



BAKER CITY
WATERSHED MANAGEMENT PLAN

City of Baker City, Oregon



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WATERSHED MANAGEMENT PLAN

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WATERSHED MANAGEMENT PLAN

I. GENERAL

This plan provides management direction for both the short- and long-term operation of the Baker City Municipal Watershed (hereinafter referred to as Watershed).

II. GOAL

The goal of the Baker City Watershed Management Plan is to maintain or improve the present quantity and quality of the raw water of the Watershed, and to ensure the water quality is maintained at or above the level set by the Surface Water Treatment Rule (SWTR) to avoid filtration. The Oregon State Health Division adopted the "Surface Water Treatment Rule" (SWTR), effective 12/31/90 (OAR Chapter 333-61-032). The rule is part of the amendments to the Safe Drinking Water Act, Environmental Protection Agency 40 CFR Parts 141 and 142.

The SWTR prescribes treatment by filtration to protect against potential adverse health effects of Giardia Lamblia, viruses, Legionella, and other pathogenic organisms that are removed by filtration. The treatment technique was mandated because Giardia Lamblia are not effectively deactivated by normal disinfection practices, and other organisms are more effectively controlled by the "dual barrier" concept, that is filtration plus disinfection. The watershed control measures to limit human activities are designed to reduce the potential for viruses to occur in the water supply, thereby eliminating the need for filtration under certain conditions when other criteria is met.

The City was notified by the Oregon Health Division by a letter dated July 26, 1991, that the City can meet all the criteria for exemption to filtration. This letter is marked as Exhibit 1, and by this reference incorporated herein.

III. WATERSHED DESCRIPTION

A) Geographic Location and Physical Features: The City of Baker City's Watershed contains approximately 10,000 acres and is located about 6 miles west of Baker City. Only

160 acres of the Watershed is owned by the City of Baker City (hereinafter referred to as "City"). The remainder is Wallowa-Whitman National Forest (hereinafter referred to as (NF) land, and administered by the U.S. Forest Service (hereinafter referred to as USFS).

B) General Description: The Watershed is on the steep eastern slope of the Elkhorn Ridge of the Blue Mountain range. Total relief is about 4,400 feet, ranging from 4,500 feet at the intake of the Goodrich Greek aqueduct to 8,931 feet on Elkhorn Peak overlooking Goodrich Lake. Elevation of the pipeline along the mountain drops from 5,400 feet in Little Mill Creek to 5,150 feet at the Elk Creek settling tank. The heads of the main creeks in the northern central part of the Watershed are remnants of amphitheater-shaped glacier-carved cirques whose slopes commonly exceed 35 degrees and are barren of vegetation.

Most of the Watershed is underlain by ancient rocks of Permian and Upper Triassic age. Exposures in the central part are mostly sedimentary rocks, chiefly argillaceous and chert and a few small limestone bodies. Exposures in the northern and southern parts are a mixture of volcanic and intrusive rocks including old basaltic and andesitic lava flows and gabbroic and dioritic intrusive bodies. Remnants of glacial moraines consisting of unconsolidated and poorly sorted deposits of boulders, gravel, sand, and silt of Quaternary age occur in the upper parts of most of the main creeks.

Several small gold mines and prospects occur in the Watershed. Mining claims are maintained on some of the properties but there has been little or no production for many decades. A quarry on Marble Creek produced limestone from 1958 to 1965. Because good-quality reserves remain, the quarry could be reactivated in the future.

C) Major Components: Major components of the water system consist of one 210 million gallon, high mountain impounding reservoir located at the head of Goodrich Creek and 13 intake diversions. Two of the intakes are from spring sources and the other 11 intakes are from creek sources. The Watershed boundaries, drainage basins, streams, intake structures and Goodrich Lake are shown on Figure 1, page 17 of this document.

D) Hydrology:

1) Annual precipitation: The average annual Watershed precipitation as depicted by the U.S. Soil Conservation Service (USSCS) is 50 inches per year. Based upon snow surveys taken by the City, the average precipitation in the form of snow is 37 inches per year. NOAA Climatological data indicates the following percentage of annual precipitation by month:

| | | | |
|----------|-----------|----------|----------|
| Jan: 11% | Apr: 8% | July: 3% | Oct: 8% |
| Feb: 9% | May: 10% | Aug: 4% | Nov: 11% |
| Mar: 8% | June: 10% | Sept: 5% | Dec: 12% |

E) Vegetative Cover:

The vegetative cover of the area may be classed into three broad categories: (1) Principal Forest Zone; (2) Subalpine Zone; and (3) Alpine Zone. The Principal Forest Zone shows the greatest variation in vegetative types. The canopy cover in the Principal Forest Zone varies between 40 and 80 percent, a considerable population of high-water using plants made up of alders, willows, snowberry, and other miscellaneous shrubs are present. The canopy cover in both the Subalpine and Alpine Zone is light. These zones are fragile and susceptible to man's activities.

The Watershed consists of approximately 4300 acres of commercial forests. The commercial timber is made up principally of Ponderosa Pine, Douglas Fir, White Fir, Larch, and Lodgepole.

IV. ZONES OF INFLUENCE

A zone of influence is any area which is outside the legal boundaries of the Watershed and may, because of activities or management practices, have a detrimental impact on the water quality produced within the Watershed. The zones of influence are broken out into the following categories (as shown in Figure 2, page 19):

Category

"A": Areas which are in the Watershed drainage basin and within 500 feet of a stream used by the City for domestic water supply.

Level of Protection

Same restrictions as within the boundaries of the Watershed. Baker County Planning Department will notify Baker City thirty (30) days prior to any development or zone changes in this area.

"B": Areas which are in the Watershed drainage basin and more than 500 feet from a stream used by the City for domestic water supply.

"C": Areas within one mile of the Watershed boundary where it is likely that wildfire would burn into the Watershed drainage basin.

"D": Other areas within one mile of the Watershed boundary where it is unlikely that wildfire would burn into the Watershed drainage basin.

Open to full resource and activity use when good forest management practices are administered; activities will not degrade the water quality of Watershed.

Same fire priority as designated for the rest of the Watershed. Baker County Planning Department will notify Baker City thirty (30) days prior to any development or zone changes in this area.

Open to full resource and activity use. The management of the resources and activities in this area will be done in such a manner as not to affect the quantity or quality of the water within the Watershed.

V. NATIONAL FOREST POLICIES

Because the majority of Watershed land is managed by NF, multiple uses are designated for that area. Domestic water supply is the main designated use for the NF land within Watershed boundaries, although other uses may be permitted. Other uses of primary concern include logging, roads, livestock, and recreation, as defined in the Land and Resource Management Plan, Wallowa-Whitman National Forest, approved 1990, Pgs. 4-26, 4-27.

VI. AGREEMENTS

A) 1904 Presidential Proclamation:

"Whereas, it is provided by section twenty-four of the Act of Congress, approved March third, eighteen hundred and ninety-one, entitled, "An act to repeal timber-culture laws, and for other purposes", "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof";

And whereas, the public lands in the State of Oregon, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by section twenty-four of the aforesaid Act of Congress, do hereby make known and proclaim that there hereby reserved from entry or settlement and set apart as a Public Reservation all those certain tracts, pieces or parcels of land lying and being situate in the State of Oregon and particularly described as follows, to-wit:

In Township eight (8) south, Range thirty-seven (37) East, Willamette Meridian, Oregon, Sections one (1), two (2), three (3), ten (10) to fifteen (15), both inclusive, twenty-two (22) to twenty-seven (27), both inclusive, thirty-four (34), thirty-five (35) and thirty-six (36); in Township nine (9) South, Range thirty-seven (37) East, Sections one (1), two (2), three (3), ten (10) to fourteen (14), both inclusive, and twenty-three (23) to twenty-six (26), both inclusive; in Township eight (8) South, Range thirty-eight (38) East, the west half of the south-east quarter and the south-west quarter of Section five (5), Sections six (6), seven (7),

eight (8) seventeen (17) to twenty (20), both inclusive, and twenty-nine (29) to thirty-four(34), both inclusive, and the west half of the north-west quarter and the west half of the south-west quarter of Section thirty-five (35); in Township nine (9) South, Range thirty-eight (38) East, Sections two (2) to thirty (30), both inclusive, and thirty-four (34), thirty-five (35) and thirty-six (36); in Township nine (9) South, Range thirty-nine (39) East, Sections seven (7), eighteen (18), nineteen (19), twenty (20), the west half of the north-west quarter and the west half of the south-west quarter of Section twenty-nine (29), [Section 30 added 9/30/06] Section thirty-one (31), and the west half of the north-west quarter of Section thirty-two (32).

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler or claimant continues to comply with the law under which the entry, filing or settlement was made.

Warning is hereby expressly given to all persons not to make settlement upon the lands reserved by this proclamation.

The reservation hereby established shall be known as the Baker City Forest Reserve.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed. Done at the City of Washington this 5th day of February, in the year of our Land one thousand nine hundred and four and [seal.] of the Independence of the United States the one hundred and twenty-eighth."¹

B) 1912 Cooperative Agreement Between the Secretary of Agriculture and Baker City:

The supplemented usage of the land within the Watershed boundary is determined by the U.S. Forest Service and the City of Baker City under the 1912 Cooperative Agreement between the Secretary of Agriculture and Baker City as supplemented by 1944 Agreement. A copy of the agreements are included in Exhibit 2, attached hereto and by this reference incorporated herein. These Agreements states, in short, that the public lands within the Watershed boundary of the Whitman National Forest (now Wallowa-Whitman) are "reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the City of Baker City," and that use of the land will not be permitted without the approval of the City of Baker City except for the measures necessary for the proper protection and care of the forest.

C) Memorandums of Understanding:

Memorandums of Understanding have been entered into between the USFS and City, for the management of the Watershed with the purpose of assuring no degradation of the water quality and, ultimately, improving the water quality. A copy of the Memorandum of Understanding between the USFS and the City is included in Appendix 1, attached hereto and by this reference made a part hereof.

D) Non-USFS Land Owners:

There are only two privately owned parcels of land in the Watershed which are not managed by USFS. The first is a 160-acre parcel owned by City. The second is a 20-acre patented mining claim located on Marble Creek and owned by Monarch Marble. There are also four parcels of land on Goodrich Creek outside the Watershed boundaries, but within the Watershed's Zone of Influence, Category "A".

Agreement with private land owners within the Watershed and Zones of Influence are included in Exhibit 3 (this is to be developed at a later date).

¹Proclamations, No. 17, p2331

VII. IDENTIFICATION OF WATERSHED CHARACTERISTICS AND ACTIVITIES DETRIMENTAL TO WATER QUALITY

A) Naturally Occurring Incidents:

1) **Spring Run-off:** During the run off each Spring, it is common for the turbidity level to rise to the point that it exceeds the Maximum Contaminant Level (MCL) for turbidity for a short period of time. Because of the southern exposure on the south half of the Watershed, it is normal for the Spring run off to start several weeks earlier than the north half, which has a lot of northern exposure. Because of this, the streams on the north half of the Watershed are producing high quality water during the period of high turbidity on the south half of the Watershed. Normally the streams on the south portion are back to normal before the run off on the north portion begins. The City has the capability of isolating any section of the Watershed and bringing only high quality water to town.

B) Isolated incidents causing degradation of water quality:

1) **Summer Thunderstorms:** It is not common to have a Summer thunder storm of sufficient intensity to effect the overall water quality. However, when it does occur, the MCL for turbidity may be exceeded.

2) **Landslides:** Because of geography, most of the Watershed is not susceptible to landslides. However, on rare occasions during the Spring run off and Summer thunderstorms, small landslides into the creek channels do occur. Usually the landslides do not cause a major problem and their effect does not last for long, however these can cause the turbidity to exceed the MCL. Whenever the turbidity MCL is exceeded for any reason, the turbidity monitoring and by-pass station will turn either the Old Mountain line or the Goodrich line (depending on the source of the problem) to waste until the source of the problem can be found and isolated.

3) **Wildfires:** A wildfire in the Watershed would be devastating to both the quality and quantity of water produced. Every effort will be made to prevent a wild-fire from

starting. If a wildfire is started within the boundaries of the Watershed or Category "C" of the Zones of Influence, every effort will be made to extinguish it as soon as possible.

(a) Fire Prevention: During the fire season, all restrictions and requirements imposed by the USFS for entry into the Watershed will be strictly adhered to. The water specialist will be trained and be properly equipped for fire suppression when in the Watershed.

(b) Fire Control: The fire control in the Watershed has been designated by the USFS priority #1. It is outlined in 5(A) of the MOU, between the Forest Service Supervisor of the Wallowa-Whitman National Forest, and the City.

The water specialist will be trained in fire suppression and will have a 4x4 pickup equipped with a fire pump, water tank, and necessary hand tools.

If the water specialist is first on the site, the City Technical Services Department will be notified as to the location of the fire. The Technical Services Department will then notify the USFS Fire Dispatch, of the fire location and will, if necessary, dispatch a city crew to assist in the fire suppression. The water specialist will stay at the fire site and control the fire, if possible.

4) Wildlife Population Management: Big game management will be directed toward maintaining proper herd levels of deer and elk which are compatible with water quality criteria. Animal population will be controlled to not degrade the water quality in the Watershed. This will be done by issuing Watershed hunting permits in coordination with Oregon Department of Fish & Wildlife during the general deer and elk hunting seasons.

5) Wildlife Habitat Management: Because of the steep topography of the Watershed, the concentrations of game animals in the area near the water intakes have not been a problem. Also, there have been no aquatic furbearers seen in the

Watershed. The general objective for big game management is to develop and maintain forage capacity consistent with the desirable herd levels.

C) Man-Made Contamination Sources:

1) Transportation:

(a) Existing roads: There are no major roads in or near the Watershed. Except Marble Creek Road (Road 6510), all existing roads in sensitive areas of the Watershed are gated to prevent unauthorized entrance. Marble Creek Road remains open to the public to allow access to the Elkhorn Crest National Recreational Trail southwest of the Watershed. Marble Creek Road is a through road that passes east-west through the Watershed, but has no access through gated sections surrounding existing water intakes. Marble Creek Road is signed advising the public that they are passing through the Watershed and warning them not to leave the road.

(b) Future roads: Timber harvest roads will be constructed to minimize adverse impacts on water quality. This will include prompt seeding of stabilizing vegetation on cuts and fills and upon closure of the roads, stabilization seeding on the roadbed, unless otherwise agreed to with the City. Selected roads may be gated to provide access for wildfire control and other administrative purposes.

2) Timber Management and Harvesting:

(a) Management: The Watershed will be managed for multiple use including timber production. However, water quality and quantity have priority when conflict occurs.

(b) Timber Harvesting: When planned timber harvest may affect water quality or quantity in the Watershed, a hydrologic analysis will be conducted considering past, present and future activities. If the results of this analysis indicate that the proposed harvest would adversely affect the quality or

quantity of the water in the Watershed, the project will be altered. This may include such things as deleting or rearranging harvest units in timber sales, selecting different silvicultural prescriptions or delaying activities for one or more decades.

3) Livestock: Livestock will not be allowed within the boundaries of the Watershed. Preventative measures will be used if needed to prevent animals from trespassing into the Watershed.

4) Recreation Activities: The Watershed is restricted. Entry is allowed within the boundaries only under the following conditions:

(a) Hikers: Hikers will only be allowed on developed Forest Service trails on the ridges on the west boundary of the Watershed. No overnight camping will be allowed within the boundaries of the Watershed.

(b) Hunters: Hunting in the Watershed during general deer and elk seasons shall only be permitted with an entry permit issued by Baker City. The number of permits issued may be regulated as necessary to assure effective game management to protect the water quality. No overnight camping is permitted within the boundaries of the Watershed.

5) Development: Development within the Watershed, adversely affecting the water quality of the Watershed, will not be permitted.

(a) Existing Developments: There is no residential, commercial or industrial development in, above or near the Watershed.

(b) Agriculture: The only agricultural activities in or near the Watershed is timber management and grazing of livestock. The timber will be managed in such a way that it will maintain or enhance the water quality. Also, a goal of increasing the snow pack with vegetative manipulation will be practiced. No grazing of livestock in the Watershed is permitted.

(c) Mines: There are currently two mines in the Watershed. These include

the Stub Mine and the Monarch Marble.

(i) Stub Mine: The Stub Mine is principally a gold mine. The mine is located in Section 20 and 29, Twp. 9S., R. 39E., W.M. Although the Stub Mine is located in the Watershed, it is not in a drainage which the City takes any water from. The mine does not have processing facilities and has not operated for several years.

(ii) Monarch Marble: The Monarch Marble is a limestone quarry located in Section 14 and 14, Twp. 9S., R.38E., W.M. The Monarch Marble Quarry is not currently operating, however it did operate between 1958 and 1965 without any noticeable detrimental effect on the water quality.

VIII. CONTROL OF DETRIMENTAL ACTIVITIES

Evaluation of Watershed Control program: The City has a well protected Watershed with extremely limited access. The quality of the Watershed is exceptional and produces water of unique quality.

A) Baker City Ordinance No. 2303 prohibiting entry to the Watershed was passed in 1957 (as provided by ORS 448.300). This ordinance makes it unlawful for any person to enter city-owned lands in the watershed without permission from the City Manager. A copy of Ordinance No. 2303 is included in Exhibit 4, and by this reference incorporated herein.

B) Secretary's Regulation 36, CFR 261.53(a) will be applied by the USFS to all National Forest lands within the City's Watershed boundaries to prohibit public entry, except by permission of the USFS.

IX. MONITORING

The source water will be monitored by the City as required by the SWTR for surface systems without filtration to insure that the conditions of the permit are met and to document any adverse effects to the water quality.

A) Sample Locations: The source water samples will be collected at a location just prior

to the point of disinfection application, and where it is no longer subject to surface run off.

X. WATERSHED MANAGEMENT/OPERATION

A) Organizational Structure: The City's Public Works Department has overall responsibility for the operation, maintenance and construction of the Water Department, including the operation of the Watershed. The Watershed is the direct responsibility of the Water Specialist, who is supervised by the Water Supervisor, who in turn is supervised by the Director of Public Works, who reports directly to the City Manager. In the event additional help is needed for coverage because of illness, vacation, or just to assist in the work load, the needed help is furnished from the Public Works Department.

B) Personnel Education/Experience:

(1) Minimum education of key personnel in Watershed Management:

(a) Director of Public Works minimum qualifications: Graduation from a four year college or university with specialization in civil engineering and three years of progressive responsible professional experience in public works administration including supervisory capacity; or any combination of experience and education that demonstrates provision of the knowledge, skills, and abilities listed above.

(b) Water Supervisor minimum qualifications: Five years experience in water maintenance and water and sewer construction work, with one year in a supervisory capacity; certified to Class Two as water treatment operator, water distribution operator, within two years of appointment as supervisor; or any combination of experience and educational training that demonstrates provision of the knowledge, skill, and abilities listed above.

(c) Water Specialist minimum qualifications: Three years experience in the operation and maintenance of water treatment plant; supplemented by special coursework in water treatment operation; or any combination of education and experience which demonstrates provision of the knowledge, skill, and ability listed above; Water Treatment II Classification or successful certification within one year from date of appointment or within next State of Oregon certification testing cycle.

C) Operations: The design of the collection and supply system allows for a great deal of flexibility in managing the Watershed to insure the City's ability of supplying an adequate quantity and quality of domestic water to the City's customers. In the case of exceeding turbidity MCL's, the system has a turbidity monitor, alarm and bypass station which automatically bypasses any turbid water and turns it to waste, and at the same time sets off a

visual and audible alarm at the reservoir. The system also notifies the Water Specialist's home with an automatic dialer telephone. In the event the operator does not answer, it dials the City police station which has personnel on duty 24 hours a day, 7 days a week. The City Police Department will contact Public Works employees qualified to respond. When notified that the turbidity MCL's is exceeded, the Watershed operator locates the source of the problem and isolates it either by turning off the individual stream or isolating an entire section of the Watershed. This can be accomplished by bringing the water to town on one of the three transmission lines available.

If the turbidity is a wide spread or long lasting problem, the system will be switched from surface water to ground water by using one or both of the City's two deep wells which have a combined capacity of approximately 2,800 GPM, which exceeds the water demand in the spring of the year .. the time when the turbidity is most likely to occur. Even during periods of high demand, it is adequate with some rationing.

XI. ANNUAL REPORT

An annual written report will be made and submitted to the State of Oregon Health Department with a copy to Wallowa-Whitman National Forest, headquarters, no later than January 15th of each year. At a minimum, the report will include the following:

A) Special Concerns: Any special concerns regarding the Watershed and/or its operation and what was done or is planned to be done to take care of the concerns.

B) Key Individuals & Qualifications: A list of all key individuals responsible for the Watershed. The list will include their education, experience and training relating to their ability to operate the Watershed.

C) Logging in Watershed: A list of planned logging operations.

D) Water Quality Problems: A listing of water quality problems, and how they were solved or proposed to be solved.

E) Projected Adverse Problems/Solutions: Projected adverse problems and proposed solutions.

APPENDIX 1

MEMORANDUM OF UNDERSTANDING
between
WALLOWA-WHITMAN NATIONAL FOREST
and
CITY OF BAKER CITY, OREGON

This Memorandum of Understanding (MOU), entered into on the 27th day of August, 1991, is by and between the United States Forest Service, hereinafter referred to as "Forest Service", acting by and through the Forest Supervisor of the Wallowa-Whitman National Forest, and the City of Baker City, Oregon, hereinafter referred to as "City", acting by and through its Mayor. This MOU is for the purpose of maintaining and protecting the quality of water from national forest lands and city-owned lands within the Watershed. The Watershed contributes approximately 95% of the domestic water supply for the residents of the City.

The Forest Service and City agree as follows:

1. Management plans and decisions must meet the intent of the original 1912 Cooperative Agreement between the City of Baker City and the U.S. Department of Agriculture (see copy of this Agreement attached as Exhibit 2) and to meet the requirements of the Surface Water Treatment Rule (SWTR).
2. The principal and most important use of the land owned by the City in the Watershed is as a municipal water supply. Water is the basic resource to be produced.
The National Forest lands in the Watershed are managed for multiple use in accordance with the 1990 Land and Resource Management Plan for the Wallowa-Whitman National Forest.
The plan requires the Watershed to be managed to maintain or improve water quality and quantity. Resource management shall alter watershed conditions only to the extent that existing water use is not adversely affected. Existing water treatment requires disinfection but not filtration according to current State & Federal standards and water quality data collected to-date.
3. Definitions: When referring to Watershed, the following descriptive terms will be used:
 - A) Watershed: This refers to all the lands between the northerly side of the Goodrich Drainage and the southerly side of the Elk Creek drainage and between the pipeline road and the crest of the Elkhorn Mountains to the west.
 - B) Legal Watershed: Refers to those lands administered by the Forest Service and City described by legal subdivisions in the 1912 Cooperative Agreement between the City of Baker City, Oregon, and the Secretary of Agriculture (a copy of which is attached as Exhibit 2).
 - C) Zones of Influence: This includes lands adjacent to the Watershed which will affect or be affected by management of the Watershed. Zones of Influence may or may not drain into the Watershed, but management of the resources and activities in these zones will be done in such a manner as to reflect the standards of management desired within the Watershed. These designations are shown on the attached maps, marked as Figures 1 and 2, pages 17-19 of this document.
4. The basic objective for managing this Watershed is to maintain or improve the present quality and quantity of water received. Water quality will take priority over water quantity in management decisions.

A) Records, including studies of either party pertaining to water quality, shall be made available for use by both parties.

B) Should the water quality, when sampled, fail to meet the raw water quality criteria for 48 hours, both parties will try to determine the cause or source of the water degradation.

C) If remedial measures or actions are necessary and practical, both parties will jointly develop a program of remedial measures to the degree necessary and for the period needed to correct the situation and bring the quality of water to meet the State's raw water quality standards. Actions by the Forest Service to correct adverse conditions originating on the National Forest lands in the Watershed will be limited to the application of land management practices.

5. Management directions for the Watershed are found in the "Baker City Watershed Management Plan" and the "Land and Resource Management Plan for the Wallowa-Whitman National Forest".

A) Fire Control: A wildfire in the Watershed could have long lasting and devastating effects on the quality and quantity of water produced in the Watershed. In an effort to mitigate any possible damage in the event of a fire, it is agreed that the Forest Service will:

i) Place the area in or near the Watershed on a Priority #1 for fire dispatch and control;

ii) Avoid use of fire retardants within domestic supply watersheds when other effective measures of fire control are available. When the use of fire retardants within domestic supply watersheds is necessary, all reasonable efforts will be made to avoid direct application into live streams. Only fertilizer-based retardants will be used.

iii) Place the Watershed on a Priority #1 for rehabilitation commensurate with the value of the Watershed; and

iv) When possible, avoid storing fuels or chemicals in the Watershed. In the case of an emergency, if fuels or chemicals must be stored in the Watershed, they will be stored in such a manner and location so that they cannot reach a stream.

B) Zones of Influence: A Zone of Influence exists outside the boundaries of the Watershed which could have a substantial impact on the water quality produced within the boundaries of the Watershed.

The areas designated as Zones of Influence lying within the National Forest boundaries will be managed with Best Management Practices (BMP) and as prescribed in the Watershed Management Plan. No activities will be allowed in the Zones of Influence which will have an adverse impact on the water quality or quantity. Special attention will be given to the use of any herbicides, pesticides, or other chemicals to assure no contamination is allowed to occur which would affect the water quality within the boundary of the Watershed. Also, special attention will be given to any grazing permits given within the Zones of Influence to ensure that livestock will not stray into the Watershed.

C) Uses and Development Plans: Resource and activity use and development plans on Forest Service lands within the boundaries of the Watershed will be allowed only on a regulated basis.

- i) Secretary's Regulation 36 CFR 261.53(e) will be applied by the Forest Service to all national forest lands within the City's Watershed boundaries to prohibit public entry, except by permission of the Forest Service.
- ii) Secretary's Regulation 36 CFR 261.53(e) will be continued for the period covered by the Baker City Municipal Watershed Management Plan.
- iii) The City will enforce its Ordinance No. 2303 (marked as Exhibit 4, and ORS 449.327 and 449.328, where applicable, to prohibit public entry into all city-owned lands within the Watershed boundaries, except by permission.
- iv) The Forest Service will provide and maintain the necessary signs, posting the boundaries of the Watershed, and giving public notice of the regulated closure under Regulation 36 CFR 261.53(e) on National Forest lands. The City will provide and maintain the necessary signs, posting the boundaries outside National Forest land, and giving public notice of the regulated closure under City Ordinance No. 2303 and ORS 449.327 and 449.328.
- v) Both parties agree to provide patrols needed to enforce 36 CFR 261.53(e). These patrols will advise the public of the regulations and locations of closure boundaries, and will report names and addresses of violators to the Forest Service. City patrols will enforce both City and State regulations.
- vi) All persons employed on or occupying any of these national forest lands and city-owned lands within the Watershed and the Zones of Influence for any purpose will be required to comply with the regulations governing these lands. Such regulations shall include appropriate measures for compliance with laws and sanitary regulations, and such other rules of conduct as may be proposed by the City and approved by the Forest Supervisor.

6. The Forest Service and the City will initiate only those resources and activity programs which will have the concurrence of both parties, except for measures necessary for the proper protection and care of the forest. Both agencies will be involved at all levels of planning, implementing and monitoring resources and activity programs.

The Forest Service and the City will cooperate in the preparation and release of informational and educational material pertaining to this Memorandum of Understanding. The design, preparation, and reporting of the special studies made by either party or as a cooperative undertaking may be used externally by either party. Special studies shall be submitted to the other party for review and comment prior to their release. It is further provided that each party may independently use information about or derived from this cooperative undertaking for its internal use without the knowledge or consent of the other party.

7. Nothing in this MOU shall affect the rights of the city or the federal government or others to the use of water yielded from national forest lands covered under this agreement.

8. Nothing in this MOU shall be construed as obligatory of either party to expend funds, nor involve the United States or the City in any contracts or other obligation for future payment of monies in excess of appropriations authorized by law.

9. The Forest Service will continue to exercise authority in control and management of the national forest land covered by this agreement as in the case of other national forest land, except as specified in this agreement.

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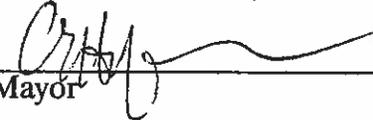
10. This agreement shall remain in effect until cancelled by written notice from either party to the other, not less than two (2) years (unless mutually agreed otherwise) prior to the date of cancellation.

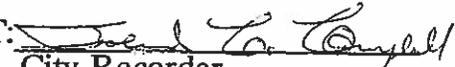
11. No member or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom, unless it is made with a corporation for its general benefit.

12. In carrying out the terms of this agreement, there shall be no discrimination against persons because of race, color or national origin.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the day and year first hereinabove written.

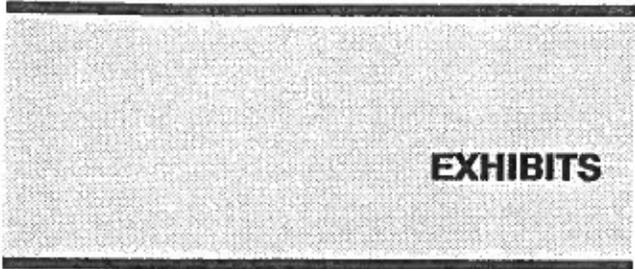
CITY OF BAKER CITY, OREGON:

By: 
Mayor

ATTEST: 
City Recorder

UNITED STATES FOREST SERVICE:

By: 
Forest Supervisor



EXHIBITS

- EXHIBIT 1: Letter from Health Division**
- EXHIBIT 2: 1912 Cooperative Agreement**
- EXHIBIT 3: Agreement with Private Land Owners**
- EXHIBIT 4: Ordinance No. 2303**



Department of Human Resources

HEALTH DIVISION

Water Program, Eastern Region

700 SE EMIGRANT, SUITE 320, PENDLETON, OR 97801

PHONE 276-

PORTLAND EMERGENCY (503) 229-

PORTLAND TTY (503) 229-

July 26, 1991

Mr. James L. Adamson, Director
Public Works Department
Baker City
P.O. Box 650
Baker City, OR 97201

Subject: Exemption to Filtration

The city meets the watershed control requirements for an exemption to filtration as specified in the Surface Water Treatment Rule. This determination is based on the sanitary survey of the watershed that I completed with you on June 26, 1991, and my review of the "draft" Watershed Management Plan. The city has done a good job over the years of managing the watershed and upgrading the intake structures.

I have also reviewed the "Evaluation of the Exemption Criteria to the Surface Water Treatment Rule", prepared by HGE, INC. The city can meet all the criteria for exemption to filtration if the disinfection/CT requirements are met. I recommend that the city take action immediately to begin the construction process for the projects necessary to meet this requirement.

I plan to attend the City Council meeting on July 30. Please call me if you have any questions.

Sincerely,

Gary F. Burnett, P.E.
Regional Engineer

c. OHD, Water Program, Portland

Whitman Supervisor's copy.
Protection of City Watershed
Baker, Ore

Whitman - Union
Baker, City of
Municipal Watershed, Protection of
Jan. 12/12

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY.

COOPERATIVE AGREEMENT FOR THE PURPOSE OF
CONSERVING AND PROTECTING THE WATER
SUPPLY OF THE CITY OF BAKER, OREGON.

THIS AGREEMENT, made and entered into this 12th day of January, one thousand nine hundred and twelve, by and between the City of Baker, State of Oregon, through C. L. Palmer, its Mayor, and the UNITED STATES DEPARTMENT OF AGRICULTURE, through JAMES WILSON, Secretary of Agriculture, WITNESSETH THAT,

WHEREAS, The following described lands: Including portions of Sections 33 and 34, T. 8 S., R. 38 E., W. M., Sections 3, 12, 14, 24, and portions of Sections 2, 4, 5, 9, 11, 12, 13, 15, 16, 22, 23, 25, and 36, T. 9 S., R. 38 E., W. M., and portions of Sections 7, 18, 20, 30 and 31, and Section 19, T. 9 S., R. 39 E., W. M., bounded as follows: Beginning at a point on Goodrich Creek in the S. E. 1/4, Section 34, T. 8 S., R. 38 E., at the intake of the old Auburn Ditch, now the Baker Municipal Ditch; thence in an easterly direction to the National Forest boundary at a point about seven chains north of the southeast corner of Section 34; thence south to said southeast corner of Section 34 along National Forest boundary; thence east about eight chains along said

Extra Copy

Supervisor's

National Forest boundary to the aforesaid Auburn Ditch; thence in a general southeasterly direction following said ditch to the National Forest boundary about 24 chains north of the southeast corner of Section 18, T. 9 S., R. 39 E.; thence south along said Forest boundary to the S. E. corner of Section 18; thence along Forest boundary on the north, east and south sides of Section 20, T. 9 S., R. 39 E., except such portions as lie below the aforesaid Baker Municipal Ditch; thence south along Forest boundary to a point about five chains south of the southeast corner of Section 30, T. 9 S., R. 39 E., W. M., where the Baker Municipal Pipe-line crosses the National Forest boundary; thence in a northwesterly direction along said pipe-line to its intake on Elk Creek; thence in a southwesterly direction following the ridge up to the top of the main divide of Elkhorn Mountains; thence in a northwesterly direction along the main divide of said Elkhorn Mountains to a point in Section 5, T. 9 S., R. 38 E., where the main ridge connects with the divide north of Goodrich Creek; thence in a northeasterly direction down said divide to the point of beginning; enclosing all of the drainage area above the Baker Municipal Ditch and Pipe-line, comprising an area of 10,000 acres, more or less, within the boundaries of the Whitman National Forest, forming a part of the watershed from which the water supply of the said City is

obtained:

NOW, THEREFORE, for the purpose of conserving and protecting the water supply of the said City, the Secretary of Agriculture agrees:

FIRST. That the use of said lands will not be permitted without the approval of the proper city authorities except for the following purposes, to-wit: Measures necessary for the proper protection and care of the forests; the marking, cutting and disposition of such timber as in the judgment of the forest officers may be removed without injury to the water supply of said city; for the construction of roads, trails, telephone lines and other means of transportation and communication not inconsistent with the objects of this agreement, and for rights of way acquired under Acts of Congress.

SECOND. That all persons employed on or occupying any of these lands for any purpose will be required to comply with the regulations governing national forests, and to observe such sanitary regulations as may be proposed by the said city and approved by the Secretary of Agriculture.

THIRD. That, so far as practicable with the means at his disposal, the Secretary of Agriculture will extend and improve the forests upon these lands by seeding and planting and by the most approved methods of silviculture and forest management.

AND THE BOARD OF COMMISSIONERS FOR THE CITY OF
BAKER, OREGON, AGREES:

That the said city will cooperate with the Forest Service in patrolling the above-described lands for the enforcement of the regulations and the prevention and suppression of forest fires; and that the additional guards rendered necessary by this agreement shall be appointed by and be directly responsible to the supervisor of the Whitman National Forest, but their compensation will be paid by the said city.

The undersigned agree to the above propositions and agree to carry them out as far as they have official power and authority to do so.

CITY OF BAKER,

BY

H. L. Palmer
Mayor.

ATTEST:

A. B. Stearns
City Clerk.

WITNESS: _____

(Sgd) W. M. Hays.
Acting Secretary of Agriculture.

RESOLUTION NO. 931.

WHEREAS: The United States Department of Agriculture by and through the office of the Secretary of Agriculture, has proposed to the City of Baker a contract to coop-

erate with said department in providing for the patrol of the forest lands from which said city procures its supply of water, for the purpose of protecting the said water shed and to prevent and suppress forest fires, NOW THEREFORE

BE IT RESOLVED BY THE CITY OF BAKER: That the Mayor of the City of Baker be, and hereby is, authorized and directed to sign said contract for and in behalf of the City of Baker.

Adopted by the Board of Commissioners this 16th day of January, 1912.

ATTEST: A B Sterns
City Clerk.

APPROVED: By the Mayor of the City of Baker, Oregon, this 16th day of January, 1912.

C L Palmer
Mayor.

STATE OF OREGON)
County of Baker) ss.

I, A. B. Sterns, City Clerk of the City of Baker, State of Oregon, do hereby testify that the foregoing is a true, full and exact transcript of and from the original resolution as same appears on record in my office and in my official care and custody.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the City of Baker, Oregon, this 16th day of January, 1912.

A B Sterns
City Clerk.

Amendment to Co-op of 1-12-12

8/21/44

THIS SUPPLEMENTAL AGREEMENT, entered into this 21st day of August, 1944, by and between the City of Baker, State of Oregon, through Henry McKinney, its Mayor, and the Forest Service, through the Supervisor of the Whitman National Forest, witnesseth:

WHEREAS, the United States Department of Agriculture, through the Secretary of Agriculture, and the City of Baker, through its Mayor, did on January 12, 1912, enter into a cooperative agreement, and

WHEREAS, that agreement provided for the conserving and protecting of the water supply of Baker through certain cooperative actions in connection with the protection of national forest lands located within the watershed from which the City's water supply is obtained, and

WHEREAS, one of these cooperative actions provides that the compensation of extra guards employed by the Forest Service shall be paid by the City of Baker, and

WHEREAS, it now appears evident that the payment of this compensation so as to promote the objectives of the agreement can best be made through the provisions of a supplemental or working agreement entered into between the Forest Supervisor of the Whitman National Forest and the Mayor of the City of Baker,

NOW, Therefore, it is mutually agreed by the parties hereto that

1. They will cooperate in the protection and preservation of the watershed as hereinbefore mentioned from the date of this supplemental agreement until such time as the supplemental agreement may be terminated by either party at any time upon the giving of ten (10) days' written notice to the other party.
2. The City of Baker will, during the term of this supplemental agreement, deposit with the Regional Fiscal Agent, Forest Service, Portland, Oregon, in advance, when and as called for by the Forest Supervisor of the Whitman National Forest, such sum or sums, not exceeding \$1,000.00 in any one calendar year, as are necessary to cover costs of the protection and preservation of the watershed lands in pursuance of the terms of this agreement, provided that sums in excess of \$1,000.00 for any one calendar year may be deposited with the approval of the City of Baker. The sum or sums so deposited will be expended by the Forest Service under the Act of June 30, 1914 (38 Stat. 430), and shall be available until expended for the protection and improvement of the national forest, including forest fire protection and more particularly the following: The payment of the compensation of and the supplying of transportation, equipment and subsistence to guards and other employees of the Forest Service.

3. No member of or delegate to Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company. (Sec. 3741, Rev. Stat., and Secs. 114-116 Act of March 4, 1909, 35 Stat. 1109).

CITY OF BAKER

ATTEST:

By Henry McKinsey
Mayor

Walter Nelson
City Clerk

U. S. FOREST SERVICE

By Chas. D. Simpson
Forest Supervisor

EXHIBIT 3: AGREEMENT WITH PRIVATE LAND OWNERS

This information has not yet been provided. When agreements are reached, this material will be attached, and by this reference made a part hereof.

ORDINANCE NO. 2303

AN ORDINANCE PROHIBITING TRESPASSING ON THE WATER SHED FROM WHICH THE CITY OF BAKER SECURES ITS SUPPLY OF WATER, REPEALING ORDINANCE NO. 2203, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF BAKER:

Section 1. That Ordinance No. 2203 and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. It shall be unlawful for any person to enter upon the water shed from which the City of Baker secures its water supply without being first authorized to do so by the Water Commissioner of the City of Baker or the United States Forest Service.

Section 3. The term "water shed" as used in this ordinance is hereby defined to be all property acquired, owned or occupied by the City of Baker for its works, reservoirs, systems, springs, branches and pipes, and all lakes, springs, streams, creeks or tributaries acquired by the said City of Baker, and by means of which its supply of water is secured, stored or conducted, including the areas draining into said lakes, springs, streams, creeks or tributaries, or any thereof.

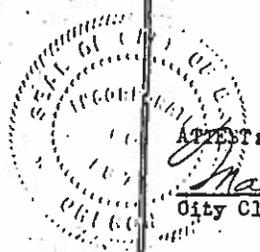
Section 4. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$100.00 or imprisonment in the city jail for not more than sixty days, or by both such fine and imprisonment.

Section 5. It hereby is adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety; and owing to the urgent necessity of maintaining the public health, an emergency hereby is declared to exist and this ordinance shall take effect and be in full force and effect from and after its passage.

Passed by the Board of Commissioners this 26 day of July, 1950.

Approved by the Mayor Commissioner this 26 day of July, 1950.

SIGNED: M. M. Minn
Mayor Commissioner



ATTEST:
Marion P. Swan
City Clerk

CHAPTER 500

AN ACT

Relating to municipal watershed areas; providing for penalties; and declaring an emergency. (S.B. 400)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

Section 1. (1) A city may by ordinance prohibit or restrict access for purposes of fishing, hunting, camping, hiking, picnicking, trapping of wild animals or birds, harvesting of timber and mining or removal of minerals or otherwise in its watershed area, or may by ordinance permit such activities in its watershed area upon conditions specified in the ordinance. No ordinance shall be passed under authority of this Act prohibiting the hunting or trapping of fur-bearing or predatory animals doing damage to public or private property, nor the hunting or trapping of any bird or animal for scientific purposes as that term is defined in subsection (5) of ORS 497.780.

(2) The provisions of subsection (1) of this section apply only to cities with respect to watershed areas which are the subject of an agreement between the city and the United States or any department or agency thereof, which agreement authorizes such action by the city.

(3) An ordinance passed by any city prohibiting or restricting access to its watershed area shall include a penalty clause providing for a penalty upon conviction of a fine of not to exceed \$100 or imprisonment for not to exceed 30 days, or both such fine and imprisonment.

(4) Any city which shall have passed an ordinance prohibiting or restricting access to its watershed area shall post the area with suitable signs which shall recite the prohibition of access or the conditions of limited access as contained in such ordinance. Failure to post the area as herein provided shall be a defense in any prosecution under an ordinance adopted by any city under authority of this Act.

Section 2. The municipal or recorder's court of any city passing an ordinance under authority of section 1 of this Act and the justice of the peace court or district court of the county wherein such city is located or in which the watershed area is located shall have concurrent jurisdiction to try and determine any prosecution brought under such ordinance. If prosecution is had in a justice of the peace court or a district court, the said court shall remit to the city, after deducting court costs, the amount of any fine collected. If a jail term is imposed, the convicted person shall be confined in the city jail or in the county jail and if confined in the county jail the county shall be entitled to recover from the city the actual costs of such incarceration.

Section 3. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage.

Approved by the Governor June 13, 1937.
Filed in the office of the Secretary of State June 13, 1937.



FIGURES

FIGURE 1: Drainage Basins and Intakes
FIGURE 2: Zones of Influence

Figure 1

BAKER CITY WATERSHED DRAINAGE BASINS AND INTAKES

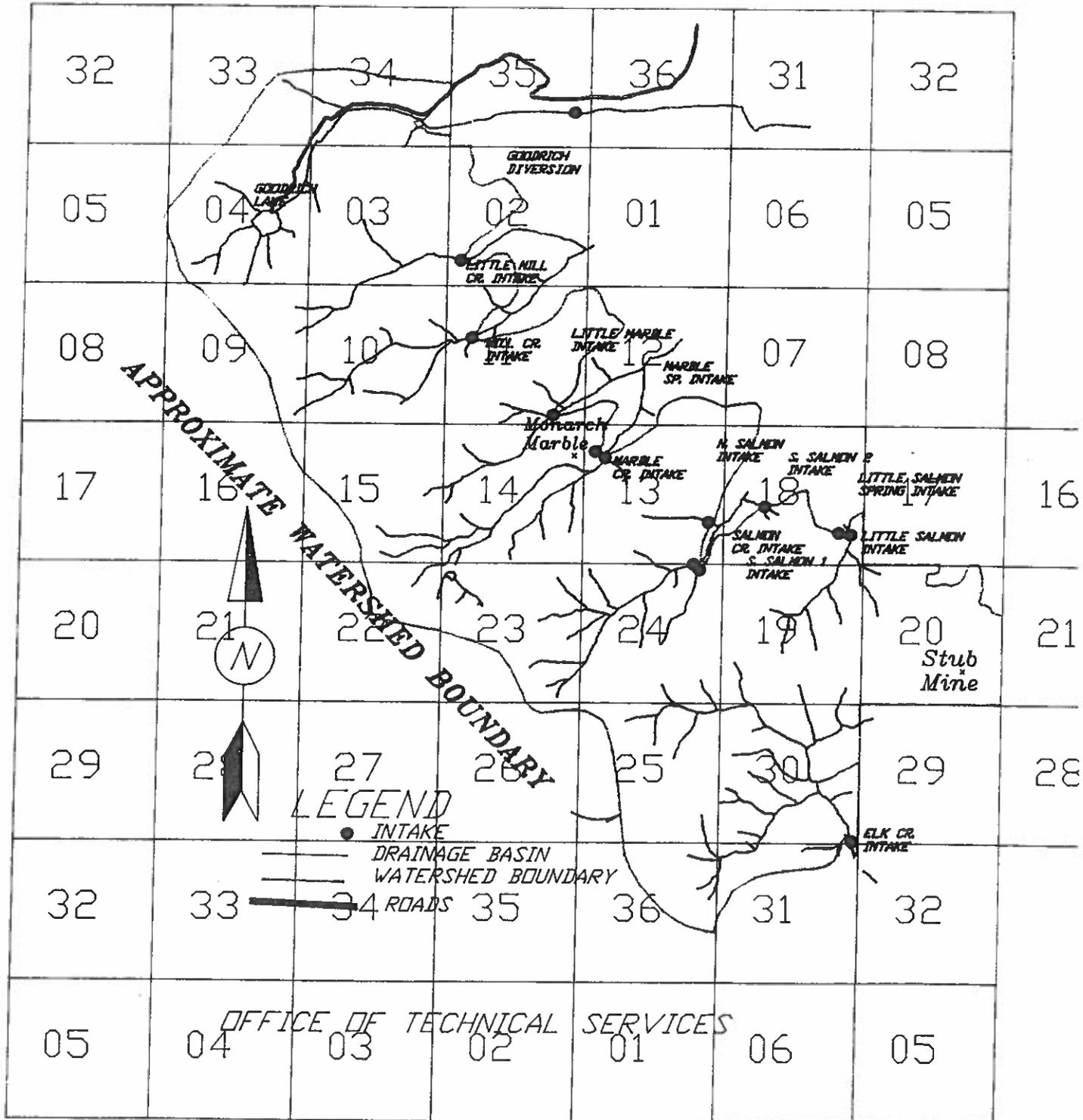
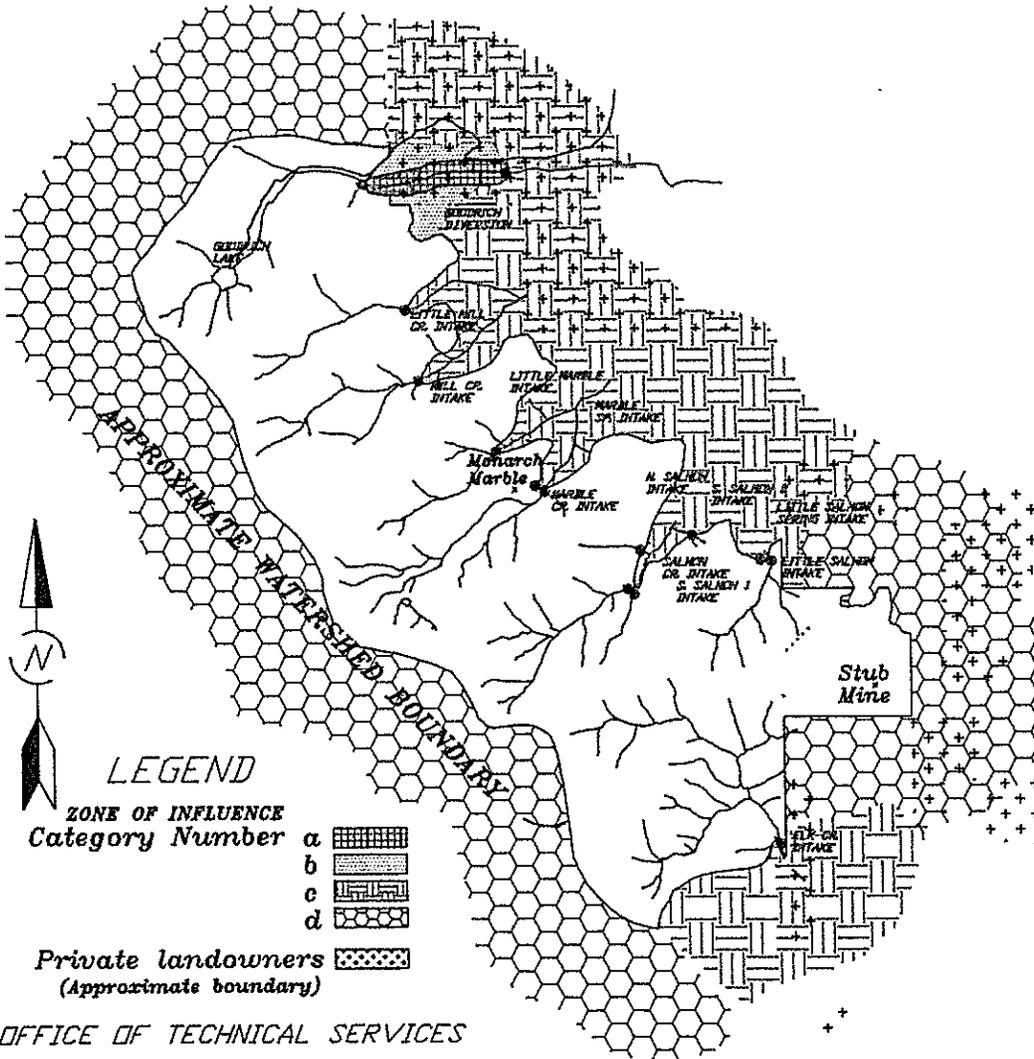


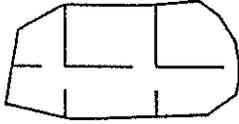
FIGURE 2

BAKER CITY WATERSHED DRAINAGE BASINS AND INTAKES



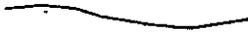
T8S, R38E, SEC. 35, WM.

LEGEND



Proposed Area of City Water Quality Control

①



Approx. center of Goodrich Creek

②



Goodrich Diversion

③



Access Road



Approx. Section Line

④



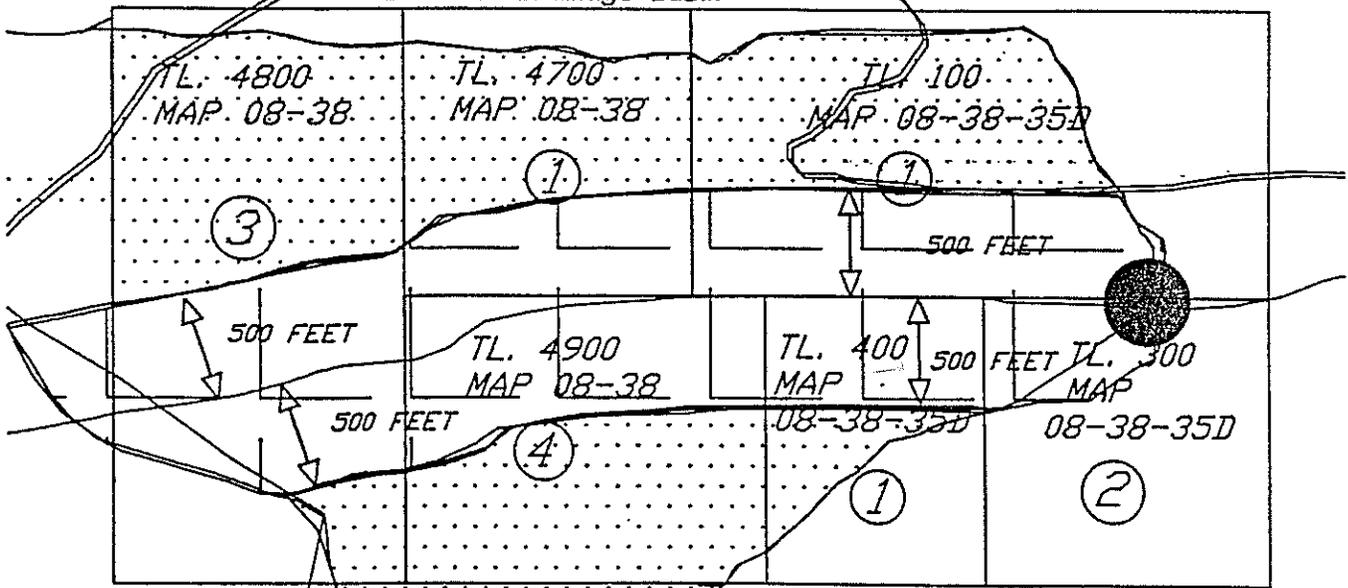
Approx. Boundary of Baker City Watershed



Approx. Boundary of Goodrich Drainage Basin

PROPERTY OWNERS

| |
|--|
| Bud E. Post P.O. Box 164 Star, Id. 83707 |
| Oscar & Virginia Coen, Trust 1/2 West One Bank, Idaho P.O. Box 7928 #15012057 Boise, Id. 83707 |
| Robert W. Bachman Etal 1/2 Scott & M.L. Bates 10351 Grant Line Rd. Elk Grove, Ca. 95624-9404 |
| Randall & Shirley Guyer 1/2 Donald & Elna Guyer 1/2 2975 3rd Street Baker City, Dr. 97814 |



GOODRICH DIVERSION

OFFICE OF TECHNICAL SERVICES

THIS MAP IS A COMPOSITE OF SEVERAL LARGE SCALE MAPS. IT IS INTENDED TO BE USED AS A CONCEPTUAL REPRESENTATION ONLY.