security person. If they don't have legal access then a discussion can happen, but again they will have to come up with finances because to look at how to give them access on public lands requires an EA, which will cost money and time for BLM. BLM's concern is not setting a precedent.
7. Conference calls – Discussion regarding when conference calls are necessary and when representatives need to be present for meetings. Jeff shared that IIT meetings, due to only making recommendations and not decisions, conference calls can be necessary along with public input. Managers meetings, representatives are expected to be in

attendance as well as the public. Mary shared she is doing her best to accommodate the ability to have conference calls, but some of our locations simply don't have that. More conversation regarding public hearing rules and having public involved. Jeff shared that notifications go out to public two weeks before meetings to allow public to attend. More discussion regarding minutes and agenda and how public gets that information. Chris will check with Maggie in their office to find out what gets posted and if more can be posted. Concerns are around costs and length of time for conference calls – who pays for this? Other question was how many people can call in, especially when we start having conversations around Segment 4 EA. More discussion regarding inviting the public to conference call in. Jeff shared that protocol would need to be set up regarding who is on the line, who wants to speak during public comment and how much time would be allowed. (Who is simply listening and who wants to comment). Mary will work on this and will find out limitations of how many callers as well as if there are other alternatives. Group decided to each year review this and see if it's working. Today there was only one public person on the phone line.

Round Table Discussions and Updates

Confederated Tribes of Warm Springs: Not a lot to report. Advertising going up. Have one person for law enforcement and another almost completing training.

OSMB : Already pretty much discussed everything. Josh shared that they will be doing an emergency activity regarding a case of invasive species being exposed at Lake Billy Chinook. This will be a practice run of how to respond because of spreading concerns. Tribes are involved as well as other partnerships this is scheduled for May 19th and 20th, 2020. This is a table top exercise. OSMB will be sending out notifications with more details.

ODFW: No report

OSP: There is a change in their supervision teams /structural changes. They want to be better aligned with ODFW. Want to increase enforcement presence on the river. Talked with Lane (Wasco Sheriff) regarding a law enforcement meeting in Maupin in late March or April. They will discuss jurisdiction and how to get everyone on board.

Wasco County: Scott reported out that they are working on the law enforcement meeting as the seasonal kickoff. They have 2 deputies for the OSMB and OPRD contracts. They plan on 5 to 7 floats this year. They will come on board late spring/early summer. Deputies are Ray Ward and Nolan Randal.

Local Govt. : Nothing more to share

OPRD: Chris shared that it is time to renew the contract for Mary's services. All reports from partners is positive and will connect with Mary to renew her contract (if she wants it) – She does.

BLM – Jeff reported that that the signage at Sandy Beach is now permanent, it will no longer be taken down after last year's incident of boaters floating past. They are almost done with Phase 2 regarding toilets at Harpham, Sandy Beach, Devil's Canyon and Blue Hole. Phase 3 of this project will be looking at up to 4 or 5 sites for access by boaters and foot traffic. They plan to install 2 or 3. Doing an EA on segment 4, most compost systems have a channel separating fluid waste from solid waste...need to look at how that will work. Trout Creek has some closures due to Eagle nesting, which still dealing with hikers/climbers respecting that. Seasonal hiring is good. All river rangers and park rangers are getting filled. The draft of their business plan in in final stages regarding RAC approval of \$5 camping fees for non-boaters and \$5 flat fee for boaters in Segment 1 and 4. Next step is for the federal registration and then open to public comment. That takes 90 days. Scott brought up question of does this fee play into this group. Jeff explained the process that RAC identifies this need separate from managers, it goes to a RAC subcommittee and then the Managers group and RAC for approval prior to public comment. SRP question was brought up at IIT and it will not happen this year. In 2014 there was an audit, but again BLM cannot do this year. BLM continues to work on improvements with driving safety for shuttle, public and outfitters. Adam from OSP shared that county roads can put up signage regarding cautions, congestion, etc. It is difficult for them to enforce traffic safety since there are no speed limit signs posted. BLM will look into this.

Public Comment

Silas shared that closing of Long Bend would not be well received. Many outfitters would not want to lose that access. He also shared that long time member of the Managers group, Sherry Holliday, passed

away January 15th. Wanted to acknowledge all the good work she did representing Maupin and the outfitters.

Final Discussion, Follow ups, Action Items:

Scott asked about the lease options with Tribes and BLM at Harpham. Brad shared that there is no discussion, it is an internal conversation between Tribes and BLM.

- Jeff to bring samples at next meeting regarding documentation for outfitter/guides with the 24 hour notice of purchase of limited entry permits.
- Mary to follow up with conference call capabilities
- Scott- FUP updates
- Updates on website regarding minutes and agenda- available to the public.
- Question: do we or how should we set up protocols for public input on conference calls?

Meeting adjourned at 12:15 PM

Next Meetings:

IIT – May 15th 1PM -4 PM at Madras Fire Hall

Managers – May 29th 10 AM – 1PM at ODFW in The Dalles.