



AGENDA
February 10, 2014, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: **Time:** _____

1. The pledge of allegiance

2. Roll Call:

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
STARTING VOTE		
City Administrator Jodi Fritts		
Student Liaison Lyndsey Dixon		

3. Special Orders of Business:

- a. Interview Potential Planning Commission members

4. Consent Calendar

None Scheduled

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing

None Scheduled

7. Citizen Requested Agenda Items

- a. Dave Lacey RE: Proposed Nickel Mining

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

- a. 2nd Reading Ordinance 650 Amending Comp Plan and Zoning Maps
- b. 1st Reading Ordinance 647 amended FOG ordinance
- c. Resolution R1314-08 Council Rules

10. Miscellaneous Items (including policy discussions and determinations)

- a. Quick Urban Renewal Update

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

- b. Charter Cable Franchise pending expiration
- c. Update Medical Marijuana Dispensaries
- d. Upcoming meetings and trainings

11. City Administrator's Report

To be presented at meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Lyndsey Dixon

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, March 10, 2014 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: _____

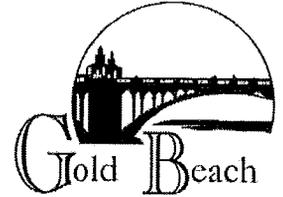
The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

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SPECIAL ORDERS OF BUSINESS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 3 a.
Council Meeting Date: February 10, 2014

TITLE: Interview Planning Commission Candidates

SUMMARY AND BACKGROUND:

There are currently four vacancies on the Planning Commission. Position #4, the only filled position, is occupied by Richard Thompson. His term expires December 2015. We have had two applications for the vacant spots; one is a former member that would like to serve again.

KATE RAMBO – 94295 Sevey Lane

Rambo formerly served on the Planning Commission from October 2011 until May 2013.

ROBERT CHIBANTE – 95629 Jerry's Flat Road

Owner-Bear Ridge Systems

Chibante is the current Chamber of Commerce President, part of Curry Fair Friends, and President of the Wild Rivers Dahlia Society. He is not a city resident but resides within the Gold Beach Urban Growth Boundary. Per City Code, one member of the Planning Commission may be a UGB resident.

Both candidates wish to serve the community and help make Gold Beach a better city. Actual applications are not provided here due to sensitive information on the applications.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- None

REQUESTED MOTION/ACTION:

Decision regarding appointment of the vacant Planning Commission positions. The Mayor appoints with majority approval of the present council members. I have consulted with our attorney and based on the language of the City Charter both the Mayor and majority council must agree on a candidate in order for the appointment to occur. If the Mayor and the majority council are unable to agree on a candidate, then the position remains vacant.

If the Mayor and majority council can agree on a candidate(s), we need a motion approving the appointment(s). A resolution will be prepared for the March 10th council meeting and the candidate(s) will be sworn in at the next Planning Commission meeting.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



**CITIZEN
REQUESTED
AGENDA ITEM**

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7 a.
Council Meeting Date: February 10, 2014

TITLE: Citizen Requested Agenda Item Dave Lacey- RE: Potential Red Flat Nickel Mining

SUMMARY AND BACKGROUND:

Mr. Lacey requested to speak to the council regarding proposed test drilling for nickel mining in the upper Hunter Creek watershed in the national forest adjacent to Gold Beach.

I am attaching two pages from the Curry County Comprehensive Plan (the proposed mining is in the county on federally owned land). The area of the potential mining is listed in the county comp plan as a mineral resource. This section was amended in 1998. I'm not making a statement for or against the proposal. I just want the council to be aware the county comp plan document states the nickel deposits are a mineral resource and in 1998 the county felt this area had potential for commercial production. Their opposition letter is contrary to their acknowledged comp plan and they did not reference the comp plan in their letter—they may not even have been aware of it.

Last month the Pilot erroneously reported that the Council would decide at the January meeting whether to issue a permit to the nickel mining company. The proposed mining area is not located within the City of Gold Beach. There would be no permit issued from our jurisdiction. To date, the only contact the City has had with the company was a telephone inquiry some time back on whether the City sells water—such as filing small fire tankers. The City does, and has, sold water for a variety of purposes—usually for fire suppression and construction. There was some question as to how much water the mining company was proposing to purchase. We have not had that particular inquiry but in reading the USFS Preliminary Decision Memo it states on page 6 that the company is proposing to purchase municipal water “likely Gold Beach” and that they have need of a total of 35,000 gallons for the test drilling. No formal request has been made to purchase water.

FINANCIAL IMPACT:

- None to the City

DOCUMENTS ATTACHED:

- Lacey letter to USFS
- Copy of letter to the USFS from the Curry County Board of Commissioners
- Copy of District Botanist report regarding Hunter Creek area
- USFS Preliminary Decision Memo
- Portion of the Curry County Comp Plan regarding mineral and aggregate resources

REQUESTED MOTION/ACTION:

None from staff.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

DAVE LACEY
LETTER TO USFS

Tina Lanier, District Ranger
Gold Beach Ranger District
Rogue River-Siskiyou National Forest
USDA Forest Service
29279 Ellensburg Ave.
Gold Beach, Oregon 97444

Citizen Comments regarding the Preliminary Decision Memo RF-38 Test Drilling for Red Flat Nickel Corporation

Dear Tina Lanier:

Additional protection measures are warranted to minimize adverse environmental impacts to forest and community resources

I would like these comments to be considered from an 18 year Curry County resident, land owner and small business owner since 2000. More importantly as a father and husband to a family that would be directly impacted by any industrial development of the mining claims at Red Flat and the headwaters of Hunter Creek and Pistol River. This is deeply personal for me and many of the residents of Curry County. I feel there is far greater value in the health of the citizens, the health of the wildlife, the recreational use, the scenic enjoyment, the cleanliness and safety of our water supplies, the availability to access our national forests and the amazing and unique botanical values than there is in the need for profit of a foreign mining corporation. There are so many better uses for our public lands.

Right to know as citizens of the United States

In the Preliminary Report, the Forest Service States:

Under [The General Mining Law of 1872] and related case law, the United States Department of Agriculture (USDA) Forest Service has no authority to prohibit an otherwise reasonable plan of operations for such mining (i.e., one that can be characterized as the logical next step in the orderly development of a mine). For example, reasonable operations often begin with small-scale sampling, followed by larger scale sampling, then on to small-scale production for bulk testing purposes, and then perhaps launching into a large-scale development.

When talking to folks in the area about the test drilling they ask what happens if they find enough Nickel? It is that apprehension that so many people feel when discussing the potential next steps of this project. Why would this corporation test drill if they had no intentions of a full-scale mining removal? It is the logical next step. Many people cannot shake this way of thinking and that is how the Forest Service should think when assessing the potential impacts of this test drilling Plan of Operations (POO). The Forest Service should not allow the test drilling in such a sensitive area when the knowledge of the destructive impacts of the next phase of

mining is known. Is the Forest Service going to then halt the project after test drilling, but before the next industrial phase? If so then it is unfair to the mining claimant and it's investors when the Forest Service already knows the next phase would be far to environmentally devastating to allow it as the next logical step.

Ecological resources

The Red Flat area is very near to the headwaters of the free flowing Hunter Creek and Pistol Rivers. There are no dams or hatchery influence, as such it is wild. The two watersheds boast these wild Chinook and Coho Salmon, Steelhead, Cutthroat Trout as well as resident Rainbow, Eulachon, Lamprey and should be considered wild fish strongholds and gene banks. These sorts of systems with no dams and no hatchery influences are rare and should be protected at all costs including from foreign corporate interests. Exploratory and the next phase of mining would impact both the water quality and maybe quantity, which in turn would have impacts on the fish and other wildlife, not to mention the citizens down stream.

There are many other unique ecological attributes of the Hunter Creek and Pistol River headwaters, but one that deserves more attention is the Mardon Skipper. This rare butterfly has a limited range and has evolved to rely on this unique soil type and vegetation that would be severely impacted by more road activity and mining. Much of the ecological resources that are endemic or unique to this area would be impacted by test drilling disturbances as well as the next phase of mining development and should not be allowed to proceed.

Water Resources

I have grave concerns for the adjacent BLM ACECs, the Red Flat Botanical Area, Flycatcher Springs and the many other unnamed spring fed wetlands and fens around the greater Red Flat area. If mining were allowed to occur in any manner, the water tables and water influx to these areas in need of year round water supply would be in jeopardy. It is possible that the clay pan beds of the fens could be punctured and lose their unique characteristics that enable the plants such as the Darlingtonia or Cobra Lily to thrive there. Do we know for sure this will not happen?

I suggest there be a comprehensive study of the wetlands, bog/fen, emergent springs and plant associations with such watery areas so as to monitor change. Any change would not be allowable in such a unique and diverse area such as this. Some of the drilling sites (11, 12, 15 and 16) are either in or too close to the Flycatcher Springs. This area should have a large buffer to avoid disturbance and possible water table disruption.

Soil Toxicity

Mining disrupts the soil make up of the lands in many unforeseen ways. Will the harmful, yet naturally occurring heavy metals be released into the runoff from the mining activity and then polluting the watersheds below? The inadequate proponents plan that the Forest Service accepts as compliant, needs to be more

robust. If mining were allowed to proceed, testing should occur before, during and after mining to verify that no harmful waste metals or other materials have been allowed to escape the confines of the test area. The Laterite soils of the area do not recover from disturbance and should be left alone. The past mining activities have not been reclaimed and that seems to be par for the course with industrial mining firms with the locals left to deal with the mess.

Access in sensitive areas

This mining plan allows for road clearing and minor roadwork to be done which would make it easier and further the off road use in areas that are currently off limits. Making the old miner roads more accessible will only allow more off-road use into areas that need to be protected for their unique botanical values. This will add to the degradation already imposed by illegal off road use and could spread POC disease or SODS into areas not already infected.

Recreation

Oregon's recreation economy totals 12 billion a year. The Red Flat area, Hunter Creek and Pistol River play an important part in the outdoor recreation economy of Curry County. Whether you; count birds or wild flowers, partake in fishing for salmon or steelhead, drive the county and forest service roads for the scenic vistas, hike or bike the many trails, lots of people enjoy this area being considered for mining. I worry about the impacts to the already established recreation economy and the loss of access due to foreign interests with these claims.

Scenic Values

Many citizens of Curry County and tourists alike enjoy backcountry driving for the many scenic overlooks, they enjoy short hikes or picnicking, many like to do wildlife and wildflower viewing. It's about the access to nature. Mining would devastate any future scenic value of the area. The BLM ACECs would be compromised by the mining as well. Who would want to come visit a protected botanical area and see a strip mine or even a drilling rig?

Conclusions

For the above reasons and others not listed, I ask the Forest Service to deny the permit to allow exploratory mining RF-38 on my public lands. If allowed to proceed, I strongly request that the Forest Service in conjunction with BLM do a joint review of the environmental impacts of test drilling and the logical next step, a strip mining project before allowing the test drilling to occur.

The Red Flat area is globally recognized as one of the most biologically diverse areas of North America. It would be a crime to the area and a direct violation of NEPA law, under the segmentation of projects rationale to avoid an environmental assessment. Many may not realize that Red Flat Corporation is also proposing the Cleopatra site. Both projects should be considered as one due to the relationship of time, proximity and the sharing of mining equipment and resources. The Forest Service should not

make it easier for the corporation to access our public lands for mining under categorical exclusion as separate projects.

The Forest Service should not permit the RF-38 project and should start the process for a mineral withdrawal immediately. A recent petition shared with the greater Hunter Creek residents shows overwhelming support for a mineral withdrawal and designated botanical area to protect the unique resources of the headwaters of Hunter Creek and Pistol River. More than 95% of the respondents have committed their support for this and as time passes the petition will likely show the vast majority of the potentially affected residents of Pistol River, Hunter Creek and Curry County in general oppose this mining POO and support the petition. The Curry County commissioners also passed a strong oppositional letter on Thursday December 12th, 2013.

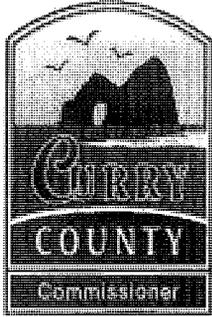
It is very clear that the people are speaking up, can you hear them? Citizens from all walks of life are banding together to oppose the RF-38 POO. Please listen to us and reason, not the foreign investors that care nothing for our public lands or us. There is a better use for our publicly owned forestlands.

Sincerely

Dave Lacey
Owner and operator, South Coast Tours LLC
Owner and operator, Dave Lacey Woodworking
Hunter Creek River Steward
Family man
27436 Hunter Creek rd.
Gold Beach, OR 97444

Cc:
OR Representative Kreiger
OR Senator Kruse
US Senator Merkley
US Senator Wyden
US Representative Defazio
CA Senator Boxer

**CURRY COUNTY
BOC LETTER TO
USFS**



**Curry County
Board of Commissioners**

David Brock Smith, *Chair*
Susan Brown, *Vice Chair*
David G. Itzen, *Commissioner*

94235 Moore Street/Suite #122
Gold Beach, OR 97444
541-247-3296, 541-247-2718 Fax
800-243-1996 www.co.curry.or.us

December 12, 2013

Tina C. Lanier
Gold Beach Ranger District,
29279 Ellensburg Avenue,
Gold Beach, OR 97444

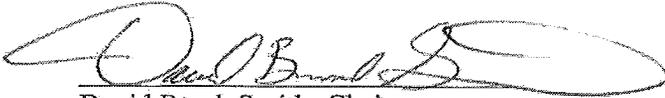
Dear Tina C. Lanier:

The Curry County Board of Commissioners (BOC) passed an Amendment to the Curry County Code adding a New Article One, Division Fourteen relating to a Federal Coordination Policy, August 7th, 2013. This Policy, under Section 1.14.010, subsection (1) asserts additional coordination as outlined in the FLPMA and NFMA to, "provide early and frequent opportunities for.... local governments to participate in the planning process". The purpose of the Federal Coordination Policy, as outlined in Section 1.14.020, is that Curry County asserts its maximum rights to coordination, as provided by law, with all federal agencies conducting activities in or affecting Curry County. The policies contained in the Federal Coordination Policy are enacted with the express intent of developing meaningful and productive relationships with the federal agencies that coordinate with Curry County.

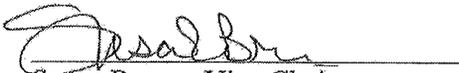
Section 1.14.030, Subsection (3) outlines the Federal Coordination Policy Mining Policies. The Curry County Board of Commissioners agrees that the proposed project to be conducted by the Red Flat Nickel Corporation will cause serious negative externalities to the project location at the headwaters of the free flowing Hunter Creek and Pistol River watersheds. If allowed to be developed; the BOC also recognizes there will be serious negative impacts to the surrounding area, restriction of access to popular recreational areas, degradation of the rare and unique botanical resources, as well as the health risks to the residents and wildlife. The BOC places higher values on its citizens health and safety, the many recreational uses of the Red Flat area as well as the highly prized Hunter Creek and Pistol River fisheries for wild Chinook and Coho Salmon, Steelhead, Cutthroat and resident trout than on the foreign owned Red Flat Mining Corporation interests. Furthermore, the BOC feels this proposed project is not in line with a number of other Curry County policies outlined within the Federal Coordination Policy.

This letter is the Curry County BOC formal opposition of any permit issued to the Red Flat Nickel Corporation. A copy of Article One, Division Fourteen and Exhibit A, Curry County Federal Coordination Policy is included for your reference. Thank you for your attention in this matter.

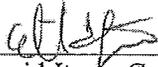
Sincerely,



David Brock Smith, Chair



Susan Brown, Vice Chair



David Itzen, Commissioner

cc: Senator Wyden
Senator Merkley
Congressman DeFazio
State Senator Kruse
State Representative Krieger
BLM District Manager Patricia Burke

**DISTRICT
BOTANIST REPORT
HUNTER CREEK**

Hunter Creek

Nancy J. Brian

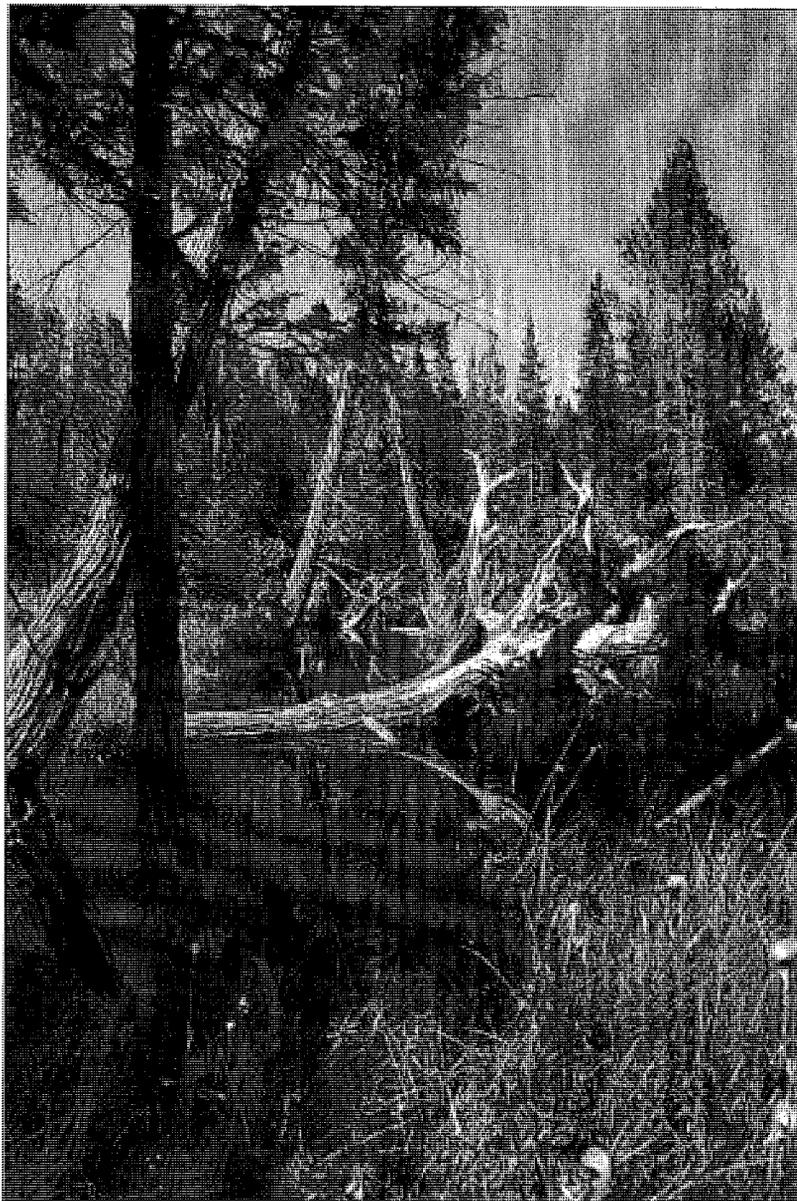
District Botanist, BLM Coos Bay District Office, North Bend, OR 97459

Imagine you can “apparate” (disappear from one place and reappear almost instantly in another, like the wizards and witches in the Harry Potter series) to the middle of Hunter Creek Bog. As you slowly sank into the bog, you’d find yourself surrounded by California pitcherplant, pleated and Mendocino gentians, Labrador tea, western tofieldia, California bog asphodel, sedges, Columbia and Vollmer’s lilies, and Pacific reed grass. Outside of this watery jungle, you would see dry, bare, red rocky slopes and a scattering of Port Orford cedar and Jeffrey pine. Luckily, “muggles” (the non-magical community) don’t need to “apparate” to get to Hunter Creek Bog. We can turn off Highway 101, just south of Gold Beach in Curry County, and drive east about 10.5 miles to visit this public land botanical jewel managed by the Bureau of Land Management (BLM).

ACEC Status

There are two Areas of Critical Environmental Concern (ACEC) at Hunter Creek: Hunter Creek Bog ACEC and the North Fork Hunter Creek ACEC, which together total about 2,300 acres. In 1982 the Kalmiopsis Audubon Society and the Innominata Garden Club nominated Hunter Creek Bog (Section 13) and Hunter Springs Bog (Section 24) for ACEC status (Bowen and others 1982). In 1994, 570 acres in those sections and 1,730 acres of North Fork Hunter Creek were proposed as a separate ACEC. In 1995, both ACEC proposals were designated, including lands located in Sections 1, 2, 11, 12, 13, 14, and 24, Township 37 South, Range 14 West (BLM 1995). The ACECs are bordered by Siskiyou National Forest land to the east and South Coast Lumber Company lands to the north, west, and south. The BLM is currently pursuing land acquisitions and exchanges to consolidate ownership, as provided in the final management plan (about 280 BLM acres in exchange for 320 South Coast Lumber acres). If the exchange is completed, the acquired lands will be included in the ACEC as public domain.

The Hunter Creek ACECs were designated for four natural resource values: 1) special status species, 2) natural systems and plant community, 3) fish and wildlife habitat, and 4) historic and cultural resources. Twelve special status plant species (see list at



Jeffrey pine and Port Orford cedar surround a watery jungle of California pitcherplant in Hunter Creek Bog. Photo by Veva Stansell.

end of article) and five special status animal species are documented. No federally listed wildlife species have been found, but potential habitat is present for northern spotted owl, marbled murrelet, and American peregrine falcon. The North Fork of Hunter Creek is productive for resident trout and anadromous fish populations such as the fall chinook salmon and winter steelhead. Hunter Creek ACEC fills ecological and special species cells in the Oregon Natural

Ecological and special species cells identified in the 2003 Oregon Natural Heritage Plan for Hunter Creek ACECs

Ecoregion	Ecological Cell	Special Species Cell
Coast Range	<ul style="list-style-type: none"> Port Orford cedar (<i>Chamaecyparis lawsoniana</i>) forest types on ultramafic soils 	<ul style="list-style-type: none"> Gasquet manzanita (<i>Arctostaphylos hispidula</i>)
Klamath Mountains	<ul style="list-style-type: none"> California pitcherplant (<i>Darlingtonia californica</i>) fen on serpentine-peridotite, with Port Orford cedar Coastal oak-conifer woodland and meadow mosaic 	<ul style="list-style-type: none"> Mendocino gentian (<i>Gentiana setigera</i>) and Siskiyou checkerbloom (<i>Sidalcea malviflora</i> ssp. <i>patula</i>) Gasquet manzanita and Siskiyou trillium (<i>Trillium angustipetalum</i>)

Heritage Plan for the Coast Range and Klamath Mountains Ecoregions (Allan and others 2001).

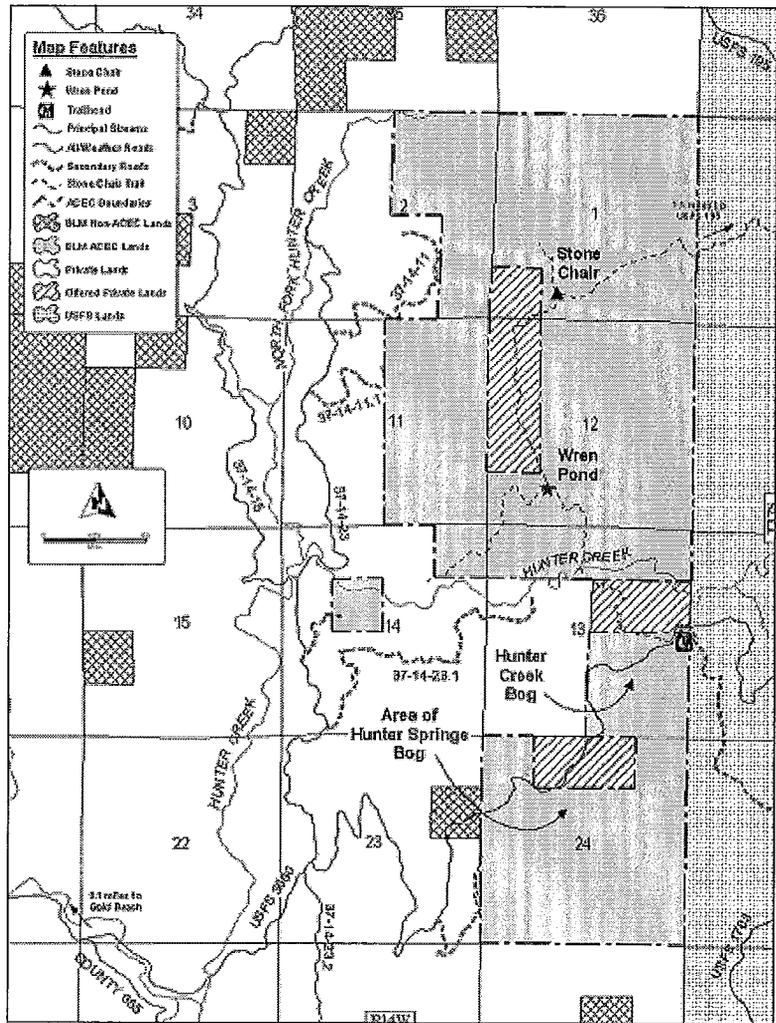
Because the Hunter Creek ACECs lie inland from the coastal fog belt zone, summer days are typically warm and sunny. Annual precipitation averages about 80 to 100 inches, primarily as rain falling between November and May. The elevation ranges from about 800 feet along the creek bottom to nearly 3,000 feet; transient snow falls above 2,500 feet elevation. In this maritime climate, the elevation gradient and geology provide habitat for mixed evergreen forest, rocky prairies, serpentine outcrops, fens, oak savannas, and riparian hardwood forests. It is unusual to find such extensive stands of Jeffrey pine, Oregon white oak, and rubber rabbitbrush (*Ericameria nauseosa* var. *speciosa*) only ten miles from the ocean. Hunter Creek Bog contains stands of Port Orford cedar. Unfortunately, the stand is infected with Port Orford cedar root rot (*Phytophthora lateralis*), a waterborne fungal root disease that may be transferred from one watershed to another by livestock, wildlife, recreationists, and motor vehicles. One can avoid spreading the spores by washing shoes and vehicle tires with a dilute solution of household chlorine bleach.

Hunter Creek and Hunter Springs Bogs

The Hunter Creek Bog ACEC contains three wetlands: one at Hunter Creek Bog and two at Hunter Springs Bog. The former, located in Section 13 and adjacent to USFS Road 3680, is most accessible. The site supports a multitude of hydric plants, including California pitcherplant, roundleaf sundew (*Drosera rotundifolia*), and Mendocino gentian, but no sphagnum moss. Jeffrey pine and Port Orford cedar grow on the upper slopes. Several small springs in the upper part of the basin drain into a central pond. The water has been found to be either acidic or alkaline, depending upon where the samples were taken. The reason why very few phytoplankton, periphyton, macroinvertebrates, and aquatic plants are present is not known. A year-round stream draining the pond exits through a culvert under the roadbed, flows down a rocky creek

bed to the north, and empties into Hunter Creek. The pond is situated in a depression in an ancient landslide deposit, surrounded on the east, south, and west by scarps caused by movement of the slide material away from undisturbed ground of sedimentary rocks. The roadbed follows the northern or frontal portion of the landslide. A small area of non-ultramafic rocks sits in the center of the basin.

Access to Hunter Springs Bog is steeper and brushier than that



Map of Hunter Creek ACECs. Map prepared by Jay Flora.



California pitcherplant beneath a canopy of Jeffrey pine on the upper slopes of Hunter Creek Bog. Photo by Bruce Rittenhouse.

to Hunter Creek Bog. There are two spring areas, one each on the north- and south-facing sides of the ridge. California pitcherplant and roundleaf sundew are both present. The soils are deep and water movement is not as well defined as in Hunter Creek Bog (Bowen and others 1982).

The wetlands at Hunter Creek share the characteristics that define fens and bogs (see sidebar in the White Rock Fen article, on page 31). Technically, Hunter Creek Bog is a fen (John Christy, pers. comm.). It lacks sphagnum, the topography is sloping to flat, and there is contact with groundwater (seepage and the flowing stream). Bogs typically have a pH lower than 5.5, are dominated by sphagnum, and have raised hummocks or the entire peatland domed and elevated above the influence of groundwater so incoming moisture is limited to precipitation. An intermediate situation is called "poor fen" in places where pH is below 5.5 and topography is flat, but sphagnum is present (John Christy, pers. comm.). Thorough and systematic measurements of pH as well as conductivity data would be useful. Conductivity indirectly measures how mineral-rich the water is, fens being mineral-rich and bogs being mineral-poor.

North Fork Hunter Creek

North Fork Hunter Creek empties into Hunter Creek, which drains westward into the Pacific Ocean south of Gold Beach. Five vegetation types can be found adjacent to the North Fork. Along the ridges and upper slopes are open, park-like Jeffrey pine savannas with an understory of wildflowers and bunchgrasses, including onion-grasses (*Melica harfordii*, *M. spectabilis*, and *M. subulata*) and California oatgrass (*Danthonia californica*). An Oregon white oak (*Quercus garryana* var. *garryana*) savanna is also found on the open upper slopes.

The lower slopes are covered by a mixed conifer forest composed of western white pine, Douglas fir, Jeffrey pine, and Port Orford cedar with an understory of shrubs, including huckleberry oak (*Quercus vaccinifolia*), California coffeeberry (*Rhamnus californica* ssp. *occidentalis*), and red huckleberry (*Vaccinium parvifolium*). A

successional scrubland of knobcone (*Pinus attenuata*) and lodgepole pine (*P. contorta*) covers areas that have burned in the last 50 years or where fires have burned repeatedly over time (Agee 1993). These fire-affected areas support an extremely dense understory of shrubs, including California coffeeberry, canyon live oak (*Quercus chrysolepis*), and tan oak (*Lithocarpus densiflorus* var. *densiflorus*). Along the streams one can walk through western sword fern (*Polystichum munitum*) shaded by Port Orford cedar, 200-year-old Douglas fir, and hardwoods such as red alder (*Alnus rubra*), bigleaf maple (*Acer macrophyllum*), Oregon myrtle (*Umbellularia californica*), and tanoak.

Botanical Gems

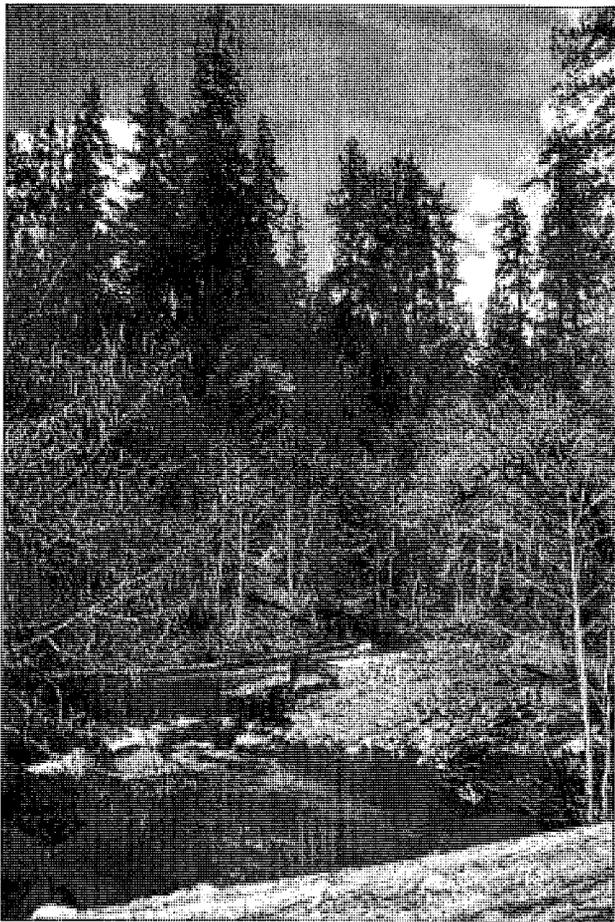
Seventy-three vascular plant families are represented in the Hunter Creek ACECs with a total of 327 species, of which 7% are non-native. (A species list follows the article.) The largest family is Asteraceae (35 species), followed by Poaceae (26 species).

Present are twelve special status vascular plant species (Oregon Natural Heritage Program (ONHP) 2001): Del Norte willow (*Salix delnortensis*), Mendocino gentian, Siskiyou checkerboom, Siskiyou trillium, Bolander's onion (*Allium bolanderi*), Gasquet manzanita, serpentine sedge (*Carex serpenticula*), Bolander's hawkweed (*Hieracium bolanderi*), Piper's bluegrass (*Poa piperi*), California lady slipper (*Cypripedium californicum*), California pitcherplant, and pink fawnlily (*Erythronium revolutum*).

Other rare or uncommon plants to look for at Hunter Creek ACECs are Vollmer's lily (*Lilium pardalinum* ssp. *vollmeri*), serpentine phacelia (*Phacelia corymbosa*), Howell's bicuitroot (*Lomatium howellii*), roundleaf sundew, fringed pinesap



Mendocino gentian growing in Hunter Creek Bog. Photo by Veva Stansell.



Riparian woodland of Port Orford cedar, Douglas fir, red alder, bigleaf maple, California laurel, and tanoak along the North Fork of Hunter Creek.
Photo by Veva Stansell.

(*Pleurocospora fimbriolata*), evergreen everlasting (*Antennaria suffrutescens*), brook wakerobin (*Trillium rivale*), fairy slipper (*Calypto bulbosa*), silky horkelia (*Horkelia sericata*), golden iris (*Iris innominata*), giant chainfern (*Woodwardia fimbriata*), Oregon fawnlily (*Erythronium oregonum*), Del Norte pea (*Lathyrus delnorticus*), and Scouler's woollyweed (*Hieracium scouleri*).

Surveys have found a total of 107 nonvascular species (26 lichens, 36 fungi, 14 liverworts, 1 hornwort, and 30 mosses) in the Hunter Creek ACECs (Wagner 2000, Clinch 2003, Mayor 2003). Two are special status species: the liverwort *Calyptogeia sphagnicola* and the moss *Pseudoleskeella serpentinensis*. The present fungi list is incomplete because surveys were conducted during a dry fall when few fungi were fruiting. About 80% of our local fungi fruit only in the fall. Additional vascular and nonvascular species are likely to be added to the list when botanists survey more of the area. These lists are available online at http://www.npsoregon.org/lists/plantlists/hunter_creek.htm.

Serpentine Vegetation

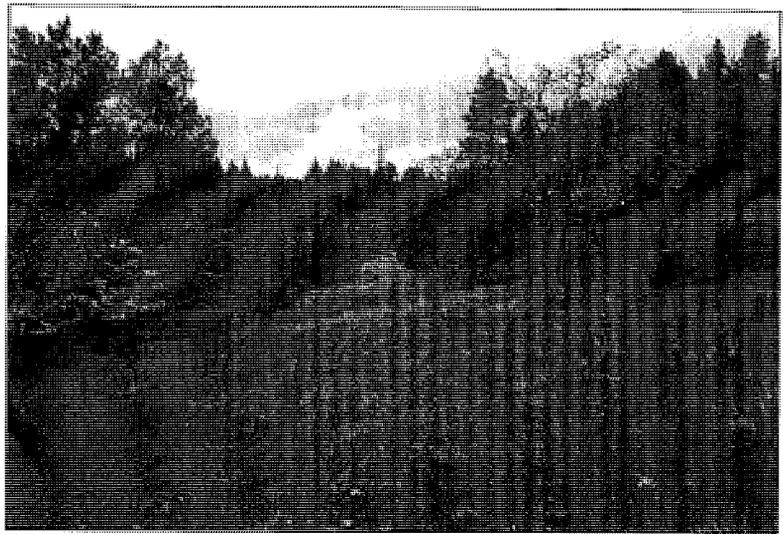
Serpentine affiliated plants in the Hunter Creek ACECs include silky horkelia, Howell's biscuitroot, bigseed biscuitroot (*L. macrocarpum*), evergreen everlasting (*Antennaria suffrutescens*), leafy fleabane (*Erigeron foliosus* var. *confinis*), Jeffrey pine, knobcone pine, common beargrass (*Xerophyllum tenax*), Siskiyou bedstraw (*Galium ambiguum* ssp. *siskiyouense*), western azalea (*Rhododendron occidentale*), and California pitcherplant (Brooks 1987, Kruckeberg 1984a, b, Whittaker 1960). Additional ultramafic endemics include serpentine sedge (*Carex serpenticola*), serpentine arnica (*Arnica cernua*), redwood toothwort (*Cardamine nuttallii* var. *gemmata*), Piper's bluegrass, Del Norte willow, and wedgeleaf violet (*Viola cuneata*) (Zika and others 1998). Also, Jeffrey pine and Indian's dream (*Aspidotis densa*) generally indicate ultramafic substrates in southwestern Oregon.

Wildlife

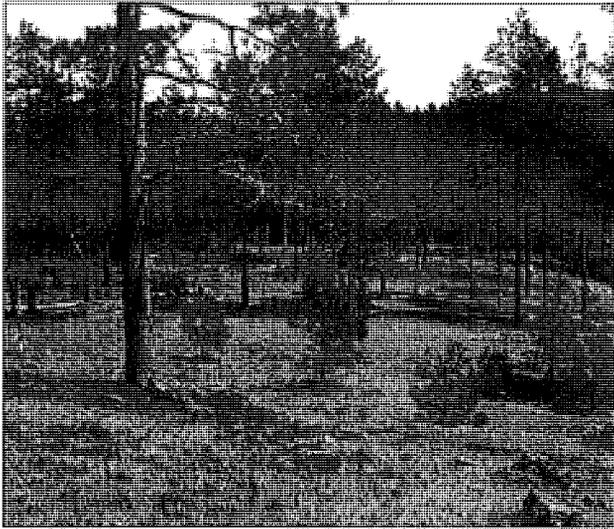
Hunter Creek ACECs have five special status wildlife species (ONHP 2001): clouded salamander, mountain quail, red-legged frog, southern torrent salamander, and winter steelhead. Over 120 wildlife species are known or have potential habitat at Hunter Creek ACECs: 16 amphibians, 12 reptiles, 63 birds, 28 mammals, and 2 fish. The list includes black-tailed deer, Roosevelt elk, black bear, cougar, bobcat, fringed myotis, lump-nosed bat, red tree vole, ringtail cat, American marten, tailed frog, and California mountain king snake.

Soils and Geology

The streams entering Hunter Creek and Hunter Spring Bogs drain over rock that contains unusually high concentrations of magnesium and iron. This rock type is sometimes referred to as ultramafic rock, from *ultra* meaning high, and *mafic* (meaning composed of magnesium [*magnesium*] and iron [Latin *ferrum*] + *ic*) (Kruckeberg



The Oregon white oak savanna of North Fork Hunter Creek is unusual in its proximity to the Pacific Ocean. Photo by Bruce Rittenhouse.



An open Jeffrey pine woodland with an understory of Piper's bluegrass (*Poa piperi*) on the upper slopes of North Fork Hunter Creek. Photo by Veva Stansell.

1984a, Brooks 1987). The ultramafic parent materials are serpentinite and its parent rock, periodotite. Serpentinite formed at the subduction zone of the continental plate when water released from the seafloor combined with the mantle rock (Bishop 2003). Serpentinite has a shiny green surface, polished under the pressure of slow, constant movement of continental plates. High in magnesium, but destitute of plant-sustaining elements such as potassium and sodium, serpentinite and periodotite zones support only meager vegetative cover.

The soils in the Hunter Creek ACECs are deep, fine, cobbly, silty, clay loams formed in materials weathered from serpentinite and periodotite. Depth to bedrock is at least 40 inches. Serpentinite readily flakes apart and weathers to clay-sized particles, which are red from the oxidized iron. Thus, soils are reddish brown to red in color, and contain about 10 to 30 percent rock fragments. The soil in the bog is probably only a few feet deep. Though not described as a soil series, it is a black, poorly drained organic soil (histosol), influenced by the perched water table flowing over the ultramafic bedrock.

Human History

Cultural resources found within the Hunter Creek ACECs include a prehistoric stone tool manufacturing site on a ridge top near Hunter Creek Bog and a temporary campsite on a riverside bench near North Fork Hunter Creek (BLM 1996). When Europeans began exploring the region, Athapascan-speaking people called the Tututni lived there. The temporary camp site along North Fork Hunter Creek was probably where Tututni gathered and processed resources, such as acorns from Oregon white oak and roots of brodiaea and small camas. The main Tututni village was located on the Rogue River, about five miles to the north. Tututni people were killed, scattered, or removed to the Siletz Reservation following the Rogue Indian Wars (1855 and 1856). Today, the Confederated Tribes of Siletz Indians is the federally-recognized tribe for descendants of Tututni people.

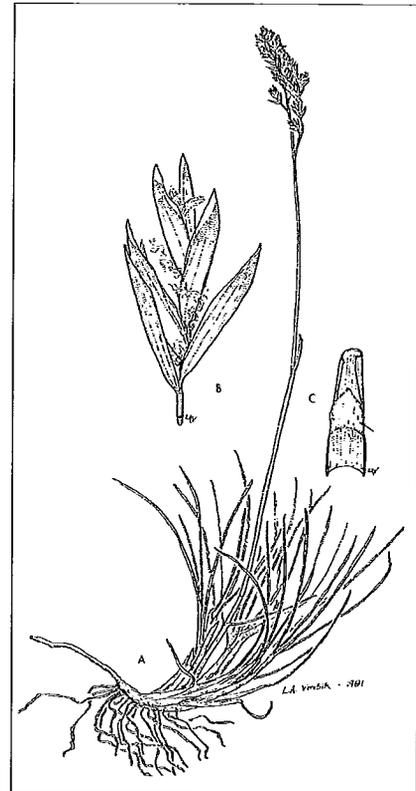
Signal Butte, a high point to the north of the ACEC on National Forest land, was named for the stone rings found on top that early pioneers believed were remnants of signal fire pits. Some think that the stone circles were spirit quest sites where young Tututni men fasted in seclusion for several days (Curtis 1924).

During the late 1800s and the early 1900s, homesteaders came to the North Fork Hunter Creek area. Two cabin locations are documented (BLM 1996). The Wren family built a cabin, grazed sheep and cattle, and dammed a small spring for livestock water, an impoundment now known as Wren Pond. Portions of several historic trails are still traceable, forming a network linking the homesteads along Hunter Creek to the Rogue River valley. The Crook family grazed sheep and cattle in the area until the 1960s. In past decades, trespass cattle have grazed the meadows and efforts are underway to remove them. McKinley Mine, located on the western slope of Signal Butte on National Forest land, is a copper, gold, silver and iron mine dating from the 1930s and 1940s. Other nearby chromite mines were also active during that time and during World War II.

Visiting Hunter Creek ACECs

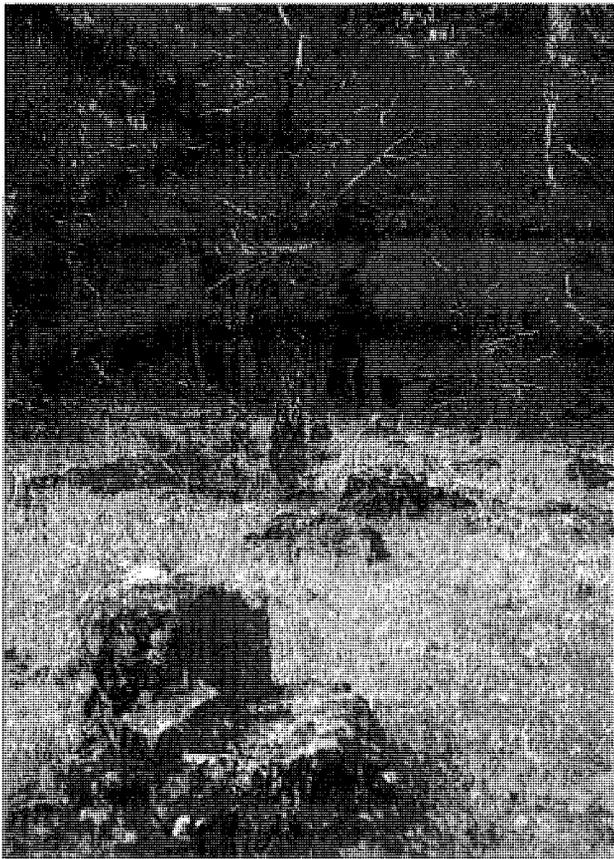
Spring, summer, and early fall are good times to visit the Hunter Creek ACECs. South of Gold Beach, turn east near Milepost 331 on County Road 665, then right onto Hunter Creek Road. Follow the paved road for 4.9 miles, when it turns to dirt and is called USFS Road 3680. The dirt road crosses the Hunter Creek drainage. Continue west about 5.6 miles, up the mountain slope through an old clearcut. Past the top, a basin of bare red soil will catch your eye. If you'd like to see the Hunter Creek Bog, park at a pullout on the south side of the road. Rubber boots or waders are recommended to enter the bog, though you can observe it from the ridgeline to the west. The entry is made difficult by dense brush, but the interior is more open.

To visit the forested zones of North Fork of Hunter Creek you will need a day pack, good boots, a map, and plenty of time, as the area can be visited only on foot. The southern terminus of the



Piper's bluegrass is a dioecious, rhizomatous perennial found in serpentine forest openings. A, habit; B, spikelet; C, opened leaf sheath showing ligule. Illustration by Linda Ann Vorobik.

Stone Chair trailhead is located just past the Hunter Creek Bog, but it is difficult to find as it is unmarked. Easier access and the advantage of walking downhill from the highest point are gained via the northern terminus of the Stone Chair trail. The trail is named for rocks grouped in the shape of a chair. The unmarked trailhead is located off of USFS Road 195, approximately 6.4 miles past Hunter Creek Bog. The trail winds through the open Jeffrey pine forest. Hikers are eventually rewarded with distant views of the Pacific Ocean. Visitor etiquette calls for taking nothing but pictures and leaving nothing but footprints. Off-road vehicles are not permitted.



Lichen-covered rocks in the shape of a chair, for which the Stone Chair trail is named, sit in a California oatgrass opening among Jeffrey pine. Photo by Bruce Rittenhouse.

Acknowledgments

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The species lists for Hunter Creek Bog and North Fork Hunter Creek ACECs were compiled from the following sources: BLM (1996), Zika and others (1998), Forest Service (1997), and Veve Stansell. Nomenclature for vascular plants follows the checklist for the Oregon Flora Project. Names of taxa native to Oregon are printed in italic *Garamond*; alien taxa are in italic *Gill Sans*, a sans-serif type. The symbol * indicates Special Status Species and # indicates serpentine affiliate.

Vascular Plant Species List

FERNS AND THEIR ALLIES

BLECHNACEAE (Deer Fern Family)

Blechnum spicant (L.) Sm. (deer fern)

Woodwardia fimbriata Sm. (giant chainfern)

DENNSTAEDTIACEAE (Bracken Family)

Pteridium aquilinum (L.) Kuhn var. *pubescens* L. Underw. (bracken)

DRYOPTERIDACEAE (Wood Fern Family)

Athyrium filix-femina (L.) Mert. ssp. *cyclosorum* Rupr. (northwestern ladyfern)

Polystichum imbricans (D.C. Eaton) D.H. Wagner ssp. *imbricans* (narrowleaf swordfern)

Polystichum munitum (Kaulf.) C. Presl (western swordfern)

EQUISETACEAE (Horsetail Family)

Equisetum arvense L. (field horsetail)

Equisetum telmateia Ehrh. ssp. *braunii* (Milde) Milde (giant horsetail)

POLYPODIACEAE (Polypody Family)

Polypodium glycyrrhiza D.C. Eaton (licorice fern)

PTERIDACEAE (Brake Family)

Adiantum aleuticum (Rupr.) C.A. Paris (northern maidenhair fern)

Aspidotis densa (Brack.) Lellinger (podfern)

Cheilanthes gracillima D.C. Eaton (lace lipfern)

Pentagramma triangularis (Kaulf.) Yatsk., Windham, E. Wollenw. (goldback fern)

SELAGINELLACEAE (Spike-Moss Family)

Selaginella wallacei Hieron. (Wallace's spikemoss)

GYMNOSPERMS

CUPRESSACEAE (Cypress Family)

Chamaecyparis lawsoniana (A. Murray bis) Parl. (Port Orford cedar)

Juniperus communis L. var. *saxatilis* Pall. (common juniper)

PINACEAE (Pine Family)

#*Pinus attenuata* Lemmon (knobcone pine)

Pinus contorta Douglas ex Loudon var. *contorta* (shore pine)

Pinus contorta Douglas ex Loudon var. *latifolia* Engelm.

(lodgepole pine)

#*Pinus jeffreyi* Balf. (Jeffrey pine)

Pinus lambertiana Douglas (sugar pine)

#*Pinus monticola* D. Don (western white pine)

Pseudotsuga menziesii (Mirb.) Franco var. *menziesii* (Douglas fir)

Tsuga heterophylla (Raf.) Sarg. (western hemlock)

TAXACEAE (Yew Family)

Taxus brevifolia Nutt. (Pacific yew)

DICOTYLEDONS

ACERACEAE (Maple Family)

Acer circinatum Pursh (vine maple)

Acer macrophyllum Pursh (bigleaf maple)

ANACARDIACEAE (Sumac Family)

Toxicodendron diversilobum (Torr. & A. Gray) Greene (poison oak)

APIACEAE (Carrot Family)

Angelica arguta Nutt. (shining angelica)

Heracleum lanatum Michx. (cowparsnip)

Ligusticum apiifolium (Nutt.) A. Gray (celery leaved lovage)

Lomatium hallii (S. Watson) J.M. Coult. & Rose (Hall's biscuitroot)

#*Lomatium howellii* (S. Watson) Jeps. (Howell's biscuitroot)

#*Lomatium macrocarpum* (Nutt.) J.M. Coult. & Rose (bigseed biscuitroot)

Lomatium martindalei J.M. Coult. & Rose (cascade desertparsley)

Lomatium triternatum (Pursh) J.M. Coult. & Rose var.

triternatum (nineleaf biscuitroot)

Lomatium utriculatum (Nutt.) J.M. Coult. & Rose (common lomatium)

Oenanthe sarmentosa C. Presl ex DC. (water parsley)

Osmorhiza berteroi DC. (sweetcicely)

Perideridia oregana (S. Watson) Mathias (squaw potato)

Sanicula bipinnatifida Dougl. ex Hook. (purple sanicle)

Sanicula crassicaulis Poepp. (Pacific snakeroot)

Sanicula laciniata Hook. & Arn. (coast snakeroot)

APOCYNACEAE (Dogbane Family)

Apocynum androsaemifolium L. (spreading dogbane)

ARALIACEAE (Ginseng Family)

Aralia californica S. Watson (elk clover)

ARISTOLOCHIACEAE (Birthwort Family)

Asarum caudatum Lindl. (wild ginger)

ASTERACEAE (Sunflower Family)

Achillea millefolium L. (common yarrow)

Adenocaulon bicolor Hook. (trailplant)

Anaphalis margaritacea (L.) Benth. & Hook. f. (pearly everlasting)

Anisocarpus madioides Nutt. (woodland madia)

#*Antennaria suffrutescens* Greene (evergreen everlasting)

#*Arnica cernua* Howell (serpentine arnica)

Arnica cordifolia Hook. (heartleaf arnica)

Baccharis pilularis DC. (coyotebrush)

Bellis perennis L. (lawndaisy)

Cirsium remotifolium (Hook.) DC. (fewleaf thistle)

Crepis pleurocarpa A. Gray (naked hawkbeard)

Crocidium multicaule Hook. (common spring-gold)

Ericameria nauseosa (Pall. ex Pursh) G.L. Nesom & G.I. Baird var.

speciosa (Nutt.) G.L. Nesom & G.I. Baird (rubber rabbitbrush)

Erigeron eatonii A. Gray var. *plantagineus* (Greene) Cronquist

(plantain leaved daisy)

#*Erigeron foliosus* Nutt. var. *confinus* (Howell) Jeps. (leafy fleabane)

Eriophyllum lanatum (Pursh) J. Forbes (common woolly sunflower)

Aster radulinus A. Gray (rough leaved aster)

Grindelia nana Nutt. (gumweed)

Hieracium albiflorum Hook. (white hawkweed)

**Hieracium bolanderi* A. Gray (Bolander's hawkweed)

Hieracium scouleri Hook. (Scouler's woollyweed)

Hypochaeris radicata L. (hairy catsear)

Lactuca saligna L. (willowleaf lettuce)

Leucanthemum maximum (Ramond) DC. (max chrysanthemum)

Luina hypoleuca Benth. (littleleaf silverback)

Micropus californicus Fisch. & C.A. Mey. (slender cottonweed)

Microseris laciniata (Hook.) Sch. Bip. ssp. *leptosepala* (Nutt.)

K.L. Chambers (cutleaf silverpuffs)

Petasites frigidus (L.) Fr. var. *palmaris* (Aiton) Cronquist (arctic sweet coltsfoot)

Rudbeckia glaucescens Eastw. (waxy coneflower)

Senecio bolanderi A. Gray var. *bolanderi* (Bolander's groundsel)

Senecio canus Hook. (woolly groundsel)

Senecio jacobaea L. (stinking willie)

Senecio macounii Greene (Puget butterweed)

Senecio triangularis Hook. (arrowleaf ragwort)

Taraxacum officinale Weber ex F.H. Wigg. (common dandelion)

BERBERIDACEAE (Barberry Family)

Achlys triphylla (Sm.) DC. (vanillaleaf)

Berberis aquifolium Pursh (tall Oregon grape)

Berberis nervosa Pursh (Cascade Oregon grape)

Berberis repens Lindl. (creeping Oregon grape)

Vancouveria hexandra (Hook.) C. Morren & Decne. (white insideout flower)

Vancouveria planipetala Calloni (small insideout flower)

BETULACEAE (Birch Family)

Alnus rubra Bong. (red alder)

Corylus cornuta Marshall var. *californica* (A. DC.) W.M. Sharp (California hazelnut)

BORAGINACEAE (Borage Family)

Cynoglossum grande Douglas ex Lehm. (Pacific hound's tongue)

Myosotis discolor Pers. (yellow and blue scorpion grass)

BRASSICACEAE (Mustard Family)

#*Cardamine nuttallii* Greene var. *gemmata* (Greene) Rollins (redwood toothwort)

Streptanthus tortuosus Kellogg (mountain jewel flower)

CAMPANULACEAE (Harebell Family)

Campanula prenanthoides Durand (California harebell)

CAPRIFOLIACEAE (Honeysuckle Family)

Linnaea borealis L. var. *longiflora* Torr. (western twinflower)

Lonicera ciliosa (Pursh) Poir. ex DC. (orange honeysuckle)

Lonicera hispidula (Lindl.) Douglas ex Torr. & A. Gray (hairy honeysuckle)

Symphoricarpos albus (L.) S.F. Blake var. *laevigatus* Fernald (common snowberry)

CARYOPHYLLACEAE (Pink Family)

Cerastium arvense L. (field chickweed)

Moehringia macrophylla (Hook.) Fenzl (bigleaf sandwort)

Silene campanulata S. Watson ssp. *glandulosa* C.L. Hitchc. & Maguire (slender campion)

Silene gallica L. (windmill pink)

CONVOLVULACEAE (Morning Glory Family)

Calystegia atriplicifolia Hallier f. (nightblooming false bindweed)

Calystegia occidentalis (A. Gray) Brummitt (pale morning glory)

CRASSULACEAE (Stonecrop Family)

Sedum laxum (Britton) A. Berger ssp. *laxum* (rose flowered stonecrop)

Sedum spathulifolium Hook. (broadleaf stonecrop)

CUCURBITACEAE (Gourd Family)

Marah oreganus (Torr. & A. Gray) Howell (old man in the ground)

DROSERACEAE (Sundew Family)

Drosera rotundifolia L. (roundleaf sundew)

ERICACEAE (Heath Family)

Allotropa virgata Torr. & A. Gray ex A. Gray (sugar stick)

Arbutus menziesii Pursh (Pacific madrone)

Arctostaphylos columbiana Piper (hairy manzanita)

**Arctostaphylos hispidula* Howell (Gasquet manzanita)

#*Arctostaphylos nevadensis* A. Gray (pinemat manzanita)

Arctostaphylos uva-ursi (L.) Spreng. (kinnikinnick)

Chimaphila menziesii (R. Br.) Spreng. (little prince's pine)

Chimaphila umbellata (L.) W. Bartram (pipsissewa)

Gaultheria shallon Pursh (salal)

Ledum glandulosum Nutt. (western Labrador-tea)

Monotropa hypopitys L. (pinesap)

Pleuricospora fimbriolata A. Gray (fringed pinesap)

Pyrola picta Sm. (whiteveined wintergreen)

Rhododendron macrophyllum D. Don ex G. Don (Pacific rhododendron)

#*Rhododendron occidentale* (Torr. & A. Gray) A. Gray (western azalea)

Vaccinium ovatum Pursh (evergreen blueberry)

Vaccinium parvifolium Sm. (red huckleberry)

FABACEAE (Legume Family)

Lathyrus delnorticus C.L. Hitchc. (Del Norte pea)

Lathyrus nevadensis S. Watson var. *nevadensis* (Sierra pea)

Lotus formosissimus Greene (seaside lotus)

Lupinus bicolor Lindl. (minature lupine)

Lupinus sp. (lupine)

Medicago lupulina L. (black medic)

Pedimelum californicum (S. Wats.) Rydb. (California Indian breadroot)

Thermopsis gracilis Howell (golden pea)

Trifolium albopurpureum Torr. & A. Gray var. *dichotomum* (Hook. & Arn.) Isely (branched Indian clover)

Trifolium longipes Nutt. (longstock clover)

Trifolium subterraneum L. (subterranean clover)

Vicia americana Muhl. ex Willd. ssp. *americana* (American vetch)

FAGACEAE (Oak Family)

Chrysolepis chrysophylla (Douglas ex Hook.) Hjelmq. (golden chinquapin)

Lithocarpus densiflorus (Hook. & Arn.) Rehder var. *densiflorus* (tan oak)

#*Quercus chrysolepis* Liebm. (canyon live oak)

Quercus garryana Douglas ex Hook. var. *garryana* (Oregon white oak)

Quercus sadleriana R. Br. (deer oak)

Quercus vaccinifolia Kellogg (huckleberry oak)

FUMARIACEAE (Fumitory Family)

Dicentra formosa (Andrews) Walp. (Pacific bleeding heart)

GARRYACEAE (Silk Tassel Family)

Garrya buxifolia A. Gray (dwarf silktassel)

Garrya fremontii Torr. (bearbrush)

GENTIANACEAE (Gentian Family)

Gentiana affinis Griseb. (pleated gentian)

**Gentiana setigera* A. Gray (Mendocino gentian)

GROSSULARIACEAE (Gooseberry Family)

Ribes menziesii Pursh (coast prickly gooseberry)

Ribes roezlii Regel var. *cruentum* (Greene) Rehder (shinyleaf currant)

Ribes sanguineum Pursh (redflower currant)

HYDRANGEACEAE (Hydrangea Family)

Whipplea modesta Torr. (whipplevine)

HYDROPHYLLACEAE (Waterleaf Family)

Eriodictyon californicum (Hook. & Arn.) Torr. (yerba santa)

Nemophila menziesii Hook. & Arn. var. *atomaria* (Fisch. & C.A. Mey.) H.P. Chandler (baby blue eyes)

Nemophila parviflora Dougl. ex Benth. (smallflower nemophila)

Phacelia bolanderi A. Gray (Bolander's phacelia)
Phacelia corymbosa Jeps. (serpentine scorpionweed)
LAMIACEAE (Mint Family)
Prunella vulgaris L. (common selfheal)
Satureja douglasii (Benth.) Briq. (yerba buena)
LAURACEAE (Laurel Family)
Umbellularia californica (Hook. & Arn.) Nutt. (Oregon myrtle)
LINACEAE (Flax Family)
Linum bienne Mill. (pale flax)
MALVACEAE (Mallow Family)
 **Sidalcea malviflora* (DC.) A. Gray ssp. *patula* C.L. Hitchc.
 (mallow sidalcea)
MYRICACEAE (Wax Myrtle Family)
Myrica californica Cham. & Schltld. (Pacific wax myrtle)
OLEACEAE (Olive Family)
Fraxinus latifolia Benth. (Oregon ash)
ONAGRACEAE (Evening-Primrose Family)
Epilobium brachycarpum C. Presl (tall annual willowherb)
Epilobium minutum Lindl. (small flowered willowherb)
OROBANCHACEAE (Broom-Rape Family)
Boschniakia strobilacea A. Gray (California groundcone)
Orobanche uniflora L. (oneflowered broomrape)
OXALIDACEAE (Oxalis Family)
Oxalis oregana Nutt. ex Torr. & A. Gray (redwood sorrel)
Oxalis suksdorfii Trel. (Suksdorf's woodsorrel)
PARNASSIACEAE (Grass of Parnassus Family)
Parnassia californica (A. Gray) Greene (California grass of Parnassus)
PLANTAGINACEAE (Plantain Family)
Plantago lanceolata L. (narrowleaf plantain)
POLEMONIACEAE (Phlox Family)
Collomia heterophylla Hook. (variableleaf collomia)
Gilia capitata Sims (bluehead gilia)
Linanthus bicolor (Nutt.) Greene (bicolored linanthus)
Phlox diffusa Benth. (spreading phlox)
Phlox gracilis (Hook.) Greene (slender phlox)
POLYGALACEAE (Milkwort Family)
Polygala californica Nutt. (California milkwort)
POLYGONACEAE (Buckwheat Family)
Eriogonum ternatum Howell (ternate buckwheat)
Rumex acetosella L. (common sheep sorrel)
PORTULACACEAE (Purslane Family)
Claytonia sibirica L. (candy flower)
Montia parvifolia (Moç. ex DC.) Greene (littleleaf minerslettuce)
PRIMULACEAE (Primrose Family)
Dodecatheon hendersonii A. Gray (Henderson's shooting star)
Trientalis latifolia Hook. (broadleaf starflower)
RANUNCULACEAE (Buttercup Family)
Anemone oregana A. Gray (blue windflower)
Aquilegia formosa Fisch. ex DC. (western columbine)
Coptis laciniata A. Gray (Oregon goldthread)
Ranunculus aquatilis L. (whitewater crowfoot)
Ranunculus californicus Benth. (California buttercup)
Ranunculus occidentalis Nutt. (western buttercup)
RHAMNACEAE (Buckthorn Family)
 #*Ceanothus pumilus* Greene (dwarf ceanothus)
Ceanothus thrysiflorus Eschsch. (blueblossom)
Rhamnus californica Eschsch. ssp. *occidentalis* (Howell) C.B.
 Wolf (California coffeeberry)

Rhamnus purshiana DC. (cascara)
ROSACEAE (Rose Family)
Amelanchier alnifolia (Nutt.) Nutt. ex M. Roem. var.
semiintegrifolia (Hook.) C.L. Hitchc. (Saskatoon serviceberry)
Aphanes arvensis L. (field parsley piert)
Fragaria vesca L. (woodland strawberry)
Fragaria virginiana Duchesne (Virginia strawberry)
Holodiscus discolor (Pursh) Maxim. (oceanspray)
 #*Horkelia sericata* S. Watson (silky horkelia)
Physocarpus capitatus (Pursh) Kuntze (Pacific ninebark)
Rosa gymnocarpa Nutt. (dwarf rose)
Rubus leucodermis Douglas ex Torr. & A. Gray (western blackcap)
Rubus parviflorus Nutt. (thimbleberry)
Rubus spectabilis Pursh (salmonberry)
Rubus ursinus Cham. & Schltld. (Pacific dewberry)
Sanguisorba officinalis L. (great burnet)
Spiraea douglasii Hook. (rose spirea)
RUBIACEAE (Madder Family)
 #*Galium ambiguum* W. Wight var. *siskiyouense* Ferris (Siskiyou
 bedstraw)
Galium aparine L. (stickywilly)
Galium triflorum Michx. (fragrant bedstraw)
Sherardia arvensis L. (blue fieldmadder)
SALICACEAE (Willow Family)
 **Salix delnortensis* C.K. Schneid. (Del Norte willow)
Salix sitchensis Sanson ex Bong. (Sitka willow)
SARRACENIACEAE (Pitcherplant Family)
 #**Darlingtonia californica* Torr. (California pitcherplant)
SAXIFRAGACEAE (Saxifrage Family)
Boykinia occidentalis Torr. & A. Gray (coast boykinia)
Chrysoplenium glechomifolium Nutt. (Pacific golden saxifrage)
Mitella sp. (mitrewort)
Saxifraga howellii Greene (Howell's saxifrage)
Tolmiea menziesii (Pursh) Torr. & A. Gray (piggyback plant)
SCROPHULARIACEAE (Figwort Family)
Castilleja pruinosa Fernald (frosted paintbrush)
Collinsia grandiflora Douglas ex Lindl. (large flowered blue eyed Mary)
Collinsia rattanii A. Gray (sticky blue eyed Mary)
Digitalis purpurea L. (purple foxglove)
Mimulus guttatus DC. (seep monkeyflower)
Mimulus moschatus Douglas ex Lindl. (musk monkeyflower)
Penstemon anguineus Eastw. (Siskiyou beardtongue)
Penstemon azureus Benth. ssp. *azureus* (azure penstemon)
Penstemon laetus A. Gray (mountain blue penstemon)
Synthyris reniformis (Douglas ex Benth.) Benth. (snowqueen)
Triphysaria pusilla (Benth.) T.I. Chuang & Heckard (dwarf owl clover)
VALERIANACEAE (Valerian Family)
Plectritis ciliosa (E. Greene) Jeps. ssp. *ciliosa* (longspur seablush)
Plectritis congesta (Lindl.) DC. (shortspur seablush)
VIOLACEAE (Violet Family)
Viola adunca Sm. (hooked spur violet)
 #*Viola cuneata* S. Watson (wedgeleaf violet)
Viola glabella Nutt. ex Torr. & A. Gray (pioneer violet)
Viola lanceolata L. (lance leaved violet)
Viola sempervirens Greene (redwoods violet)
VISCACEAE (Mistletoe Family)
Arceuthobium monticola Hawksw., Wiens & Nickrent (western
 white pine dwarf mistletoe)

Arceutobium siskiyouense Hawksw., Wiens & Nickrent
(knobcone pine dwarf mistletoe)

MONOCOTYLEDONS

CYPERACEAE (Sedge Family)

Carex concinnoides Mack. (northwestern sedge)
Carex deweyana Schwein. ssp. *leptopoda* (Mack.) Calder & Roy
L. Taylor (Dewey's sedge)
Carex echinata Murray (stellate sedge)
Carex hendersonii L.H. Bailey (Henderson's sedge)
Carex leptalea Wahlenb. (bristly stalked sedge)
Carex mendocinensis Olney (Mendocino sedge)
Carex obnupta L.H. Bailey (slough sedge)
Carex pachystachya Cham. ex Steud. (thick headed sedge)
Carex rossii W. Boott (Ross' sedge)
Carex scabriuscula Mack. (Cascade sedge)
#*Carex serpenticola* Zika (serpentine sedge)
Carex tumulicola Mack. (foothill sedge)
Scirpus criniger A. Gray (fringed cottongrass)
Scirpus sp. (bulrush)

IRIDACEAE (Iris Family)

Iris innominata L.F. Hend. (golden iris)
Iris tenax Douglas ex Lindl. (Oregon iris)
Sisyrinchium bellum S. Watson (beautiful blue eyed grass)
Sisyrinchium californicum (Ker Gawl.) Dryand. (golden eyed grass)
Sisyrinchium idahoense E.P. Bicknell (Idaho blue eyed grass)

JUNCACEAE (Rush Family)

Juncus bolanderi Engelm. (Bolander's rush)
Juncus effusus L. (common rush)
Juncus oxymeris Engelm. (pointed rush)
Juncus tenuis Willd. (slender rush)
Luzula comosa E. Mey. (Pacific woodrush)

LILIACEAE (Lily Family)

Allium amplexans Torr. (narrowleaf onion)
**Allium bolanderi* S. Watson var. *bolanderi* (Bolander's onion)
Allium bolanderi S. Watson var. *mirabile* (L.F. Hend.) McNeal
(potato bulb Bolander's onion)
Allium siskiyouense Ownbey ex Traub (Siskiyou onion)
Allium validum S. Watson (swamp onion)
Brodiaea elegans Hoover (harvest brodiaea)
Calochortus tolmiei Hook. & Arn. (Oregon mariposa lily)
Camassia quamash (Pursh) Greene var. *quamash* (small camas)
Dichelostemma congestum (Sm.) Kunth (ookow)
Erythronium oregonum Applegate (Oregon fawnlily)
**Erythronium revolutum* Sm. (pink fawnlily)
Fritillaria affinis (Schult.) Sealy (checker lily)
Hastingsia alba (Durand) S. Watson (white rushlily)
Lilium columbianum Hanson (Columbia lily)
Lilium paradalinum Kellogg ssp. *vollmeri* (Eastw.) M.W. Skinner
ined. (Vollmer's lily)
Maianthemum racemosum (L.) Link ssp. *amplexicaule* (Nutt.)
LaFrankie (western Solomon plume)
Maianthemum stellatum (L.) Link (starry false Solomon's seal)
Narthecium californicum Baker (bog asphodel)
Prosartes hookeri Torr. (Oregon fairybells)
Prosartes smithii (Hook.) Utech, Shinwari & Kawano
(largeflower fairybells)
Triantha glutinosa (Michx.) Baker (sticky tofieldia)

**Trillium kurabayashii* J.D. Freeman (giant purple wakerobin)
Trillium ovatum Pursh (western trillium)
Trillium rivale S. Watson (brook wakerobin)
Triteleia bridgesii (S. Watson) Greene (Bridges' triteleia)
Triteleia hyacinthina (Lindl.) Greene (white brodiaea)
#*Xerophyllum tenax* (Pursh) Nutt. (beargrass)
Zigadenus micranthus Eastw. (smallflower death camas)

ORCHIDACEAE (Orchid Family)

Calypso bulbosa (L.) Oakes (fairy slipper)
Corallorhiza maculata (Raf.) Raf. (spotted coralroot)
Corallorhiza mertensiana Bong. (Pacific coralroot)
**Cypripedium californicum* A. Gray (California lady slipper)
Goodyera oblongifolia Raf. (western rattlesnake plantain)
Listera cordata (L.) R. Br. (heartleaf twayblade)
Piperia unalascensis (Spreng.) Rydb. (Alaska rein orchid)
Platanthera sparsiflora (S. Watson) Schltr. (sparse-flowered bog orchid)

POACEAE (Grass Family)

Achnatherum lemmonii (Vasey) Barkworth (Lemmon's needlegrass)
Aira caryophylla L. (European silver hairgrass)
Anthoxanthum odoratum L. (sweet vernalgrass)
Bromus carinatus Hook. & Arn. (California brome)
Bromus vulgaris (Hook.) Shear (Columbia brome)
Calamagrostis nutkuensis (J. Presl) Steud. (Pacific reedgrass)
Cynosurus echinatus L. (hedgehog dogtail)
Dactylis glomerata L. (orchardgrass)
Danthonia californica Bol. (California oatgrass)
Deschampsia cespitosa (L.) P. Beauv. (tufted hairgrass)
Deschampsia elongata (Hook.) Munro (slender hairgrass)
Elymus glaucus Buckley (blue wildrye)
Festuca californica Vasey (California fescue)
Festuca idahoensis Elmer (Idaho fescue)
Festuca roemerii Yu.E. Alexeev (Roemer's fescue)
Festuca rubra L. (red fescue)
Hierochloa occidentalis Buckley (California sweetgrass)
Koeleria macrantha (Ledeb.) Schult. (prairie Junegrass)
Melica harfordii Bol. (Harford's oniongrass)
Melica spectabilis Scribn. (purple oniongrass)
Melica subulata (Griseb.) Scribn. (Alaska oniongrass)
**Poa piperi* Hitchc. (Piper's bluegrass)
Poa pratensis L. (Kentucky bluegrass)
Schedonorus phoenix (Scop.) Holub (tall fescue)
Trisetum canescens Buckley (tall trisetum)
Vulpia bromoides (L.) Gray (six weeks fescue)

POTAMOGETONACEAE (Pondweed Family)

Potamogeton sp. (pondweed)

TYPHACEAE (Cattail Family)

Typha latifolia L. (broadleaf cattail)

Nancy J. Brian has been the District Botanist for the Coos Bay District since 2001. Prior to that, she was the Botanist for Grand Canyon National Park.

**PRELIM
DECISION MEMO
USFS**



Preliminary Decision Memo

RF-38 Test Drilling for Red Flat Nickel Corporation

Rogue River-Siskiyou National Forest Service
Gold Beach Ranger District
Curry County, Oregon

Project website: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41652

Introduction

We have received a plan of operations from Red Flat Nickel Corporation to drill 35 holes, 3-inches in diameter and a maximum of 50 feet deep. The purpose is to obtain core samples to test for minerals on the proponent's existing claims on Forest Service lands. Drilling would be in previously disturbed areas and a minimum of 200 feet from perennial or intermittent streams or springs. Drill sites cover a cumulative area of less than one acre. No road construction or reconstruction would occur. All activities would take place on the Gold Beach Ranger District of the Rogue River-Siskiyou National Forest.

We prepared this preliminary decision memo (DM) to determine whether extraordinary circumstances exist which would preclude the use of a categorical exclusion to allow implementation of this test drilling. By preparing this decision memo, we are fulfilling agency policy and direction to comply with the National Environmental Policy Act (NEPA).

Proposed Project Location

Map - Figure 1 displays the perimeter of the project area and the vicinity of proposed activities. Drill locations are approximately 500 feet apart on or adjacent to existing classified and unclassified roads. Many unclassified roads are not mapped.

The project area is located approximately eight miles east-southeast of the city of Gold Beach, Curry County, Oregon. The area is known as Red Flat and lies within the Hunter Creek and North Fork Pistol River watersheds. Lands are entirely managed by the Forest Service. Access is via Hunter Creek Road (NFS 3680) to NFS 1703 road. The legal description is: Township 37 South, Range 13 West - Sections 18, 19, 30, 31 and 32 (Willamette Meridian).

All proposed drilling would occur on previously disturbed ground, such as on the side of open roads or within the bed of non-system, low use roads. Drill sites are within the perimeter of the existing minerals claims; an area of approximately 1100 acres.

The Red Flat area was extensively explored for minerals up to about 1978. As a result, there are numerous non-designated secondary (unclassified) roads that were constructed for exploration activities. Many of these remain open and passable by 4x4 vehicles. In addition, there are a number of east-west trending trenches that were excavated in the area.

Figure 1. Map of project area and vicinity.

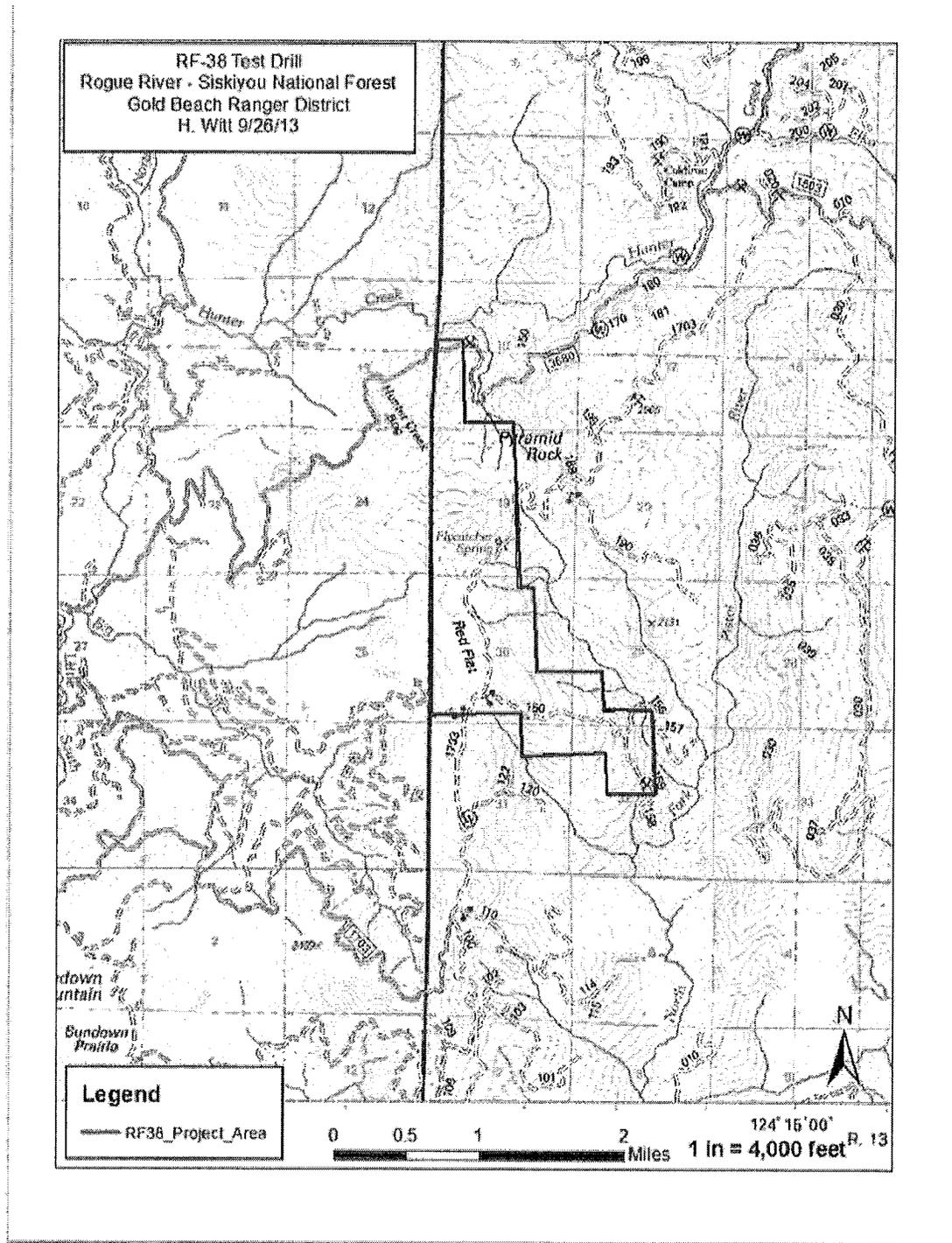
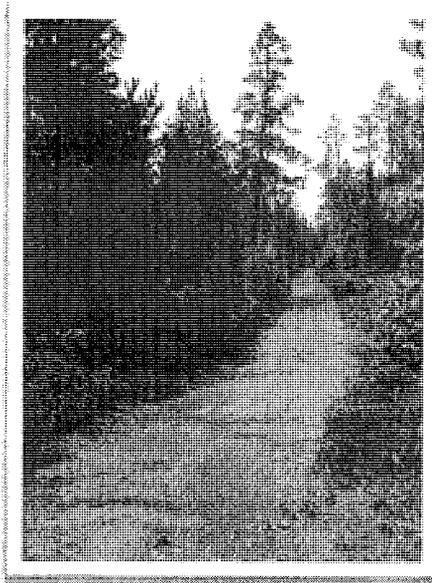


Figure 2. Geology and vegetation.



Geology and vegetation (Figure 2) - The project area is primarily composed of lateritic soils with outcrops of serpentinite and peridotite rocks. Overstory vegetation consists primarily of Port-Orford-cedar, Douglas fir and Jeffery pine. Understory vegetation is primarily manzanita species, tanoak, huckleberry oak, and myrtlewood (shrub form).

Land use designations – The project area is within lands designated as late seral reserve and matrix in the Northwest Forest Plan (USDA Forest Service and USDI Bureau of Land Management 1994). The Red Flat Botanical Area was designated in the “Siskiyou National Forest Land and Resource Management Plan” (USDA Forest Service 1989b).

Special designations – The Red Flat Botanical Area is within the project area at T37S-R13W-Sections 18 and 19. It is contiguous with the east edge of the

Hunter Creek Bog ACEC (Area of Critical Environmental Concern) on BLM (Bureau of Land Management) lands. Flycatcher Springs is also located in Section 19.

Purpose and Need

There is a need for the Forest Service to respond to the claimant’s plan of operations (dated November 8, 2012) to test drill for minerals on National Forest System lands open to mineral entry. Our goal is to ensure proposed activities would be conducted “so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources” by regulating functions, work, and activities connected with developing locatable minerals on National Forest System land (36 CFR 228.8).

Management Direction

This document only includes actions over which the Forest Service has discretion. The decision is not whether to allow minerals exploration (because current law already authorizes those and other mining activities) but whether additional protection measures are warranted to minimize adverse environmental impacts to Forest Service resources.

Therefore, the Forest Service is conducting this environmental review in response to the proposed plan of operations submitted by the proponents and in fulfillment of specific requirements set forth in subpart A of the Forest Service’s minerals regulation (36 CFR 228). This review satisfies the agency’s ongoing stewardship responsibility for National Forest System lands.

Code of Federal Regulations (36 CFR 228) - The Forest Service is neither advocating nor proposing the claimant’s plan of operations. The claimant initiated this minerals exploration proposal and has a possessory right to conduct mineral exploration and extraction operations on their claims.

However, the regulations at 36 CFR 228 create a dual need for Forest Service action as follows:

1. The agency is legally required to respond to the proponent's request to conduct exploration and related activities in the submitted plan of operations (36 CFR 228.5).
2. The agency is required to ensure that "All operations are conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources..." (36 CFR 228.8).

The Forest Service applies regulations found at 36 CFR 228.4(a). They provide the requirements for authorizing mining operations, conducting environmental analyses to assess the impacts of the operation, applying terms and conditions to minimize impacts to surface resources, and requiring bonding where appropriate for restoration of affected lands. Presuming other applicable state and federal laws are met, mining is authorized under 36 CFR 228.4(a) after the Forest Service completes its analysis, applies its terms and conditions, and collects bonding (if necessary).

Siskiyou LRMP - Authorizing mining activities on National Forest System lands is based on management direction from the *1989 Siskiyou National Forest Land and Resource Management Plan* (Siskiyou LRMP), as amended, to "facilitate mineral exploration and development while protecting surface resources and environmental quality" (p. IV-2)(USDA Forest Service 1989a).

Mining Law, Regulation, and Policy

The General Mining Law of 1872 (17 Stat. 91; 30 U.S.C. § 21 et seq.) grants a statutory right to enter upon public lands to prospect, explore, develop, mine, or process mineral resources, unless the lands in question are withdrawn from entry. While the law has been amended or supplemented by the Multiple Use Mining Act of 1955 (69 Stat. 368; 30 U.S.C. § 612), the Mining and Minerals Policy Act of 1970 (84 Stat. 1876; 30 U.S.C. § 21a), and other statutes, much of the nation's public lands remain "free and open" to United States citizens for mineral exploration (30 U.S.C. § 22).

Under current mining law, citizens of the United States are authorized to file mining claims, conduct mining operations on those claims, and hold conditional property rights (conditioned on compliance with applicable law and regulation) to the locatable minerals extracted from these claims. Under this law and related case law, the United States Department of Agriculture (USDA) Forest Service has no authority to prohibit an otherwise reasonable plan of operations for such mining (i.e., one that can be characterized as the logical next step in the orderly development of a mine). For example, reasonable operations often begin with small-scale sampling, followed by larger scale sampling, then on to small-scale production for bulk testing purposes, and then perhaps launching into a large-scale development. The idea is that each successive phase is justified by the value of the minerals found in the prior smaller phase of operation. The minerals exploration operation being evaluated here is determined to be a reasonable operation in this orderly development process.

Public Involvement and Consultation

The RF-38 Test Drill project was first made available to the public on April 1, 2013, with publication of the SOPA (schedule of proposed actions) for the Rogue River-Siskiyou National Forest (<http://www.fs.fed.us/sopa/forest-level.php?110610>).

We consulted with (or reviewed consultation requirements for) the following agencies during the development of this decision memo:

- *Confederated Tribes of the Siletz* - Consultation with the Siletz Tribe occurred. No responses have been received to date.
- *U. S. Fish and Wildlife Service* - No consultation is needed with USF&WS because no effects would occur that might impact federally-listed species.
- *National Marine Fisheries Service* - No consultation is needed with NMFS because no effects would occur that might impact federally-listed anadromous fish species.

Proposed Action

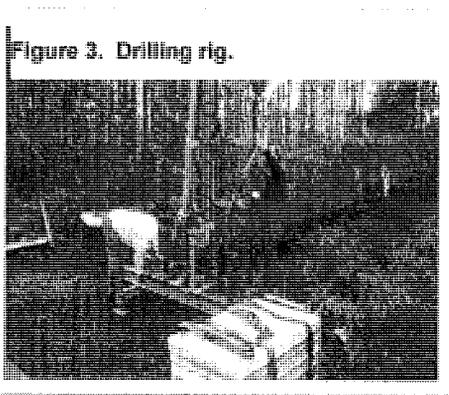
A detailed description of the proposed action is contained within the plan of operations (dated November 8, 2012) submitted to the Forest Service, and is incorporated herein. The following summarizes that plan.

Key Activities

- Drill 35 3-inch diameter holes to a maximum depth of 50 feet to obtain core samples for testing from previously disturbed areas in, or adjacent to, existing classified and unclassified roads.
- Brush and remove down trees from approximately 1200 feet of existing unclassified road within the road template.
- No new road construction or road reconstruction would occur.
- Reclaim drilling locations to their original condition, as closely as possible.

The Forest Service received a plan of operations from Red Flat Nickel Corp. to drill 35 holes to obtain core samples of minerals on their claims ORMC #161335-161434. These claims are in the area known as Red Flat in the Hunter Creek and Pistol River watersheds. Operations would occur over a 4 to 6 week period (45 days maximum). No road construction or new ground disturbance would occur. Approximately 1200 feet of brushing and down log clearing within the road prism is needed along one existing unclassified road in T37S-R13W-Section 19.

The 35 drill sites would be in previously disturbed areas adjacent to existing secondary roads (unclassified by Forest Service) on bare lateritic soils, free of vegetation. A total of approximately one acre would be occupied over the life of the project with no more than one-tenth acre occupied at any one time. Each drill hole would be 3-inches in diameter and drilled to a maximum depth of 50 feet. Project activities and visual impacts would not generally exceed 2 days per hole.



A low impact, light drilling rig (Figure 3) would be moved to each site by truck and lifted by boom onto a temporary 4-foot by 11-foot raised metal platform. Prior to beginning drilling at the next location, sealing of the hole, spreading of drill cuttings to blend with the natural slope, and removal of all equipment and materials would occur.

Fuel and petroleum products would be used in equipment and vehicles. Appropriate spill

prevention and containment measures would be employed.

Municipal water would be used during drilling operations (up to 1,000 gallons per drill hole; up to 35,000 gallons total). Potable water would be purchased from a municipal source (likely Gold Beach) and transported to the site via truck and either stored in the truck or in a 5,000 gallon water tank. If needed, two drilling additives (Bio-Cut Plus and DD2000) might be mixed with the water to improve sample recovery or maintain drill-hole stability. The proponent indicates that both additives are non-hazardous and biodegradable (MSDS on file; no hazards indicated).

Protection Measures Summarized from the Plan of Operations

In the plan of operations, the proponent states they would implement measures to prevent or minimize impacts to surface resources. The complete list is described in the plan of operations, but is summarized as follows:

1. Comply with the requirements for environmental protection described in 36 CFR 228.8 for: a) air quality; b) water quality; c) solid wastes; d) scenic values; e) fisheries and wildlife habitat; f) roads; and g) reclamation (which includes control of erosion, water runoff, and toxic materials; reshaping and revegetation of disturbed areas; and the rehabilitation of fish and wildlife habitat). (Plan of Operations, section V.)

Water and soil resources

2. Only water of domestic drinking quality would be used and brought from an off-site municipal source.
3. Drill holes would be a minimum of 200 feet from any intermittent or perennial springs or watercourses. In addition, an absorbent barrier would be installed between any equipment and a watercourse. No drill holes would occur within 300 feet of Hunter Creek Bog or within the Flycatcher Springs area.
4. Spill containment materials and trays would be used under equipment. Spill response kits would be readily available.
5. Best management practices (BMPs) would be followed to limit potential erosion. No water is anticipated to return to the surface during the drilling process because of porous soils; however, in the event it does, the water would be directed away from the drilling location and allowed to naturally infiltrate.
6. Drill holes will be plugged and abandoned immediately after completion in accordance with Oregon Administrative Rules (OAR) 690-220-0030 and OAR 632-033-0025.
7. Excess soil would be spread to a maximum depth of one inch and the natural grade restored.

Port-Orford-cedar root disease (*Phytophthora lateralis*)

8. Vehicles would be thoroughly cleaned prior to entering areas gated to prevent the spread of Port-Orford-cedar root disease.

Areas of significance

9. Hunter Creek Bog ACEC and Flycatcher Springs - No drilling or associated activities would occur in the Flycatcher Springs area or within 300 feet of the Hunter Creek Bog ACEC boundary.

Permits

Exploration and mining operations commonly have environmental requirements enforced by state and federal permits. It is the responsibility of the operator to obtain and maintain all necessary permits and to comply with all their regulations. Possible permits include, but are not limited to, an exploration permit from Oregon Department of Geology and Mineral Industries (DOGAMI).

Mitigation Measures

The Forest Service has identified the following additional design and mitigation measures (Table 1) needed to minimize adverse environmental impacts to surface resources. These measures are in addition to those proposed by the proponent and will be incorporated into the final plan of operations and adhered to by the operator(s). These measures would be effective in protecting sensitive species and reducing the risk of spreading Port-Orford-cedar root disease and weeds.

Table 1. Additional design and mitigation measures.

No.	Resource	Description	Applicable Dates
1	Botany	Invasive plants - Make sure all machinery is clean and free of invasive plant seed by spraying under carriages and wheel wells of vehicles with a pressure sprayer before driving on site.	All
2	Botany	Sensitive plants – Protect sensitive plant species and, to the extent possible, avoid botanical areas (such as Red Flat Botanical Area).	All
3	Fish	No additional measures.	None
4	Wildlife	Spotted owl: Within 65 yards of nest sites or habitat, no project activities March 1 through September 30. Currently no suitable nesting habitat or nest sites are known within disturbance distances (65 yards) of proposed activities. If potential habitat or owls are discovered, apply restrictions and notify the Forest Service wildlife biologist.	1 Mar. – 30 Sept.
5	Wildlife	Marbled murrelet – Within 120 yards of suitable habitat or occupied sites, no project activities April 1 through September 15. Currently no nesting habitat or occupied sites are known within disturbance distances (120 yards) of proposed activities. If potential habitat or murrelets are discovered, apply restrictions and notify the Forest Service wildlife biologist.	1 April – 15 Sept.
6	Port-Orford-cedar	<ul style="list-style-type: none"> a. Project scheduling - Schedule test drilling to occur during the dry season (generally June 1 – Sept. 30). If not possible, contact the Forest Service POC specialist. b. Unit scheduling – Conduct drilling work in uninfested areas prior to working in areas infested with <i>Phytophthora lateralis</i>. c. Wash project equipment – Wash project equipment prior to working in uninfested areas and/or after working in infested areas. d. Utilize uninfested water – Use uninfested water source for equipment washing or treat water with Clorox bleach to prevent/reduce the spread of POC root disease (use one gallon Clorox Ultra bleach per 1,000 gallons of water). 	All
7	Port-Orford-cedar	FS Road #1703-150 use from Oct. 1-May 31 requires a waiver: For activities during the wet season (October 1 to May 31), obtain a POC waiver from FS prior to drilling on this road.	1 Oct. – 31 May

Reasons for Categorical Exclusion

No extraordinary circumstances exist which preclude use of a categorical exclusion (CE); therefore, this proposal is excluded from further analysis.

Project activities fall within CE category 32.2(8) from Forest Service Handbook 1909.15 as quoted below:

- (8) Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads. 36 CFR 220.6(e)(8).

Relationship to Extraordinary Circumstances¹

The following resource conditions have been considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an environmental assessment (EA) or environmental impact statement (EIS). This section summarizes the results of resource reports and biological evaluations included in the project record.

(1) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

Per the Endangered Species Act (ESA) of 1973, as amended, federal activities cannot jeopardize the continued existence of any species listed or proposed for listing, nor result in the adverse modification of that species' critical habitat. Proposed activities would be in compliance with the provisions of that act.

Plants – There is one ESA-listed plant species with potential habitat in the project area: Red Mountain rockcress (*Arabis macdonaldiana*). There would be **no effect** on this species because surveys were conducted and there is no suitable habitat at the proposed drilling sites.

There are three Forest Service sensitive plant species with potential habitat in the project area: Waldo gentian (*Gentiana setigera*), Veva's erigeron (*Erigeron stanselliae*), and Western bog violet (*Viola primulifolia* ssp. *occidentalis*). None of these species were found to be directly in harm's way of proposed test drilling. Should additional sensitive plants be found, they would be protected (Table 1, #2). Because of the small scale of the proposed drilling (0.69 acre), anticipated effects (if any) on plant species would be inconsequential at the population level.

The Red Flat Botanical Area contains three proposed drilling sites. There would be **no effect** on sensitive botanical species because no plants were located during surveys within the area of drilling sites.

¹ Forest Service Handbook 1909.15 Sec. 31.2: *The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b)).*

The potential to spread non-native invasive plant species would be negligible because vehicles would be washed and cleaned of invasive plant material before driving on site (Table 1, #1).

Fish - The proposed activities will have **no effect** on threatened, endangered or sensitive fish species and is in compliance with the Aquatic Conservation Strategy. There would be no measurable effects on fish species or their habitats because no drilling or other project activities would occur within 200 feet of any intermittent or perennial springs or watercourses. In addition, an absorbent barrier would be installed between any equipment and a watercourse. No drill holes would occur within 300 feet of Hunter Creek Bog or in the Flycatcher Springs area. Best management practices (BMPs) would be followed to limit potential erosion. No water is anticipated to return to the surface during the drilling process because of porous soils; however, in the event it does, the water would be directed away from the drilling location and allowed to naturally infiltrate. Drill holes will be plugged and abandoned immediately after completion.

Wildlife - There would be **no effect** on ESA- listed wildlife species (northern spotted owl and marbled murrelet) or their habitat from the proposed activities as mitigated (Table 1).

Habitat for owls and murrelets would not be measurably affected because no trees would be removed or altered and project activities would occur in previously disturbed areas within the road prism. A portion of the project area is in designated critical habitat for murrelets, but there will be no effects to the primary constituent elements of murrelet habitat (large trees with platforms).

Disturbance to owls and murrelets is not expected to occur because no suitable nesting habitat has been identified within disturbance distances of proposed activities. Beyond these distances, effects from disturbance would not be measurable. If potential habitat or birds are discovered within disturbance distances, activities would cease during the breeding season (Table 1, #4 and #5) or drilling sites would be moved.

Other Forest Service sensitive wildlife species or their habitat would not be measurably impacted because no trees or sensitive habitat types would be removed or altered, drilling would occur in roads and previously disturbed areas, and drilling is of small scale (less than one acre cumulative over 35 drill sites) and short duration (≤ 2 days at each drill site). No aquatic species would be impacted because drilling would not occur within 200 feet of water and spill containment measures would be employed.

Disturbance effects to other species from drilling would be minimal at distances of greater than 100 feet from the drill site. Sound levels for the Viper drill averaged 65.9 dB (decibels) at 100 feet (99.0 dB at 1 foot), as tested by the project proponent. This sound level is comparable to a normal conversation at 3 feet (which is 60-65 dB)².

(2) Flood plains, wetlands, or municipal watersheds.

Floodplains – There would be no effects on floodplains because activities would not occur in or modify floodplains. The purpose of Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains.

² Source: <http://www.gcaudio.com/resources/howtos/loudness.html>. Accessed 10/22/13.

Wetlands – There would be no effects on wetlands because activities would not occur in or adjacent to wetlands. The purpose of Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands.

Municipal watersheds – There would be no effects on municipal watersheds because no water will be extracted or vegetation removed during project activities. A maximum of 35,000 gallons municipal water would be purchased and transported by a water truck to the project area to be used during drilling operations (up to 1000 gallons per drill hole).

(3) Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas.

There would be no effects on congressionally designated areas because none are located in or adjacent to the project area.

(4) Inventoried roadless areas or potential wilderness areas.

There would be no effects on roadless or potential wilderness areas because none are located in or adjacent to the project area.

(5) Research natural areas.

There would be no effects on native religious or cultural sites within the project area. The Forest consulted with the Confederated Tribes of the Siletz Indians of Oregon for their concerns regarding the project. No concerns were noted.

(6) American Indians and Alaska Native religious or cultural sites.

There would be no effects on native religious or cultural sites within the project area because sites were not located during surveys and are not known to occur in the project area.

(7) Archaeological sites, or historic properties or areas.

There would be no effects on archaeological sites or historic properties because none were located during surveys, and known properties in the area do not lie in the project's area of potential effect (APE).

Consistency Findings

I find activities proposed in the RF-38 Test Drilling project to be consistent with direction in the 1989 Siskiyou National Forest Land and Resource Management Plan, as amended. This action has been analyzed under other laws, regulations and agreements applicable to the management of National Forest System lands and resources, including: 16 USC 1604(g)(3), 36 CFR 219.14 and 36 CFR 219.27 (b). I find this decision to be consistent with the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality regulations for implementing NEPA, 40 CFR 1500-1508, July 1, 1986; the Multiple-use Sustained Yield Act of 1960; and the National Forest Management Act of 1976. I also find this project to be in compliance with the Endangered Species Act of 1973, as amended, and the Historic Preservation Act.

My Decision and Rationale

My decision does not grant approval to begin project activities. A final plan of operations will be authorized after the proponent agrees to implement and incorporate the additional mitigation measures described in Table 1 into their plan of operations of November 8, 2012.

It is my decision to authorize this action based on my review of the site evaluation and effects analysis completed by resource specialists. Specialists have determined activities will have negligible (or no measurable) adverse effects on botanical, wildlife, fish, cultural, water, and other resources. Effects would be minimal in part due to the effectiveness of the mitigation measures proposed by specialists in Table 1.

I have found that a categorical exclusion is appropriate because, while extraordinary circumstances are present, effects on resources are minimal. My decision is based on the limited context, duration, and intensity of this project as detailed in specialist reports and summarized above (relationship to extraordinary circumstances). I concur with specialists that implementation will result in little or no adverse environmental effects to the physical, biological, or social components of the environment.

Administrative Review (Appeal) Opportunities

Only those who provide comment or express interest in this proposal during this comment period will be eligible to appeal the decision pursuant to 36 CFR part 215 regulations. Comments will be accepted for 30 calendar days following the publication of the legal notice of availability of this document in the Curry County Reporter, Gold Beach, Oregon.

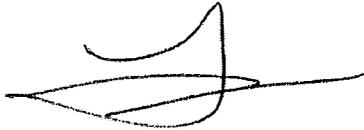
In light of a recent court ruling (Sequoia ForestKeeper v. Tidwell, 11-cv-00679-LJO-DLB (E.D. Cal.)), the Forest Service is providing public notice, comment, and opportunity for administrative appeal for projects and activities documented with a "Decision Memo" (36 CFR 220.6(e)) until new instructions are issued by the Washington Office, or the Agency issues regulations addressing the Court's ruling.

Implementation Date

The RF-38 Test Drill Project will not be implemented before 50 calendar days following the publication of a legal notice of my final decision in the Curry County Reporter. If appeals are filed, implementation can occur on or after the 15th business day following the date of the last appeal disposition.

Contact

Additional information regarding this decision may be obtained at the Gold Beach Ranger District, 29279 Ellensburg Avenue, Gold Beach, OR 97444. You may also contact Holly Witt (Environmental Coordinator) at (541) 247-3688 or email hfwitt@fs.fed.us. Documents are also available at: http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41652.



11/6/13

Tina C. Lanier
District Ranger

Date

References

- USDA Forest Service. 1989a.** Final EIS - Land and Resource Management Plan - Siskiyou National Forest. Portland, OR: USDA Forest Service, Pacific Northwest Region.
- USDA Forest Service. 1989b.** Land and Resource Management Plan - Siskiyou National Forest. Portland, OR: USDA Forest Service, Pacific Northwest Region.
- USDA Forest Service; USDI Bureau of Land Management. 1994.** [Northwest Forest Plan] Record of decision for amendments to Forest Service and Bureau of Land Management planning documents within the range of the northern spotted owl [and] standards and guidelines for management of habitat for late-successional and old-growth forest related species within the range of the northern spotted owl. 1 vols. Portland, OR.



Forest
Service

Rogue River-Siskiyou
National
Forest

Gold Beach Ranger District
29279 Ellensburg Ave
Gold Beach, OR 97444-7719
541-241-3600

File Code: 1950
Route To:

Date: November 6, 2013

Subject: RF-38 Test Drill Preliminary Decision Memo

To: Interested Participant

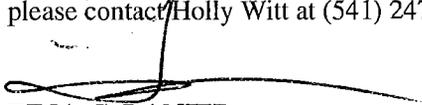
The Gold Beach Ranger District, Rogue River-Siskiyou National Forest, has prepared a Preliminary Decision Memo for test drilling to obtain core samples of minerals on an existing claim in the Red Flat area about eight miles east-southeast of the city of Gold Beach, Curry County, Oregon. Activities would consist of drilling 35 holes, 3-inches in diameter to a maximum depth of 50 feet. Drilling would occur in previously disturbed areas in or adjacent to existing classified and unclassified roads via a portable low impact drilling rig. Water needed for the drilling process will be obtained from a municipal source and trucked to the site. No tree removal, road construction, or road reconstruction would occur. About one acre in total would be occupied over the life of the project and holes would be about 500 feet apart. After drilling, each hole would be plugged and the area restored to its original condition, to the extent possible.

The preliminary decision is available at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=41652. In light of a recent court ruling (*Sequoia ForestKeeper v. Tidwell*, 11-cv-00679-LJO-DLB (E.D. Cal.)), the Forest Service will provide public notice, comment, and opportunity for administrative appeal for projects and activities documented with a "Decision Memo" (36 CFR 220.6(e)) until new instructions are issued by the Washington Office, or the Agency issues regulations addressing the Court's ruling.

Only those who provide comment or express interest in this proposal during this comment period will be eligible to appeal the decision pursuant to 36 CFR part 215 regulations. Individuals and organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.

Comments will be accepted for 30 calendar days following publication of this notice in the Curry County Reporter. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframes provided by any other source. The regulations prohibit extending the length of the comment period. It is the responsibility of persons providing comments to submit them by the close of the comment period.

Please submit electronic comments to comments-pacificnorthwest-siskiyou-goldbeach@fs.fed.us. Submit written and hand-delivered comments to: Tina Lanier, District Ranger, Gold Beach Ranger District, 29279 Ellensburg Ave, Gold Beach, OR 97444; or fax to (541) 247-3617. Business hours are: 8:00 AM-4:30 PM, Monday through Friday, excluding holidays. Oral comments must be submitted during normal business hours in person or to (541) 247-3600. In cases where no identifiable name is attached to a comment, a verification of identity will be required for appeal eligibility. If using an electronic message, a scanned signature is one way to provide verification. For additional information please contact Holly Witt at (541) 247-3688 or hfwitt@fs.fed.us.


TINA C. LANIER
District Ranger



**PORTION OF
CURRY COUNTY
COMP PLAN**

4. County parks (also identified on Recreational Resources Map).

Mapping of City open space lands can be best identified by consulting the comprehensive plans for the cities of Port Orford, Gold Beach and Brookings.

As can be seen from Table 5.2A, Curry County has abundant open space lands with almost 60% of its land area fitting the definition of open space. This amounts to almost 35 acres of open space per person living in the county. The presence of such large areas of open space adds to the attractiveness of the county both for visitors and residents.

The abundance of open space available in the county is reflected in the lifestyle of the county residents by their great interest in outdoor recreation.

5.3 MINERAL AND AGGREGATE RESOURCES

(Amended by Ordinance 98-5, adopted October 19, 1998. Repealed and replaced this section.)

Curry County has a wide variety of mineral resources ranging from ores of gold, silver, platinum, copper and nickel to gravel, sand and rock as building and construction material. The presence of these resources in the county is related to the complex geologic history of the area and the diverse bedrock geologic units exposed in this geologic province. Mineral resources of the county are generally scattered evenly over the entire area of the county; although certain ores are confined to specific sites or districts.

Preliminary inventory mapping of the mineral and aggregate resources was done on a county-wide basis using a base map identical to other resource inventory maps. Basically, the inventory data consists of plotting mines and prospects, stone quarries, and sand and gravel pits by location. In addition, the county mapped the known extent of marine terrace deposits known to contain chrome "black sands" and the extent of nickel laterites. The source of the data for this map was from a study of the mineral resources of Curry County by the State of Oregon (DOGAMI, 1977). This reference contains as much information about the locations, extent of the mineral deposits and potential for future production as is presently known. The mineral and aggregate inventory has been updated with information from the 1991 Mineral Information Layer for Oregon by County (MILOC) database (Gray, 1991).

5.3.1 Chrome

Chromite is the only commercial source of chromium metal and is found in minable quantities in Curry County. In the county chromite occurs in the ultramafic rocks (periodite and serpentinite) and in placer deposits of marine black sands. Chromite production in the county has been restricted to periods of wartime emergency. Chromite was first mined in 1918, and then again from 1941 to 1958. The largest producer was the Sourdough Baldface mine which had a total production of 1,567 long

tons (DOGAMI, 1977). In addition to the chromite, black sand deposits are found on the coastal terraces and beaches. The black sands contain several minerals of potential value, including gold, platinum, magnetite, garnet, zircon, and ilmenite. Several of these black-sand deposits have been explored and periodically mined since before the turn of the century. Production data from these sources does not indicate very sizable production from any of the black sand deposits.

5.3.2 Gold

Gold and gold mining has played an important part in the history of Curry County from the standpoint of attracting people to the area and bringing about the first settlement of the county. During the 1850's, the first mining activity in Curry County was gold prospecting along the beaches in the vicinity of Port Orford and Gold Beach. The more important gold producing beaches were at Ophir, Pistol River, Gold Beach, Port Orford and Cape Blanco (Horner, 1918). The best producing river gravels were the Sixes River, upper Chetco River and Boulder Creek and Mule Creek on the Rogue River. Total production figures for gold from the county are incomplete but Curry County is one of the smaller gold-producing counties in the state ranking behind the neighboring Jackson, Josephine, Douglas and Coos Counties. Future potential for gold production in Curry County is probably limited to mining of deposits in the Mule Creek and upper Chetco areas (DOGAMI, 1977). Gold prospecting, however, does provide a form of recreational activity to many county residents especially in the Sixes River area.

5.3.3 Nickel Laterites

Nickel laterites are a soil type that is derived from the chemical weathering and leaching of peridotite and contain nickel. Peridotite and serpentine rock types contain about 0.2% nickel but the weathering process of converting the rock to a soil concentrates the nickel in the soil (DOGAMI, 1977). These nickel-rich soils are found in various parts of the county and are probably the only ore that has potential for commercial production in the foreseeable future.

Nickel laterites are predominantly located in the southeastern part of the county specifically in the vicinity of Red Flat (the upper Hunter Creek area) and Chrome Creek drainage (see Mineral Resource Inventory Map). There are seventeen separate areas of nickel-bearing laterite in Curry County which have been described in detail in the Department of Geology and Mineral Industries report (DOGAMI, 1977). Several of these have great potential for future production subject to the world market potential for nickel and reclamation costs following strip mining. Sampling of the Red flat deposits in Curry County for nickel mining was carried out under U. S. Forest Service permit between 1985 and 1990.

5.3.4 Other Minerals

Curry County has also had production or is known to have potentially minable quantities of the following materials: cobalt, copper, silver, iron, manganese, mercury, platinum, asbestos, borax, and gemstones. Most of these occurrences are widely



ORDINANCES & RESOLUTIONS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9. a.
Council Meeting Date: February 10, 2014

TITLE: Second Reading Ordinance 650

SUMMARY AND BACKGROUND:

The GBZ-1301 zone change was approved by the Council at the December meeting. The Final Order was adopted in January, and the first reading of Ordinance 650 amending the comp plan and zoning maps was also completed. A second and final reading is required to fully complete the process.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Ordinance 650

REQUESTED MOTION/ACTION:

Motion to approve the second reading of the ordinance by title only

SAMPLE MOTION FOR ORDINANCE

I make the motion that the Council approve the second reading of Ordinance 650 by title only.

I will then read the title of the ordinance into the record.

**COPY OF REPORT AND ATTACHMENTS SENT TO:
Council**

ORDINANCE NO. 650

**AN ORDINANCE ADOPTING A CHANGE IN THE CITY OF GOLD BEACH
COMPREHENSIVE PLAN MAP AND ZONING MAP ON A PARCEL IDENTIFIED
AS ASSESSOR MAP NO. 3715-01AA TAX LOT 4400**

RECITALS:

1. A request was filed to change the comprehensive plan map and zoning map designation from Residential (3-R) to Commercial (4-C) on a portion of a parcel split zoned Residential (3-R) and Commercial (4-C) and identified as **Assessor Map No. 3715-01AA tax lot 4400**.
2. A hearing was held before the City Council as a matter duly set upon the agenda of the regular December monthly City Council meeting after giving public notice as required by City ordinance and ORS 197.763. The public hearing was held on Monday, December 9, 2013.
3. At the public hearing evidence and testimony was presented by administrative staff in the form of a staff report and exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in the Gold Beach Zoning Ordinance. The City Council received oral and written testimony concerning the application.
4. At the December 9, 2013 hearing the City Council, upon a motion duly made and seconded, voted to APPROVE the request based on decision criteria, findings of fact, and conclusions of law. A Final Order approving the request was adopted by the City Council on January 13, 2014.

NOW, THEREFORE, THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

1. **This ordinance amends the City of Gold Beach Comprehensive Plan Map from Residential to Commercial and the City of Gold Beach Zoning Map from Residential 3-R to Commercial 4-C on property identified as Assessor Map No. 3715-01AA tax lot 4400.**
2. This amendment is approved in accordance with Article VIII of the Gold Beach Zoning Ordinance.
3. The GBZ-1301 Final Order is hereby incorporated into this decision by reference and attached as EXHIBIT A.

PASSED and ADOPTED by the City Council of the City of Gold Beach, State of Oregon, on this _____ day of _____ 2014.

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator

	AYES	NAYS
First Reading Date January 13, 2014	4	0
Second Reading Date February 10, 2014		

Candy Cronberger, City Recorder

EXHIBIT A – GBZ-1301 Final Order

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. **9. b.**
Council Meeting Date: February 10, 2014

TITLE: First Reading Ordinance 647 FOG

SUMMARY AND BACKGROUND:

We reviewed a revised FOG ordinance several times last year. As you may recall, the State Building Codes Division requested that we make changes to our proposed ordinance. I made the changes for your review last month and we held a public hearing on the proposed changes. No comments were received.

This will be the first reading of the ordinance.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

The Ordinance No. 647 which amends the City Utility Code

REQUESTED MOTION/ACTION:

If the council is satisfied with the ordinance, we will need a motion to approve the first reading.

SAMPLE MOTION:

I make a motion that the City adopt Ordinance No.647 and approve the first reading by title only.

If approved, I will read the ordinance title into the record. If the first reading is approved, the second reading will be in March.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

Will Newdall, Public Works Superintendent

ORDINANCE NO. 647

**AN ORDINANCE AMENDING SECTIONS 3.410, 3.425, 3.445, 3.455, AND
3.460 OF THE GOLD BEACH UTILITY CODE**

WHEREAS, the City of Gold Beach wishes to ensure that its public sewer remains in good working condition and complies with applicable requirements of the Oregon Department of Environmental Quality and United States Environmental Protection Agency regarding the regulation of the discharge of fats, oils, greases and other substances into the public sewer;

NOW, THEREFORE; THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

Section 1. Section 3.410 of the Gold Beach Utility Code is amended to read as follows:

3.410 **Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this sewer code shall be as follows:

- (1) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.
- (2) “Building Drain” shall mean that part of the lowest piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet (610 mm) outside the building wall. (Oregon Plumbing Specialty Code definition)
- (3) “Building Sewer” shall mean that part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to a public sewer, private sewer, private sewage disposal system, or other point of disposal. (Oregon Plumbing Specialty Code definition)
- (4) “Building Sewer Combined” shall mean a building sewer that conveys both sewage and storm water or other drainage. (Oregon Plumbing Specialty Code definition)
- (5) “Commercial user” shall mean any premises used for commercial or business purposes.
- (6) “Domestic Sewage” shall mean the liquid and water-borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, in the public sewer or by means of a private sewage disposal system. (Oregon Plumbing Specialty Code definition)
- (7) “Equivalent Residential Unit (ERU)” shall mean a volume of wastewater which incurs the same costs for operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. For

purposes of making this determination the City shall utilize the metered water use records of the City. Where a user believes his wastewater discharge to the treatment works is substantially different than his water consumption, an appropriate adjustment shall be made providing the user demonstrates to the satisfaction of the City the actual wastewater discharge. The volume attributed to an ERU where the BOD, suspended solids or other characteristic of the wastewater discharged by a user is significantly greater than domestic waste shall be adjusted to account for the difference in the costs of treatment. The superintendent shall file a list of ERU's for each commercial establishment.

(8) "FOG" shall mean a substance or material discharged into the public sewer that has the potential to partially or completely obstruct a building sewer or any sewage works. FOG includes both polar and non-polar FOG.

(9) "FOG Generator" shall mean any commercial user that discharges FOG into the public sewer, including but not limited commercial users that operate food service establishments, commercial laundries, car washes, filling stations, commercial garages, and similar businesses with any type of washing facilities (including pressure washing and steam cleaning).

(10) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(11) "Industrial Waste" shall mean any and all liquid or water-borne waste from industrial or commercial processes, except domestic sewage. (Oregon Plumbing Specialty Code definition)

(12) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(13) "Non-polar FOG" shall mean FOG not of animal or vegetable origin, including but not limited to petroleum oil, grease, grit, sand, and lint.

(14) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(15) "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(16) "Polar FOG" shall mean FOG of animal or vegetable origin, including but not limited to fats and oils.

(17) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

(18) “Public Facilities User” shall mean any public owned facility user including but not limited to: publicly owned recreational, medical, correctional, educational, or other similar facility. Examples are fairgrounds, hospitals and assisted living facilities, jails, and schools.

(19) “Public Sewer” shall mean a common sewer directly controlled by public authority. (Oregon Plumbing Specialty Code definition)

(20) “Residential User” shall mean user of a single family dwelling.

(21) “Sanitary sewer” shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(22) “Service area” shall mean all the area served by the Gold Beach sewage works.

(23) “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

(24) “Sewage treatment plant” shall mean any arrangement of devices and structures used for treating sewage.

(25) “Sewage works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(26) “Sewer” shall mean a pipe or conduit for carrying sewage.

(27) “Sewer user” shall mean any person specifically requesting sewer service or using city sewers.

(28) “Shall” is mandatory; “may” is permissive.

(29) “Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.

(30) “Storm Sewer” shall mean a sewer used for conveying rainwater, surface water, condensate, cooling water, or similar liquid wastes. (Oregon Plumbing Specialty Code definition)

(31) “Superintendent” shall mean the superintendent of sewage works and/or of water pollution control of the City of Gold Beach, or his authorized deputy, agent or representative.

(32) “Suspended solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(33) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(34) Any words or phrases which are not particularly defined herein shall be construed as defined in the Zoning Code of the City of Gold Beach, and if not defined therein, then as defined by the Oregon Plumbing Specialty Code.

Section 2. Section 3.425 of the Gold Beach Utility Code is amended to read as follows:

3.425 Building Sewers and Connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be four classes of building sewer permits:

- (a) Residential, which shall include single-family residences, apartments, duplexes and courts.
- (b) Residential/commercial, which shall cover hotels and motels, etc.
- (c) Commercial, which shall cover commercial non-residential uses.
- (d) Industrial, for service to establishments producing industrial waste.

(3) Prior to receiving city sewer service, a person shall make application to the City Administrator for a sewer hookup permit, on a form prescribed by the City. The application shall include consent to allow city inspectors to enter onto the premises during business hours to inspect, observe, measure, sample, and test sewage discharges. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Administrator or the superintendent. The applicant shall state the use for which sewer service is required.

(4) If the applicant is a FOG generator, in addition to the application materials required by paragraph (3) of this section, the applicant must also submit the following management plan for the City’s review and approval, which shall include:

- (a) The name or position of the staff person in charge of compliance with the City’s sewer regulations;
- (b) Identification of the sources of FOG discharged by the user;
- (c) An employee training manual with new employee training and continuous education programming regarding discharge of FOG;

- (d) A description of disposal and recycling programs for FOG utilized by the user;
- (e) A list of housekeeping practices related to FOG;
- (f) Copies of signs or notices to be posted at drainage stations related to disposal of FOG;
- (g) Emergency contact information to enable the City to contact the user on a 24 hour basis; and
- (h) A requirement for documentation of actions taken to reduce discharge of FOG, including but not limited to training sign off sheets and maintenance, cleaning, and incident reports.

(5) If the use for which sewer service is required changes so that a different class of building sewer permit would be applicable, the sewer user shall apply for a new permit and pay all charges required for an initial permit.

(6) All costs and expense incident to the installation and connection of the building sewer, and any inceptor or other device required by section 3.445(6) of this code shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(7) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(8) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Code.

(9) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(10) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged from the building.

(11) No person shall make connection of roof downspouts, exterior foundation drains, area way drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(12) The connection of the building sewer into the public sewer shall conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(13) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(14) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. In addition, when any sewer work involves street or alley pavement cuts or tunneling, the work shall be performed in accordance with the provisions of the Gold Beach Local Improvement Code.

Section 3. Section 3.445 of the Gold Beach Utility Code is amended to read as follows:

3.445 Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as building sewers combined or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, or approval of the superintendent, to a storm sewer, building sewer combined or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the

receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substance in such concentrations exceeding limits which may be established by the superintendent, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials that exert or cause:

(i) Unusual concentration of inert suspended solids such as, but not limited to, fullers earth, lime slurries, and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(ii) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(iii) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Effluent containing more than 100 mg/liter of polar FOG

(j) Effluent containing more than 250 mg/liter of non-polar sediments including sand, lint, and grit.

(5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section (4) above, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges;
- (e) Require installation of grease interceptors, traps, or biological processes that comply with standards adopted by the City prior to discharging into the public sewer.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

If the superintendent requires installation of grease interceptors, traps or biological processes the grease inceptor, trap or biological process must be accessible for sampling, cleaning and inspection, must be properly maintained by the FOG generator, and must remain in continuous operation. The FOG generator must also provide a suitable location to allow city staff to sample representative effluent discharged by the FOG generator.

(6) Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(7) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a sampling port, together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(8) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not

always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(9) No statement contained in this Code shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

(10) Industrial users shall comply with Section 204 of PL 92-500 and the rules and regulations regarding Industrial Cost Recovery as published in the August 21, 1973, Federal Register, Volume 38, Number 161.

Section 4. Section 3.455 of the Gold Beach Utility Code is amended to read as follows:

3.455 Powers and Authority of Inspectors.

(1) With the consent of the property owner or other person with possession or control of the property, he superintendent and other duly authorized employees of the City bearing proper credentials and identification may enter onto private property for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) In the event that the superintendent cannot gain permission to enter onto private property from the property owner or other person with possession or control of the property, the superintendent may seek entry through any legal means including, without limitation, making application to any court of competent jurisdiction for issuance of a warrant. The warrant application will identify the premises upon which entry is sought, and the purpose for which entry is desired.

(3) The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 5. Section 3.460 of the Gold Beach Utility Code is amended to read as follows:

3.460 Procedure for Disconnection; Appeal Procedure; Penalties.

In every case where a sewer account is not paid by the 25th day of the month after the bill is presented, or where any premises is in violation of this Code, the following steps may be taken:

(1) In the case where the violation is a delinquency in the sewer bill, the Sewer Department shall send written notice to the last known address of the sewer user and to the premises as reflected by City records, that water service will be disconnected ten (10) days after the date of said notice unless the arrearage is immediately corrected. Said notice shall indicate the amount of all arrearages, including penalty fees and shall indicate that if any person disputes the amount owing, they can appeal to the City Administrator in the manner provided in subsection (3) of this section.

(2) In the case of any other violation, the City Sewer Department shall send written notice to the last known address of the sewer user and to the premises as reflected by the city records that water service will be disconnected twenty (20) days after receipt of said notice, unless the violation is corrected prior to that date. Said notice shall indicate specifically the violation causing the disconnection and shall indicate that if any affected person disputes the violation stated in the notice, they can appeal to the City Administrator and the City Council in the manner provided in subsection (3) of this section. Should the violation not be abated within the said twenty (20) days after receipt of the notice, the superintendent shall be instructed by written order from the City Administrator's office to immediately terminate the water service to the subject property unless an appeal has been filed pursuant to subsection (3) of this section.

(3) A customer, occupant or owner of the premises who questions or disputes the correctness of a notice of intent to disconnect service may file with the City Administrator a request for a hearing within seven (7) days of the date of the notice. If a hearing has been timely requested, the City Administrator shall hold an informal conference to attempt to resolve the matter. In the case of a notice of intent to disconnect service for non-payment, the decision of the City Administrator shall be delivered at the conclusion of the informal conference and shall be final. In other cases, if no informal resolution is achieved, the City Council shall hold a hearing and consider relevant evidence presented by the appellant and the City. The Council shall determine whether the reasons prompting the notice of intent to disconnect are correct. Notice of the decision of the Council shall be mailed by first class mail to the customer at the billing address and to the occupant of the premises and to any other address specified by the appellant. In the event of an appeal to the City Council, service shall not be terminated until three (3) days after mailing of the notice of the decision. A notice of intent to disconnect service shall include information about the appeal process contained in this subsection.

(4) Where the violation is failure to pay delinquent sewer fees and penalties, water service may be reinstated upon payment of those fees. For any other violation, water service shall not be reinstated until such time that all violations have been cured, and a new application has been made and all fees required for initial application have been paid.

(5) Any person violating any of the provisions of this Code shall become liable to the City for any expense, loss or damage occasioned to the City by reason of such violation.

Section 6. Commercial, industrial, and public facilities users discharging into the public sewer at the time this ordinance is effective will be required to comply with the requirements of Section 3.445(4). If the commercial, industrial, or public facilities user does not comply with Section 3.445(4), notwithstanding Section 3.460(2) of the Gold Beach Utility Code, the City may proceed to notify the commercial, industrial, or public facilities user of the failure to comply with this section and to immediately terminate water service to the premises. The commercial, industrial, or public facilities user shall have all the appeal rights provided in Section 3.460(3) of the Gold Beach Utility Code. In addition to termination of water service the City may assess a penalty for failure to comply with this section subject to the fee schedule in effect at that time. Each day of non-compliance with this section constitutes a separate violation.

PASSED and ADOPTED by the City Council of the City of Gold Beach, State of Oregon, on the _____ day of _____, 2014.

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator

	AYES	NAYS
First Reading Date		
Second Reading Date		

Candy Cronberger, City Recorder

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9 c.
City Council Meeting Date: February 10, 2014

TITLE: Resolution R1314-08 Council Rules

SUMMARY AND BACKGROUND:

The current Council Rules were adopted by resolution R0910-02 in September of 2009. Council Rules were first adopted as resolution 9697-02. Amending resolutions over the subsequent years: 9899-05, 0102-26, 0203-03, 0809-09, and 0809-18.

I proposed an addition to Rule 9(a) which I mentioned to the Council in November. I prepared the revision for the January meeting but we didn't have the opportunity to review the rules in-depth. I have formatted the rules for a resolution. If no addition changes are proposed we can adopt the resolution tonight. If further changes are discussed we can bring the resolution back for March.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

Resolution R1314-08 Rules of the City Council

REQUESTED MOTION/ACTION:

If the proposed council rules are acceptable—a motion to approve. If additional are requested we will bring it back next month with the changes.

SAMPLE MOTION TO APPROVE WITH NO ADDITIONAL CHANGES

I make the motion that the Council adopt Resolution R1314-08, a resolution adopting rules of the Gold Beach City Council as provided in the City Charter, Chapter IV, Section 13 and rescinding Resolution R0910-02 and any other resolutions that may be in conflict.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

RESOLUTION R1314-08

A RESOLUTION ADOPTING RULES OF THE GOLD BEACH CITY COUNCIL AS PROVIDED IN THE CITY CHARTER, CHAPTER IV, SECTION 13 AND RESCINDING RESOLUTION R0910-02 AND ANY OTHER RESOLUTIONS THAT MAY BE IN CONFLICT

Rules of the City Council City of Gold Beach

Rules of the City Council as provided in the Gold Beach City Charter, Chapter IV, Section 13. Rules may be clarified by the City Charter but nothing herein may take precedence over the City Charter, as may be amended from time to time. Rules may be amended by Council Resolution.

COUNCIL MEETINGS

RULE NO. 1 **Regular Council Meetings** Council shall hold its regular meetings at least once a month on a date, or dates, to be specified from time to time by the Council. In no case shall less than one meeting be held in each month, in conformance with the City Charter. Regular meetings shall be held at a time and at a place that it designates and to last no longer than 10:30 P.M., unless there is a unanimous consent to continue beyond that time.

RULE NO. 2 **Special Meetings** Special council meetings may be called by the Mayor, or any two Councilors, or the City Administrator.

RULE NO. 3 **Executive Sessions** Executive sessions of the Council may be called by the Mayor, or any two Councilors, or the City Administrator. Only members of the Council, the City Administrator and others invited by the Council or City Administrator shall attend executive sessions. Representatives of the news media may attend all executive sessions, except those where the Council deliberates and meets with its labor negotiator, but nothing said in executive session may be disclosed or published by the media or by any other meeting attendees, including the Mayor and Councilors.

RULE NO. 4 **Adjourned Meetings** Any meeting of the Council may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

THE PRESIDING OFFICER

RULE NO. 5 **Presiding Officer** The Mayor shall be the Presiding Officer at all regular, special and executive meetings of the Council of which the Mayor is in attendance. The Mayor shall be limited only to such limitations as those imposed by Section 17 of the City Charter, reason for acting as Presiding Officer. The Mayor may speak on all questions of order in preference to any other member. The Mayor, or in the absence of the Mayor, the Mayor Pro Tem, shall take the chair at the hour appointed for the Council to meet and shall

immediately call the members to order. The City Administrator or Recorder shall enter in the minutes of the meeting the names of the members present.

RULE NO. 6 **Mayor Pro Tem** At its first meeting in January of each year, the Council shall appoint a Mayor Pro Tem from its membership. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the Mayor Pro Tem shall act as Mayor. Section 19, paragraphs (3) and (4) of the City Charter shall provide further guidance, regarding the Mayor Pro Tem.

RULE NO. 7 **Temporary Mayor Pro Tem** In case of the absence of the Mayor and Mayor Pro Tem, the City Administrator shall call the Council to order and call the roll of the members, and if a quorum is found to be present the Council shall proceed to elect, by a majority vote of those present, a Temporary Mayor Pro Tem of the meeting to act until the Mayor or Mayor Pro Tem appears. Upon the arrival of the Mayor or Mayor Pro Tem, the Temporary Mayor Pro Tem shall immediately relinquish the chair upon conclusion of the business immediately before the Council.

RULE NO 8 **Quorum** A majority of the Council shall constitute a quorum to do business but a less number may meet and adjourn from time to time and compel attendance of absent members.

RULE NO. 9 **Decorum and Order** The Mayor shall preserve decorum and decide all questions or order, subject to appeal of Council.

- a) During Council Meetings the Councilors shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings or refuse to obey the orders of the Mayor or the rules of the Council. **When addressing Councilors, Mayor, staff, or audience formal titles shall be used to be courteous and respectful (i.e. Mayor Smith, Councilor Smith, Chief Smith, Mr. Smith, Mrs./Ms. Smith, etc.).** Every Councilor desiring to speak shall address the chair and upon recognition by the Mayor, shall limit comments to the question under debate. Every Councilor desiring to question the administrative staff shall address questions to the City Administrator, who shall be entitled to either answer the inquiries or designate a staff member for that purpose. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, or unless a point of order is raised while the Councilor is speaking, the Councilor shall cease speaking immediately until the question of order is determined. If ruled to be in order the Councilor shall be permitted to proceed; if ruled to not be in order the Councilor shall remain silent or shall alter his or her remarks as to comply with the rules of the Council.
- b) Members of the administrative staff and employees of the City and other persons attending Council meetings also shall observe the same rules of procedure, decorum and good conduct, applicable to the members of the Council. Any person making personal, impertinent and slanderous remarks or who becomes boisterous while addressing the Council or attending the Council meeting, shall be removed from the room if the Sergeant-At-Arms is so directed by the Mayor.

Such person or persons shall be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the Mayor who may direct the Sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted by an appropriate complaint signed by the Mayor. In case the Presiding Officer should fail to act, any member of the Council can move to require the Presiding Officer to act to enforce the rules and the affirmative vote of the majority of the Council present shall require the Mayor to act.

- c) Any citizen desiring to address the Council shall be recognized by the Mayor. A citizen addressing the Council shall limit remarks to the item under discussion, and shall be allowed a maximum of 5 minutes to speak. The Mayor may allow additional time for individual citizen comments, upon a majority vote from the Council. All comments shall be addressed to the Council as a whole and not to any individual member thereof. All comments addressed to any administration of the City shall be addressed to the City Administrator and not to any individual City employee. Citizens shall not be disorderly, abusive, or disruptive, nor shall they present irrelevant, immaterial, or unduly repetitious testimony. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Mayor.

RULE NO. 10 **Sergeant-At-Arms** The Chief of Police or such members of the Police Department as designated by the Chief of Police will be Sergeant-At-Arms at Council Meetings. The Sergeant-At-Arms shall carry out all orders or instructions given by the Mayor for the purpose of retaining order and decorum at the council meetings. The Sergeant-At-Arms will only attend meetings if requested by the Mayor or the City Administrator.

EMPLOYEES

RULE NO. 11 **City Administrator** The City Administrator shall attend all meetings of the Council unless excused by the Council. The City Administrator shall make recommendations to the Council and shall take part in all discussions concerning the welfare of the City and shall perform such other duties in the meeting as ordered by the Mayor or Councilors. No elected official shall be eligible to receive appointment as City Administrator during the term for which that official is elected.

RULE NO. 12 **City Attorney** The City Attorney shall either in person or by deputy attend meetings of the Council when requested to do so by the Mayor, two Councilors or the City Administrator. Any elected official desiring an informal oral opinion should request same through the City Administrator. Written or oral opinions shall be authorized by City Administrator or the City Administrator's designee.

RULE NO. 13 **Officers and Employees to Attend** Any member of the City Council may request the City Administrator to direct any employee to attend any regular, special or executive meeting to confer with the Council on matters relating to the City.

DUTIES AND PRIVILEGES OF MEMBERS

RULE NO. 14 **Right to Floor** When recognized by the Mayor, a Councilor shall confine comments to the questions under debate, avoid personalities and refrain from impugning the motives of any member's argument or vote. No member shall address the Mayor or demand the floor while any vote is being taken.

RULE NO. 15 **Right to Appeal** Any Councilor may appeal to the Council from a ruling of the Mayor, and if the appeal is seconded, the member making the appeal may briefly state reasons for the same and the Mayor may briefly explain the ruling; but there shall be no debate on the appeal and no other Councilor shall participate in the discussion. The Mayor shall then put the question, "Shall the decision of the Chair stand as the decision of the Council?" If the majority of the members vote "AYE", the ruling of the Mayor is sustained; otherwise it is overruled.

RULE NO. 16 **Voting** When the question has been called for, the Mayor shall ask for the voice vote by consecutive numerical position. At each succeeding meeting at which a roll call is taken, the Councilor who voted second during the previous meeting, shall vote first. After a vote has been taken, the Mayor shall announce the results of the vote. Every Councilor present when a question is called shall vote either AYE or NAY. No Councilor present at a Council meeting shall abstain from voting without first stating reasons in detail at the meeting.

RULE NO. 17 **Debate** No motion shall be debated until it has been seconded and announced by the Mayor. Any Councilor may request that a motion be reduced to writing and read by the City Administrator. Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilor shall be allowed to speak more than once upon any subject, until every other member choosing to speak thereon has spoken. No Councilor shall speak more than twice upon any subject without approval of the Council.

RULE NO. 18 **Personal Privilege** The right of a Councilor to address the Council on a question of personal privilege shall be limited to cases in which the Councilor's integrity, character or motives are assailed, questioned or impugned.

RULE NO. 19 **Dissent and Protest** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of the Council and have the reason, entered into the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to the Council not later than the next regular meeting following the date of passage of the Ordinance, Resolution or decision.

RULE NO. 20 **Excusal During the Meeting** No Councilor may leave a Council meeting while in session without permission from the Mayor.

RULE NO. 21 **Code of Ethics** Councilors shall conduct themselves as to bring credit upon the City as a whole, so as to set an example of good ethical conduct for all citizens of the community. Councilors shall bear in mind at all times the responsibility to the

entire electorate, shall refrain from actions benefiting special interest groups at the expense of the City as a whole and shall do everything in their power to insure an equal and impartial law enforcement throughout the City at large without respect to race, color, creed, gender, or the economic or social position of individual citizens.

RULE NO. 22 **Council Procedure - Order of Business** The business of all regular meetings of the Council shall be transacted in the following order:

- 1} Pledge of Allegiance
- 2} Roll Call
- 3} Special Orders of Business
- 4} Consent Calendar
- 5} Citizens Comments
- 6} Public Hearings
- 7} Citizen-Requested Agenda Items
- 8} Public Contracts and Purchasing
- 9} Ordinances and Resolutions
- 10} Miscellaneous Items (including policy discussions and determination)
- 11} City Administrator's Report
- 12} Mayor and Council Comments
- 13} Citizen Comments
- 14} Executive Session
- 15} Adjournment

When it appears to be in the best interest of the public, the Mayor may, upon approval of a majority of the Councilors present, change the order of business specified above.

RULE NO. 23 **Special Order of Business** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items have transaction precedence over all other items except the Flag Salute and Roll Call.

RULE NO. 24 **Consent Calendar** The approval of minutes, warrants and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item placed on the Consent Calendar shall be removed at the request of the Mayor or a Councilor prior to the vote being taken on the Consent Calendar items. All remaining items on the Consent Calendar shall be disposed of by a single motion "to adopt the Consent Calendar" which shall not be debatable. Adoption of the Consent Calendar shall be by the affirmative vote of all Council members present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the Consent Calendar shall be voted upon separately in the usual manner.

RULE NO. 25 **Agendas** Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the City Administrator or designee in writing at least six days prior to the meeting at which they are to be discussed. Agendas and

informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting. Items may be added to the agenda in accordance with Council Rule 26. New business brought before the Council in a meeting may be referred to the City Administrator for a report at a future Council meeting.

RULE NO. 26 **Additions to Agenda** A request to add an item for Council consideration to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the Councilors present to be so added. Decisions on added agenda items that were not advertised on the agenda could be challenged.

RULE NO. 27 **Precedence of Motions** When a question is before the Council no motion shall be entertained except:

- 1} to abide by the rules
- 2} to adjourn
- 3} to fix the hour of adjournment
- 4} to lay on the table
- 5} for the previous question
- 6} to postpone to a certain date
- 7} to refer
- 8} to amend
- 9} to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion except a motion to amend shall be put to a vote without debate.

RULE NO. 28 **Motions to be Stated by Presiding Officer - Withdrawal** When a motion is made and seconded it shall be stated by the originator or the Mayor before debate. A motion may not be withdrawn without the consent of the Councilor seconding it.

RULE NO. 29 **Motion to Adjourn - When not in Order - When Not Debatable** A motion to adjourn will be in order at any time except as follows:

- 1} when made as an interruption of a member while speaking
- 2} when the previous question has been ordered
- 3} while a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

RULE NO. 30 **Motion to Lay on the Table** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion should prevail, consideration of the subject may be resumed only upon motion of a Councilor voting with the majority and with the consent of two-thirds of the Councilors present.

RULE NO. 31 **Division of Question** If the question contains two or more divisible propositions the Mayor may, upon request of the Councilors, divide the same.

RULE NO. 32 **Motion to Postpone** All motions to postpone, excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

RULE NO. 33 **AYES and NAYS** On the passage of every Ordinance the vote shall be taken by AYES and NAYS and entered upon the record.

RULE NO. 34 **Motion to Reconsider** Any Councilor who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the Council.

RULE NO. 35 **Procedure in Absence of Rule** In all cases not provided for by these rules, the Council shall be governed by the laws and practice laid down in Robert's Rules of Order, Revised Edition.

RULE NO. 36 **Suspension of Rules** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

RULE NO. 37 **Anonymous Communication** Anonymous and unsigned communications shall not be introduced in Council meetings.

CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES

RULE NO. 38 **Appointments to the City Boards, Commissions, Lay Committees**
All appointments to City Boards, Commissions and Lay-Committees shall be made in accordance with the Oregon Revised Statutes, City Charter, and City Code. Appointees shall not be appointed to more than two Boards or Commissions at a time.

All appointees submitting applications for appointments shall be interviewed by the Mayor and Councilors prior to being appointed. Exceptions may be made for incumbents that are resubmitting applications for the same positions for an additional term.

The City Administrator shall give written notice to all Councilors the expiration of the term of office of all members of City Boards, Commissions and Laymen Committees at least thirty (30) days prior to expiration date of said term of office. Within 10 days of the close of the time set to receive applications, the City Administrator shall submit the name of applicants to Councilors in writing. All appointments and reappointments shall be made by majority vote of the Council.

RULE NO. 39 **Council Committees** Council Committees shall be appointed by the Mayor subject to confirmation by the Council. Membership on such Council Committees shall include only members of the Council. All Council Committees shall have a Chairman and Secretary, either appointed by the Mayor or by a majority vote of the Committee in the absence of an appointed Chairman and Secretary.

RULE NO. 40 **Council Committee Meetings** Council Committee meetings shall meet on call of the Chairman or any two members. Such Committees shall report to the

Council without unnecessary delay upon matters referred to them. A majority of the members of a Committee shall constitute a quorum.

RULE NO. 41 **Additional Boards, Commissions, Lay-Committees and Council Committees** At any time, the Council may, by a majority vote of Councilors, at any regular meeting, establish any City Board, Commission, Council Committee or Lay-Committee that it deems necessary. Appointments shall be made in conformance with Rule No. 38 of these Council Rules.

RULE NO. 42 **Student Liaison Positions** Student Liaisons may be appointed by the Mayor subject to confirmation by the Council. A student liaison position is considered as that of an interested citizen. Comments from the student liaison will be invited at such times as comments from the audience are invited. The Student Liaison shall be given an opportunity to give a “student liaison report” on each meeting agenda.

RULE NO. 43 **Council Liaison Positions** The Mayor may from time to time appoint individual Councilors as liaisons to local, regional or state organizations, agencies or groups, as the Mayor may determine that such liaison is of direct benefit to the City. Any Councilor Liaison appointment must be voluntary and desired by the affected Councilor, as well as deemed beneficial by the associated organization, agency or group the Councilor is appointed to. The length of any liaison term shall continue until relinquished by the Councilor or terminated by the Mayor, or organization, agency or group to which the Councilor is appointed. Each Councilor may make brief reports of their liaison activities at each regular Council meeting.

RULE NO. 44 **Lists of Boards, Commissions, Lay-Committees and Council Committee Members** The City Administrator shall prepare and keep current a list of all members, date appointed, length of term, address and phone number of all City of Gold Beach Boards, Commissions, Lay-Committees and Council Committees. A copy of this list shall be given to all members of the Council at least yearly or when the membership of any Committee changes. A current list shall be kept on file and in the City Business Office.

Footnotes:

- a) The word “shall” is mandatory, the word “may” is permissive.

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 10th day of February, 2014.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder