

Appendix C

Outfitter and Guide

Operating Guidelines

September 1996

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Revised September 1996

OUTFITTER AND GUIDE OPERATING GUIDELINES

These guidelines establish the method of managing river outfitter-guide operations within the entire Wild and Scenic Snake River corridor. It is an appendix to the Wild and Scenic Snake River Outfitter and Guide Environmental Assessment (EA) which is tiered to the Wild and Scenic Snake River Recreation Management Plan (Snake River Plan) and its accompanying final environmental impact statement (FEIS) and record of decision (ROD).

COMMERCIAL POWERBOAT ALLOCATION

The allocation of commercial powerboat use was analyzed and allocated based upon the following common elements:

1. Determination of a level of access that would address historic and recent use. Use levels are based upon the average daily numbers of commercial powerboat entries into the river corridor and additional launches into the scenic river including access to Kirkwood Historic Ranch to mitigate reduced access opportunities in the wild river upstream from Kirkwood.
2. Existing priority use assignments (which is a level of use assigned to an outfitter) based upon guidelines developed by the Forest Service in cooperation with national outfitter organizations (including the Idaho Outfitters and Guides Association and the Idaho Outfitters and Guides Licensing Board) and other federal land management agencies. This number (currently expressed as service days) reflects the order of priority in determining which outfitters will retain their use of a limited resource in the event reductions in use are necessary. It is related to the level of past business activity.
3. The average of the highest two of five years' (1988-1992) total commercial powerboat boat days for each outfitter (priority use guidelines applied to launches).
4. The five-year average of use for each outfitter during the years 1988-1992.
5. The number of existing commercial powerboat permits (19).
6. The number of commercial powerboat businesses operating from each portal.
7. Historic records of use for each outfitter's business during the years 1988-1992 comparing the following:
 - a. Primary type of business (day or overnight). This element reflects total trip length and identifies any dependence on overnight camping.
 - b. Season of use (primary, secondary, or both). This indicates the level of dependence on use of the area of operations to conduct business during a particular time of year.
 - c. Primary areas of operations within the river corridor and base of operations used by each outfitter or the outfitter from whom the business was purchased if a change of ownership occurred between 1988 and 1992.

d. Number of boats used per trip.

8. Availability of lodging on the Snake River or the contiguous Salmon River for overnight use in lieu of camping overnight. The investment in lodging is considered to be a business decision that will benefit the outfitter and becomes a major component in marketing overnight trips. This is not an available option for all outfitters, especially those with smaller operations. For this reason, the opportunity for outfitters to lodge overnight guests in lieu of camping is viewed as having a positive environmental effect on the river resources by reducing impacts at campsites and reducing competition for campsites. As a result, outfitters with commercial lodging available as part of their operation are generally not considered for allocation of overnight camping within the river corridor. This includes outfitters who have Granger-Thye permits allowing overnight use of government-owned buildings. An exception is made if an outfitter's use records reflect a substantial amount of their business between 1988 and 1992 was dependent upon use of campsites for overnight trips and their lodging facilities are on private land located outside of the HCNRA boundary.
9. Adjustments responsive to issues raised during previous appeals to the FEIS/ROD and comments received on the Wild and Scenic Snake River Outfitter Environmental Assessment (EA) including the following:

Historic use of the section of the wild river between Kirkwood Historic Ranch and Wild Sheep Rapid for each outfitter's business during 1988-1995.

These guidelines have been developed to manage commercial powerboat outfitters within their area of operations and trip lengths, and to allocate use in the primary season based upon their historic operations. There is also a need to assure that commercial outfitter services operating on National Forest areas serve the purpose of providing a public service available at all portals. Use for each commercial powerboat business will be assigned in blocks of boat days within specific periods of time during the primary season. This will assure flexibility in selling and scheduling trips, service to the public throughout the season, and distribute powerboat use throughout the season to assure that total powerboat use on the river is managed to avoid the potential for peak use days.

The objectives were designed to help reduce on-river encounters with other users and reduce competition for overnight camping with a subsequent reduction in impacts to campsites. Outfitters will continue to provide a public service to visitors. The availability of a variety of outfitted services in Hells Canyon will be maintained with the least disruption possible to outfitters while protecting and enhancing ORVs within the river corridor.

Area of Operations

The first objective of managing commercial powerboat use is to limit commercial powerboat operations for each outfitter to their area of operations during the primary season only. All outfitters can operate throughout the length of the river corridor in the secondary season. If the primary season expanded based on monitoring, each outfitter's primary season area of operations will apply to the new dates.

The Snake River Plan limits the maximum number of commercial powerboat permits on the Snake River to 19. Periodically, a portion of each outfitter's area of operations will not be available for motorized use as a result of the non-motorized periods in the wild river. Based upon analysis of area of operations, commercial powerboat permits will be changed as follows in regard to authorized area of operations during the primary season:

Primary Season Area of Operations

Dam downriver to Pittsburg

Armacoast ¹

Northern boundary of HCNRA upriver to Hells Canyon Dam

**Bertz
Luther
Riddle
Odegaard
Taylor ²**

Northern boundary of HCNRA upriver to the bottom of Granite Creek Rapid

**Bream
Cook
Eddins
Whitten
Woods
Zapffe**

Northern boundary of HCNRA upriver to the bottom of Rush Creek Rapid

**Alboucq ³
Turnidge ⁴
Koch - Heller Bar Excursions
Koch - Idaho Rivers Navigation
Koch - Rivers Navigation
Maxwell**

- 1 The existing single permit allowing use of two boats can be split into two, one-boat permits at the option of the permit holder. Refer to the section **Powerboat Operations Based at Hells Canyon Creek** for more information concerning this option.**
- 2 This business changed ownership between the FEIS and the EA. in the FEIS this business was listed as Wieber.**
- 3 This business changed ownership between the FEIS and the EA. in the FEIS this business was listed as Watson.**
- 4 This business changed ownership prior to the decision notice for the EA. in the FEIS and the EA this business was listed as Anderson.**

Secondary Season Area of Operations

Northern boundary to Hells Canyon Dam

All permitted outfitters

Trip Duration

The second objective is to manage commercial powerboat outfitters' trip duration, primarily determined by two factors: their historic record of overnight camping activity, and whether they have other overnight

lodging facilities available for their customers. Outfitters who meet all of the following criteria will be assigned an allocation for overnight camping in the river corridor:

- Those who have historically offered a substantial number of overnight camping trips within the HCNRA with guide services to clients.
- Those who do not have lodging facilities under permit from the Forest Service.
- Those who do not have lodging facilities on private land in the following areas:

On the Snake River within the HCNRA

On the Lower Salmon River and primarily accessed from the Snake River

Outfitters who purchase existing businesses may be considered for an overnight camping allocation if the business they purchase had a prior history of offering overnight camping or overnight lodging accommodations on the Snake River. The purchasing outfitter will need to be an outfitter whose opportunity for overnight lodging is no longer available due to sale of business, loss of overnight lodging opportunity, sale of private land, etc.

Overnight camping on public lands by commercial powerboat outfitters will not be allowed in the following sections of the river during the primary season except at sites which may become available through issuance of a Granger-Thye permit:

- 1) Downstream from the mouth of the Salmon (to Oregon/Washington border)
- 2) Between Pittsburg Landing and Kirkwood Historic Ranch, inclusive.
- 3) Between Hells Canyon Dam and the top of Wild Sheep Rapid.

All river-based outfitters will be eligible to bid on any future prospectus for Granger-Thye permits. This type of fee permit would allow an outfitter to use government-owned buildings for overnight lodging of guests. This would also allow outfitters with day use only allocations an opportunity to offer overnight trips.

All overnight trips on the Snake River require the use of consecutive boat days, regardless of whether the overnight trip is at a lodge or river campsite, for all days that a boat stays with the trip.

Drop camps will remain a business opportunity for all outfitters, year-round, and will be subject to the management requirements pertaining to drop camps as described in the Snake River Plan.

Based on an analysis of these factors, commercial powerboat permits will be changed as follows:

Day-Use Only Permits

Armacost¹
Bentz²
Brearn²
Koch-Heller Bar³
Koch-Idaho Rivers Nav³
Koch-Rivers Nav³
Luther⁴
Maxwell²
Riddle⁶
Alboucq¹
Zapffe⁶

Day-Use and Overnight Camping⁷

Turnidge
Eddins
Cook
Odegaard
Taylor
Whitten
Woods

- 1 Can overnight at another outfitter's lodge within the canyon. All outfitters will have this option.
- 2 Can overnight on their private land on the Lower Salmon River.
- 3 Can overnight at Copper Creek (under Forest Service permit).
- 4 The outfitter that holds the Forest Service permit for Sheep Creek can overnight at that location. The permit is currently held by Luther.
- 5 Can overnight on their private inholding on the Snake River.
- 6 Can overnight on their private land downstream from the HCNRA boundary.
- 7 Overnight trips requires the use of consecutive boat days. Some of these outfitters also have access to lodges on private land accessible by river from the HCNRA boundary where they can overnight.

Assignment of Use

A third objective is to determine the amount of use that should be assigned to each outfitter.

Based on an analysis of historic use, a method was developed to establish the number and frequency of daily boat trips to be allocated to each outfitter during the primary season. Allocation of boat days were determined in consideration of the following:

- Maximum length of the primary season (112 days) at time of plan implementation (May 22 through September 10).
- An average level of use based on a maximum of 8 commercial boats per day originating in the scenic river (Pittsburg Landing and downstream). An additional 88 boat days identified as part of the use cap in the FEIS involve a separate allocation and will be discussed later in this document.
- Boat days based upon priority use.
- Boat days based upon a five year boat day average.
- Credit for historic trip length.
- Credit for the percentage of each outfitter's historic use of the wild river upstream from Kirkwood Historic Ranch and downstream from Wild Sheep Rapid between 1988 and 1995 for determining each outfitter's boat day allocation for this section of river, as constrained by their actual base period operations.
- Credit for number of boats used per trip.

The years used to determine the priority for assigning boat days to each outfitter were 1988-1992, the primary years of growth in passenger capacity. The order of priority was based on historic boat day activity of each outfitter during the primary season only. The unit of measure for the allocation would be in boat days where one commercial powerboat entering the HCNRA equates to one boat day for each day of the trip. Outfitters who had not developed substantial use prior to the end of the 1992 primary season have

limited opportunity for primary season access. The following is a description of how the commercial powerboat boat days were calculated:

The maximum primary season at the time of plan implementation was used to determine the total number of days available to distribute use. Based upon the maximum primary season from May 22 thru September 10, this equaled 112 days.

An average of eight boats per day originating in the scenic river (Cache Creek or Pittsburg) multiplied by 112 days provides the opportunity for 896 boat days throughout the primary season. Of these 8 boat days, 4 (one half) are authorized to operate between the northern boundary of the HCNRA and into the wild river as far upstream as Kirkwood Historic Ranch on a daily basis; the other 4 (one half) are authorized to operate upstream from Kirkwood Historic Ranch in the wild river on a daily basis. A separate allocation of 397 boat days was assigned to Hells Canyon Creek for travel in the wild river. In addition, the special allocation of 88 commercial power boat days, originally identified in the FEIS and part of the total powerboat use cap, would allow access between the northern boundary of the HCNRA and Kirkwood Historic Ranch. Allocation per outfitter and management of these boat days is discussed later in this document.

Initial allocations of use were based upon boat days. Boat days were considered to be the most accurate representation of past use since consideration is made for both the total number of boats used during a trip and the total duration of a trip (i.e., overnight trips) as reported by outfitters on annual use reports. As a result, use for each outfitter was calculated based upon boat days. As a general rule, boat day allocations reflect actual use of the river for outfitters who operate more than one boat per day or those who run overnight trips. Boat days credit each outfitter with the maximum possible number of boats that they operated each year. Identifying maximum historic use based upon boat days then allows direct correlation of boat days to launches (i.e., 1 boat day = 1 launch).

In order for qualified outfitters to be able to offer overnight trips, outfitter boat days were assigned in blocks of boat days within specific time periods during the primary season. This will allow flexibility for outfitters to offer overnight trips on a customized schedule, avoid non-motorized periods, and have some discretion in planning the length of a trip, i.e., one, two, or three day trips. Overnight use creates no cumulative increase in total use in the river corridor since the use of consecutive boat days is required for all overnight trips.

Two factors were reviewed to determine how to distribute the total number of eight boat days launched from scenic river portals among the existing outfitters. The final allocation of boat days was a combined average of each outfitter's priority use and their five-year average, using 1988-1992 as the base years for boat day analysis. This provided equal weight and consideration of both factors as follows:

- | | |
|--------------------------|---|
| Five-year Average | - Credit for consistent performance over time which demonstrates how well a business is providing continual service to the public. |
| Priority Use | - Meets the obligation of the agency to the outfitting industry by considering Forest Service guidelines that were developed with industry involvement. |

The average number of boat days determined through this process was then reduced by 1% to account for the difference in the average length of the regulated season for each year from 1988-1992 under the existing CMP (114 days) with the new initial maximum primary season length in the FEIS (112 days). This provided a Preliminary Assignment of boat days to each outfitter that totaled 972 boat days, requiring an allocation reduction of 7.8% for each outfitter. This is not a reduction in actual

use but a reduction in the inflated use level created by the application of the priority use factor. The reduction allowed distribution of total outfitter use to meet the maximum allocation of 896 boat days in a 112 day primary season, which is still greater than actual average use levels for the base period.

Since only four of the eight boats per day would be authorized to continue a trip upstream from Kirkwood Historic Ranch, boat days allocated per outfitter were initially distributed equally. This initially allocated all outfitters an equal opportunity for access, with half of their use assigned for operation in the entire scenic river and upstream as far as Kirkwood in the wild river on a single trip and half of their use assigned to the entire wild and scenic river within their primary season area of operations. In the tables and narratives to follow, which describe the **Steps in Allocation**, the sections of river where boat day use is allocated is described as:

- AOW:** Area of Operations Wild River - this reference includes both wild and scenic sections of the river within each outfitter's area of operations and is applicable to all powerboat outfitters.
- WSW:** Wild Sheep Wild River. This reference is applicable to Armacost only and refers to the section of river from Hells Canyon Dam to the top of Wild Sheep Rapid
- KW:** Kirkwood Wild River. This reference includes the river corridor from the Oregon-Washington border to Kirkwood Historic Ranch and is applicable to all outfitters except Armacost.

Steps In Allocation

The following is the initial allocation of outfitter use based upon this distribution in order of outfitter priority and includes any changes to each outfitter's boat day allocation as a result of verification of each outfitter's use per the Regional Forester's appeal decision:

Step 1 - Initial Boat Day Allocation

Outfitter	Total Boat Day Allocation	Launch Subgroup AO Wild	Launch Subgroup Kirkwood Wild
Koch-HBE	222	111	111
Luther	139	70	69
Koch-RN	120	60	60
Koch-IRN	78	39	39
Alboucq	73	37	36
Taylor	65	33	32
Odegaard	58	29	29
Riddle	39	19	20
Whitem	31	16	15
Cook	24	12	12
Bentz	11	5	6
Woods	7	3	4
Bream	7	3	4
Anderson	6	3	3
Eddins	6	3	3
Zapffe	6	3	3
Maxwell	4	2	2
TOTAL	896	448	448
Armacost	397	179	178*
TOTAL	1,293	627	626

* Wild Sheep Wild (WSW) boat days

Adjustments to Initial Boat Day Allocation

Allocation of the 88 Special Boat Days and Supply Launches to Lodges under Forest Service Permit

In reviewing the use allocations for all outfitters, there are apparent differences in the relative sizes of outfitter businesses. The following is an analysis of these outfitting businesses in relation to size, portal of operations, and the rationale for distributing the 88 special boat days that are within the use cap. The 88 special boat days were identified as a component of the use cap in the FEIS and were originally assigned to Pittsburg-based outfitters for use between Pittsburg Landing and Kirkwood. The EA distributed these launches in a different configuration and with a different use pattern, allowing travel between the northern boundary of the HCNRA and Kirkwood.

The overall objective is to distribute the 88 boat days to those outfitters, and at those portals, that will provide the greatest benefit to the public on a continual, daily basis. A secondary objective is to support mid-size businesses in order to assure a wide range of services for visitors by maintaining large, medium, and small businesses and their associated specialized services. A third objective is to provide some type of support for each outfitter's business, regardless of the size of the business.

Outfitter Group 1

These outfitters include those businesses which have historically operated one or more boat days on a daily basis during the base years of 1988-1992. The number of boat days already allocated to these outfitters provides the potential of seven-day-per-week service to the public from the two major portals (Cache Creek and Hells Canyon Creek) which continues the historic use patterns for visitor services. The allocations assigned to these businesses exceed one boat per day, providing the ability to advertise one or more trips on a daily basis, contract for specialized services such as cruise ships and tour buses, or continue to operate specialized overnight trips in conjunction with lodges under special use permit. These businesses will not receive an increase in allocation from the 88 boat days. In order to address economic issues relative to these businesses, flexibility in use allocations was a primary concern. There is a need to provide opportunities for these businesses to run multiple boats to meet contractual commitments, provide additional boat days for transporting supplies to lodges, and acknowledge adjustments necessary to the boat day cap as a result of the review of use per the Regional Forester's appeal decision. As a result, the following changes will be made to provide additional business support and flexibility:

Armacost: All of the 88 boat days were originally intended for use downstream from Kirkwood. As a result, these boat days will not be used to address objectives for Armacost's use in the wild river since Armacost bases at Hells Canyon Creek. However, as a result of the review of use per the Regional Forester's appeal decision, a substantial adjustment has been made to his original allocation, resulting in an increase of 173 boat days. Due to the unique situation of being the only business operating from Hells Canyon Creek, Armacost will continue to be the only outfitter who can originate passengers above Wild Sheep Rapid. The division of his total boat day allocation is discussed later in this document.

Koch-HBE: Two boat days will be permanently transferred from Rivers Navigation to provide this business with a full compliment of two boats per day ($222 + 2 = 224$ boat days per 112 day season).

Luther: A total of four boat days will be assigned to the Sheep Creek Granger-Thye permit for supply trips to Sheep Creek, allocated based on providing an average of one boat day in each of the months of June, July, August and September. These will be non-passenger-carrying boats and, as a result, will not count in the commercial use cap. These boat days will transfer with the permit to the outfitter who is issued the Granger-Thye permit (currently issued to Luther).

Koch-RN: This business will be provided a maximum of 16 boat days for supply trips to Copper Creek, allocated based on providing an average of one boat day per week during the primary season. These boat days will become part of the Copper Creek Resort permit (currently issued to Koch-RN) and will not count in the commercial use cap since they are non-passenger-carrying trips.

Outfitter Group 2

This group of outfitters include those who have traditionally operated one-day and/or overnight fishing trips at a level below one boat per day during the primary season in the base years but at a level that represents a minimum of one-third of the days in the primary season. This group also includes the Pittsburg Landing-based outfitters aggregated as a group. With the exception of Woods, these outfitters have a level of use that is distinctly different from the outfitters in groups 1 and 3 during the base years of 1988-1992. Providing additional allocations of boat days to this group as a whole has the potential to provide the greatest benefit

to visitors by assuring the continued availability of reasonably priced, one-day tours for the spontaneous market supported by transient tourists, and the continuation of overnight fishing trips. The following are the objectives in allocating additional boat days to the mid-sized outfitters:

The objective for the four largest of these mid-sized outfitters is to allocate additional boat days from the 88 launches in order of size of the outfitter from highest to lowest to provide equal boat day access for Cache Creek portal entries. This will provide a minimum level of service to the public at an average of five boat days per week per outfitter. The majority of this use has historically been tied to transient tourists involved in one-day tours.

The objective for the Pittsburg Landing portal outfitters is to allocate additional launches to them as a group to provide a minimum level of service to the public at a level of an average of five boat days per week throughout the primary season (comparable with each of the mid-sized outfitters at the Cache Creek portal). The majority of this use has historically been tied to a variety of services for the public, including one-day tours, overnight fishing trips, and jetbacks from the mouth of the Salmon River to Pittsburg. Their portion of the 88 boat days totals an additional allocation of 18 boat days, and is allocated among the three outfitters proportionately based on their historic use from 1988-1992.

The objective for Riddle is to recognize his allocation as a component of use at both Cache Creek and Pittsburg Landing, and allocate additional launches to specifically address the need for additional boat days to accommodate three-day fishing trips with one or more days of each trip spent in the wild river above Kirkwood. Riddle is the only Snake River powerboat outfitter that will be authorized to operate from both Cache Creek and Pittsburg (launch boats for commercial trips).

Additional adjustments were made to Riddle's allocation to meet his request for assignment of boat days in July, August, and September that would allow him to offer three-day fishing trips every weekend during those months. This request closely reflects the time period of his historic primary season commercial use. In order to accommodate this request, a portion of Riddle's increased allocation (derived from the 88 boat days and over and above his historic use level) that would have been assigned in May and June was transferred to the mid-sized outfitters at the Cache Creek portal as follows:

Month	AO Wild	Kirkwood Wild	Total
May	1 Koch-IRN		= 1
May		1 Koch-IRN	= 1
May	$\frac{1}{1}$	1 Alboucq	= $\frac{1}{1}$
TOTAL	1 +	2	= 3
June	1 Alboucq		= 1
June	1 Taylor		= 1
June	1 Odegaard		= 1
June		1 Taylor	= 1
June		$\frac{1}{2}$ Odegaard	= $\frac{1}{2}$
TOTAL	3	2	= 5
GRAND TOTAL	4 +	4	= 8

As a result, the following outfitters will have an increase in their allocation as a result of re-allocating use derived from a portion of the 88 boat days previously assigned to Riddle as follows:

Koch-IRN:	+2
Alboucq:	+2
Taylor:	+2
Odegaard:	+ <u>2</u>
TOTAL	+8
 Riddle:	 -8 (4 AO Wild, 4 Kirkwood Wild)

Using these guidelines, the initial assignment of the 88 boat days will be as follows:

Cache Creek Portal:

	<u>ORIG</u>		<u>88</u>		<u>FROM</u>		<u>NEW</u>
			<u>ALLOC</u>		<u>RIDDLE</u>		
Koch-IRN:	78	+	5	+	2	=	85
Alboucq:	73	+	10	+	2	=	85
Taylor:	65	+	18	+	2	=	85
Odegaard:	58	+	25	+	2	=	85

Cache Creek/Pittsburg Landing Portals:

	<u>ORIG</u>		<u>88</u>		<u>ADJUST</u>		<u>NEW</u>
			<u>ALLOC</u>				
Riddle:	39	+	12	-	8	=	43

Pittsburg Landing Portal:

	<u>ORIG</u>		<u>88</u>		<u>NEW</u>
			<u>ALLOC</u>		
Whitten:	31	+	9	=	40
Cook:	24	+	7	=	31
Woods:	7	+	2	=	<u>9</u>
TOTAL					80*

- * Since a portion of Riddle's use originates at Pittsburg Landing, the total for the Pittsburg Landing portal is considered to be the equivalent of each of the mid-sized outfitters' allocation at Cache Creek. Riddle is the only outfitter authorized to conduct commercial operations from both Cache Creek and Pittsburg.

Outfitter Group 3

These outfitters as a group (with the exception of Woods, who is included in the outfitters at the Pittsburg Landing portal above) represent a total of 40 boat days or the equivalent of less than three boat days per week in aggregate during the primary season. This is less than 3% of the total powerboat boat day allocation for the Snake River. The largest of these small outfitters (Bentz) does not have enough boat days allocated during the base years to provide one boat day per week during the primary season. Due to the size of these businesses, there is no feasible option to increase their boat day allocation within the use cap during the primary season to provide an increased level of service to the public unless it is at the expense

of mid-size outfitters (Group 2). The Group 2 outfitters have demonstrated their ability to provide a higher level of service to the public and, in general, their businesses have been actively marketed for growth over a number of years.

Historically, all of these businesses have had limited primary season use, or have operated primarily in the secondary season. Their potential for growth in the secondary season continues to be unlimited. As a result, they will not receive any additional allocation from the 88 special boat days. However, in order to effectively use their limited number of primary season boat days, they will have the advantage of being the only outfitters to be able to market their trips at any time during the primary season. This marketing option also includes Woods who would otherwise be included in this group if his use was not included with the Pittsburg Landing outfitters in Group 2.

Assignment of an allocation from the 88 boat days is in addition to the initial boat day allocation assigned to each outfitter and each boat day that is assigned will increase the outfitter's Kirkwood Wild allocation.

As a result of these changes, the following boat day allocation adjustments were made:

Step 2 - Preliminary Adjusted Boat Day Allocation

Outfitter	Total Boat Day Allocation			Launch Subgroup AO Wild			Launch Subgroup Kirkwood Wild		
	OLD	ADJ	NEW	OLD	ADJ	NEW	OLD	ADJ	NEW
Koch-HBE	222	+ 2	= 224	111	+ 1	= 112	111	+ 1	= 112
Luther	139	+ 0	= 139	70	+ 0	= 70	69	+ 0	= 69
Koch-RN	120	- 2	= 118	60	- 1	= 59	60	- 1	= 59
Koch-IRN	78	+ 7	= 85	39	+ 1	= 40	39	+ 6	= 45
Alboucq	73	+ 12	= 85	37	+ 1	= 38	36	+ 11	= 47
Taylor	65	+ 20	= 85	33	+ 1	= 34	32	+ 19	= 51
Odegaard	58	+ 27	= 85	29	+ 1	= 30	29	+ 26	= 55
Riddle	39	+(12-8)	= 43	19	- 4	= 15	20	+(12-4)	= 28
Whitten	31	+ 9	= 40	16	+ 0	= 16	15	+ 9	= 24
Cook	24	+ 7	= 31	12	+ 0	= 12	12	+ 7	= 19
Bentz	11	+ 0	= 11	5	+ 0	= 5	6	+ 0	= 6
Woods	7	+ 2	= 9	3	+ 0	= 3	4	+ 2	= 6
Bream	7	+ 0	= 7	3	+ 0	= 3	4	+ 0	= 4
Turnidge	6	+ 0	= 6	3	+ 0	= 3	3	+ 0	= 3
Eddins	6	+ 0	= 6	3	+ 0	= 3	3	+ 0	= 3
Zapffe	6	+ 0	= 6	3	+ 0	= 3	3	+ 0	= 3
Maxwell	4	+ 0	= 4	2	+ 0	= 2	2	+ 0	= 2
Total	896	+ 88	= 984	448	+ 0	= 448	448	+ 88	= 536
Armacost	397	+ 0	= 397	199	+ 0	= 199	198	+ 0	= 198*
Total	1,293+	88	= 1,381	647	+ 0	= 647	646	+ 88	= 734

* Wild Sheep Wild (WSW) boat days

Allocating Boat Days To Provide Access Into the Wild River Based on Percentage of Historic Use

A fourth objective is to allocate boat days in order for each outfitter to have an opportunity for access into the wild river upstream from Kirkwood-based on their percentage of historic use of that section of the wild river (downstream from Wild Sheep Rapid for Armacost only).

The FEIS/ROD authorized five commercial powerboats per day to use the Kirkwood to Wild Sheep Rapid section of the wild river on motorized days to achieve ROS objectives consistent with a semi-primitive motorized river. In addition to ROS considerations, wild river use levels were based upon three other factors:

- a. commercial use patterns in the wild river.
- b. the desire of the public to limit commercial use of the river corridor.
- c. The comparable levels of use between private and commercial powerboaters into this section of the river, with the level of private powerboat access set at six boats per day for the wild river by the FEIS/ROD, and affirmed by the Regional Forester.

The FEIS/ROD authorized five commercial power boats per day to use the Kirkwood to Wild Sheep Rapid section of the wild river on motorized days to achieve ROS objectives consistent with a semi-primitive motorized river. With the change from a rigid launch schedule in the FEIS/ROD to a flexible launch schedule in the EA, and a further change from an average of 24 non-motorized periods in the FEIS/ROD to 21 non-motorized days in the EA, the calculations used to arrive at the formula for the five launches per day has changed. The adjustment is primarily due to changes in the number of days in the non-motorized period between the FEIS/ROD (24), the EA (average of 19) and the decision notice for the EA (21). Absent a rigid launch schedule, and in consideration of the findings of the peak use analysis, a maximum of 515 commercial boat days in the Kirkwood to Wild Sheep Rapid section of the wild river will provide an average of 5.67 boats per day and still meet the levels of use contemplated by the FEIS/ROD. Use levels from Rush Creek to Granite Creek, and Granite Creek to Wild Sheep Rapid will average substantially lower than 5.67 boats per day due to limits on area of operations for all outfitters, river flows, and time period limitations on allocations per outfitter as described later in this document.

Allocation of the 515 boat days will be based on each outfitter's historic percentage of the aggregate number of boat days use of the section of the river between Kirkwood and Wild Sheep Rapid from 1988-1995.

The above changes to all outfitters will result in a final adjustment to the boat day allocation as follows:

Step 3 - Final Boat Day Allocation

Outfitter	Total Boat Day Allocation	Launch Subgroup AO Wild			Launch Subgroup Kirkwood Wild		
			<u>ADJ</u>	<u>FINAL</u>		<u>ADJ</u>	<u>FINAL</u>
Koch-HBE	224	112 -	40	= 72	112 +	40	= 152
Luther*	139	70 +	0	= 70	69 -	0	= 69
Koch-RN**	118	59 -	41	= 18	59 +	41	= 100
Koch-IRN	85	40 -	5	= 35	45 +	5	= 50
Alboucq	85	38 +	15	= 53	47 -	15	= 32
Taylor	85	34 -	3	= 31	51 +	3	= 54
Odegaard	85	30 -	7	= 23	55 +	7	= 62
Riddle	43	15 +	10	= 25	28 -	10	= 18
Whitten	40	16 -	1	= 15	24 +	1	= 25
Cook	31	12 -	3	= 9	19 +	3	= 22
Bentz	11	5 -	2	= 3	6 +	2	= 8
Woods	9	3 +	4	= 7	6 -	4	= 2
Bream	7	3 -	2	= 1	4 +	2	= 6
Turnidge	6	3 -	1	= 2	3 +	1	= 4
Eddins	6	3 -	1	= 2	3 +	1	= 4
Zapffe	6	3 -	2	= 1	3 +	2	= 5
Maxwell	4	2 -	1	= 1	2 +	1	= 3
Total	984	448 -	80	= 368	536 +	80	= 616
Armacost***	397	199 -	52	= 147	198 +	52	= 250
Total	1,381	647 -	132	= 515	734 +	132	= 866

Scenic River Portal Boat Days-North Boundary to Kirkwood
 $984 \div 112 = 8.78$ boats per day

An additional 147 boat days for Armacost could potentially travel into this section of the river on motorized days as far downstream at Pittsburg Landing, changing the average to 10.4 boats per day between Pittsburg and Kirkwood.

Hells Canyon Creek Portal Boat Days
 $397 \div 112 = 3.54$ boats per day

Hells Canyon Dam to Wild Sheep Rapid for Armacost only, including the 147 boat days that could travel further downstream. Additional boat days will be attributed to downstream outfitters with an area of operations to Hells Canyon Dam. The number of trips will vary dependent on water levels, passenger bookings, fuel costs, trip duration, etc., but it is projected to average no more than one per day on motorized days only, for an additional 93 boat days, and will change the average to 4.4 boats per day between the dam and Wild Sheep Rapid.

- * Luther will be authorized four non-passenger cargo boat days to Sheep Creek.
- ** Koch-RN will be authorized 16 non-passenger cargo boat days to support Copper Creek.
- *** The boat days shown in the Kirkwood Wild column represent Wild Sheep Wild (WSW) boat days for Armacost only.

Allocating Boat Days in Time Schedule Blocks

A fifth objective is to allocate boat days within specific time periods throughout the primary season.

The method for allocating boat days for commercial powerboats will be managed under a flexible launch system, different from the system of assigned launch dates use for commercial floaters. Commercial powerboat businesses have developed differently than commercial float businesses over time. Specifically, the majority of commercial powerboat trips are one day versus multi-day for commercial float trips. As a result, there is a greater need for flexibility in the availability of launches in order to sell trips to a transient tourist population which has provided the bulk of historic use. There is also a need to run multiple boats per outfitter on some days to accommodate contractual agreements with tour bus companies and cruise ships, and overnight fishing trips. This tourism base requires a different method of allocating use to meet customer demand, provide public service, and reduce economic effects on powerboat businesses.

In order to provide a flexible launch schedule for commercial powerboats, boat days must be distributed throughout the season to manage the potential for peaks in commercial powerboat use, particularly among larger outfitters. As a result, each outfitter's boat day allocation was distributed throughout the 112 day primary season in blocks of time, with the length of the time periods dependent on the size of the outfitter.

Distributing boat days on staggered schedules will enhance the availability of service to the public throughout each month of the primary season. The number of boat days allocated in the first block of time starting in May each year will vary based on the date of the Friday before Memorial Day, with the maximum allocation of boat days assigned to May 22 and appropriate reductions with a shorter primary season. For example, the shortest primary season is 105 days with a May 28 start date. However, since May 22-27 will become secondary season dates for that year, outfitters will have complete flexibility to sell trips on those dates since there will be no limits on use.

Outfitters will be allocated their use in blocks of boat days, with the use distributed on the following five schedules.

Step 4 - Assignment of Outfitters to Time Schedule Blocks

Group A Outfitters	Group B Outfitters	Group C Outfitters	Group D Outfitters	Group E Outfitters
Armacost* Koch-HBE Koch-RN Koch-IRN	Luther Alboucq Taylor Odegaard	Riddle Cook	Whitten	Bertz Woods Bream Turnidge Eddins Zapffe Maxwell

* If Armacost decided to divide this business, the second permit would be assigned to Group B.

Block	Group A BI-Weekly	Group B Staggered BI-Weekly	Group C Monthly	Group D Staggered Monthly	Group E Seasonal
1	May 22 - June 4	May 22 - May 28	May 22 - May 31	May 22 - June 15	May 22 - Sept 10
2	June 5 - June 18	May 29 - June 11	June 1 - June 30	June 16 - July 15	
3	June 19 - July 2	June 12 - June 25	July 1 - July 31	July 16 - Aug 15	
4	July 3 - July 16	June 26 - July 9	Aug 1 - Aug 31	Aug 16 - Sept 10	
5	July 17 - July 30	July 10 - July 23	Sept 1 - Sept 10		
6	July 31 - Aug 13	July 24 - Aug 6			
7	Aug 14 - Aug 27	Aug 7 - Aug 20			
8	Aug 28 - Sept 10	Aug 21 - Sept 3			
9		Sept 4 - Sept 10			

Step 5 - Assignment of Boat Days per Time Schedule Block

Group A Boat Day Schedules
(Armacost, Koch-HBE, Koch-RN, Koch-IRN)

Note: The start date for the Block 1 time period varies from one year to the next depending on the date of the Friday before Memorial Day. In the table below, Block 1 is the Friday before Memorial Day through June 4.

Blocks	1													
	14	13	12	11	10	9	8	2	3	4	5	6	7	8
Days in Block														
Start Date	5/22	5/23	5/24	5/25	5/26	5/27	5/28	6/5-6/18	6/19-7/2	7/3-7/16	7/17-7/30	7/31-8/13	8/14-8/27	8/28-9/10
Armacost	16 31	17 29	16 27	14 25	13 22	12 20	10 18	18 31	19 31	18 32	19 31	18 32	19 31	18 31
Koch-HBE	9 19	8 18	8 16	7 15	6 14	6 12	5 11	9 19	9 19	9 19	9 19	9 19	9 19	9 18
Koch-RN	2 12	2 11	2 10	2 10	1 9	1 8	1 7	2 13	3 12	3 12	2 13	2 13	2 13	2 12
Koch-IRN	4 6	4 6	3 5	3 5	3 4	3 4	2 3	4 6	5 6	4 7	4 7	5 6	5 6	4 6

* AOW is the entire Wild and Scenic Snake River limited to each outfitter's area of operation.
 ** WSW is the top of Wild Sheep Rapid to Hells Canyon Dam section of the Snake River.
 *** KW is the Kirtwood to Cache Creek section of the Snake River.

Group B Boat Day Schedules
(Luther, Alboucq, Taylor, Odegaard)

Note: The start date for the Block 1 time period varies from one year to the next depending on the date of the Friday before Memorial Day. In the table below, Block 1 is the Friday before Memorial Day through May 28.

Blocks	1							2	3	4	5	6	7	8	9
	7	6	5	4	3	2	1								
Days in Block	7	6	5	4	3	2	1	14	14	14	14	14	14	14	7
Start Date	5/22	5/23	5/24	5/25	5/26	5/27	5/28	5/29-6/11	6/12-6/25	6/26-7/9	7/10-7/23	7/24-8/6	8/7-8/20	8/21-9/3	9/4-9/10
Luther	4 ACW KW	3 3	3 3	2 2	2 2	1 1	1 1	8 9	9 8	9 9	9 9	9 9	9 9	9 8	4 4
Alboucq	3 ACW KW	3 2	2 1	2 1	1 1	1 1	1 1	7 4	6 4	7 4	6 4	7 4	7 4	7 4	3 2
Taylor	2 ACW KW	2 3	1 2	1 2	1 1	1 1	1 1	3 7	4 7	4 7	4 7	4 7	4 7	4 6	2 3
Odegaard	1 ACW KW	1 3	1 3	1 2	1 2	1 1	1 1	3 7	3 8	3 8	3 8	3 8	3 8	3 7	1 4

**Group C Boat Day Schedules
(Riddle, Cook)**

Note: The start date for the Block 1 time period varies from one year to the next depending on the date of the Friday before Memorial Day. In the table below, Block 1 is the Friday before Memorial Day through May 31.

Blocks		1							2	3	4	5
Days in Block		10	9	8	7	6	5	4	30	31	31	10
Start Date		5/22	5/23	5/24	5/25	5/26	5/27	5/28	June	July	August	9/1-9/10
Riddle	AOW	1	1	1	1	1	1	1	4	7	7	2
	KW	0	0	0	0	0	0	0	5	7	7	3
Cook	AOW	0	0	0	0	0	0	0	2	3	3	1
	KW	2	2	2	1	1	1	1	6	6	6	2

**Group D Boat Day Schedules
(Whitten)**

Note: The start date for the Block 1 time period varies from one year to the next depending on the date of the Friday before Memorial Day. In the table below, Block 1 is the Friday before Memorial Day through June 15.

Blocks		1							2	3	4
Days in Block		25	24	23	22	21	20	19	30	31	26
Start Date		5/22	5/23	5/24	5/25	5/26	5/27	5/28	6/16-7/15	7/16-8/15	8/16-9/10
Whitten	AOW	3	3	3	3	3	2	2	4	4	4
	KW	5	5	5	4	4	4	4	7	7	6

Group E Boat Day Schedules
 (*Bentz, Woods, Bream, Turnidge, Eddins, Zapffe, Maxwell)

Note: The start date for the Block 1 time period varies from one year to the next depending on the date of the Friday before Memorial Day.

Block 1								
Days in Block		112	111	110	109	108	107	106
Start Date		5/22	5/23	5/24	5/25	5/26	5/27	5/28
Bentz	AOW KW	3 8	3 8	3 8	3 8	3 8	3 8	3 8
Woods	AOW KW	7 2	7 2	7 2	7 2	7 2	7 2	7 2
Bream	AOW KW	1 6	1 6	1 6	1 6	1 6	1 6	1 6
Turnidge	AOW KW	2 4	2 4	2 4	2 4	2 4	2 4	2 4
Eddins	AOW KW	2 4	2 4	2 4	2 4	2 4	2 4	2 4
Zapffe	AOW KW	1 5	1 5	1 5	1 5	1 5	1 5	1 5
Maxwell	AOW KW	1 3	1 3	1 3	1 3	1 3	1 3	1 3

* These outfitters may use their boat days at their discretion throughout the entire primary season within their assigned allocations with the exception that AOW boat days may not be used on non-motorized days upstream from Kirkwood.

Location of Powerboat Business Opportunities and Minimum and Maximum Number of Powerboat Outfitters

A sixth objective of managing commercial powerboat use is to provide for public access to outfitter services originating at all portals except Dug Bar, and to provide options in services for the public by assuring business competition through issuance of multiple commercial permits.

The following guidelines will help assure quality service to visitors by encouraging business competition for prices and services offered by outfitters, opportunities for the public to obtain commercial services at a variety of river locations, and sustained commercial viability of outfitting businesses.

Location	Minimum ¹	Maximum	Number of Businesses that Could Move to Another Portal
Hells Canyon Cr	2	2	(1 existing) ² 0
Pittsburg	3	4	(3 existing) 0
Dug Bar ³	0	0	(0 existing) 0
Cache Cr	6	14	(14 existing) ⁴ 1 ⁵
Total	10 ⁶	19 ⁶	1

- 1 Minimum numbers of outfitters are established at each site to assure continuation of services and to reduce the potential for monopolies. Numbers are based on access to the area, potential for on-site congestion, population base related to historic tourism potential and to provide business competition which will encourage quality service and options for both services and prices for customers. Once minimum permit numbers are reached at a specific location, the terms of those permits will require their operations to base at that location in order for the business to be authorized to operate within HCNRA. This will require the buyer of one of these businesses to continue to operate from the same portal as part of the terms of the permit.
- 2 At the option of the permit holder, the existing single permit authorizing use of two boats could be terminated and two new permits would be issued with an equal division of the allocated boat days and one boat per permit allowed. Issuance of the existing single permit and the proposed additional permit would require basing operations at that site only for access into the HCNRA. See **Powerboat Operations Based at Hells Canyon Creek** for detailed information on this use.
- 3 Since no powerboat business has ever been solely based at Dug Bar, and in conformance with the draft Hells Canyon National Recreation Area Comprehensive Management Plan (1996), moving to this location for a base of operations will not be an option. However, all outfitters can pick up and drop off passengers at this location in compliance with their individual area of operations.
- 4 The 14 existing permits for Cache Creek reflect the number of existing outfitters operating from this site that hold priority use permits. If the option was exercised in footnote 5 below, the maximum number of permits at this portal would change to 13 and the minimum number of permits at the Pittsburg portal would change to 4.
- 5 There is an option for one priority use business to move from Cache Creek to Pittsburg Landing as a base of operations.
- 6 These figures will be dependent upon voluntary combining or splitting of businesses associated with existing permits, and sale of businesses. The total of 19 maximum permits includes the existing priority use permits and the outfitter exercising the option described in footnote 2 above. If the options in footnotes 2 and 5 were exercised, the minimum total would change to 12.

Powerboat Operations Based at Hells Canyon Creek

The single commercial powerboat business at Hells Canyon Creek which authorizes the use of two boats (currently held by Armacost) can be terminated at the option of the permit holder. It would be replaced with two special use permits with an equal division of the original boat day allocation and each permit would authorize the use of one boat. The creation of two permits, with an equal division of the boat day allocation, would not increase the total use allocation. Issuance of two special use permits for this use allocation would provide the following:

1. An opportunity for the permit holder to sell 50% of the business to reduce any economic impacts to his business structure as a result of the Recreation Plan. (Issuance of a single permit does not allow for a portion of a business to be sold).
2. An opportunity to eliminate the present on-site monopoly by one commercial powerboat business and to provide the possibility of a competitive business atmosphere at the launch site in the future, with a corresponding choice in services for the benefit of all visitors. This would be the result of the permit holder having the flexibility to sell 50% of the business.
3. An opportunity to manage commercial powerboat use at the site based upon staggered bi-weekly schedules rather than assigning all boat days to a bi-weekly schedule.
4. Achieve the target of a minimum number of outfitters on site (two) without increasing the historic boat day allocation and maximum number of boats authorized to operate under the single permit (two).
5. Address economic concerns from Baker County, Oregon and Adams County, Idaho by assuring a continuation of a variety of public services from Hells Canyon Creek on a year-round basis.

Each permit would authorize use as follows:

1. Each permit would have an allocation of 50% of the total original boat days allocated in the Snake River Plan (397 total, with 73 AOW and 125 WSW boat days for the new permit, and 74 AOW and 125 WSW boats days assigned to the original permit). This would provide each permit holder the ability to advertise a minimum of one trip per day throughout the primary season.
2. Area of operations and conditions of use would be identical for both permits as follows:
 - a. Primary Season Area of Operations - Dam to Pittsburg. The daily trip would be based on the boat day allocations and associated schedules for each permit and could be used for a variety of trip options, i.e., private or commercial jetback, all day tour, all day tour combined with a jetback, scenic tour to the top of Wild Sheep Rapid, drop camps, etc. During the secondary season, there would be no limit on area of operations.
 - b. During the non-motorized periods downstream from Wild Sheep Rapid, all trips would be limited to operations between the dam and the top of Wild Sheep Rapid.
 - c. Passengers could be originated from any location between Hells Canyon Dam and Pittsburg Landing, inclusive, during the primary season and at all river locations during the secondary season.
 - d. All operations would be limited to day-use only, year-round, within the boundaries of the HCNRA.

Special permit management conditions that apply to both of these permits include the following:

1. The existing owner of the business, upon being issued two permits, would not be required to sell one or both businesses associated with the permits. However, a condition for issuance of all future special use permits issued for that site would require that when one or both businesses were sold, both businesses could not be sold to the same business entity, an entity who would have a financial interest in both businesses at the same time as a result of the sale, or an immediate family member of the seller or purchaser. This will eliminate any future potential for a monopoly.

2. The ability to trade boat days would only be implemented when there were two separate businesses operating from the site. Trading dates with outfitters operating from other portals would not be authorized.
3. The base of operations for both permits would be limited to Hells Canyon Creek only. Only the permits based at Hells Canyon Creek could originate passengers from locations upstream of Wild Sheep Rapid. A condition for re-issuance of permits associated with sales of businesses at this site will require the businesses to continue to operate out of Hells Canyon Creek.

Origination of Passengers

Outfitters operating in the scenic river can originate commercial passengers at any location downstream from Wild Sheep Rapid. The outfitter(s) based at Hells Canyon Creek is/are the only outfitter(s) authorized to originate passengers upstream from Wild Sheep Rapid.

Summary of Outfitter Allocations During the Primary Season

Outfitter	Area of Operations	Day Use	Overnight Camping	Amount of Use
Alboucq	Boundary to Rush Creek	Yes	No	MODERATE
Armacost	Hells Canyon Dam to Pittsburg Landing	Yes	No	HIGH
Bentz	Boundary to Dam	Yes	No	LOW
Bream	Boundary to Granite	Yes	No	LOW
Cook	Boundary to Granite	Yes	Yes	MODERATE
Eddins	Boundary to Granite	Yes	Yes	LOW
Koch-HBE	Boundary to Rush Creek	Yes	No	HIGH
Koch-IRN	Boundary to Rush Creek	Yes	No	MODERATE
Koch-RN	Boundary to Rush Creek	Yes	No	HIGH
Luther	Boundary to Dam	Yes	No	HIGH
Maxwell	Boundary to Rush Creek	Yes	No	LOW
Odegaard	Boundary to Dam	Yes	Yes	MODERATE
Riddle	Boundary to Dam	Yes	No	MODERATE
Taylor	Boundary to Dam	Yes	Yes	MODERATE
Turnidge	Boundary to Rush Creek	Yes	Yes	LOW
Whitten	Boundary to Granite	Yes	Yes	MODERATE
Woods	Boundary to Granite	Yes	Yes	LOW
Zapffe	Boundary to Granite	Yes	No	LOW

Changes in Boat Day Schedules

Two outfitters, if equivalent in size and operating from the same portal, may trade between Group A and Group B boat day schedules, or between Group C and Group D schedules, if the trade is agreeable to both businesses. The primary limitation on changes of this type is the requirement that any change does not affect the daily availability of service to the public throughout each month from all portals during the primary season. Outfitters in Groups A, B, C, and D may not change schedules with outfitters in Group E. However, an outfitter in Group E may request that their schedule be changed to A, B, C or D schedules.

Trading Boat Days Within the Same Time Schedule Group

Trading of dates will require signed agreements between the outfitters involved and will need to meet the same requirements as trades between commercial floaters including submitting the trade agreement to the Forest Service in advance of the trip. Trades made on weekends or at other times when the Forest Service office is closed will have to be in writing, signed by each outfitter involved, and hand delivered to a Forest Service officer at the portal prior to entry. A fax copy of this agreement with signatures will be acceptable providing the original signature of the owner of the commercial boat entering the river that day was on the faxed document. A trade cannot be used to increase an outfitter's area of operations or permanently increase the maximum number of boat days allowed in the outfitter's allocated block of boat days. A trade will only be good for the purpose of exchanging an AOW boat day for a KW boat day or vice versa.

Outfitters in all five boat day schedules can trade launch dates among themselves. A trade will not change the status of a launch that authorized use only in the KW section of the river, i.e., a Kirkwood wild launch can not authorize use in the wild river upstream from Kirkwood. A trade will not change the status of a permit, i.e., a day-use-only permittee can not offer overnight camping trips by trading a date with a permittee who is authorized to conduct overnight trips. Outfitters in Group C or D who trade boat days with outfitters in Groups A and B, will have to use the boat day within the block of time in which it was assigned to the original outfitter, i.e., a boat day must be used within the original dates (prior to trade) that it was scheduled for. Trades between outfitters in Group E will be good for any day in the primary season with the exception that AOW dates can not be used upstream from Kirkwood during non-motorized days.

The boat days allocated to the outfitter at Hells Canyon Creek can not be traded to outfitters based at other locations. These boat days can only be traded among the outfitters based at Hells Canyon Creek for day use only if the outfitter based at that site chose to exercise the option of being issued two permits and sold 50% of the business.

Cross-Over

In order to assure optimum availability of launches assigned for private powerboaters, there will be no cross-over system between private and commercial powerboaters to utilize vacant launches between groups.

Pool

Since all available commercial power boat days have been assigned, there will initially be no pool of vacant boat days. However, if powerboat outfitters decided at a later date to implement a pool, each participating business could donate boat days for creation of a common commercial powerboat pool for use among all outfitters who have contributed an equal percentage of boat days based upon the total boat day allocation of their business.

In addition, the use of boat days assigned to each outfitter will be monitored on an annual basis through use of manifests and actual use reports. Outfitters who exceed their allocated boat days per block of time will lose the equivalent number of boat days per block of time in the following primary season. These boat days will be placed in a common pool and made available to all powerboat outfitters within the limits of their area of operations and type of boat day (AOW or KW) with the exception that each outfitter who lost dates due to over use will not have access to the pool for the duration of the season.

Number of Boats

Each outfitter is allowed one boat for river access for each boat day displayed on their assigned boat day schedule. Outfitters may use more than one boat day per day up to the maximum number assigned in each block of time. Each time a boat day is used, the total number of boat days in that block of time decreases until all boat days have been used. Boat days may be used on any day within the block of time assigned with the exception that AOW boat days can not be used on non-motorized days for trips that travel between Wild Sheep Rapid and Kirkwood. Boat days that are not used within the specified block of time cannot be saved for transfer to another block of time during the primary season.

Boat days obtained through trades or a common pool will not be used as a basis for establishing an increase in area of operations, length of trip, or priority use for either AOW or KW boat days.

Overnight Trips

During the primary season, overnight camping trips within the river corridor (whether at a river campsite or at a lodge within the HCNRA or on the Lower Salmon) will require consecutive boat days since all commercial powerboat use is managed by the maximum number of boat days assigned to each outfitter per block of time and the associated amount of daily commercial powerboat use within the river corridor. The maximum campsite stay length will be three days and two nights in the wild river, and four days and three nights in the scenic river, per campsite during the primary season for outfitters who camp. Outfitters who use commercial lodging can have stay lengths of greater duration as long as all overnight use occurs at the outfitter's facilities and the outfitter is authorized to use the required number of boat days to cover each day of the trip that utilized powerboat travel. The outfitter will be responsible for using the correct type of boat days (AOW or KW) for each day of the trip.

Penalties

Commercial powerboaters often have a short window of opportunity for booking trips because of the volume of day-use trips they charter. It is not uncommon for a business to book passengers the day prior to, or even the morning of, a trip. As a result, there will be no penalty to outfitters if they did not use their full allocation of boat days per block of time.

However, outfitters who exhibited a distinct pattern of non-use of allocated boat days, either by block of time or by season, will have their allocation reduced based upon the guidelines established for reduction of priority use. Outfitters who use less than 70% of their assigned boat days in each of three consecutive years will have their assigned boat days reduced unless there are mitigating circumstances considered to be generally outside the control of the outfitter or non-use is approved in advance by the authorized Forest Officer. This could include, but is not be limited to, adverse weather conditions, river flows, or fire activity. Any boat days that become available as a result of this type of action will be placed in a common pool for use by all powerboat outfitters or re-allocated according to the proportional formulas in this document. Outfitters who exceed their assigned number of boat days in any two consecutive years will permanently lose the number of boat days equivalent to their maximum overage in either year. These boat days will be assigned to the commercial powerboat pool or re-allocated according to the proportional formulas in this document.

Changes in Primary Season

If monitoring the levels of use in the river corridor indicate the dates of the primary season need to be expanded, the allocation system and method for assigning boat days will remain the same as long as the primary season dates do not exceed the period between May 1 and October 1. This means that maximum boat day allocations from September 1 through October 1 will be equal to each outfitter's allocation in

August, and the maximum boat day allocations from May 1 through May 31 will be equal to each outfitter's allocation in June.

If it becomes necessary to expand the primary season outside of these dates, a new formula will be developed to determine allocations to outfitters based upon traditional uses that normally occurred during that time period. For example, some outfitters with a low boat day allocation during the primary season could have a greater number of assigned boat days after October 1 if their level of historic use was higher during the fall because their business was primarily based upon fall steelhead fishing or chukar hunting. In contrast, outfitters with a large boat day allocation in the primary season could have a smaller allocation after October 1 if their business was primarily based on one-day trips during the summer months.

The determination of commercial use allocations prior to May 1 or after October 1 will be based upon a formula using monthly analysis of the percentage of days per month each outfitter launches a trip into the river corridor. This monthly boat day analysis will be based on an average of secondary season use per month for the most recent five-year period of time for which commercial use data is available in order to prioritize commercial use by outfitter. However, any use allocation formula for this time period can not exceed the limits on commercial power boat days per month established for the primary season.

COMMERCIAL FLOAT ALLOCATION

The objective of these guidelines is to maintain the existing allocation system for commercial floaters but with adjustments in levels of use and operating guidelines.

The existing initial allocation of two commercial launches per day will be maintained during the primary season and the existing float reservation system will remain unchanged. The following conditions, identified in the Snake River Plan will affect commercial float outfitters:

Snake River Float Outfitters

1. Maximum party size is 24 people including guides, year-round.
2. Maximum number of boats per party is eight craft, year-round.
3. Kickers (outboard motors) on floatcraft can not be used in the wild river, year-round, but will be allowed in the scenic river. They can be transported in the wild river if they are stored out of sight as cargo (in a duffel or closed container) where they are not readily accessible for use. They can not be mounted while being transported in the wild river, even if they are not in use.
4. During the primary season commercial float trips can originate from Hells Canyon Creek or can be launched from commercial powerboats at other locations in the wild river as long as the float party is in possession of the required permit.
5. Two special use permits will be issued specifically for conducting one-day float trips. The allocation and management of this use is described later in this section. One-day float trips can also be part of the multi-day float allocation subject to the availability of return transportation.
6. The vacant commercial float permit will be permanently retired and the 14 launches associated with the vacant permit will remain available as pool dates for use by commercial floaters with priority use permits.
7. A minimum number of ten float outfitters with priority use permits will be established for the river. This will assure adequate competition for services offered to the public, allow for some businesses to

expand by purchase and consolidation of businesses. This will increase the potential for a business to conduct more trips on the river but within the total allocation, thereby providing more consistent employment opportunities for outfitter staff.

8. A maximum number of 14 float outfitters with priority use permits will be allowed on the river, which will accommodate the existing situation. This number will be reduced to 10 through attrition and associated retirement of special use permits if businesses are bought by existing float outfitters on the river for business expansion purposes.
9. Non-motorized periods, scheduled in three day blocks of time on Monday through Wednesday will be implemented beginning on the first Monday in June, every other week, for a total of 21 days in the wild river from Wild Sheep Rapid to Kirkwood.

Launches on Sunday through Wednesday of these weeks will offer a significant component of a non-motorized experience during the course of the trip. The commercial float launch schedule will provide float outfitters with an unequal schedule of access to this non-motorized opportunity since the number of non-motorized launches available to individual outfitters on an eight-day turnaround will vary from year to year. Due to total river miles involved between Wild Sheep Rapid and Kirkwood, the minimum opportunity for a non-motorized experience will be a Wednesday afternoon launch and the maximum opportunity will be a Sunday afternoon launch during these non-motorized periods.

The following is the current list of commercial float outfitters holding priority use permits who are authorized to operate on the Snake River under these guidelines:

Steele ¹	Peavey
Davis	Peer
Grubb	Porfily
Hauptman ²	Randle
Howard	Steen
Hughes	Stewart
Koch	Wendt

¹This business changed ownership between the FEIS and the EA. In the FEIS this business was listed as Anderson.

²This business changed between the FEIS and the EA. The FEIS identified this business as the holder of two special use permits. The business associated with the second permit was sold and the permit was permanently retired as a result of a 50/50 sale of the business to Hauptman's other corporation and Hughes. Launches associated with this business were evenly distributed between Hauptman's remaining permit and Hughes, and added to their previous launch allocations.

Launch Reservation System

The launch reservation system for commercial floaters will operate under similar guidelines as the present allocation system with assignment of each outfitter to a commercial float group. The following is the float group assignment:

Commercial Float Groups

Group 1

Hells Canyon Adventures, RAFT (Geoff Randle)
ROW Inc. (River Odysseys West, Inc.) (Peter Grubb)

Group 2

Heller Bar Excursions (Jim and Jill Koch)
Canyon Outfitters, Inc. & Hughes River Expeditions
(Hauptman) (Hughes)

Group 3

Freewater (Dave Steele)
Oregon Trail Adventures (Leonard Porfily)

Group 4

Peer's Snake River Rafting (Darryl Peer)
Northwest Voyageurs (Jeff Peavey)

Group 5

Davis Whitewater Expeditions (Lyle Davis)
OARS - DORIES, Inc. (George Wendt)

Group 6

Canyon Outfitters, Inc. (George Hauptman)
Idaho Afloat (Bruce Howard)

Group 7

Holiday River Expeditions of Idaho, Inc. (Frogg Stewart)
A Limited Number of Commercial Pool Launches

Group 8

Steen's Wilderness Adventures (Jim Steen)
Hughes River Expeditions, Inc. (Jerry Hughes)

Float Launch Calendar

Each launch group will operate within a standardized commercial float launch calendar where each outfitter was assigned to a particular launch date as follows:

Commercial Float Launch Calendar
Launch Groups in Parentheses

Month & Day	Launch Group	Month & Day	Launch Group	Month & Day	Launch Group	
May	22 (2)	July	6 (7)	August	20 (4)	
	23 (3)		7 (8)		21 (5)	
	24 (4)		8 (1)		22 (6)	
	25 (5)		9 (2)		23 (7)	
	26 (6)		10 (3)		24 (8)	
	27 (7)		11 (4)		25 (1)	
	28 (8)		12 (5)		26 (2)	
	29 (1)		13 (6)		27 (3)	
	30 (2)		14 (7)		28 (4)	
	31 (3)		15 (8)		29 (5)	
	June		1 (4)		16 (1)	30 (6)
2 (5)		17 (2)	September	1 (8)		
3 (6)		18 (3)		2 (1)		
4 (7)		19 (4)		3 (2)		
5 (8)		20 (5)		4 (3)		
6 (1)		21 (6)		5 (4)		
7 (2)		22 (7)		6 (5)		
8 (3)		23 (8)		7 (6)		
9 (4)		24 (1)		8 (7)		
10 (5)		25 (2)		9 (8)		
11 (6)		26 (3)		10 (1)		
12 (7)		27 (4)		11 (2)		
13 (8)		28 (5)		12 (3)		
14 (1)		29 (6)		13 (4)		
15 (2)		30 (7)		14 (5)		
16 (3)		31 (8)		15 (6)		
17 (4)		August		1 (1)	16 (7)	
18 (5)				2 (2)	17 (8)	
19 (6)				3 (3)	18 (1)	
20 (7)	4 (4)			19 (2)		
21 (8)	5 (5)		20 (3)			
22 (1)	6 (6)		21 (4)			
23 (2)	7 (7)		22 (5)			
24 (3)	8 (8)		23 (6)			
25 (4)	9 (1)		24 (7)			
26 (5)	10 (2)		25 (8)			
27 (6)	11 (3)		26 (1)			
28 (7)	12 (4)		27 (2)			
29 (8)	13 (5)		28 (3)			
30 (1)	14 (6)		29 (4)			
July	1 (2)		15 (7)	30 (5)	October	1 (6)
	2 (3)		16 (8)	Allocations if primary season expands		
	3 (4)		17 (1)			
	4 (5)		18 (2)			
	5 (6)		19 (3)			

If the primary season expanded to May 1, the same pattern for commercial float groups will continue on the commercial float calendar with May 21 assigned to Group 1, May 20th assigned to Group 8, etc. (The extension of the primary season to October 1 is shown for comparison).

In addition, all commercial float outfitters will continue to be able to trade dates, obtain pool dates, cross-over between private and commercial, etc. An outfitter can also change launch groups on a yearly basis by trading with another outfitter. For example, an outfitter in Group 1 could trade with an outfitter in Group 6 if both outfitters agreed to the change.

Use trends over the years indicate shorter trips have gradually reduced commercial and private float use that originates from Hells Canyon Creek and travels below Pittsburg into the scenic river (reference analysis file for use data). Currently, 70% to 75% of the float trip takeouts (including split trips) leave the river at Pittsburg Landing or above (by use of commercial jetback). Twenty-five to thirty percent of the float use takeouts for trips originating at Hells Canyon Creek occur in the scenic river or below (Heller Bar).

This 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 exceeds 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.

One-Day Float Permits

Two, one-day float permits will be authorized with temporary use only from Hells Canyon Dam to Pittsburg Landing and issued to the existing permit holders (Armacost and Luther) under the following conditions:

1. All float launches associated with this use must be within, not in addition to, the maximum of five float launches per day. As a result, they will only be issued to authorize temporary use since they can only utilize cancelled or unused dates representing less than 100% utilization of the total private and commercial launch calendar.
2. All launches are pre-assigned by date, but only authorized on an "as available" basis with a maximum of one launch per day (alternating day assignment) and allocated according to the following guidelines:
 - a. Launches will automatically be assigned 30 days prior to launch after all private and commercial waiting lists are exhausted.
 - b. One-day trips can not launch on non-motorized dates.
3. Assignment of launch dates is third priority behind filling the requests of priority use float outfitters and private floaters. One-day float permits will not have access to waiting lists.
4. Once launches are obtained, they can be traded with all other float outfitters.
5. Maximum party size of 24 (including guides) and maximum of two boats per launch.
6. Valid seven days per week throughout the primary season only, with the exception that one-day float trips can not launch on non-motorized days.

7. **Permits for temporary use will only be issued to the existing permit holders and will not be reissued as the result of a sale of business or change in corporate stockholders or partners.**
8. **This service to the public can be maintained as long as there is excess (under-utilized) capacity in the launch schedule. If and when the demand for private and priority use meets or exceeds the seasonal launch supply, the temporary, one-day float permits will not be reissued.**
9. **Any jetback support services provided with this opportunity will count against the allocated powerboat boat days for the powerboat outfitter providing the service. Jetboat support services can not be provided in the wild portion of the river between Wild Sheep Rapid and Kirkwood on a non-motorized day.**
10. **Trip permits are required for all authorized launches.**

The following calendar will be used to pre-assign launch dates to the one-day float outfitters:

One-Day Commercial Float Pre-Assignment Calendar

Launch Groups In Parentheses

Group A - Armacost

Group B - Luther

Month & Day	Launch Group	Month & Day	Launch Group	Month & Day	Launch Group
May	22 (A)	JULY	6 (B)	August	20 (A)
	23 (B)		7 (A)		21 (B)
	24 (A)		8 (B)		22 (A)
	25 (B)		9 (A)		23 (B)
	26 (A)		10 (B)		24 (A)
	27 (B)		11 (A)		25 (B)
	28 (A)		12 (B)		26 (A)
	29 (B)		13 (A)		27 (B)
	30 (A)		14 (B)		28 (A)
	31 (B)		15 (A)		29 (B)
	June		1 (A)		16 (B)
2 (B)		17 (A)	1 (A)		
3 (A)		18 (B)	2 (B)		
4 (B)		19 (A)	3 (A)		
5 (A)		20 (B)	4 (B)		
6 (B)		21 (A)	5 (A)		
7 (A)		22 (B)	6 (B)		
8 (B)		23 (A)	7 (A)		
9 (A)		24 (B)	8 (B)		
10 (B)		25 (A)	9 (A)		
11 (A)		26 (B)	10 (B)		
12 (B)		27 (A)	Allocations if primary season expands	11 (A)	
13 (A)		28 (B)		12 (B)	
14 (B)		29 (A)		13 (A)	
15 (A)		30 (B)		14 (B)	
16 (B)		31 (A)		15 (A)	
17 (A)		1 (B)		16 (B)	
18 (B)		2 (A)		17 (A)	
19 (A)	3 (B)	18 (B)			
20 (B)	4 (A)	19 (A)			
21 (A)	5 (B)	20 (B)			
22 (B)	6 (A)	21 (A)			
23 (A)	7 (B)	22 (B)			
24 (B)	8 (A)	23 (A)			
25 (A)	9 (B)	24 (B)			
26 (B)	10 (A)	25 (A)			
27 (A)	11 (B)	26 (B)			
28 (B)	12 (A)	27 (A)			
29 (A)	13 (B)	28 (B)			
30 (B)	14 (A)	29 (A)			
July	1 (A)	15 (B)	October	30 (B)	
	2 (B)	16 (A)		1 (A)	
	3 (A)	17 (B)			
	4 (B)	18 (A)			
	5 (A)	19 (B)			

If the primary season expanded to May 1, the same pattern for the launch groups will continue on the commercial float calendar with May 21 assigned to Group B, May 20th assigned to Group A, etc. (The extension of the primary season to October 1 is shown for comparison).

Lower Salmon Float Outfitters Entering the Snake River

Conditions of use on operating plans for all Lower Salmon River commercial float outfitters will be changed to meet the intent of management goals in the Snake River Plan. Through the memorandum of understanding between the Forest Service and the Bureau of Land Management, necessary changes will be made in the operating plans for Lower Salmon commercial floaters who travel on the Snake River. The following conditions in the Snake River Plan will affect Lower Salmon commercial float outfitters:

Party Size

The maximum party size for Salmon River boaters is 30 persons. The maximum party size for Salmon River boaters who chose to camp along the Snake River within the HCNRA will be 24 persons with the following exception: Groups of up to 30 people originating on the Salmon River can camp along the Snake River between the confluence with the Salmon River and Salmon Bar, approximately one mile downstream of the confluence.

Maximum Number of Boats Per Party

Groups originating on the Salmon River are required to conform with the Snake River's eight boats per party limit. Prior to entering the Snake River, groups with more than eight boats will be required to use one or more of the following techniques to achieve the eight boats per party limit:

1. Boats could "raft up" or tie together. Each group of "rafted up" boats would count as a single craft.
2. Boats could be deflated and stowed, or simply lifted out of the water and tied on top of a larger boat. For example, a kayak out of the water and tied on top of the gear on a raft would not count towards the eight boats per party maximum.
3. For a transition period of one year (1997), groups of more than eight boats originating on the Salmon River can break up into sub-groups of eight or less. Sub-groups will be required to travel separately from each other and be of sufficient distance so as to remain out of sight from each other. Sub-groups can only regroup by having the first group pull in to shore. Craft will be considered pulled into shore if they are tied to shore or pulled onto the shore and unoccupied. In 1998 this transition strategy will no longer be available to parties with more than eight boats. This transition period only applies to float groups originating their trips on the Lower Salmon River.

OBJECTIVES COMMON TO ALL COMMERCIAL OUTFITTERS

Private Trips by Commercial Outfitters

The first objective of guidelines common to both commercial powerboaters and floaters is to manage private use of the river corridor by commercial outfitters. Whenever any individual identified as a commercial outfitter or their employees/guides are on private trips, or their boats used in their commercial operations are used for private, non-commercial trips within the river corridor, each entry will require them to obtain a permit under the same guidelines for access that apply to private river users on a year-round basis. Private trips will not be reported on actual use reports submitted at the end of each year.

If boats normally used to conduct commercial outfitting services are being used on private trips, or if owners or employees of commercial outfitting businesses are entering the river corridor for private trips, a manifest will be required that included the name, address, telephone number and signature of the trip leader and all passengers verifying the trip was not commercial.

Commercial Manifest

A second objective of guidelines common to both commercial powerboaters and floaters is to coordinate with other State and Federal agencies to assure that outfitters are meeting licensing requirements for guides and equipment. In order to accomplish this objective, a condition of each outfitter special use permit will require a manifest for each trip into the river corridor. Each manifest will list the zip code of each passenger to verify total passengers per trip and be signed by all commercial guides/employees on the trip, verifying they had the appropriate state or Coast Guard licenses to conduct guided operations. A manifest will be completed prior to the beginning of each trip, year-round, and presented at the portal upon entry into the river corridor.

Lower Salmon commercial float outfitters will not be required to complete a manifest for each trip.

These manifests will be used for the following purposes:

1. To verify documentation of passengers and revenues reported by outfitters at the end of the year when conducting audits of commercial businesses as required by the terms of special use permits. The manifest will not require documentation of revenues or the names and addresses of passengers, only zip code or country of residence for each passenger.
2. To gather demographic information (zip code or country of residence) for future economic analysis.
3. To cooperate with other State and Federal agencies which license outfitters on the Snake River to assure compliance with rules and regulations pertaining to safety of passengers in regard to licensing of guides and meeting passenger capacities of commercial jetboats.

Validation of Use

A third objective of guidelines common to both commercial powerboaters and floaters is to assure a public service is being provided. All outfitters will be required to run a minimum of three commercial trips with paying customers during the year to validate their use. Failure to run a minimum of three commercial trips per year will be addressed through the annual performance rating.

This requirement will assure a public service is being provided and also address the need to provide a fair opportunity for access by the public within the guidelines of the Snake River Plan.

Priority Use

A fourth objective of guidelines common to both commercial powerboaters and floaters is to resolve the issue of priority use and how it is assigned to all outfitters.

Priority use will be based on service days and calculated for the five-year period of time ending on December 31, 1989 (reference analysis file for letter to outfitters from Area Ranger). This priority use will be honored and included on each outfitter's permit. If two permits are issued at Hells Canyon Creek in the

future, the priority use assigned to the single permit will be split evenly between the two permits. In accordance with FSH 2709.11, ID 2709.11-95-11, 41.53h 2, issuance of priority use is assigned at the discretion of the authorized officer (Area Ranger) and is dependent upon whether or not use capacity is available. No additional assignment of priority use based on service days will occur on the Snake River to provide for maximum flexibility in managing overall use. The number of launches (floaters) or boat days (powerboaters) assigned to each outfitter will be included on the face of their special use permit, but neither will be assigned as priority use.

Since the Snake River Plan will place limitations on use for all commercial outfitting, priority use assignments for service days can only increase through purchase of an existing business and transfer of the priority use assigned to the special use permit being sold to the purchaser. The number of launches or boat days available for use by each outfitter during the year accommodates existing levels of priority use currently assigned as service days for each outfitter. Any future assignments of priority use will be based upon launches (floaters) and boat days (powerboaters) at the discretion of the Area Ranger.

For any individual powerboat business, future priority use in the primary season will be limited to a maximum number of boat days per block of time into specific sections of the river based upon the commercial powerboat outfitter group. Any additional use, such as boat days obtained from a common pool, will be issued as temporary use only within the block of time they were originally assigned.

For commercial floaters, future priority use in the primary season will be limited to a maximum number of launches allowed to enter the HCNRA per season based upon the yearly commercial float launch calendar and the total number of launches per group to which each outfitter was assigned. All additional use, such as launches obtained from the pool, will be issued as temporary use only.

Priority use in the secondary season can be assigned to outfitters who specialized in outfitting during that time period only.

Business Ownership

A fifth objective of guidelines common to both types of commercial users is to manage the number of commercial permits to assure the continuation of business competition on the river, access to outfitter services at all portals, and address consolidation of activities of outfitters for effective administration of permits in order to assure public service is being provided rather than permits held for speculation.

In order to assure quality service and distinct choices for customers, special use permits will not be issued to individuals or stockholders that own an interest in another powerboat or float businesses operating within the Snake River corridor. Nor can individuals who own businesses on the Snake River buy into another existing Snake River business either as a shareholder or a partner without absorbing the business being purchased, resulting in the permanent absorption of the business activities and retirement of the purchased permit. The only exception would be that a permittee can own (sole proprietorship or partnership) or purchase corporate stock in another business up to a maximum of two businesses on the river if the businesses are based at different portals. Business arrangements made prior to 1996 are exempt from this requirement.

Existing Businesses with Multiple Permits

A single special use permit can be issued to businesses holding multiple float and/or power permits at the option of the permit holders. The single permit will authorize all operations that were previously authorized by the multiple permits. A separate operating plan may be required for each business and the commercial schedules will include all launches and boat days authorized for all of the operations. In the event of a sale

of one of the businesses, the amount of use associated with that business could be separated from the permit to allow re-issuance of a permit to the new owner. Some permits will be issued as combination float/power permits on the river, emphasizing the relationship and validity of both motorized and non-motorized uses on the river and be used as one method of addressing conflicting uses between motorized and non-motorized commercial users on the river.

Management of Outfitter Facilities on Forest Service Land as a Result of Sale of Business

Copper Creek

Copper Creek will continue to be managed under a resort special use permit issued for a maximum of ten years per issuance. The buildings will continue to be owned by the permittee and the permit will be issued for occupancy of the land. An annual allocation of 16 boat days will be assigned to the permit beginning with the 1998 primary season to allow non-passenger cargo trips to support operations at the lodge. These boat days will transfer with the resort permit in the event of sale.

The following conditions will apply to sale of facilities:

1. The outfitter business, including the buildings associated with the resort, can only be sold to another Snake River outfitter because access to the resort requires river access associated with an existing outfitter business. The permit for occupancy of the land can be reissued to the new owner, but there will be no guarantee of reissuance as the result of a sale of business.
2. If the permittee decided to go out of business, the buildings would be removed at the expense of the permittee and the site would be naturalized.
3. The buildings can be sold to a new outfitter if they are included as part of a sale of an associated outfitting business. A permit for occupancy of the land could be reissued to the new owner, but there is no guarantee of reissuance as the result of a sale of business.

Sheep Creek Cabin

Sheep Creek Cabin can continue to be managed under authority of a Granger-Thye permit for a maximum term of five years. The permit for use of the buildings will require the holder to maintain a valid outfitter-guide permit to remain eligible to hold the permit for Sheep Creek. Loss or termination of the outfitter permit would result in termination of the permit to occupy the buildings at Sheep Creek.

An annual allocation of four boat days would be assigned to the permit beginning with the 1997 primary season to allow non-passenger cargo trips to support operations at Sheep Creek Cabin. These boat days would transfer with the Granger-Thye permit in the event of a change in permit holders.

The primary purpose for issuance of this permit is to assure maintenance of the historic structures on-site as a component of protection of the cultural ORVs in the wild river corridor. At the discretion of the Forest Service, and at the end of each five year period, a prospectus will be issued and bids will be accepted from existing Snake River power and float outfitters who are licensed to conduct outfitting and guiding services in Idaho. If a sale of business occurred during the term of the permit, the following options would be available:

1. Terminate the permit and re-advertise the opportunity through issuance of a prospectus to all interested Snake River Outfitters including the new owner of the outfitting business that had been associated with the permit.
2. Terminate the permit and do not re-advertise in association with an outfitting business.

The Forest Service is not obligated to reissue the prospectus at the end of an expired five-year term.

Growth as a Result of Purchase for Business Expansion

The purchase of an existing business will become the main method of business expansion beyond growth made possible by filling all available seats or acquiring larger capacity powerboats or rafts. A condition for issuance of a special use permit will require that the business purchased be absorbed into the business of the buyer. A portion of the business cannot be sold at a future time. When a Snake River business is sold, the entire operation will be sold. (See specific rules for operations at Hells Canyon Creek)

This method of managing sales of businesses to other Snake River outfitters will become effective for all sales of businesses occurring on or after January 1, 1996. An outfitter(s) will have the option of requesting this method of consolidation prior to this date.

When the above occurs, it will be viewed as a consolidation of activities and the business of the seller will be absorbed into the business of the buyer, with the seller's permit being retired. The number of boats, priority use, area of operations, launch allocation, and any other conditions associated with the permit will be added to the permitted activities of the outfitter as part of the consolidation. If the purchased business allowed use in a larger area of operations, only those launches which are associated with the purchased business can utilize that area of operations. Consolidation of use would not provide for an increase in area of operations for the entire business.

Two or more Snake River outfitters could purchase a single business as long as a bona fide sale would occur, i.e., personal property changed ownership as part of the sales agreement. In this situation, the entire Snake River business would be required to be sold and the special use permit associated with that business permanently retired. Any use associated with the business being sold would be absorbed into the businesses of the buyers. The controlling factors in validating this type of sale are (1) the entire business being sold must cease to exist as a separate entity and (2) the special use permit for the business being sold must be permanently retired upon fulfillment of the financial obligations of the purchaser as documented in the sales agreement. The permit for the business being sold would be placed in an inactive status until the financial obligations of the sale were met, at which time it would be permanently retired.

The overall effect could result in net attrition in priority use powerboat businesses from 19 down to a minimum of 10 and priority use float businesses from 14 down to minimum of 10. These minimum numbers of businesses would assure that outfitter services would continue to be located at all portals. This may or may not result in larger businesses operating on the Snake River but it would provide for business diversification, adding stability to the industry. Float/Power combination permits would also add to diversification and could further reduce the total number of businesses operating on the river to a minimum of 11.

Permits, or distinctly different portions of combination permits, i.e., float/power operations, in non-use status (non-use that was not approved in advance by the Area Ranger) will have priority use reduced or the type of operations in non-use status will be terminated in accordance with Forest Service guidelines. If termination results, any use associated with the permit will be re-distributed proportionately among the remaining outfitters or placed in a pool accessible to all outfitters depending on type of use (power or float). Proportionate re-distribution would be implemented consistent with the allocation decisions found elsewhere in this document. Upon termination, the permit will not be reissued unless the minimum number of

commercial permits will not be met at each portal on the river for powerboat and floatboat operations. If this occurred, a prospectus would be issued to advertise the vacant business opportunity only after appropriate environmental analysis was completed.

Specific Conditions of Sales Required for Permit Issuance

Sale of Business (General)

Portions of a business cannot be sold but portions of a business can be distributed among multiple purchasers if the purchasers are also Snake River outfitters. Sale of business will include all operations conducted under authority of the special use permit.

Sale of Powerboat Business

If a business is sold to another Snake River powerboat outfitter(s), the business will be absorbed by the purchaser(s) and the boat day allocation combined with the use authorized in the special use permit(s) held by the purchaser(s). In all other sales transactions, the boat day allocation assigned to the seller will be reassigned to the buyer.

Sale of Float Business

If a business is sold to another Snake River float outfitter(s), the business will be absorbed by the purchaser(s) and combined with the use authorized in the special use permit(s) held by the purchaser(s), including assignment to an additional launch group as appropriate. In all other sales transactions, the launch allocation of the seller would be assigned to the buyer.

Sale of Hells Canyon Creek-Based Powerboat Business

At the option of the permit holder, if two permits are issued for all use associated with the powerboat business based at Hells Canyon Creek, and the business associated with one of these permits is sold, the permits at this location could not be combined under joint ownership again. Under those conditions, the two businesses would have to exhibit complete operational and financial separation from each other as a condition of permit issuance and continuing operation. Both permits would be limited to operating from this location only and no other outfitter could move their operation to this location.

Sale of Pittsburg Landing-Based Powerboat Business

Since the specific purpose of designating a minimum number of powerboat businesses based at Pittsburg Landing is to address continued economic support to Idaho County, the objective will be to make certain these boat days remained based at Pittsburg Landing in the event of sale of business. To meet this objective, the following conditions of sale of businesses would apply to Pittsburg Landing-based outfitters. Issuance of a Forest Service permit will be contingent upon meeting these conditions:

- The three businesses currently operating at Pittsburg Landing would be required by the terms of their permits to operate the HCNRA portion of their businesses from Pittsburg Landing only and subsequent issuance of a permit upon a sale of business would be contingent upon the new owner continuing to base out of Pittsburg.
- If there were a minimum of four Pittsburg-based outfitters, no other outfitters would be allowed to move their operation to that location. However, Pittsburg-based outfitters could purchase and absorb businesses based downstream from Cache Creek or other Pittsburg Landing-based businesses in order to increase their allocation of boat days into different sections of the river.