

DECISION NOTICE

and

FINDING OF NO SIGNIFICANT IMPACT

Wild and Scenic Snake River Outfitter Environmental Assessment

**USDA - Forest Service
Hells Canyon National Recreation Area
Wallowa-Whitman National Forest
Baker City, Oregon**

Forest Plan Amendment 20

This decision notice and finding of no significant impact (FONSI) documents a decision by the Wallowa-Whitman Forest Supervisor to proceed with implementation of proposed outfitter-guide use allocations and operational limitations in the Wild and Scenic Snake River corridor within the Hells Canyon National Recreation Area (HCNRA). An environmental assessment (EA) has been conducted to analyze proposed alternatives for implementing the activity.

This decision responds to a portion of the the Regional Forester's July 1995 decision on the appeal of the record of decision (ROD) for the Wild and Scenic Snake River Recreation Management Plan (Snake River Plan) and its accompanying final environmental impact statement (FEIS). In that decision, the Regional Forester directed the Forest Supervisor to further analyze the specific economic effects of allocation and operational limitations on individual commercial river permits. This decision is implementable within the lands and waters of the HCNRA in Oregon and Idaho which are administered by the Wallowa-Whitman National Forest. The selected alternative described below amends the Wallowa-Whitman National Forest Land and Resource Management Plan (Forest Plan) and will result in modifications to the permits held by river outfitter-guides.

The decisions contained in this document will be used in conjunction with the management decisions approved by the Regional Forester in July 1995 to manage recreation use on the Wild and Scenic Snake River. This decision does not address access to private lands because that issue is handled through separate and subsequent processes.

Preferred Alternative C, with modifications, has been selected to allocate outfitter-guide use and operational limits within the Wild and Scenic Snake River corridor. Components of Alternative C, and Alternative C as modified, are displayed in tables I and II. The decision components are described under I. **DECISION** and the underlying reason for choosing each of the components is explained under II. **DECISION RATIONALE.**

The EA supporting this decision is available for public review at the Wallowa-Whitman National Forest, 1550 Dewey, Baker City, Oregon; or the Hells Canyon National Recreation Area, at 88401 Highway 82, Enterprise, Oregon or 2535 Riverside Drive, Clarkston, Washington.

Table I

Note: This table is a summary intended to assist the reader in forming a general impression of how Alternative C has been modified by the decision notice. Readers are urged to refer to the decision notice narrative for detailed information.

**COMPARISON OF ALTERNATIVE C AND MODIFIED C
Commercial Powerboat Use**

Management Element	Alternative C	Modified C
Area of Operations	Limited to historical areas (primary season)	Same as C.
Launch Point Locations	Limited to primary historical entry point (year-round).	Same as C.
Minimum/Maximum Number of Permits	Hells Canyon Creek 2 minimum/2 maximum Pittsburg Landing 3 minimum/4 maximum Cache Creek 6 minimum/14 maximum (year-round).	Same as C.
Allocation of Use	Allocate 1,381 boat days to 18 outfitters from Friday before Memorial Day to September 10 (primary season).	Same total allocation and individual outfitter allocation as C. Boat days from Kirkwood to Wild Sheep Rapid modified for each outfitter to reflect their historical pattern of use from 1988-1995.
Temporary Use Permit	Permit not reauthorized (year-round).	Same as C.
Supply Trips	Allow additional boat days for cargo trips to Copper Creek Resort (16) and Sheep Creek Cabin (4), can only use on weekdays except during non-motorized days (primary season).	Same as C, except allow cargo trips on any day of the week except non-motorized days.
Sheep Creek Cabin	Convert maximum of 25 boat days to wild for Sheep Creek Cabin permittee within their total wild boat day allocation to access site in primary season. Only applies for duration of permit at the site.	No conversion of boat days for this permit.
Timing and Duration of Non-motorized Period	3 day blocks (M,T,W) starting first Monday of June, every other week, through end of August. If 4th of July is on M, T, W, continue non-motorized period on following week instead. No powerboats allowed from upper landing at Kirkwood Historic Ranch to top of Wild Sheep Rapid. Average of 19 days non-motorized annually.	Same as C, except no provision to allow for skipping the 4th of July week in the seven non-motorized periods. Maximum of 21 days non-motorized.
Launch Schedule	Total boat days for each outfitter allocated on monthly basis for 11 outfitters, and on seasonal basis for remaining 7 outfitters (primary season).	Same as C, except total boat days allocated on seasonal, bi-weekly, and monthly basis, depending on size.
Party Size	Allow maximum of 24 people (including guides) on overnight trips on the river. Continues limits on day use based on Coast Guard certifications for boat capacity.	Same as C.

Table I (cont.)
COMPARISON OF ALTERNATIVE C AND MODIFIED C
Commercial Powerboat Use

Management Element	Alternative C	Modified C
Trip Duration	Allow 11 outfitters day use only, and 7 outfitters day use and overnight use at campsites on the river. All outfitters may continue to use private lodges for overnight use.	Same as C.
Campsite Management	No overnight camping allowed on the river from Cache Creek to confluence with the Salmon River, from Pittsburg Landing to Kirkwood, inclusive, and from Wild Sheep to Hells Canyon Creek.	Same as C.
Powerboat Length	Allow powerboats up to maximum of 42 feet in length. Boats longer than 42 feet at the time of this decision may operate until replaced.	Same as C.
Launching of Inflatable Watercraft from a Powerboat	Allowed from commercial powerboats in conjunction with a valid float permit (year-round). Using a commercial powerboat counts against primary season boat day allocation for that outfitter.	Same as C.

Table II

Note: This table is a summary intended to assist the reader in forming a general impression of how Alternative C has been modified by the decision notice. Readers are urged to refer to the decision notice narrative for detailed information.

COMPARISON OF ALTERNATIVE C AND MODIFIED C
Commercial Floatboat Use

Management Element	Alternative C	Modified C
Area of Operations	Launch reservations required in wild river between Hells Canyon Dam and Pittsburg Landing during the primary season.	Same as C.
Launch Point Locations	Can launch anywhere upstream from Pittsburg Landing (primary season); no restriction on launch point location in secondary season.	Same as C.
Minimum/Maximum Number of Permits	10 priority use permits minimum, 14 priority use permits maximum.	Same as C.
Allocation of Use	Allocates 224 launches total to 14 priority use outfitters, 2 launches per day (primary season).	Same as C.
Commercial Pool Launches	Convert 8 launches from commercial pool (14) to private use. Maintain 6 commercial pool launches.	Maintain all 14 commercial pool launches within commercial launch schedule.
Temporary Use Permits	Allow the two temporary one-day float permits to operate from Hells Canyon Creek to Pittsburg until excess capacity in float launches is used. Reissue permits on yearly basis only to existing permit holders. Must obtain launches from cancelled or unused launches within five launches per day for commercial and private users. Allow maximum of one temporary launch per day. May obtain 50% of historical launches after March 16. Additional launches can be obtained 30 days prior to launch date after waiting lists for private and priority commercial users have been exhausted. Allow maximum of two boats per launch, and no use on non-motorized days. Temporary use permits valid only in the primary season.	Same as C, except no allowance for obtaining 50% of use after March 16. All launches obtained 30 days prior to launch date after waiting lists have been exhausted.
Party Size	Allow maximum of 24 people (including guides) on all trips (year-round).	Same as C.
Number of Float Craft	Allow maximum of 8 craft per party (year-round).	Same as C.
Use of Kickers (Outboard Motors)	Use is prohibited in wild river (year-round).	Same as C.
Scenic River and Lower Salmon River Users	Allow maximum party size to 24 people (including guides) as users enter the Snake River (year-round). Groups with more than 24 people may camp between confluence of Salmon River and Snake River to Salmon Bar. Limit number of craft per trip to 8 as users enter the Snake River (year-round).	Same as C.

I. DECISION

I decided to select the preferred alternative (Alternative C) from the EA, with changes as noted in this decision notice, for the allocation of outfitter-guide use and associated operational limitations within the Wild and Scenic Snake River corridor. This notice documents my selection of that alternative and my rationale for the decision.

My decision includes the following changes to the Snake River Plan to further clarify the management of the commercial uses of the Snake River:

Commercial Powerboat Use

Changes in Business Status From the EA

Anderson River Adventures has been sold to Two A "T" Outfitters (Turnidge) since the EA was done. Cougar Country Lodge has changed to Hells Canyon Lodge (no change in ownership).

Area of Operations

During the primary season (up to 112 days from the Friday before Memorial Day through September 10), commercial operations for each powerboat outfitter permit will be managed within their area of operation as follows in order to maintain acceptable social encounters with other competing river uses.

<u>Area of Operations</u>	<u>Outfitter</u>
Dam downriver to Pittsburg Landing	Hells Canyon Adventures (or its successor)
Northern boundary upriver to dam	Intermountain Excursions, Snake River Adventures, Snake River Outfitters, River Quest Excursions, Hells Canyon Lodge (or their successors)
Northern boundary upriver to Granite Creek Rapid	S&S Outfitters, H.C. Fish Charters, High Roller Excursions, River Adventures Ltd., Red Woods Outfitters, Z&S Outfitters, Inc. (or their successors)
Northern boundary upriver to Rush Creek Rapid	Snake Dancer Excursions, Two A "T" Outfitters, Heller Bar Excursions, Idaho River Navigation, Rivers Navigation, Three Rivers Outfitters (or their successors)

During the secondary season (253 days from September 11 through the Thursday before Memorial Day), there will be no limit on area of operations.

Launch Point Locations and Maximum and Minimum Numbers of Permits

Manage the number of commercial powerboat permits to assure the continuation of business competition on the river. Maintain a variety of powerboat recreational services with quality experiences to visitors by establishing a maximum and minimum number of powerboat outfitter permits at each river portal. The Proposed Action/Purpose and Need, Item 1, in Chapter I of the EA describes the need for the Forest Service to provide public service.

<u>Portal</u>	<u>Minimum # of Permits</u>	<u>Maximum # of Permits</u>
Hells Canyon Creek	2*	2* (1 existing)
Pittsburg Landing	3	4
Cache Creek	6	13** (15 existing)
TOTAL	10	19

* Based on a voluntary split of the business authorized by the existing special use permit at the option of the permit holder.

** The single powerboat permit currently issued with temporary use only that authorizes trips from the Oregon/Washington border to Pittsburg Landing will not be reissued. If one of the Cache Creek permits moved to Pittsburg Landing, maximum for Cache Creek would then drop to 13.

NOTE: An exception to the launch point location limitation will be allowed for Snake River Outfitters, the only permittee who has regularly launched commercial trips from both Pittsburg Landing and Cache Creek portals. This activity will continue to be authorized. When considering existing outfitters, this business is included in the maximum for the Cache Creek portal only in the preceding table.

Allocation of Use

Each powerboat outfitter will be authorized to operate during the primary season (up to 112 days from the Friday before Memorial Day through September 10) based upon the following boat day allocations.

Commercial powerboat maximum total capacity (cumulative boat days for all permittees) is 1,381 boat days for a 112-day primary season. There is no maximum total capacity during the secondary season. However, the primary and secondary seasons may be adjusted based on monitoring of use levels (page 21 in the ROD, and page 5 in the Snake River Plan).

Commercial Powerboat Primary Season Boat Day Allocation

Outfitter	Wild	Kirkwood	Total
Heller Bar Excursions	72	152	224
Snake River Adventures	70	69	139
Rivers Navigation	18	100	118
Idaho Rivers Navigation	35	50	85
Snake Dancer Excursions	53	32	85
Hells Canyon Lodge	31	54	85
River Quest Excursions	23	62	85
Snake River Outfitters	25	18	43
River Adventures	15	25	40
H.C. Fishing Charters	9	22	31
Intermountain Excursions	3	8	11
Z&S Outfitters	1	5	6
Two A 'T' Outfitters	2	4	6
Red Woods Outfitter	7	2	9
S&S Outfitters	1	6	7
High Roller Excursions	2	4	6
Three River Outfitters	1	3	4
	Wild	Wild Sheep	
Hells Canyon Adventures	<u>147</u>	<u>250</u>	<u>397</u>
	515	866	1,381

Hells Canyon Adventures:

Wild Sheep = Can travel within the Hells Canyon Dam-Wild Sheep segment of river

Wild = Can travel within the Hells Canyon Dam-Pittsburg Landing segment of river

All Other Outfitter-Guides:

Wild = Can travel within the wild and scenic corridor except as limited by area of operations

Kirkwood = Can travel within the Cache Creek-Kirkwood segment of river only

The temporary use powerboat permit will not be reissued after December 31, 1996 in order to protect and enhance the recreation experience in the scenic river.

Holders of the Copper Creek and Sheep Creek facility permits will be allowed 16 and 4 cargo trips per primary season, respectively. These trips are for the sole purpose of supplying the facilities and cannot be used for carrying passengers. The trips will not count against the outfitter's share of the maximum total boat day capacity. The trips will be tied to the permits for the facilities and will transfer to the new permittee should the business holding the permit change ownership. Cargo trips can occur any day of the week except that cargo trips to Sheep Creek may not occur on non-motorized days.

Timing and Duration of Non-Motorized Period

Commercial powerboat access will be prohibited on the section of wild river between the top of Wild Sheep Rapid and the upper landing at Kirkwood Historic Ranch, Monday through Wednesday, every other week (seven times during the primary season) starting the first Monday of June for a maximum of 21 days. This

schedule results in seven, three-day non-motorized periods providing an opportunity for a non-motorized experience on a segment of the wild river during the primary season.

Launch Schedule

The following commercial outfitter-guides or their successors can use their primary season boat day allocation at any time during the primary season except between Kirkwood and Wild Sheep Rapid during the non-motorized period: Intermountain Excursions, Z&S Outfitters, Two A "T" Outfitters, S&S Outfitters, High Roller Excursions, Red Woods Outfitter, and Three River Outfitters.

The following commercial outfitter-guides or their successors can use their primary season boat day allocation based on a monthly allocation except between Kirkwood and Wild Sheep Rapid during the non-motorized period: River Adventures, Ltd., Hells Canyon Fishing Charters, Snake River Outfitters.

The following commercial outfitter-guides or their successors can use their primary season boat day allocation based on a bi-weekly allocation except between Kirkwood and Wild Sheep Rapid during the non-motorized period: Heller Bar Excursions, Snake River Adventures, Rivers Navigation, Idaho Rivers Navigation, Snake Dancer Excursions, Hells Canyon Lodge, River Quest Excursions.

Party Size

A year-round maximum overnight party size of 24 persons (including guides) will be established for all sections of the river for commercial powerboats. This will not affect commercial powerboat day use party size which will continue to be regulated by U.S. Coast Guard vessel certifications.

Trip Duration

Trip duration will be managed based on historic use, i.e., day use only or overnight use as follows, to reduce competition for campsites and associated impacts to campsites:

Authorization

Outfitter

Day Use Only

Hells Canyon Adventures, Intermountain Excursions, S&S Outfitters, Heller Bar Excursions*, Idaho Rivers Navigation*, Rivers Navigation*, Snake River Adventures*, Three Rivers Outfitters, Snake River Outfitters*, Snake Dancer Excursions, Z&S Outfitters, Inc.

Day and Overnight Use

H C Fish Charters, High Roller Excursions, Two A "T" Outfitters, River Quest Excursions, Hells Canyon Lodge, River Adventures Ltd., Red Woods Outfitter

- * These outfitters have separate special use authorizations for lodges or own private land within the Snake River corridor that will allow overnight use at those sites within the HCNRA. All outfitters would have the option of overnighing at other outfitters' lodges or their own lodges located outside the HCNRA boundary.

Commercial powerboat overnight use of the following segments of river will be prohibited:

**Cache Creek to Salmon River confluence
Kirkwood to Pittsburg, inclusive, except for Kirby Creek (private land)
Wild Sheep Rapid to Hells Canyon Creek**

Powerboat Length

Commercial powerboats will be limited to 42 feet in overall length (to prevent negative visual appearance of double-decked, large boats and potential boat wake effect on other recreationists). Commercial powerboats that exceed this length requirement at the time of this decision will be allowed to continue using them until the boat is replaced. Outfitters with boats exceeding 42 feet and under construction at the time of this decision may have their boats included by providing documentation to support their claim within 30 days of issuance of this decision.

Launching of Inflatables

Launching of inflatable watercraft in conjunction with transportation of people and equipment with a valid float launch permit will be allowed from commercial powerboats. Using a powerboat to launch permitted inflatable watercraft trips will count against the boat day allocation of the commercial powerboat permit.

Commercial Floatboat Use

Area of Operations

Launch reservations will be required for commercial float trip launches in the wild river between Hells Canyon Dam and Pittsburg Landing.

Launch Point Locations and Maximum and Minimum Number of Permits

The number of commercial float permits will be managed to assure the continuation of business competition on the river. A variety of recreational float services with quality experiences to visitors will be maintained by establishing maximum and minimum number of float outfitter permits. A minimum number of 10 and a maximum number of 14 commercial float special use permits with priority use will be authorized. See outfitter-guide operating guidelines on Page C-1 of Appendix C for a description of priority use.

During the primary season, commercial float trips can only originate upstream from Pittsburg Landing in order to reduce encounters in the scenic river. There will be no restrictions on launch point locations in the secondary season.

Allocation of Use

Allocate 224 primary season commercial launches from Hells Canyon Creek to 14 outfitters as shown below.

Commercial Float Allocation

Outfitter	Total Launches
Davis Whitewater Expeditions	14
River Odysseys West (ROW)	14
Canyon Outfitters	21
Idaho Afloat	14
Hughes River Expeditions	21
Heller Bar Excursions	14
Northwest Voyageurs	14
Peer's Snake River Rafting	14
Oregon Trail Adventures	14
Hells Canyon Adventures Raft	14
Freewater	14
Steen's Wilderness Adventures	14
Holiday River Expeditions of Idaho	14
Oars - Dories	14
*Pool Dates	14
TOTAL	**224

* Refer to the EA, page A-3 in Appendix A, for a description of pool dates.

** All launches will be allocated on a launch calendar. Existing float management guidelines will continue including trades and cross-overs between private and commercial users.

Fourteen pool launches will be available to commercial outfitters.

Two one-day, temporary use commercial float permits will be authorized from Hells Canyon Dam to Pittsburg Landing under the following conditions:

1. Temporary use float launches must be within, not in addition to, the five launches per day launch schedule.
2. Holders of the temporary permits will only have access to cancelled or unused dates in the float launch calendar.
3. All temporary use float launches will be obtained no earlier than 30 days prior to launch after all waiting lists are exhausted. Any open launches will be assigned by calendar.
4. Assignment of launch dates to the one-day float businesses assigned temporary use will be third priority behind private users and other commercial users. (Temporary use is an amount of use assigned under the permit for one season or less. A temporary use assignment does not commit the Forest Service to authorize that amount of use in the future. The other river outfitters have priority use assignments, which is a Forest Service commitment to give priority consideration for a specific amount of use.)

5. Dates can be traded with other float outfitters
6. This service to the public could be maintained as long as there is unused capacity in the launch schedule. When private and other commercial float demand meets or exceeds the seasonal launch supply there will no longer be any launches available for the businesses with temporary use. When there are no longer launches available, the permits will not be reissued. (The highest rate of filling launch dates in the recent past (1988-1994) occurred in 1992 when 80% of the total allocated launches were used. That year, approximately 20% of launch dates went unused.)
7. Permits for temporary use will only be issued to existing permit holders and will not be issued to a new owner if a temporary use business is sold.
8. No one-day float launches will be allowed on a non-motorized day (for the purpose of reducing social encounters between parties traveling at different rates of speed). Only one one-day float may be launched per day during the motorized period.
9. In keeping with how the one-day float permits historically operate and to manage the impact of one-day floats, a maximum of two floatboats per launch will be allowed. The increased impact of one-day floats is discussed in the FEIS, Appendix K, page 114.
10. In keeping with how the one-day floats permits historically operate, to manage the impact of one-day floats, and to avoid having the activity level of one-day float permits contribute to use levels that lead to lengthening the primary season, temporary one-day float authorization will be limited to the primary season only. The increased impact of one-day floats is discussed in the FEIS, Appendix K, page 114.

Refer to Appendix C for more complete operating guidelines for outfitters and guides.

Party Size

Allow a year-round maximum party size of 24 persons (including guides) per trip for all sections of the river for commercial float outfitters.

Number of Floatcraft

Allow a maximum number of eight floatcraft per commercial multi-day trip in all river sections, year-round, to manage congestion, achieve ROS settings for remoteness and social encounters while protecting and enhancing the Snake River's ORVs, and to address issues of access between commercial and private users.

Use of Kickers

The use of kickers (outboard motors) on floatcraft in the wild river is prohibited, year-round, to meet ROS settings for remoteness and social encounters in the wild river by increasing the opportunity for periods of time where visitors are isolated from the sites and sounds of other users.

Limiting Commercial Float Use in the Scenic River Including a Strategy for Lower Salmon River Coordination And Management

The use in the scenic river will be monitored on a yearly basis. If the number of commercial and private float trip takeouts for trips originating at Hells Canyon Creek exceed 30% of total takeouts for two of three

consecutive years, this level of use will be capped. The maximum allocation for continuation of trips below Pittsburg Landing will be set at 30% of available launches from Hells Canyon Creek as a means of managing on-river encounters and campsite competition in the scenic river. This is in consideration of the additional float use that enters the Snake River via the Lower Salmon River.

The following direction applies to Lower Salmon River commercial floaters when they enter the Snake River:

- Groups with more than 24 people may camp between the confluence of the Lower Salmon River and Salmon Bar, but will not be allowed to camp overnight elsewhere on the HCNRA.
- Groups originating on the Lower Salmon River are limited to a maximum of eight boats per trip upon reaching the Snake River. Techniques for complying with this standard are described in the outfitter-guide operating guidelines.

II. DECISION RATIONALE

I approached my decision by first reviewing the major issues, the outfitter-guide/public comments on those issues, the EA, and how the various alternatives responded to these issues. I present my rationale for these decisions in the same manner below. My decision to select the EA preferred Alternative C (with modifications) is based on my conclusion that Alternative C responds to public comments and meets the intent of the laws and federal regulations for managing the Wild and Scenic Snake River. The EA and appendices, supporting documentation, and administrative record that I reviewed in formulating this decision are available for public review at the National Forest Headquarters in Baker City, Oregon.

Issue 1: Commercial boating use levels and operational limitations within the established allocation should meet the primitive or semi-primitive recreational settings with attributes that accommodate motorized and non-motorized use and provide a suitable mixture of outfitter-provided services to the public.

Prior to alternative development and analysis for this EA, I directed the interdisciplinary team (ID team) to examine actual commercial use reported for 1988-1992 and amounts paid and verify or refine the numeric estimate of the maximum total capacity without a new decision, pursuant to the Regional Forester's July 1995 appeal decision (page 4). This review resulted in a substantial adjustment to the outfitter operating from the Hells Canyon Creek portal (173 launch increase). I corrected the base period calculations to reflect the additional launches to the outfitter because this was historic use from the 1988-1992 base period. This increase in use changed the maximum allowable capacity for commercial powerboats to 1,381 launches during the primary season, within the intent of the ROD for the Snake River Plan to provide an allocation of commercial use levels that meets the intended recreation experiences (ROD, pages 8-14).

Upon verifying and refining the cap, the ID team developed a range of alternatives that addressed the need for commercial boating use levels and operational limitations to meet the intended recreation experiences as outlined in the Snake River Plan.

Area of operations is an important element of the operational limitations because it affects the number of encounters between river users. In selecting this element of Alternative C, I considered the objectives set forth in the outfitter-guide operating guidelines. The area of operations established in the decision manages social encounters with other competing river uses during the primary season with very limited effects to outfitters, but also provides flexibility for outfitter-guides to operate within the entire river corridor in the secondary season. The area of operations are important and adequate in providing service to the public.

The established launch point locations and maximum and minimum numbers of permits, for both commercial powerboat and floatboat groups, allow for competition at the three primary portals. I decided not to designate commercial powerboat outfitters to the Dug Bar portal. The draft EIS for the Comprehensive

Management Plan proposes to maintain the road corridor to Dug Bar at its current setting (low-level roaded natural). Allowing additional traffic on the existing road system to accommodate new outfitter-guide operations would potentially exceed safety standards and maintenance levels for that road.

Allocation of the commercial powerboat cap was a primary issue with the outfitters and public. I considered outfitter-guide comments, as well as those of the general public. Some commenters felt there was a need to raise the cap beyond Alternative C, or no need to limit river use. I felt those comments were not focused on the purpose and need for action in Chapter I. In response to other comments, I directed the ID team to conduct further analysis of methods for allocating use. Following the comment period, the ID team reviewed 25 options for allocating use based on variations of 1988-1995 use. Within each option there were strengths and weaknesses. Recent data (1993-1995) was only considered in options for distributing use; the cap is based on 1988-1992 data. The 25 options are displayed in the analysis file.

The ID team recommended two final options for my consideration: Alternative C and Option 20A. Option 20A would allocate use based on the average of 1991-1995 combined with the average of the highest two of five years (1991-1995) of total commercial powerboat boat days for each outfitter (priority use guidelines applied to boat days). This approach is similar to Alternative C except that it uses more recent data. I chose the allocation approach of Alternative C, with modifications, over Option 20A for the following reasons:

- Provides for a wide variety of public services.
- Maintains competition for pricing among the mid- to large-sized outfitters, providing continued quality service to the public.
- Increases boat days to outfitters who have traditionally operated one-day trips and/or overnight fishing trips at a level below an average of one boat per day during the primary season, but have demonstrated their ability to provide service to the public. This provides greater responsiveness and opportunities for transient walk-in customers based on public demand for one-day scenic trips.
- Provides equal boat day access for the four largest mid-sized outfitters at the Cache Creek portal and the Pittsburg Landing portal outfitters (in aggregate) to provide a minimum level of service to the public at an average of five boat days per week per outfitter.

In addition, I choose to modify Alternative C by allocating wild river boat days above Kirkwood Historic Ranch based on historic use patterns from 1988-1995. I feel this method of allocation is responsive for two reasons. First, it considers businesses which consistently provide trips with destinations into the wild river over an extended period of time. Second, it considers the more recent use patterns established by current owners.

Based on comments from the permit holders of the Copper Creek and Sheep Creek facilities, I have modified Alternative C to allow the permitted cargo trips to occur on any day of the week, within the allocated 16 and 4 trips per primary season, respectively. I decided not to convert 25 of the Sheep Creek Granger-Thye permit holder's Kirkwood boat days to the outfitter's wild river boat days based on comments from that outfitter, and the modification in allocating boat days upstream from Kirkwood Historic Ranch.

I decided not to reissue the temporary use permit for commercial powerboat use in the scenic section when it expires in December 1996. This temporary permit has historically allowed the activity on an annual basis with no guarantee that the temporary use would be converted to priority use in the future, and each business entity which held this permit was fully informed of these conditions. The allocation of use provides no cushion for additional priority or temporary use permittees without doing so at the expense of other outfitters with priority use assignments.

Many comments were received from the public concerning their desire for me to eliminate the non-motorized period from Alternative C. I considered those comments, and while I understand the concerns

expressed, I still believe that the implementation of a non-motorized period is valid. This issue was thoroughly addressed in the FEIS/ROD and the Regional Forester's appeal decision where the non-motorized period was affirmed, subject to review of effects to commercial users.

In regard to that review, and comments received on the EA from commercial floaters, I have chosen to modify Alternative C by allowing non-motorized periods to coincide with 4th of July holiday. Motorized and non-motorized users would be equally affected for four periods during the 4th of July holiday over the next 10 years, i.e., four 4th of July holidays would be motorized, and four would be non-motorized. Alternative C establishes a consistent schedule of seven non-motorized periods every other week beginning on the first Monday in June. This non-motorized period only affects the section of the wild river between Kirkwood Historic Ranch and Wild Sheep Rapid.

I believe this will have minimal impact on motorized users' recreational opportunities. This will provide seven three-day non-motorized periods every other week spread evenly across the months of June, July, and August (21 days). Launch allocations for commercial powerboaters still allow for use of the two other segments of the wild river during non-motorized periods with less than 2% negative economic effect (refer to analysis file). An analysis of recent use levels (1993-1995) shows that an average of 5.5 commercial powerboats per day and 2 private powerboats per day would have been displaced from entering this section of river during the 21 non-motorized days had the non-motorized period been in effect (refer to analysis file).

The preferred Alternative C in the EA provided for a powerboat launch schedule that some floatboat outfitter-guides felt would lead to peaks of use that may result in semi-primitive experiences not being met. Based on those concerns and one of the primary intents of the Snake River Plan FEIS/ROD to minimize conflicting uses that negatively affect the recreational experience of some users, I have chosen to modify Alternative C to provide a bi-weekly allocation of use to the larger outfitters versus a monthly allocation. The objective behind the monthly allocation was to provide flexibility to commercial powerboaters based on weather and water flow fluctuations and the need to be responsive to transient tourists' needs, contracted bus and cruise ship tourists, and multi-day fishing trips. I also considered a weekly allocation, but was concerned that during non-motorized weeks, the commercial powerboat allocation for boat days upstream from Kirkwood would be utilized during the four-day shared use period, with potentially higher peak use than a bi-weekly allocation. Reference pages III-33 and 34 in the EA for more information.

Peaks in total float use will remain the same as displayed in the ROD for the Snake River Plan since my decision only affects distribution of pool dates between private and commercial floaters. There is actually a potential for peak use to decrease each day that a temporary use, one-day commercial float trip launches within the five total launches per day since each of those trips will be limited to a maximum of two boats per trip compared to a maximum of eight boats per trip for all other float trips.

In light of this decision, peaks in total powerboat use beyond those displayed in the ROD will be influenced only by commercial powerboat use. For this discussion, "peak use" is levels of use in excess of the daily allocation for private powerboaters plus the average daily allocation for commercial powerboaters, on a river-wide basis. This differs from the definition in the ROD because this decision is predicated upon the rigid schedule for private powerboat users and is focused upon the effect of changes in how commercial powerboat use affects peaks. Private powerboat use will remain on a rigid schedule of boat day access as identified in the FEIS/ROD. Therefore, daily use will fluctuate based on the number of commercial powerboat trips scheduled.

I directed the ID team to prepare a peak use analysis for total powerboat use to determine what effect Alternative C would have had from 1993-1995 if the plan had been in place in those years. The analysis included the modification of a flexible boat day schedule for commercial powerboat outfitters. The analysis indicates that peaks from powerboat use in the past have primarily been a factor of private powerboat use associated with weekend or holiday use. The factors causing peak use are frequency of occurrence of high use days within the primary season, and size of the peaks.

Based on 1993-1995 data, the management of private powerboat use on a rigid schedule would have reduced the frequency of peak use days by 67% on weekdays and 48% on weekends. In addition, managing private powerboat use would reduce the total number of days experiencing peaks from an average of 17% down to 8% of the days during the entire primary season. This demonstrates that the implementation of the private powerboat schedule will reduce the frequency of peaks by 51%.

The magnitude of use on high use days is generally associated with the total number of private powerboats rather than commercial powerboats. The size or magnitude of the peak use days in 1993-1995 would have been reduced by an average of 65% on weekdays and 84% on weekends and holidays in those years with implementation of a rigid launch schedule for private powerboaters only.

With Alternative C's flexible schedule for commercial powerboat outfitters and the rigid schedule for private powerboaters as identified in the FEIS/ROD, the total number of powerboat launches on the peak use days in 1993-1995 would have been increased by an average of only 3% to 6% above the total powerboat use levels identified in the analysis, whether the days occurred on a weekend, weekday, or holiday. This compares to increases averaging 8% to 15% on weekdays, and 24% to 35% on weekends and holidays in the absence of a rigid launch schedule for private powerboaters.

These factors demonstrate that commercial powerboat use has not been the dominant cause of historical peaks in powerboat use on the river.

Peak use has previously been addressed in the FEIS/ROD through use of a rigid launch schedule that will limit the number of daily private powerboat trips into the wild and scenic sections of the river. Restricting commercial use to monthly and bi-weekly schedules for the larger outfitters should act as an additional deterrent of peak use days.

There are many variables in the new river plan which will affect how commercial powerboat outfitters will conduct their business in the future. How the outfitters will respond to these changes is unknown until the plan is implemented. Marketing, individual business management, environmental and operational factors will also affect the potential for peak use among commercial powerboat outfitters. These include, but are not limited to, factors such as changes in marketing a different array of trips among powerboat outfitters as a group as a result of implementation of the plan, limits on area of operations for each outfitter in the primary season, a limit on the maximum number of trips that each outfitter can take into different sections of the river within the 1,381 commercial boat day cap, sale of businesses, river flows, equipment break-downs, etc. In short, all of the factors that affected daily use patterns under an unlimited-use scenario will still be factors influencing use levels that will now be managed under a commercial powerboat boat day cap.

In conjunction with the elimination of peaks in private powerboat use, I believe that the potential daily fluctuations in commercial powerboat use under a flexible scheduling system are not likely to result in extreme peaks in use, or be a significant issue among river users. Although there is insufficient data to precisely predict the potential peaks in commercial powerboat use as a result of a flexible boat schedule, I have previously discussed the limited effect of commercial powerboats on recent (1993-1995) peaks in total powerboat use on the river. I expect the modifications in Alternative C, especially the provision to allocate commercial powerboat use in bi-weekly, monthly, and seasonal schedules within the total use cap, will meet the intent of the ROS guidelines of the FEIS/ROD in providing visitors with their desired recreation experiences while protecting the recreation and other ORVs within the river corridor.

As an element of my decision to allow a flexible schedule for commercial powerboat outfitters, I am committed to monitoring use levels on a yearly basis in order to gather sufficient data to analyze potential peaks in commercial powerboat use under the new plan relative to total powerboat use on the river.

Alternative C provides direction for trip durations, i.e., day use only or overnight use, for commercial powerboaters to reduce competition for campsites and associated impacts to campsites. In choosing to implement Alternative C, I considered the objectives for trip duration set forth in the outfitter-guide operat-

ing guidelines, which provide for the intended recreation experience set forth in the Snake River Plan. I also considered that outfitters without overnight camping use could still offer overnight trips by making arrangements with other outfitters who operate lodges.

Powerboat length requirements are set at 42 feet as a component of Alternative C. I fully expect this requirement to meet the intended recreation experience and protect the scenic ORV by limiting the negative appearance of double-decked, large boats and potential boat wake effect on other recreationists, while providing expanded seating capacity as compared with Alternative B. This increase in total length provides a better utilization of raw materials used in powerboat manufacturing.

Alternative C will allow the launching of inflatable watercraft in conjunction with transportation of people and equipment with a valid float launch permit. I considered that these activities would be acceptable within the allocation of available commercial powerboat boat days, thus meeting the intended semi-primitive recreation experience.

This decision maintains the existing allocation of two commercial float launches per day during the primary season with the existing float reservation system and pool of 14 dates remaining unchanged. I believe by maintaining the existing float allocation it provides for the intended primitive and semi-primitive recreation experience opportunities set forth in the Snake River Plan and provides a degree of flexibility for scheduling commercial float trips. Since I have provided for commercial powerboat outfitters to have scheduling flexibility, I believe commercial float outfitters also need to maintain their current degree of scheduling flexibility.

Alternative C provides for the continuation of the two, one-day temporary float permits from Hells Canyon Dam to Pittsburg Landing. The use of these permits would be based on the conditions outlined in I. DECISION above, which I believe to be within the intended semi-primitive recreation opportunity. An important element of this decision is that these temporary use permits will not be reissued when private and other commercial float demand meets or exceeds the seasonal launch supply. This temporary use opportunity will be limited to the existing permit holders only. I fully expect, with the implementation of a powerboat launch allocation and non-motorized period, demand for float permits will increase in the coming years.

This decision changes both the monitoring standard and the maximum allocation of wild river float trips that may continue beyond Pittsburg Landing into the scenic river. Based upon a review of the historical pattern of use (1988-1995), it is evident that a monitoring standard and maximum allocation set at 30% better accomplishes my original goal of providing for historical use, yet preventing major changes in the patterns of use from significantly increasing on-river encounters and campsite competition on the scenic river. During the years 1988-1995, scenic river takeouts resulting from launches in the wild river varied between 20% and 34% of total takeouts without any three-year period exceeding this new monitoring standard.

This decision provides management direction for commercial floaters originating on the Lower Salmon River once they enter the Snake River corridor. As stated in the ROD for the Snake River Plan (pages 25 and 26), this decision provides adequate and appropriate guidelines for river users originating from the Lower Salmon River who wish to use the scenic Snake River as part of their recreation experience. I am committed to continuing coordination with the Bureau of Land Management to ensure that the intended semi-primitive recreation experience of the scenic Snake River is met.

I carefully considered comments on the prohibition of kickers, year-round, on floatboats in the wild river. I believe this operational guideline is warranted to meet the intended primitive and semi-primitive recreation experience, and to minimize social encounters between float parties. This action will increase opportunities for periods where visitors are isolated from the sites and sounds of other users.

This decision will implement the provisions of Alternative C to establish a maximum party size of 24 persons for commercial users (with the exception of commercial powerboat day use) and a maximum number of

eight floatboats per party. (Page 22 of the ROD discloses rationale for limiting floatcraft to eight per party.) Some of the float outfitter-guides commented on the potential economic impact of this operational limitation on their business. I considered their concerns, reviewed historic patterns of use, and reviewed additional analysis based on their comments. I concluded that although establishing party sizes and floatboats per party would have economic impacts on commercial outfitters (refer to Appendix D), it is important to meet the intended recreation experiences set forth in the Snake River Plan.

In my review of the EA's environmental consequences for the recreation resources, I determined that implementation of Alternative C, as modified, (see changes described in I. DECISION) meets the management objectives, desired future conditions, and the recreation opportunity spectrum characteristics established in the Snake River Plan. Further, I believe this decision complements the recreation issues (i.e., effects of recreation use regulation on socio-economic conditions and managing for the intended recreation experience) and analysis contained in the FEIS and ROD for its selected alternative that led to the development of the Snake River Plan. Finally, this decision maintains a high capability of providing a diverse outfitted experience to the public by offering a wide variety of outfitter services.

Issue 2: Regulation of commercial boating use could affect the economic conditions of current river-based special use permits.

The Regional Forester's July 1995 appeal decision directed me to further analyze the site-specific effects of allocation and operational limitations on individual permits and then make a new decision (page 3). In response to this direction, I directed the ID team to do a thorough economic analysis that accounts for changes in average gross revenue due to operational limitations. Although one user group and some powerboat outfitters did not agree with this approach and submitted a separate analysis approach, I believe this analysis has provided the commercial float and powerboat outfitters, and the public at large, the information needed to provide substantive comments. Based on the substantive comments and this analysis process, I am able to make an informed decision relative to potential economic effects to individual permittees.

In formulating this decision, I carefully studied the economic analysis disclosed in the EA and the supporting documentation contained in the analysis file. As stated under Issue 1 above, I have chosen to make some modifications (see changes under I. DECISION) to Alternative C that are responsive to outfitter/public comments, ensure that the intended recreational experiences contained in the Snake River Plan will be met, and minimize potential economic impacts to both float and powerboat outfitters. The following table (Table III) displays a summary of the annual gross revenue effects on the commercial powerboat outfitters for the three alternatives contained in the EA and includes Alternative C with modifications as discussed under Issue 1. This table displays the effects based on updated analysis for the 1993-1995 gross revenue period.

Table III
SUMMARY OF ANNUAL GROSS REVENUE EFFECTS (1996\$)
 (Commercial Powerboats)

Analysis updated to determine effects based on 1993-1995 gross revenue period

	Alternative A	Alternative B	% Change	Alternative C	% Change	MODIFIED ALTERNATIVE C	% Change
Hells Canyon Adventures	\$280,018	\$177,633	-32%	\$242,534	-7%	\$251,826	-3%
Heller Bar Excursions	\$386,642	\$419,166	9%	\$427,028	10%	\$426,761	11%
Rivers Navigation	\$131,957	\$297,264	125%	\$308,518	134%	\$297,820	126%
Snake River Adventures	\$295,094	\$299,830	2%	\$303,108	3%	\$300,389	2%
Idaho Rivers Navigation	\$350,776	\$253,496	-29%	\$260,281	-26%	\$267,060	-24%
Snake Dancer Excursions	\$104,263	\$ 69,791	-33%	\$ 94,457	-9%	\$ 97,664	-6%
River Quest Excursions	\$ 90,747	\$ 60,039	-34%	\$ 60,474	-11%	\$ 76,210	-14%
Snake River Outfitters	\$ 76,662	\$ 76,954	-2%	\$ 75,319	-4%	\$ 76,249	0%
Hells Canyon Lodge	\$211,372	\$169,420	-10%	\$215,345	2%	\$217,147	3%
Two A T ^r Outfitters	\$ 3,342	\$ 4,571	37%	\$ 4,666	40%	\$ 4,494	34%
Intermountain Excursion	\$ 21,460	\$ 25,315	19%	\$ 25,573	19%	\$ 25,573	19%
S&S Outfitters	\$ 1,938	\$ 965	-50%	\$ 965	-50%	\$ 1,106	-4%
High Roller Excursions	\$ 7,830	\$ 6,166	-21%	\$ 6,318	-19%	\$ 5,968	-24%
Mainstream Outdoor Adv.	\$ 12,972	\$ 0	-100%	\$ 0	-100%	\$ 0	-100%
Three Rivers Outfitters	\$ 39,808	\$ 40,748	5%	\$ 40,748	5%	\$ 40,748	5%
Z&S Outfitters, Inc.	\$ 96,482	\$ 79,424	-18%	\$ 79,660	-17%	\$ 79,825	-16%
Hells Canyon Fishing C.	\$ 22,444	\$ 16,410	-27%	\$ 19,568	-16%	\$ 19,666	-12%
River Adventures, Ltd.	\$ 36,614	\$ 30,365	-17%	\$ 32,281	-12%	\$ 32,612	-11%
Red Woods Outfitter	\$ 14,431	\$ 8,706	-40%	\$ 9,621	-33%	\$ 9,732	-35%
Total	\$2,165,662	\$2,056,345	-5%	\$2,226,514	3%	\$2,236,130	3%

For all alternatives:

1. Assumes all boat days would be utilized (sell new scenic and Kirtwood trips).
2. From "Calculation of Gross Revenue" spreadsheets for each powerboat outfitter.
3. Used three-year averages for gross revenue where consistent use was realized to determine effects.
4. Used gross revenue in 1995 for River Quest Excursions, 1993 for Hells Canyon Lodge, 1993-1994 for Two A T^r Outfitters and S&S Outfitters, 1994-1995 for High Roller Excursions, and 1993 for Three Rivers Outfitters due to no income reported, or changes in ownership and no use.
5. Combined effects to Heller Bar Excursions, Rivers Navigation, and Idaho Rivers Navigation under single management shows \$943,373 gross revenue (9% increase) for modified Alternative C.

The selected Alternative C, modified, displays a 1% positive economic effect over Alternative C and a 4% positive economic effect compared to Alternative A (no action). (Alternative A used 1993-1995 data for analysis purposes). In review of this information, I recognize that eight outfitters are at risk of experiencing a greater than 10% reduction of their gross revenue under Alternative C, as modified, over Alternative A. This may put these outfitters at a higher risk of not being able to maintain their businesses. The majority of these eight outfitters have stated that they currently operate marginally viable businesses (unrelated to implementation of this decision); thus, my determination that they are at higher risk. One business, Lamm, will no longer be able to operate and will lose all revenue associated with the permitted operation in the scenic section.

Two outfitters are at risk of experiencing between three and six percent reductions of their gross revenue, while eight outfitters show a positive economic benefit or no net change relative to this decision.

The history of the 19 individual powerboat outfitter-guiding businesses on the Snake River has demonstrated a high degree of variability since 1970 when the first special use permits for this type of activity were issued. This variability is based on changes in ownership, types of trips offered, duration of trips, services provided, prices, boat sizes, and differences in business management strategies.

The ability of powerboat outfitters to respond to a decrease in revenue can place a business at risk if the business cannot mitigate or overcome these losses. The businesses that are heavily dependent on boat days for expansion may find it very difficult to adapt to the limits imposed in this decision. However, economic theory shows that with limited supply, an increase in demand will raise prices. Outfitters who earn a higher ratio of revenue to service days compared to other outfitters have less ability to mitigate loss of revenue by increasing prices due to competition (page III-41). In the ROD (pages 15 and 16), I noted that in the past the demand for jetboat trips continued even with price increases and demonstrated that a potential price increase of 10 percent or perhaps higher would not necessarily result in decreased sales. For example, a day trip to Rush Creek may increase by \$8.50 to approximately \$93.50. The outfitters that are least capable to adapt presently will remain so into the foreseeable future.

Some businesses have continued to adapt to change, in light of their historic variability and will continue, I believe, to adapt to change and to provide service to the public. Using service days as an indicator, there has been a 15% increase on average every year during the 1988-1995 period, even with a high degree of variability in the industry. Further, Alternative C, with modifications, allows for a 4% increase in service days over the historically highest 22,957 service days in 1995 (primary season) based upon current utilization of seating capacity. Since most outfitters are not utilizing their full seating capacity, service days may continue to increase within the boat day cap for years to come.

The primary effects that individual outfitter-guides might experience are from: 1) limiting total river use (allocating the 1,381 primary season powerboat boat days) and; 2) limiting wild river use (515 primary season boat days in the Kirkwood Historic Ranch to Wild Sheep Rapid section). I chose to modify Alternative C to base the allocation of the 515 primary season boat days on the percentage of wild river use for each outfitter from the 1988-1995 period. This resulted in a 31% reduction of wild river boat days between Kirkwood and Wild Sheep Rapid for each outfitter compared with variations in Alternative C ranging from a reduction of over 50% for some outfitters, to increases for others as disclosed in the EA.

Some commenters stated that they would experience potentially devastating effects on their business due to the non-motorized periods. Analysis (in the analysis file and available for public review) indicates that implementation of a 24 day non-motorized period, as displayed in Alternative B, resulted in a 2% reduction in gross revenue when compared to Alternative B without a non-motorized period. The effect in Alternative C will be less because the total length of the non-motorized period has been reduced from 24 to 21 days and the flexible schedules in Alternative C allow outfitters to avoid non-motorized periods when conducting trips upstream from Kirkwood. In addition, the non-motorized period has been spread throughout the primary season, reducing the the impact to July and August by approximately 44%.

The following table (Table IV) displays a summary of the annual gross revenue effects on the commercial floatboat outfitters for the three alternatives contained in the EA and includes Alternative C with modifications. This table displays the effects based on the 1993-1995 gross revenue period.

Table IV
SUMMARY OF ANNUAL GROSS REVENUE EFFECTS (1993\$)
(Commercial Float)

Analysis updated to determine effects based on 1993-1995 gross revenue period

	Alternative A	Alternative B	% Change	Alternative C	% Change	MODIFIED ALTERNATIVE C	% Change
Oars Dories, Inc.	\$ 51,908	\$ 51,261	-1%	\$ 51,261	-1%	\$ 51,261	-1%
Davis Whitewater Exp.	\$ 32,249	\$ 32,249	0%	\$ 32,249	0%	\$ 32,249	0%
River Odysseys West	\$139,903	\$130,260	-7%	\$130,260	-7%	\$130,260	-7%
Canyon Outfitters, Inc.	\$129,105	\$108,932	-16%	\$108,932	-16%	\$108,932	-16%
Idaho Afloat	\$ 64,824	\$ 57,266	-12%	\$ 57,266	-12%	\$ 57,266	-12%
Hughes River Expeditions	\$255,368	\$220,755	-14%	\$220,755	-14%	\$220,755	-14%
Holler Bar Boat & Float	\$11,716	\$ 7,811	-33%	\$ 7,811	-33%	\$ 7,811	-33%
Northwest Voyageurs	\$ 71,825	\$ 68,616	-4%	\$ 68,616	-4%	\$ 68,616	-4%
Peer's Snake River Rft.	\$ 14,655	\$ 14,264	-3%	\$ 14,264	-3%	\$ 14,264	-3%
Oregon Trail Adv. Inc.	\$ 15,905	\$ 15,905	0%	\$ 15,905	0%	\$ 15,905	0%
HCA Raft	\$ 39,176	\$ 36,616	-6%	\$ 36,616	-6%	\$ 36,616	-6%
Freewater	\$ 17,859	\$ 17,859	0%	\$ 17,859	0%	\$ 17,859	0%
Steen's Wilderness Adv.	\$ 59,119	\$ 59,119	0%	\$ 59,119	0%	\$ 59,119	0%
Holiday River Exp.	\$112,033	\$107,512	-4%	\$107,512	-4%	\$107,512	-4%
Hells Canyon Adventures	\$ 53,575	\$ 0	-100%	\$ 53,575	0%	\$ 53,575	0%
Snake River Adventures	\$ 468	\$ 0	-100%	\$ 468	0%	\$ 468	0%
Total	\$1,069,578	\$ 828,468	-19%	\$ 882,491	-6%	\$ 882,491	-6%

The 16 floatboat outfitter-guiding businesses on the Snake River have also demonstrated a high degree of variability since the first permits for this type of activity were issued in 1973. This variability is based on changes in ownership, types of trips offered, duration of trips, services provided, prices, boat sizes, etc. These factors would also affect variability of businesses that enter the Snake River from the Lower Salmon River.

Alternative C, with modifications, offers most multi-day outfitters the capability to add launches within their present allocation in order to mitigate reductions due to limits on the number of floatcraft and party size. I also believe that most have the ability to experience growth into the foreseeable future, with the exception of four outfitters who are near capacity with their launch limits. Considering the updated analysis to account for 1993-1995 operations, I recognize that these two outfitters may incur actual reductions in gross revenue since they have little capacity for growth in launches without relying upon the pool. However, even these outfitters may grow by increasing their launches through access to the pool or by increasing average party size within the new party size limitations.

Gross revenue for Alternative C, with modifications, shows an 8% reduction when compared to the 1993-1995 average gross revenue. However, if all outfitters could sell every allocated float launch at the 1993-1995 average revenue per launch, the annual gross revenue would total \$1,365,119, a 28% increase from the 1993-1995 period. Additional launches obtained from the pool would provide additional revenue and increase total gross revenue 35%.

The effects of this decision on the two holders of the one-day temporary use float permits varies and is dependent on launch capacity not used by other commercial and private parties. Based on float launch utilization trends, it is likely that some level of temporary one-day float trips will continue in the short term, although this business activity may diminish over time if float launch capacity is more fully utilized.

Based on the individual outfitter-guide economic analysis, I believe that my decision may result in a higher risk for some businesses to become non-economically viable. However, I feel that turnovers in ownership will continue to occur as they have in the past for a variety of reasons not necessarily based solely on implementation of a primary season use allocation with operational limitations, and that the need for service to the public will continue to be met with a variety and diversity of powerboat and floatboat services available.

III. SUMMARY OF THE ENVIRONMENTAL ASSESSMENT

Scoping

The EIS for the Snake River Plan involved an intense public scoping and notification process including public meetings and mailings to over 1,700 individuals and organizations. For details, see FEIS at I-17 and Appendix K.

For this EA, the following scoping actions were taken:

<u>Date</u>	<u>Action</u>	<u>Number of People Contacted</u>
11/22/95	Fall newsletter mailed to original FEIS mailing list. Contained information about status of FEIS and plans for completing NEPA process. Required completion of an interest card for continued participation in process.	1,766
12/19/95	Scoping notice and proposed action mailed to mailing list generated by fall newsletter. A total of 43 letters were received as a direct result of scoping. Eighteen of the letters were from Snake River outfitters.	585
1/24/96	Meeting held with Snake River outfitters and other interested publics held at Clarkston, Washington.	35
1/24/96	Meetings between individual outfitters and ID team.	20
2/21/96	Meeting with individual Riggins-based outfitters.	6
3/96	Telephone contact follow-up with all outfitters that did not attend 1/24 or 2/21 meetings, except that no contact could be made with Two A 'T' Outfitters, S&S Outfitters, Peers Snake River Rafting, Oregon Trail Adventure, Inc., and Free-water.	30
3/96	Narratives describing each outfitter business mailed with cover letter requesting feedback.	30
6/5/96	Letters mailed to Snake River outfitters notifying them of imminent release of the EA and 30-day review and comment period.	30
6/17/96	Copy of the EA sent out for a 30-day review and comment period. 579 of the 695 individuals were sent notification of the EA release. 116 of the 695 were sent copies of the EA and appendices. 259 individual comment letters were received. Substantive comments were coded and used by the ID team, steering committee, and Forest Supervisor to modify Alternative C.	695
6/17/96 through 7/19/96	Meetings and/or telephone contact with outfitter-guides by ID team to review and discuss preferred Alternative C relative to individual businesses.	

Issues

Several issues were identified during the scoping process. Two of these issues were determined to be key issues in relation to the proposed action.

1. Commercial boating use levels and operational limitations within the established allocation should meet the primitive or semi-primitive recreational settings with attributes that accommodate motorized and non-motorized use and provide a suitable mixture of outfitter provided services to the public.
2. Regulation of commercial boating use could affect the economic conditions of current river-based special use permits.

Other issues, concerns, and opportunities were identified during scoping and are addressed in the EA, page I-6, or the FEIS.

A preliminary issue identified by some of the private landowners within the Wild and Scenic Snake River corridor and the Lower Snake River corridor related to river access to these private parcels. This decision does not address needed access to private lands. Private land access decisions are being made through separate and subsequent processes.

Alternatives

I considered eight alternatives before selecting Alternative C. Three of these alternatives were analyzed in detail, and five were eliminated from detailed analysis. A summary of each alternative follows:

Alternative A is the "no action" alternative as required by the National Environmental Policy Act. This alternative would not implement the proposed actions and provides a baseline from which to evaluate the action alternatives. This alternative would continue unlimited commercial powerboat use. The commercial use cap established in the Snake River Plan ROD of 10/21/94 would not be implemented with this alternative.

Alternative B was used in the scoping process as the proposed action to identify issues and generate a variety of concepts for designing action alternatives. This alternative responds to the proposed action by limiting commercial powerboat use with rigid schedules to meet the underlying needs identified in Chapter I of the EA.

Alternative C is the selected alternative and was developed in response to issues and concerns raised during the scoping period. This alternative was designed with the objective of providing business flexibility within the overall goal of meeting the underlying needs identified in Chapter I of the EA. The alternative provides business flexibility by allocating boat days on a per time period basis rather than a rigid launch schedule.

The five alternative themes eliminated from consideration are shown below. Refer to the analysis file for more information.

Hells Canyon Alliance Viability Analysis

Hells Canyon Alliance offered an analysis of commercial powerboat use levels needed for viability. They later withdrew permission to use the information because the Forest Service would not agree to use only the Hells Canyon Alliance analysis process or agree to results without modification.

Destinations

The ID team considered several options for reconfiguring the allowable commercial powerboat destinations, including eliminating any limitation on destinations. The option selected and carried forward for detailed study in Alternative C will provide business flexibility and meet the underlying needs identified in Chapter I.

Use Allocations and Launch Schedules

Several options were considered for reconfiguring the commercial powerboat launch allocation and schedule, including eliminating the launch schedule entirely. The option most effective at providing business flexibility and still meeting the underlying needs identified in Chapter I was carried forward for detailed study in Alternative C.

Non-Motorized Period

Variations on the length of the non-motorized period were considered. Options included elimination, decreasing the number of days, and moving the timing from July and August to other periods in the primary season. Economic analysis showed very little effect of the 24 non-motorized days on commercial outfitters. However, there were issues of timing of the non-motorized periods. The option most effective at distributing the non-motorized period over the primary season was carried forward for detailed study in Alternative C.

Other Limitations

In addition to those above, options for other operational limitations were also considered. These options were eliminated because they could not meet the underlying recreational experience need and also provide business flexibility. Reference the analysis file.

Mitigation

Mitigation measures are designed to avoid, minimize, rectify, reduce, or compensate for environmental effects of implementing the preferred alternative. Mitigation measures, applicable to the allocation of commercial use and the associated operational limitations, are addressed in the Snake River Plan relative to transportation and storage of fuel (page 3), scenery management (page 15), and fish and wildlife (pages 16 and 17).

Monitoring

Monitoring and evaluation elements for monitoring commercial use levels and effects on the rivers outstandingly remarkable values are addressed in Appendix D of the Snake River Plan.

IV. FINDINGS REQUIRED BY LAW

NFMA Consistency

I have carefully evaluated the implementation of Alternative C, as modified, and concluded that it does not constitute a significant amendment to the Forest Plan in terms of implementing regulations of the National Forest Management Act of 1976 (36 CFR 219.10(e) and (f)). My determination is based on the following four factors (FSH 1909.12 5.32):

Timing

This decision will be implemented in 1997 in conjunction with the ongoing, phased-in implementation of the Snake River Plan. This decision responds to the Regional Forester's July 1995 decision on appeals, where he states: "...limitations of use beyond those currently in effect may not be implemented prior to completion of the permit-by-permit analysis for commercial uses and a new decision" (page 19). Based on the Regional Forester's direction, the timing criteria of this decision does not constitute a significant amendment to the Forest Plan.

Location and Size

This decision affects the 67.5 miles of Wild and Scenic Snake River corridor and approximately 4 miles of study river. The decision is specific to commercial boating use of the Snake River and associated dispersed use of the river corridor. The Forest encompasses over 2.3 million acres, of which MA 11 (the river corridor) is 14,355 acres—less than 1% of the area covered by the Forest Plan. Thus, the physical area and size of the Snake River, as affected by this decision is not so large in size as to mandate a significant amendment to the Forest Plan.

Goals, Objectives, and Outputs

The decision meets the intent of the goals, objectives, and outputs provided for in the Snake River Plan. Further, the decision meets the intent of the Regional Forester's July 1995 decision on appeals in which the maximum total commercial capacity was affirmed. The Regional Forester also directed me to verify or refine the numeric estimate of this capacity without a new decision. That verification resulted in an upward adjustment of the commercial powerboat capacity. The changes in allocation of powerboat use among outfitters compared with that in the FEIS and ROD for the Snake River Plan is based on the ability to consistently serve the public with a variety of outfitter services. Thus, this decision does not foreclose the achievement of existing goals, objectives, and outputs and therefore does not mandate a significant amendment to the Forest Plan.

Management Prescription

This decision is specific to Management Area 8. Implementation of the decision will begin management actions that will work towards the achievement of the desired future conditions in the Snake River Plan and protecting and enhancing the rivers outstandingly remarkable values. Thus, this decision does not constitute a significant amendment in relation to achieving management area prescriptions.

Findings Required By Other Laws

Alternative C, as modified, complies with Sections 7 and 10 of the HCNRA Act (PL 94-199), Section 10 of the Wild and Scenic Rivers Act (PL 90-542), Section 7 of the Endangered Species Act (PL 93-205), and Section 106 of the National Historic Preservation Act (PL 89-665). Reference Chapter I of the FEIS for the Snake River Plan (pages I-10 through I-12), the ROD for the Snake River Plan (page 6), and Chapter I of the EA (pages I-4 and I-5).

V. SPECIFICALLY REQUIRED DISCLOSURES

There are no unavoidable adverse environmental effects associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no irreversible or irretrievable commitments of resources associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no short-term uses affecting long-term site productivity associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no conflicts with plans and policies of other jurisdictions associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no adverse effects on any threatened or endangered species or critical habitats associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no adverse effects on any prime farm land, range land, or forest land associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no adverse effects on civil rights, consumers, women, and minorities associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan. However, an adverse economic effect to outfitter-guides holding special use permits may occur as a result of this decision dependent upon each outfitter's ability to respond to changes in the allocations and the operational limitations.

There are no adverse effects on public health and safety associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no adverse effects on heritage resources and no known effects on treaty rights associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no adverse effects on wetlands or flood plains associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no adverse effects on air quality associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

There are no unusual energy requirements associated with implementation of this activity which are not already identified in the FEIS for the Snake River Plan.

VI. FINDING OF NO SIGNIFICANT IMPACT

Based on the site-specific environmental analysis documented in the EA, I have determined that implementation of Alternative C, as modified by this decision notice, is not a major federal action significantly affecting the quality of the human environment. The direct, indirect, and cumulative environmental effects discussed in the EA have been disclosed within the appropriate context and will have little intensity. My determination is based on the incorporation of mitigation measures and monitoring requirements associated with Alternative C as addressed in the Snake River Plan and the following factors from the Code of Federal Regulations, Title 40, Part 1508.27:

The beneficial and adverse environmental and socio-economic effects described in the EA for Alternative C were considered independently from each other to determine if the activity would significantly affect the human environment. The analysis identified beneficial effects to society (EA, pages III-1 through III-21). Although it identified no adverse environmental effects to society, an adverse economic effect to some of the outfitter-guides will occur as a result of allocating use and the operational limitations (EA, pages III-21 through III-56). However, none of the beneficial or adverse effects were determined to be significant in terms of the Council on Environmental Quality Regulations.

Implementation of the activity will not affect public health and safety beyond the recreational opportunities and public expectations intended for wild and scenic river settings (EA, pages III-1 through III-21) and documented in the FEIS for the Snake River Plan.

Implementation of the activity will not affect any unique characteristics of the geographic area such as historic or cultural resources (EA, page III-58 and analysis file), parklands, prime farmlands, wetlands (EA, pages III-57 and 58) or ecologically critical areas (FEIS for the Snake River Plan, pages IV-82 through IV-98, and IV-101 through IV-105). Implementation of Alternative C will provide for the protection and enhancement of the rivers outstandingly remarkable values (EA, pages III-1 through III-21, and the FEIS for the Snake River Plan, pages IV-1 through IV-105).

The effects of implementation on the human environment are not likely to be highly controversial. Controversy in this context refers to cases where there is substantial dispute as to the size, nature, or effect of the Federal action, rather than to opposition to its adoption. Based on comments received during the scoping period and the public review and comment periods, implementation of the activity may generate controversy in the form of social or emotional opposition to the action (EA, Page I-6 and Appendix D). Some individuals who are likely to experience adverse economic effects or would be displaced from portions of the wild river during the 21 days of non-motorized periods have taken exception to the proposal. However, this type of controversy does not make an action significant nor require the preparation of an environmental impact statement.

The possible effects on the human environment identified in the EA or already documented in the FEIS for the Snake River Plan are not highly uncertain and do not involve unique or unknown risks (reference analysis file).

Implementation of the activity establishes no precedent for future actions which are likely to result in significant environmental effects. The decision, in conjunction with the Snake River Plan, establishes use levels that are developed to protect and enhance the rivers outstandingly remarkable values. Monitoring and evaluation as addressed in the Snake River Plan (Appendix D) establishes the acceptable thresholds in which to re-evaluate management direction, such as those elements of this decision.

Implementation of the activity in conjunction with past, present, and foreseeable future actions will not have a significant cumulative effect on the environment. The environmental effects associated with the Decision are limited to the direct, indirect and cumulative effects disclosed in the EA (EA, pages III-1 through III-57).

Implementation of the activity will not adversely affect any sites or features listed or eligible to be listed in the National Register of Historic places, or any significant scientific, cultural, or historical resources because no ground-disturbing activities are required by the Decision (EA, page III-57 and analysis file).

Implementation of the activity will not adversely affect any threatened or endangered plant, fish, or wildlife species, or their critical habitat (EA, page III-57 and analysis file).

The activity is consistent with all applicable federal, state, and local laws, including provisions for protection of the environment, Wild and Scenic Rivers and the Hells Canyon National Recreation Area (EA, pages I-4 through I-5, and II-57).

On the basis of the information and analysis contained in the attached EA and all other information available as summarized above, it is my determination that adoption of Alternative C, as modified, does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not needed.

VII. DOCUMENTS RELATED TO THE ENVIRONMENTAL ASSESSMENT

This decision tiers to Alternative G as modified by the ROD of the FEIS for the Snake River Plan. The following citations support my finding of consistency between my decision and the parent documents:

- The decisions implementing this activity are consistent with the Snake River Plan (Management Area 8) and its accompanying FEIS and ROD.

- The provisions of Alternative C, as modified, are consistent with the Regional Forester's July 19, 1995 decision on the FEIS/ROD appeals directing further analysis of the economic effects of allocation and operational limitations on individual commercial river permits.
- The decisions implementing this activity are consistent with the public land use regulations for the Wild and Scenic Snake River corridor (36 CFR 292.45).

VIII. PROJECT IMPLEMENTATION

Implementation of the decision will begin on January 1, 1997.

Adherence to the following implementation schedule is part of my decision to implement Alternative C, as modified.

<u>Date</u>	<u>Action</u>
January 1, 1997	All provisions of this decision and the Snake River Plan are effective except for those listed below Outfitter and guide special use permits are in compliance with provisions of this decision

The following schedule is for those elements of this decision and the Snake River Plan which will be implemented after January 1, 1997:

May 23, 1997	Implementation of launch reservations and commercial allocation schedule for all wild river (Hells Canyon Dam to Pittsburg Landing) users Begin Lower Salmon River implementation so that for 1997, primary season groups with more than eight boats and/or 24 people will meet interim management guidelines established in the ROD (pages 25-26)
May 22, 1998	Implementation of launch reservations and commercial allocation schedule for all scenic river users Full implementation of Lower Salmon River launch restrictions entering the Snake River

IX. APPEAL PROVISIONS

This decision is subject to administrative review in accordance with the Code of Federal Regulations, Title 36, Part 215. Appeal of this decision must conform with the process and content requirements specified in Parts 215.13 and 215.14. The appeal must be filed with the Appeal Deciding Officer within 45 days of the date that the legal notice of this decision appears in the *Baker City Herald*.

This decision is subject to administrative review in accordance with the Code of Federal Regulations, Title 36, Part 251. Appeal of this decision must conform with the procedures and content requirements specified in Parts 251.88 and 251.90. The appeal must be filed with the Reviewing Officer within 45 days of the date of the written notice of this decision to holders of affected outfitter-guide permits.

Pursuant to Part 251.85 (Election of Appeal Process), persons who qualify as appellants under Part 251 may elect to appeal this decision under Part 251 or Part 215. However, the decision cannot be appealed by the same person under both parts.

On June 25, 1996, the Regional Forester requested a waiver of the Department's position that judicial review of the pending Snake Wild and Scenic River Outfitter/Guide Decision is premature unless all administrative appeal procedures have been exhausted. On July 31, 1996 Chief Thomas granted that waiver in accordance with 36 CFR 215.20 and 36 CFR 251.101. Thus, in the case of HCPG v. Williams, Civil No. 96-68-RE, D. Or (Order on Preliminary Injunction, April 22, 1996), the Department's position is not to assert the defense that exhaustion of administrative remedies is required before a party already in litigation can proceed in court. This waiver applies to litigant existing parties, parties who may be added to the existing lawsuit, or parties who may file separate litigation on this matter.

The Appeal Deciding Officer under Part 215 and the Reviewing Officer under Part 251 for this Decision is Bob Williams, Regional Forester, Pacific Northwest Region. The appeal should be addressed as follows:

Regional Forester
Attn: 1570 Appeals
P. O. Box 3623
Portland, OR 97208-3623

X. CONTACT FOR FURTHER INFORMATION

For further information regarding this decision, contact Kurt Wiedenmann, Ecosystem Planning Staff Officer, Wallowa-Whitman National Forest, P.O. Box 907, Baker City, Oregon 97814 or (541) 523-1296.



R. M. RICHMOND
Forest Supervisor

September 9, 1996
Date