



Friends of the Metolius and the Northwest Environmental Defense Center (together “Nominators”) provide the following supplemental information regarding Nominators’ request to designate the Metolius River as a “Tier 2.5” water, from its headwaters to Candle Creek.

1. ***Letters of support from organizations listed as supporting the nomination.***

Nominators have not yet requested formal letters of support from the following, because many of the individuals’ and organizations’ support is dependent on the Confederated Tribes of the Warm Springs Reservation’s support (or lack of opposition) for the nomination. Because we are not comfortable submitting emails from the following groups into the public record without their express consent, Nominators provide the following summaries of communications with organizations and individuals listed as supporting the nomination.

- a. **Upper Deschutes Watershed Management Council:** Nominators provided detailed information about the nomination to UDWMC management, including the nominated stretch of the river, the tier 2.5 designation and information about discussions with the Confederated Tribes of Warm Springs and the commitment by the nominators to withdraw the nomination if the Tribe ultimately decides to object to the designation. UDWMC Executive Committee has indicated that it will support the nomination if the CTWS decides that it will not object to it.
- b. **Trout Unlimited:** Nominators provided detailed information about the nomination to TU management, including the nominated stretch of the river and information about discussions with the Confederated Tribes of Warm Springs and the commitment by the nominators to withdraw the nomination if the Tribe ultimately decides to object to the designation. TU is interested in supporting the nomination but wants to hear what CTWS decides before providing formal support.
- c. **Central Oregon Landwatch:** Nominators provided detailed information about the nomination to Landwatch management, including the nominated stretch of the river, the tier 2.5 designation and information about discussions with the Confederated Tribes of Warm Springs and the commitment by the nominators to withdraw the nomination if the Tribe ultimately decides to object to the designation. Landwatch has responded that it very much supports the nomination but wants to hear CTWS’s position before formally providing support.
- d. **Lindley Morton and Corrine Oishi** (landowners downstream of House on the Metolius): Nominators provided detailed information about the nomination to these landowners, who responded by email with their support for the nomination.

- e. **Rod Bonacker:** Nominators provided detailed information about the nomination. Mr. Bonacker responded that he supports the nomination and will provide a letter of support upon request. Doug Hancock responded indicating that Mr. Bonacker's letter of support could wait until we hear from CTWS regarding the Tribes' position.
- f. **Maret Pajute:** Nominators provided detailed information about the nomination. Ms. Pajute responded that she supports the nomination and will provide a letter of support upon request. Doug Hancock responded indicating that Ms. Pajute's letter of support could wait until we hear from CTWS regarding the Tribes' position.
- g. **Corbett Family:** Doug Hancock had conversations with a member of the family, as was done in 2022. Support would come at a later time after we hear from CTWS regarding the Tribes' position.
- h. **Deschutes River Alliance:** Nominators provided detailed information about the nomination to DRA staff, including the nominated stretch of the river and information about discussions with the Confederated Tribes of Warm Springs. DRA staff responded by email with their support for the nomination.

2. *How a Tier 2.5 Designation may affect activities, rights, and operations of various entities.*

Nominators are hesitant to substitute our understanding of a potential Tier 2.5 designation for DEQ's expertise in these matters, or for the analysis and outreach that DEQ would perform regarding these entities as part of a future rulemaking process. While we cannot know exactly how such a designation would affect the following interests until the rulemaking process is complete, we offer the following assessments of how a Tier 2.5 designation might affect the agencies, individuals, and other entities listed in your follow-up email:

- a. **Wizard Falls Fish Hatchery:** The draft rules submitted with the nomination state that the proposed Tier 2.5 designation will not impact ODFW's operation of the fish hatchery under its current license.
- b. **U.S. Forest Service:** The draft rules submitted with the nomination state that the proposed designation will not affect management of riparian areas by the U.S. Forest Service as long as USFS uses best management practices
- c. **Confederated Tribes of the Warm Springs:** We believe a Tier 2.5 designation could and should be crafted so it would not impact the Tribe's substantial sovereign interests in the Metolius River basin.
- d. **Homeowners:** The proposed designation would have no impact on local homeowners' ability to recreate on and around the Metolius River, so long as that recreation does not degrade water quality. As for home and septic system maintenance: if a septic system requires repair or replacement, that is managed by Jefferson County under its existing authority from DEQ; nominators do not believe homeowners' rights or activities related to home or septic maintenance would be impacted in any way.
- e. **Businesses:** We believe the proposed designation would not impact the existing rights or activities of local businesses.

Nominators emphasize again that we expect that rules eventually adopted in a full rulemaking may differ from those included with this nomination, and that these rules can be crafted to provide more flexibility in balancing existing activities in the basin such as those listed above.

3. Short summary of outreach to any listed organizations

Nominators provide the following summaries of outreach performed with various agencies and organizations (for additional outreach summaries, please see section (1) above).

- a. **Confederated Tribes of Warm Springs:** There have been several phone conversations between the CEO of the CTWS Tribe and Doug Hancock, and between legal counsel for the CTWS and Doug Hancock. The nomination document and all of the appendices have been provided to CTWS and legal counsel for CTWS. There have been numerous emails back and forth between legal counsel for CTWS and Doug Hancock. CTWS has not yet taken a formal position on the nomination and is aware that the nomination will be withdrawn if ultimately CTWS decides that it would object to the nomination.
- b. **US Forest Service:** Doug Hancock provided detailed information about the nomination to USFS District Ranger Ian Reid. The information included the nominated stretch of the river, the Tier 2.5 water quality protection and the flexibility it provides, and that the draft rules submitted with the nomination include language indicating that the designation would not adversely affect management by USFS provided it used Best Management Practices (and discussion of how the rulemaking process will involve the USFS and how the rules will be tailored to accommodate USFS management).
 - i. There has been no written response from the Forest Service but there have been informal conversations between FOM board members and USFS personnel about the nomination. In addition, Friends of the Metolius met with District Ranger Reid and the District's hydrologist, fisheries biologist, and other USFS staff on May 17 to describe the nomination to the group and provide an opportunity to ask questions.
- c. **Oregon Department of Fish and Wildlife:** Doug Hancock provided detailed information about the nomination to ODFW manager Mike Harrington. The information included the nominated stretch of the river, the Tier 2.5 water quality protection and the flexibility it provides, and that the draft rules submitted with the nomination include language indicating that the designation would not adversely affect management and operation of the Wizard Falls hatchery by ODFW (and discussion of how the rulemaking process will involve ODFW and how the rules will be tailored to accommodate ODFW management).
 - i. Mike Harrington responded by email with thanks for the heads up on the nomination. He indicated that he would share the information with ODFW's Habitat Division and water experts.
- d. **Metolius River Forest Homeowner's Association:** provided detailed information about the nomination to MRFHA's directors Ted Hogan and Meggins Tuchman. The nomination document and all appendices were provided to same. The information included a detailed discussion of the nomination, including the

nominated stretch of the river, the Tier 2.5 water quality protection and the flexibility it provides.

- i. There have been emails between MRFHA director Ted Hogan and Doug Hancock. Hogan has requested that Hancock attend the annual MRFHA meeting over the July 4 weekend to provide information and answer questions, and to provide information and answers ahead of that to be included in a MRFHA newsletter. Information for use in the newsletter is being worked on and we will attend the annual meeting.
- e. **Cascadia Wildlands:** provided detailed information to Cascadia Wildlands staff about the nomination, including the nominated stretch of the river and the need to ensure that any new regulation would fully protect all of the Confederated Tribes of the Warm Springs Reservations' substantial sovereign interests. CW staff responded that they are interested in the process, and would like to be kept updated on tribal outreach efforts.
- f. **Center for Biological Diversity:** provided detailed information to CBD staff about the nomination, including the nominated stretch of the river and the need to ensure that any new regulation would fully protect all of the Confederated Tribes of the Warm Springs Reservations' substantial sovereign interests.